

Guildhall Gainsborough
Lincolnshire DN21 2NA

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AGENDA

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

Planning Committee

Wednesday, 7th September, 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 - 28)

- i) Meeting of the Planning Committee held on 10 August 2022, previously circulated.

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) 144574 - Land to the east of Church Road, Upton (PAGES 29 - 55)
- b) 144010 - 18 South Drive, Stow (PAGES 56 - 72)
- c) 142874 - Land to the north of Rudgard Avenue, Cherry Willingham (PAGES 73 - 119)
- d) 145118 - 5 Beck Hill, Tealby (PAGES 120 - 135)
- e) 144930 - "Troika", 21 The Green, Nettleham (PAGES 136 - 146)
- f) 145141 - Gainsborough Town Centre (PAGES 147 - 156)

7. **Determination of Appeals**

As at 30 August 2022, there were no appeal determinations to be noted.

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 30 August 2022

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 10 August 2022 commencing at 6.30 pm.

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

Councillor Matthew Boles
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

In Attendance:
George Backovic Development Management Team Leader
Martha Rees Legal Advisor
Ian Elliott Senior Development Management Officer
Daniel Evans Senior Development Management Officer
Vicky Maplethorpe Area Development Officer
Danielle Peck Senior Development Management Officer
Andrew Warnes Democratic and Civic Officer

Also In Attendance: 19 Members of the Public.

Apologies: Councillor David Cotton

Membership: No members were substituted.

27 PUBLIC PARTICIPATION PERIOD

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

28 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 13 July 2022 be confirmed and signed as an accurate record.

29 DECLARATIONS OF INTEREST

In relation to agenda item 6a, application number 144201, Councillors C. Hill, M. Boles, J. Rainsforth, P. Morris and J. Summers declared that they were not present at the site visit, and so would not participate in item.

Councillor A. White declared, in relation to agenda item 6d, application numbers 144347/144977, that she would speak as the Local Ward Member, and then leave the Chamber for the remainder of the item.

Councillor P. Morris declared a personal interest, in relation to agenda item 6e, application number 144830, 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 P. Morris declared, in relation to agenda item 6f, application number 143527, that he would speak as the Local Ward Member, and then leave the Chamber for the remainder of the item.

30 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Development Management Team Leader updated Members of the Committee on national planning policy, and stated that the government informed the Planning Inspectorate to not conclude that local plans are unsound or recommend any withdrawal of the plans before a new prime is appointed, or “until the department advises you otherwise”.

The government was proposing to make a number of changes to the Department for Transport's circular 02/2013: Strategic road network and the delivery of sustainable development.

Most of the consultation changes related to policy on National Highways' engagement in plan-making and decision-taking, which responded to the government's commitments in the transport decarbonisation plan as well as planning case law. They have also taken this opportunity to make a number of changes to the requirements for roadside facilities, including amendments on heavy goods vehicles driver services and new provisions for zero emissions vehicles to reflect the stated position made by written ministerial statement about addressing the strategic national need for more lorry parking and the introduction of the rapid charging fund.

The Development Management Team Leader emphasised these points, as it was probable that an application could be submitted for an HGV driver services within the District.

31 144201 - LAND TO THE REAR OF BELMONT, LEGSBY ROAD, MARKET RASEN

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

The Development Manager Team Leader gave responses to issues previously raised by the July Planning Committee. The Officer stated the biodiversity concerns were covered in the report with three conditions that specifically related to biodiversity. It was referenced that the habitats and wildlife found in the area were fairly common, with the only evidence of unique wildlife being found on the site of the adjacent bungalow. This was explained as not being part of the application nor the consideration of it.

The Officer stated that lighting on the site would be prohibited by condition and comply with the decision by the Local Planning Authority. The Officer also clarified that the caravans could not be considered as permanent dwellings because the nature of use was different to that of a holiday caravan and was properly considered by LP7.

Regarding footpath concerns, this was covered in condition 6 of the application, which required a footpath to be in place before any occupation of the caravans. The Officer concluded by stating that permanent residential accommodation would be prohibited by Condition 5 which restricted use to holiday accommodation, and reminded Members that no highway safety concerns had been raised and Lincolnshire County Council Highways had no objections to the application.

The Chairman stated there were several registered speakers and invited the first speaker, the agent for the application, Nayan Ghandi, to address the Committee. The agent made the following statement.

The speaker endorsed the conditions and the Officer's conclusions, and that any issues could be controlled. The statement focused on the potential for Market Rasen to become a hub, and addressed some of the concerns raised during the process. Regarding year-round occupancy, the speaker referenced condition 5 that managed it for holiday accommodation. Regarding LP55 concerns, these were irrelevant in the speaker's viewpoint, and that the scheme complied with LP7.

Regarding the occupancy levels, for each unit, the speaker stated it would be between four to six individuals, with most of the caravans being two bedrooms, and a few being three. The speaker stated that the occupancy would ebb and flow throughout the year, with a predicted 25% occupancy rate during the winter months.

Regarding transportation and traffic concerns, the agent asserted that at peak times, it would not be more than one vehicle every five minutes, and that vehicles could pass each other on the road. Regarding raised concerns of 150 cars on site, the speaker stated this was not supported in the submitted evidence, and estimated a 75% occupancy rate. The speaker also referenced that the users would more likely walk around the town due to the footpath.

In addressing access concerns, the speakers stated that Members would have seen the location, with this proposed access 40 metres away from the nearest property. Regarding noise and light, with any possible noise disturbances, the next caravan site was to be 50 metres away at the closest point, and that the company would aim to minimise noise risks, and control the fixtures.

Regarding ecology issues, the speaker stated that there was to be potential gain through conditions 3 and 9. In reply to comments made by people outside of the district, the speaker

emphasised that this showed the evidence for demand and needed space, which would support investment. The speaker then explained that there was likely to be an increased spending of £830,000 in the area due to increased tourism, and that the West Lindsey District Council visitor strategy would be benefited by the application.

In concluding his remarks, the agent emphasised that the application was policy compliant, and that the proposed application clearly outweighed the potential harms.

The Chairman thanked the agent for his statement. The Chairman explained there were three statements submitted from objectors to be read aloud by the Democratic and Civic Officer, the first being from Mrs Sheila Brookes. The following statement was read aloud.

"This is a very quiet agricultural area of rural Lincolnshire. The approach lane to the proposed site has a narrow "upside" & "downside". Some of the proposed 90 caravans sleep up to eleven people, that will be three cars per van. Way too much traffic on a country lane that accommodates only one car in each direction.

The lane is much used by walkers, cyclists & ridden & driven horses, very little motorised traffic. Even so a few years ago a young man from Legsby was found dead along the lane, having been hit in the dark by a vehicle that did not stop.

To the right of the lane, below the golf club, is an area of woodland classified as an SSI, Site of Special Scientific Interest, it is monitored by the Lincolnshire Wildlife Trust. The proposed site is a broad wildlife habitat which will be completely destroyed by this plan. The adjacent wood will also be adversely affected as the plan includes "street lighting" all around the site. At present there is no street lighting within half a mile.

The government has set itself a legal target to halt the decline in species abundance by 2030, now is the time to support the legislation underpinning nature conservation. Nature recovery needs more than just money!

Please do not allow this quiet rural area with all round woodland, to become a campsite and rat run."

The Chairman invited the Democratic and Civic Officer to read aloud the second statement from Lyndsey Horstwood. The following statement was read aloud.

"Firstly, we would like to thank the Councillors for taking time to put in place the site visit – the development plan submitted by the applicant, had their key covering where our bungalow sits, but you will now be able to understand our concerns about this proposed development and site entrance which is so near to our home. Taking into consideration at this time of year the hedges and trees are in full leaf and for at least 5 months of the year there will be no leaves, which will give a far broader view of the proposed site from all directions. The proposed applicants in their planning application do not mention how they will restrict noise and light pollution to the neighbouring properties.

We have lived in this property for 27 years, and for the whole of the 27 years have enjoyed the peace, quietness and tranquillity of the area. Testimonial from one of our caravaners who have returned to stay at the camp site 'we come to the Lindsey Trail Caravan site due to where it is situated in a quiet rural countryside area, we love to spend time listening to the

wildlife and the peace and the quiet, and the dark star lit nights and to be able to get away from our own busy life’.

The proposed plan is down a quiet countryside road, which is enjoyed by many for the quietness of the location, this will be changed significantly with the proposed application, noise, traffic and effect on the wildlife for the whole year round. This proposal if passed will also affect the value of our property and land.”

The applicant’s representative and the Planning officer previously mentioned about sustainability for Market Rasen, but sustainability is not just about the big business but also for the small businesses. We built our business considering the environment and also, we had to abide by some legal restrictions enforced by the planning officers from the West Lindsey Council, no floodlights, no static caravans, limited yearly opening hours, we had to give back to nature in land as much if not more than we have taken up, which we totally embraced so nature and wildlife was enhanced.

Therefore, we only opened for 7 months, no lights on the site, planted over 1000 trees and hedges and have nature areas in place. We appreciate that laws have changed but surely the West Lindsey Council’s ethics on conservation and the environment hasn’t. We would like to hope that the countryside, nature and local wildlife is still high on the Council’s agenda especially in line with the government’s latest stance on proposed new legislation and reforms for the countryside.

I would further re-iterate why the council refused the housing estate previously this was due to their concerns of the effect on the local countryside and this proposed application will have the same effect if not substantially worse, as more traffic on the roads and considerably more noise and light pollution. Thank you for taking the time to listen to this statement.”

The Chairman invited the Democratic and Civic Officer to read aloud the third and final statement, from Carol Turner. The following statement was read aloud.

“At the planning meeting on July 13th, I was given the opportunity to speak to the committee and voiced my concerns regarding the application and why it should be rejected. At this Planning meeting the Members voted for a site visit. It is hoped that the site visit has confirmed the concerns of myself and the people of Market Rasen as to why this application should be refused. The greatest objection being the vast number of caravans proposed for the site.

I feel having spoken at the meeting of July 13th I have little more to say but hope that when the Planning Committee make their decision, they will take into consideration all the objections put forward. Should the application get passed it is hoped it would be with conditions. The foremost condition to reduce the number of caravans proposed for the site. I thank you for the opportunity to make these comments and await your decision.”

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.

The Member spoke as a Local Ward Member, and as a Member of Market Rasen Town

Council, and was not aiming to repeat what he said last time. Though Lincolnshire County Council Highways had not objected, the Member stated that it was still a difficult road to drive down with dangerous parts, and that having driven down the road many times, there were many horses and agricultural users.

The Member progressed to discuss the transportation for schools and referenced the concerns relating to nearby Willingham Road, with numerous issues due to large vehicles. The speaker then moved onto to reference the open space surrounding the racecourse and golf club, which was spacious and attractive to the locals and visitors to the town.

The Member stated that the people were able to use the space and enjoy the peaceful surroundings because of it. The Member raised the concern of the number of caravans in the proposed application, and stated that this was of high density, and would cut down on the space.

Returning to traffic problems, the Member commented that on busy days in particular, Legsby Road and the surrounding area would feel like the congested Euston Road in central London, with heavy traffic jams, and would clog the area. The viewpoint of the Member was not opposed to development, but that the number of caravans and the views spoiled made it challenging to support this development.

In concluding his remarks, he stated that the properties nearby were going to be overlooked, there were too many caravans proposed for the site, and he could not support the application as presented.

The Chairman invited comments from the Development Management Team Leader, who was also the case officer for the application. In response to the statements made, the Officer stated that the Local Planning Authority could not act to protect existing business interests and these were not part of the deliberations.

The Officer acknowledged that whilst there could be time delays in traffic and potentially additional manoeuvring by vehicles, this did not equate to an impact on highway safety which was the main consideration of the Highways Authority, who had raised no objection. In response to the density points, the Officer stated that there was legislation setting out requirements.

The Chairman opened discussions by stating that the site visit had been useful, and invited comments from Members of the Committee. Debate ensued, and Members brought up different experiences of nearby caravan sites, traffic and road conditions in Market Rasen during busy periods, and on Legsby Road itself. Different suggestions were made to mitigate traffic issues for nearby attractions. There was discussion regarding the use of footpaths in consideration of experienced habits of caravan site users.

Members also mentioned the potential economic benefits to Market Rasen, and the surrounding leisure area benefits, since the proposed site was next to the racecourse and a golf club was nearby. A Member did bring up suggestions on additional access points for future applications for the site.

In response to a query about access and egress, the Officer confirmed that there was only one entrance and exit point proposed.

Replying to a question about biodiversity and landscaping, the Officer stated that Condition 8 required submission of a soft landscaping scheme and, in response to a further question clarified, that the condition set out that a hedge along the northern boundary of the site in native species must form part of the submitted proposals. Regarding lighting, the Officer stated that this was prohibited by condition 10.

In response to discussions and concerns raised by the Committee about the need to stagger departure and arrival times, and to avoid exiting left from the site, the following was suggested by the Team Leader to be added as an informative to the decision notice:

“The Members of the Planning Committee wanted to advise the applicant that arrivals and departures should be staggered to avoid conflict at peak times and that exiting left should be avoided as it would lead to narrower roads with more difficult driving conditions.”

This was to be included on the decision notice, and agreed to by the Members of the Committee as part of the vote on the proposal.

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

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

1. The development hereby permitted 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 7th 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.

Note for the Applicant: The Members of the Planning Committee wanted to advise the applicant that arrivals and departures should be staggered to avoid conflict at peak times and that exiting left should be avoided as it would lead to narrower roads with more difficult driving conditions.

32 144574 - LAND OFF CHURCH ROAD, UPTON

The Chairman introduced the next item of the meeting, application number 144574, to erect 5no. detached dwellings with attached garages on land to the east of Church Road, Upton, Gainsborough.

The case officer provided an update from a resident comment including a response on the hedgehog mitigation measures in the ecology report. The case officer then requested to the Planning Committee that, subject to their resolution, the application was delegated back to officers for the signing of the S106 legal agreement. A short presentation on the application was then made to Members of the Committee.

The Chairman noted there were three registered speakers. The first speaker's statement, from Councillor Don Spittlehouse, the Parish Council representative and Chairman of Upton Parish Council, was read aloud by the Democratic and Civic Officer.

"Upton Parish Council has strongly objected to this planning application from when the first application for outline was submitted. Unfortunately, this was passed so we cannot change that decision. We feel that the wishes of the residents that live in that area has not been fully addressed as well as the Parish Councils concerns over building in that area.

Our main concern is the road structure leading to the site as well as the site area itself. The only access to this site is via Church Road or Main Street. Church road splits into two. The first entry being off High Street past the Church. This is a single-track road with no passing places. The road is eroding away on the left-hand side leaving many potholes and ruts. At the end of this road is a drain that constantly becomes blocked after any substantial rain.

We have complained about this, numerous times over the years, but nothing has been done to rectify this. When this area floods it travels all the way down Church Road making it like a river. There is no footpath whatsoever on Church Road. Any vehicles coming either way is a hazard to pedestrians, especially if 2 cars come along at the same time. There is nowhere to get out of the way of oncoming traffic. This is bad enough for pedestrians even worse for anyone with a wheelchair or pushchair.

Main street is an area of historical value dating back to post war when these houses were built for the American Airforce. It is not an ideal route for commercial vehicles to travel to access the site or for the extra traffic that will be generated from 5 dwellings with double garages. Exit points onto High Street from both Church Road and Main Street are blind exits to oncoming traffic.

The applicant has gone for s106 instead of including any affordable housing, which is what our village needs instead of more oversized houses. If this application is granted, we urge the Planning Committee to consider where the s106 monies will be used. This s106 money could be put towards improving the infrastructure of Church Road rather than benefiting another Parish at the detriment to Upton.

Furthermore, I think it would be beneficial for the Planning Committee to have a site meeting to appreciate the problems that I have outlined before a decision is made. Thank you for your time."

The Chairman then invited the second speaker, the agent for the applicant, Vic Fowler, to address the Committee.

In his statement, the speaker stated that the application followed outline approval given in application 138896, and was very similar to the previous outline. It was the same number of dwellings, in a similar layout, with access to Anglian Water sewerage that ran through the middle of the site.

In responding to comments on the West Lindsey District Council webpage for the application, the agent stated that the removal of the western hedge was due to Lincolnshire County Council requiring a new 2-metre-wide footpath running between the two new entrances. There was a call made to have the footpath, but have additional tree planting and

a new mixed native hedgerow to mitigate the removal.

The speaker progressed to talk about the low-level light for the site, with movement operated sensors to mitigate light pollution. Ecology was next mentioned, with nesting boxes and fences incorporating the updated ecological legislations to allow hedgehogs access to the site.

Replying to comments on the application portal, access to the eastern end of the site was only for farm machinery. The speaker concluded his statement, believing it was unlikely that the road was to comply with Highway requirements for future developments, and hoped the Committee could approve the application.

The Chairman thanked the agent for the comments and invited the third and final speaker, David Swayne, an objector, to address the Committee. The speaker made the following statement.

“Size of Properties. The proposal is for 5 large dwellings, with double garages. Recent plans on Church Road have been approved on the basis of single-story dwellings. Why is that not the case here? Building large properties in this location is going to detract from the character of the location.

Location. The proposed dwellings are at the end of a single-track road, where residents have no footpaths or means of getting out of the road. Meeting an oncoming vehicle results in one reversing to find a suitable passing place. The proposed plans are likely to add 10 cars to this mix, once the construction traffic has vacated the site. How does the council believe that this location can sustain this increase in traffic?

Access. The current access to the site is over a raised area of soil, which is overgrown and under a tree branch. The proposal includes the introduction of a tarmac access road, adjacent to established properties, hedges, trees and over existing wildlife habitat. Why is it deemed necessary to increase the level of access to such a degree – there clearly hasn't been any need for this previously? The field is clearly not accessed via Church Road at all. No improved field access should therefore be necessary in the plans.

Ecological Report. The ecological report contains a number of assumptions that are invalid.

- “The pond is more than 10 years old, not less than 1.
- The residents have reported the presence of newts and the report states that these aren't likely to be present.
- There is significant activity from protected species in the area, the report states that there is low to moderate probability of them roosting on the site but no-one appears to have bothered to check.

Does the council agree, that at the very least, a more thorough report should be commissioned?

Unsustainable location. Upton itself has poor road links and no real access to public transport. The lack of local facilities drives people into their cars to access the facilities in Gainsborough. This is achieved via a variety of narrow roads.

The proposed site is at the end of a single-track residential road, where residents walk in the road because there is nowhere else for them to be. As I have already stated, passing opportunities are extremely limited. Church Road is poorly maintained and subject to increased water flow due to recent building on the west side of the road.

Water pressure is already low in this location. What impact will 5 more properties have on this? Frankly, this location cannot sustain the addition of 5 large dwellings and the proposal should not proceed because of this.”

The Chairman thanked the speaker for his statement, and invited the Officer to respond. In response, the Officer clarified that Lincolnshire County Council Highways had no objections, and there was a drainage condition to manage the fact that the area was in ‘Flood Zone 1’.

It was referenced that there was no footpath to the front of the property, with Condition 7 to alleviate those issues. The Officer stated that the proposed site was not suitable for affordable housing, and that the outline permission had expired.

The Officer reiterated that there was a mixture of dwelling types, with bungalows to the western side and the north side having a mixture of properties. The Officer concluded his response to state that an ecology report had been conducted and the evidence from that was used as part of his assessment.

Debate ensued, and Members raised their concerns, including the narrowness of nearby roads, the lack of footpaths, and issues with the village’s topography. Members also referenced the siting height and scale of the proposed dwellings, and the ageing demographics of Upton. Members also debated about the acceptability of roads in villages like Upton, with references to the traffic.

Responding to a stated remark about the Section 106 agreements not providing affordable housing in the village, the Officer stated that the Section 106 agreement monies would go where it was required, and could not confirm where it would be allocated. The Legal Adviser further clarified that the monies from the possible approval would be restricted to be spent within West Lindsey District Council, and would be spent on affordable housing in the District.

The Legal Adviser also elucidated that Members were working for the District in their roles on the Committee, not just for individual wards. In response to the latter part of the debate about footpaths, the Officer clarified that there was a footpath from across the road for the site.

Early in the debate, several Members felt sufficiently unfamiliar with the site and the village of Upton to comment on the road conditions, footpath, and what the proposed site would look like in the village itself.

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.

33 144010 - 18 SOUTH DRIVE, STOW

The Chairman introduced the next item on the agenda, application number 144010, for two dwellings at 18 South Drive, Stow, Lincoln. The Development Management Team Leader confirmed there were no updates, and gave a short presentation on the application. The Officer stressed that the application site was within the agreed upon built up area in the newly agreed Neighbourhood Plan, which supported the principle of development in such areas.

The Chairman invited the first registered speaker, the Parish Council representative from Stow Parish Council, Councillor Pam Duncan, to address the Committee. The following statement was made.

“Stow Parish Council objects to the application as it stands. We note the Planning Officer’s report and would like to make the following observations.

1. The Sturton by Stow and Stow Neighbourhood Plan, which was made by WLDC on 4th July, is the product of significant consultation with local residents on their needs and wishes in relation to the provision of any new dwellings in the two villages. That consultation included a survey to every household as well as numerous consultation events. The overwhelming views expressed were for new housing to reflect the needs of local residents and are summarised in Chapter 3 Key Issues. We need a range of low carbon and energy efficient homes in terms of size and affordability to meet the needs of local residents including provision of smaller homes, both as starter homes allowing young people to remain within the area, and for older people downsizing. Policy 1a goes on to say we will support development where: "new homes are of size, type and tenure that meet local housing requirements".

2. We accept Policy 2 does not set out criteria restricting the size of new dwellings, but Policies 1a and 4 indicate that a range is needed. Policy 4 emphasises the need for more smaller, 1-2-bedroom houses.

3. The Officer’s report refers to: The most recent Housing Needs Assessment for Central Lincolnshire (April 2020): “Households with dependent children are expected to see the strongest growth...” The Officer goes on to say: "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.

We do not disagree that there may be a need for some larger family homes, but we do disagree that these need to be 6 bedroomed dwellings. The application is for two 3 storey houses of substantial proportions and each having 6 bedrooms (2 bathrooms plus 3 en suites), an office and a gym. We already have a recently completed new development of three 3 storey houses with 5 bedrooms plus an office (or a 6th bedroom) in Stow. What evidence is there to say there are local families that would need this size (5/6 beds) of dwelling? We found none in our public consultation. How many houses of this scale might a small village need?

4. Paragraph 5.4.1 states: "Policy 4: This policy seeks a locally appropriate market housing

mix, together with the provision of some affordable housing specifically for local people. It also seeks the provision of different types of housing to give a variety of opportunities for people to attain their own homes. This will help to achieve a healthy and inclusive community.”

Not only do we have the new large houses, we have had a further recently approved four bed family house (previously a smaller chalet bungalow approval) and there have been a number of 3 and 4 bed houses approved over the last few years. Apart from a small development of rental properties we are not aware of any new one or two bed properties for sale nor properties that might be considered affordable which would enable young local people to step on the property ladder and stay in the area or allow an older person to downsize and stay in the area. We believe, therefore, that the application is NOT in accordance with Policy 4.

5. We believe the original proposals for the site might have been more in line with the needs and wishes expressed in the Neighbourhood Plan and, with four bedrooms, would have satisfied the need for larger family dwellings. In conclusion, therefore, as it stands we object to this application, as we believe it is contrary to the Neighbourhood Plan. We would request that members consider a site visit to see for themselves the impact on the village.”

The Chairman thanked the speaker for her statement, and invited the next registered speaker, the agent for the application, Rob Bradley, to address the Committee..

The speaker noted that there were numerous objections, and contrary suggestions from Stow Parish Council. The speaker referenced that they had worked with the case officer to address the issues with the scheme, and stated that the closest dwelling was 7.9 metres away from the boundary.

The speaker continued to state that on 23 December 2021, there was no objection to the design changes to 144010, with the Parish Council having changed its mind due to a procedural error with one of the neighbour’s objections being miscategorised. The speaker stated that he had never come across a situation like this before. Moving to the application itself, the agent had worked with West Lindsey District Council, and was satisfied with the application.

The speaker then stated that the application had followed sustainable development. The Neighbourhood Plan had allocated four dwellings in Stow, with these two dwellings meeting the criteria. The agent’s opinion was that the site was capable for the large detached dwellings, with the character and appearance being respectful to the surrounding area. The speaker then stated that the site was within Flood Zone 1, with an approved scheme for foul water disposal.

The speaker asserted that planning law required that planning permission had to be determined by the Neighbourhood Plan unless material considerations indicated otherwise. The speaker progressed to say that this was not a new site, as it had numerous approvals for development.

The speaker concluded by saying that the application did not increase the housing allocation numbers, as the figures agreed in the recent update to the Neighbourhood Plan included the application being considered. The speaker finished in stating that the application met the

policies in place, and asked for support.

The Chairman thanked the agent for his comments, and invited the final registered speaker, Deborah Rose, an objector to the application, to address the Committee. The following statement was made.

“Thank you to the case officer for his work in compiling the report. Regarding 2 substantial, 3 storey, 6-bedroom executive houses. Backfill development in the curtilage of a property NOT simple infill. We respectfully ask the committee to keep this in mind when considering the justification of the size and scale of the current proposal. Comparison to HH not justified. Its 4 bed, with non-habitable storeroom NOT 3 storey positioned centrally in acre plot.

Reference to 136472 has been made also, yet this expired 15 months ago. Proposals bear no resemblance to previous in terms of size, scale and design or the underlying principle for development of affordable housing and small dwellings. Original site layout justification was based on this principle also. Targeting executive market may meet some Government Policy but is contrary to local data in NP.

The proposal is contrary to most aspects of the NP including: Sustainability, Impact on neighbouring amenity, Environmental, Obscuring view of historical asset, and Character of Settlement. To be clear we are not opposed to development. My husband is a builder. We strongly feel that this is simply the wrong type of dwelling for the location. A tier 6 village with limited capacity for development LP4 & LP2.

It's paramount that any development meets current need of community. 136472 was included in LP4 growth levels Apr 22, despite its expiration May 21. In the interests of fairness this needs to be explained. Extant single 4 bed was notably recorded in LP4. We ask the committee to justify whether the proposed better meets current policy, rather than the extant permission. If only 2 plots allowed, we challenge why proposed dwellings continue to be positioned close together, at the furthest point from the access.

We urge officers to consider and explain how this is the best sustainable use of the available grounds regarding current policy and plans. The Rectory was identified as Heritage Asset in NP yet the proposed would obscure this view. Ref Policy 7 and 10 Proposal not in keeping with character of this village aspect. Surrounding properties are centrally positioned in extensive grounds with open aspect Ref NP.

The Extant is arguably more in keeping with this at present. Extant 174sqm increased to 470 cannot be justified. Over five years this concept has ballooned from a couple of bungalows, to mixed affordable housing, to a single 4-bed detached, to 2 substantial 6 bed dwellings. This is a far cry from the original proposal! With respect it could be argued that a block of flats meets affordable housing policy, but it too would be inappropriate.

Added balcony screen attempts to address privacy issues but taper to 1m. The balcony would detrimentally effect the enjoyment of our home and garden, and emotional wellbeing. I implore you to consider this carefully and explain how this can be justified. It's contrary to LP26 and NP policy 2, in that the main social areas of garden and home would be greatly impacted.

The design is intrusive. Proposed have clear views of open land at ground level. First-floor

balcony is not necessary or justified. Increased distance from the boundary may increase privacy issues. The proposed remain arguably overbearing. We need assurance that the committee is totally satisfied that the design is appropriate and other options have been rigorously explored.

The non-habitable ensuite appears to be multi-purpose with links to uncategorized room nearest window. Further bedroom windows are not mentioned in report. Proposed dwellings could exacerbate issues detailed in NP section 3 & 4 and Policies 1, 2, 5, 7 and 10-13. Increased size, occupants and multiple bathrooms could have significant impact. The proposals appear obsessive in light of environmental issues.

All this said, I would like to reiterate that we are not against sustainable development. The current proposal is simply the wrong scale and design for the location. We support the small-scale affordable dwellings on which the principle for development and indeed site layout was based. This would satisfy more of the NP by: meeting community need, impact less on the environment, impact less on unresolved sewage issues, reduce the number of vehicles and subsequent hard surfaces, impact less on the street scene retain the open character to the village, impact less on adjacent neighbouring amenities mitigating privacy issues associated with overlooking balconies etc. Thank you for the time and consideration of the points I have raised.”

The Chairman thanked the speaker for her comments, and invited the Development Management Team Leader to reply. He explained that the application was allocated as suitable for housing in the Neighbourhood Plan, which did not set out any criteria for the size of the dwellings.

Regarding concerns for affordable housing, the Officer clarified that none of the submissions in the past had proposed this and that this was not a requirement in this proposal for 2 dwellings. The Officer then explained the properties in the area were varied in size and scale, pointing to different slides on the presentation, and that there was no fixed design or type. The Officer questioned the degree of impact on neighbours, noting there was a distance of approximately 24 feet from the nearest new building, the garage, to the boundary with the neighbour, and this was closest to an existing garage next door. Impacts on neighbours were avoided due to the proposed layout and separation distances.

The Chairman invited comments from Members of the Committee. Debate ensued, and Members queried where the application site was in relation to the surrounding Stow area, and the lines of communication surrounding area. A Member also asserted that the Stow and Sturton by Stow Neighbourhood Plan was to have one- or two-bedroom dwellings.

A Member of the Committee suggested that in order to better learn about the site, and to understand the application as requested by two of the speakers, the Committee should make a site visit. Whilst the Officer recommendation had been moved and seconded, this was superseded by the moving and seconding of a proposal for the decision to be deferred, in order for the Committee to undertake a site visit. As such, the Chairman took the vote and it was

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

34 144347/144977 - THE HUB, 1 EAST STREET, NETTLEHAM

The Chairman introduced the next item of the meeting, application numbers 144347 and 144977, at Nettleham Library, 1 East Street, Nettleham, Lincoln, LN2 2SL. The applications were as listed below:

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

144977: Application for a lawful development certificate proposed for the installation of bike racks.

The Officer explained that these were not planning applications, but were a legal submission in effect to obtain a decision on whether planning approval was required for works that had been carried out and works that were proposed to be carried out. The Chairman explained there was one submitted statement from Andrew and Dominique Blow, objectors, to be read aloud by the Democratic and Civic Officer. The following statement was read aloud.

"The committee needs to know that the picnic benches seating up to 66 people provide the outdoor seating for a seven day a week cafe business operating inside The Hub with a takeaway window for outside customers. From memory the provision of all but one of these benches coincided with the opening of this cafe in June /July last year. Some of them are only a few yards from the homes of residents.

We residents believe that there is a prima facie case that the opening of a seven day a week outdoor cafe area in a conservation area which has led to complaints about privacy, noise and traffic did constitute development. We believe that the Planning Committee should insist on an application for planning permission so that the Parish Council and residents can comment and not condone this backdoor approval of the outdoor cafe element.

It is true that The Hub did meet the residents in February this year and have made a few minor adjustments but substantially they have carried on unchanged since the Covid freedoms for such businesses ended on March 23rd. They do now notify neighbours of things that might affect us but rather than rely on the grace and favour of the applicant we would like to see proper planning consideration in the usual way. It mystifies us that residents of The Green and others in the Conservation area have to seek permission for alterations to their homes yet a cafe can open a seven-day-a-week outdoor facility with up to 66 seats without needing to go through the planning process."

The Chairman thanked the Democratic and Civic Officer for reading the statement. The Development Management Team Leader then further explained that the application was a simple consideration of whether this required planning permission. The report made the case that it was a factual consideration. The Officer stated that the Planning Officer considered as 'de minimis' and did not require any planning permission.

The Local Ward Member for Nettleham, Councillor Angela White, then gave a short statement.

The Member commented that prior to the installation of the benches, there was no communication by the Hub with the neighbours. The Member stated that having been a

small library from the previously larger site, it had turned into a community hub without much consideration for the activity that occurred outside. The Member asserted this was a shock to the residents, and that in her role as a Ward Member and with the Parish Council, she had tried to liaise with trustees.

Though a takeaway did not need the exact same planning permissions as dwellings, the Member commented that the residents did not understand the difference. The statement then referred to heavy usage by motorcyclists, and a massive boom on Sundays, frustrating residents, and created a completely different building, acting as another café. The Member detailed that she had met the trustees in February, and there had only been minor changes, which included a bench being removed and a light being removed.

In response to a query about another application, the Officer explained that this was still currently being in determination.

Note: Councillor A. White left the Chamber at 8.14 pm for the remainder of the item.

The Chairman then invited comments from Members of the Committee. Debate ensued, and Members drew attention to the possible benefits of attracting families and cyclists to the village, particularly sustaining local businesses.

A Member did comment on the retrospective nature of the application, whilst another queried whether it would have come to the Committee if the original applicant was not an elected Councillor. It was confirmed by the Team Leader that it probably would not have come to Committee.

Responding to a query on the Lawful Development Certificate, the Development Management Team Leader explained this was means to obtain a decision from the local planning authority. This was a legal determination rather than a consideration of planning merits. The Chairman then took two separate votes on the different applications.

For 144347, having been proposed and seconded, the Chairman took the vote and it was agreed that the Certificate of Lawful Development be **GRANTED**.

For 144977, having been proposed and seconded, the Chairman took the vote and it was agreed that the Certificate of Lawful Development be **GRANTED**.

Note: Councillor A. White returned to the Chamber at 8.20 pm.

35 144830 - HILLCREST, GRIMSBY ROAD, CAISTOR

Note: Councillor P. Morris left the Chamber at 8.20 pm for this item.

The Chairman introduced application number 144830, 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), at Hillcrest, Grimsby Road, Caistor, Market Rasen, LN7 6LG.

The Officer informed Members of the Committee that there was an update to the report, with an additional objection received from Hillcrest House, which was summarised as urging refusal and enforcement against existing alleged breaches. A short presentation was then given by the Officer on the application, and the current state of the site.

The Chairman invited the first registered speaker, the agent for the applicant, Lawrence Brown, to address the Committee.

The agent stated that he managed properties across the whole of the UK, and wished that every property under his management was as well managed as the applicant's property. The scheme for the applicant's site was in receipt of a loan from West Lindsey District Council. The speaker stated the site was fully occupied, and had strong demand for space. Regarding raised issues in the planning process, the agent stated that rats were never seen by anyone associated with the site, and stated that the West Lindsey District Council Environmental Health Officer had also found no evidence of rats.

In relation to noise issues, the speaker stated that the project was a continuous construction site, and it was inevitably going to create some noise and activities that further extended noise and dust. The speaker then moved to applicant's desires of reducing the visual ugliness of the site, and had made it more difficult to let the premises due to the storage of waste, particularly for potential vehicle repair workshops or tyre exhaust operators.

Regarding the cardboard, this had been collected and was gone. The speaker emphasised the construction that had taken place with the new storage container and on the fencing. The speaker then mentioned that the storage container mentioned in the report had been moved upon the request of West Lindsey District Council.

The speaker referenced conversations with the case officer, where there was apparent agreement that recycling was to be kept in a corner of the yard, once fence construction was completed. . This was apparently not visible from the road, and was about 200 feet from the nearest dwelling, with claimed added protection of trees, shrubbery and the boundary wall. The speaker concluded his remarks by requesting a site visit to view the property, and that the site improves the area surrounding it.

The Chairman thanked the speaker for his statement, and invited a supporter of the application, Jon Wright, to address the Committee.

The speaker stated that he was Chairman of Caistor, and a Councillor on the Town Council. He stated that he lived nearby and passed the site regularly. The site was previously dilapidated, and he considered the site to be very positive for the usage in Caistor, with it being only one of four sites allocated for regeneration by Caistor Town Council that had works completed on it.

The speaker then progressed to talk about the provision of local jobs on the site, and that many of the workers and users lived locally, with any change to the site difficult to locate. The speaker moved on to talk about the site, and referenced the left-out cardboard, and stated that it was getting ready for collection. It was emphasised that this was important for businesses to support recycling.

The speaker concluded that the site had been an industrial zone since 1985, with the

diverse-ability and jobs playing a key role in the site's success. Caistor Town Council raised no objections to the application, and it was viewed favourably by the Council.

The Chairman thanked the speaker for his statement. At this point, the Development Management Team Leader stated that there was an update to the application, with an objector who raised concerns about the lack of enforcement against the breach of conditions. Regarding the regeneration activity comment, West Lindsey District Council supported this by granting approval for the application, with a prohibition on outside storage.

The Chairman then invited comments from Members of the Committee. Debate ensued, and Members drew attention to different reported standards, and the site's location within the Lincolnshire Wold AONB. Members also used experience of the bailing of waste materials, and the potential risks surrounding the leaving of waste out in the open to supplement their remarks.

Members also discussed past usage of the site, including a hairdresser, and whether removing the current condition would allow unrestricted storage, with the Council unable to enforce that issue. A Member suggested that extra fence panels would alleviate the view.

Note: Councillor J. Summers declared that he knew the applicant, and had previously visited the site when it was a proposed application.

In response to a query about the Health and Safety Executive's comments to the application, the Officer explained that with new developments, their remit was looking at potential impacts on existing underground apparatus or pipelines. In answering a query about containers in the yard, the Officer highlighted West Lindsey had granted permission for an enclosed storage area on the site.

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

36 143527 - LAND OFF BRIGG ROAD, MOOR TOWN, MARKET RASEN

Note: Councillor P. Morris returned to the Chamber at 8.41 pm.

The Chairman introduced application number 143527, to erect 1no. dwelling including associated access and private garden, on land off Brigg, Road, Moortown, Market Rasen. The Officer stated that there were no updates, and a short presentation on the application was given.

The Chairman noted there was one registered speaker, the Local Ward Member, Councillor Peter Morris, to address the Committee.

The Member initially commented about the past history of the application, with it being referenced on a different road, and having the same land and being in the same place. A history of the site was then given, with the previous owner having had that planning permission refused, and then signed to the previous owner's now deceased son. The Member stated it was then sold to the current applicant for this application.

The Member commented that there were no existing Tree Preservation Orders, and conversations with the Landscaping Officer were limited. The Member then progressed to discuss that though the applicant was not doing anything wrong, the only resident supporting the application had left the area. The Member commented that this was always a track, and had now become an access. He expressed that his biggest worry was the since the application was on the rear of the garden of Bridge House, it would facilitate future proposals for back in-fill development. The Member concluded his remarks by requesting a site visit so that Members could better understand the application.

The Chairman thanked Councillor Morris for his statement.

Note: Councillor P. Morris left the Chamber at 8.46 pm for the remainder of the item.

The Chairman invited comments from Members of the Committee. Debate ensued, and Members were generally supportive of the proposed application. Members learnt that there was also garden space to the east of the proposed building.

In response to a query about the trees lining the access track, Members heard there was the requirement for a tree survey for the trees along the access track to be submitted. If trees are found to be Category A or B additional measures to protect the roots also needed to be submitted, any trees found to be Category C would not require extra measures of protection. Members also heard that no further trees were to be removed from the site until a tree report was submitted as required by condition 2.

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

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

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

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

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

2. No 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:

11. 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.

Note: Councillor P. Morris returned to the Chamber at 8.51 pm.

37 144955 - LAND AT BRITANNIA MILL, UPTON ROAD, KEXBY

The Chairman introduced the final application of the meeting, application number 144955, to erect 3no. bungalows with all matters reserved, on land at Britannia Mill, Upton Road, Kexby, Gainsborough, DN21 5NF. The Officer stated there were no updates to the report, and gave a short presentation on the application.

The Chairman advised there were no registered public participants for the application, and invited comments from Members of the Committee.

Debate ensued, Members drew attention to the situation that led to the development. Some Members expressed approval for the removal of the current building, and that the proposed outline for bungalows was more in keeping with the area. Some Members also stated that they normally would not support building in the open countryside.

A Member did criticise the narrow size of the access road, and referenced a previously refused application nearby that was similarly on boundary of the village. In response to a query on the green wedge, the Officer confirmed that the proposal was in the green wedge, but the application would not affect the attempted prevention of the coalescence between Kexby and Upton, and the application site was a 'brownfield' site.

The Officer further stated that there was to be no sprawl and no coalescence. In support of the Officer's comments, the Development Management Team Leader stated that if it was building on nothing there, he would agree with refusal. The Senior Development Management Officer confirmed in response to a query about the design, that condition 9 specified that the bungalows had to be single storey.

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

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

1. Application for approval of the reserved matters 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:

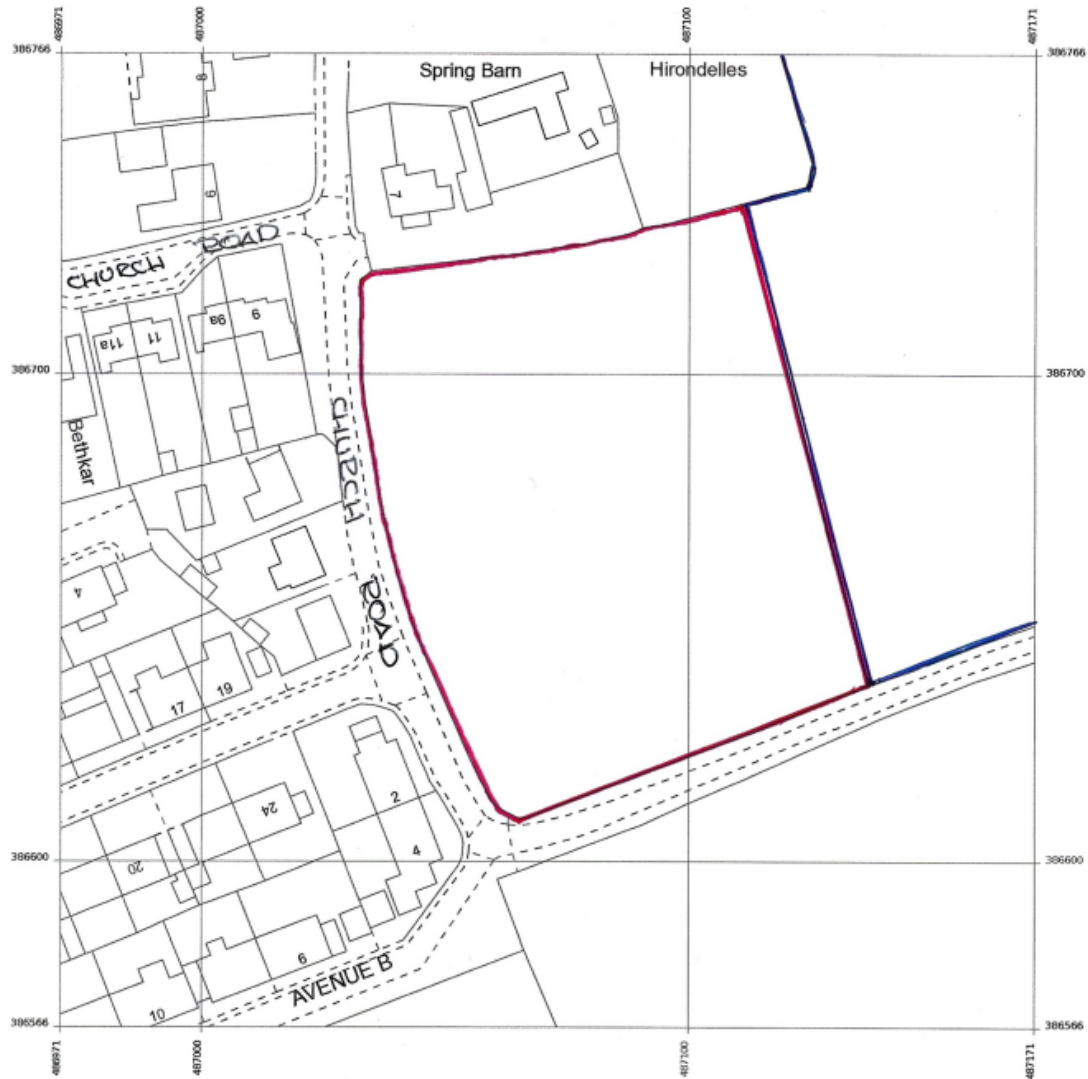
None.

38 DETERMINATION OF APPEALS

The determination of appeals was **NOTED**.

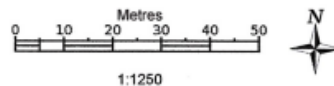
The meeting concluded at 9.02 pm.

Chairman



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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.**
-

Planning Committee:

The application was referred to the Planning Committee for determination following receipt of ward member and third-party representations on planning matters, and implications for village growth levels.

The planning committee at its meeting on 10th August 2022 resolved to defer this planning application for a member site visit. The planning committee site visit took place on 25th August 2022 commencing at 10.30am.

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

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 1,355m² for the dwelling and 282 m² for the attached garages totalling over 1,600m².

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 1,000m² 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 onsite 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;

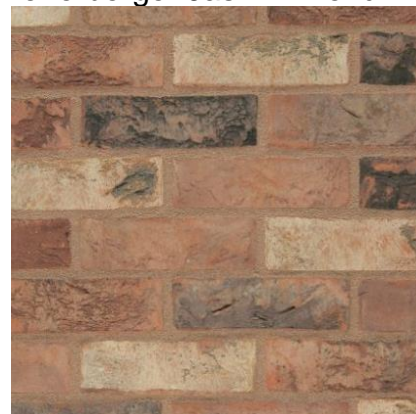
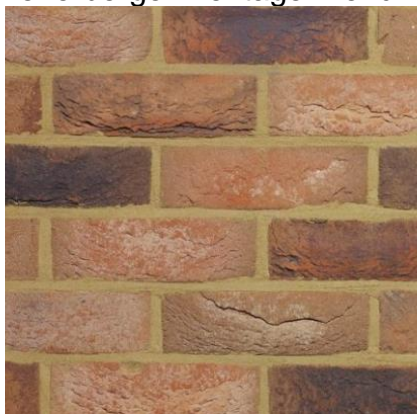
The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

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 22nd 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

Agenda Item 6b

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: 6th 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.

The planning committee at its meeting on 10th August 2022 resolved to defer this planning application for a member site visit. The planning committee site visit was scheduled for 25th August 2022 commencing at 11.30am.

Description:

The application as submitted was for a variation of house types although the permission, which was granted in 2017 expired on 1st 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 3rd 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

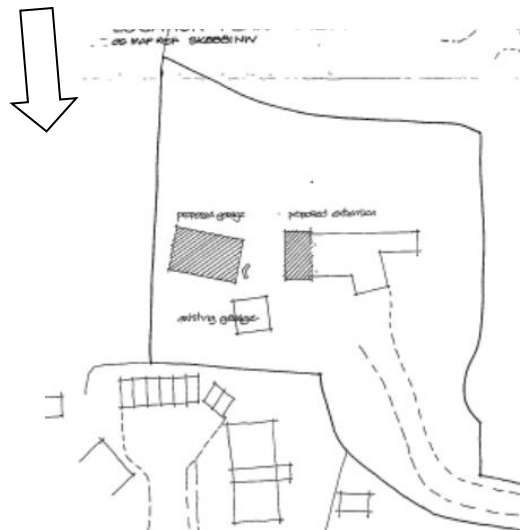
rising to a ridge of 9.2 m above ground level. It will also have a one and a half storey gable roofed projection from the front elevation on the eastern end of the dwelling, 4.2m to eaves and 6.8m ridge.

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 4th 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 4th 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)¹ 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.

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

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 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 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 4th 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 9th 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.

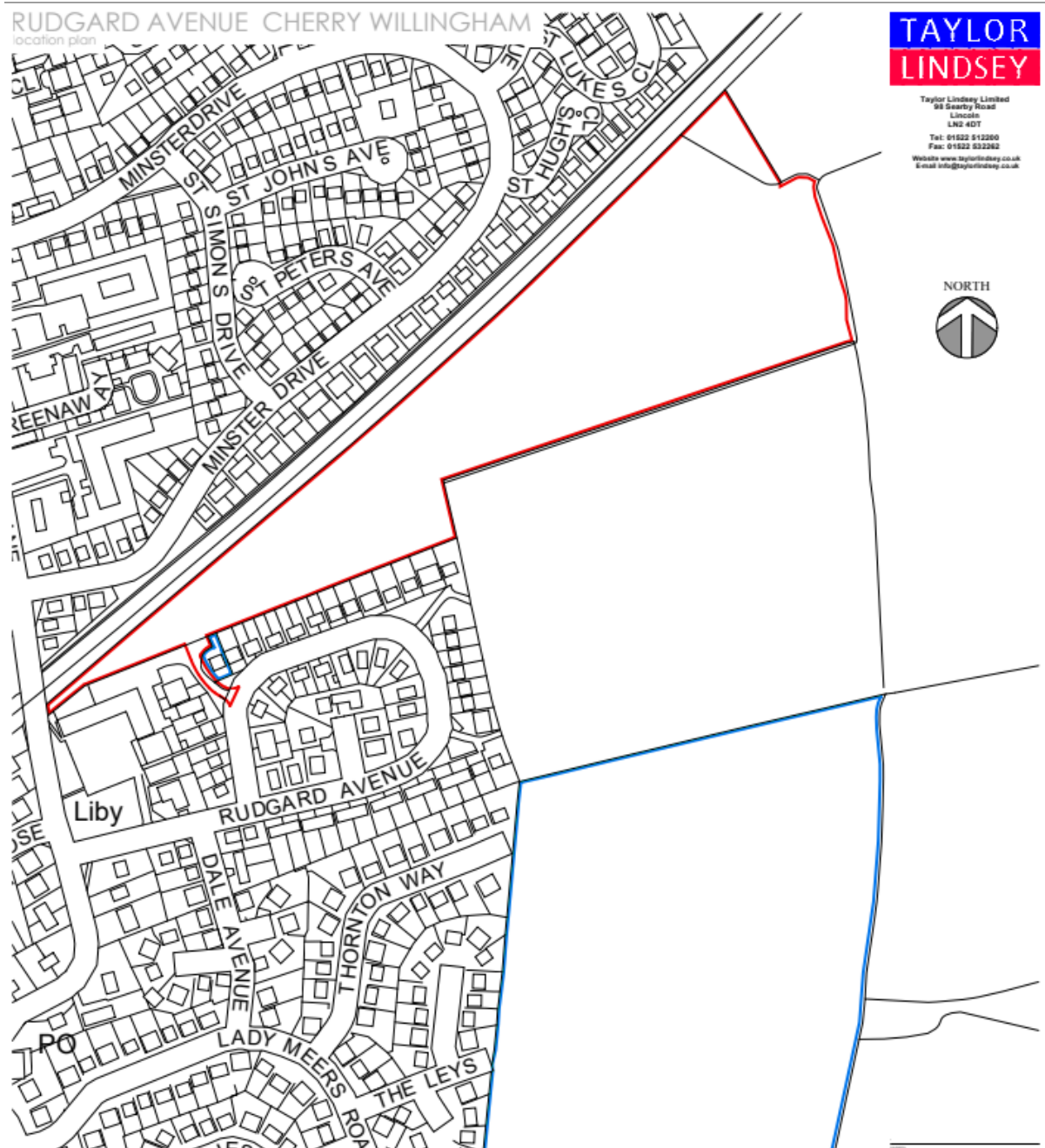
Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with Central Lincolnshire Local Plan policies LP17 and LP26.

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.



Officers Report

Planning Application No: 142874

PROPOSAL: Outline planning application to erect up to 144no. dwellings - access to be considered and not reserved for subsequent applications.

LOCATION: Land to the north of Rudgard Avenue Cherry Willingham
Lincolnshire

WARD: Cherry Willingham

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

APPLICANT NAME: Taylor Lindsey Ltd

TARGET DECISION DATE: 16/07/2021

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission subject to conditions and s106 planning obligation that secures the following –

£91,080 NHS contribution

£5000 to monitor the Travel Plan

£1900 for rail crossing upgrades

25% of the overall dwellings (up to 36no.) to comprise Affordable Housing, with the share split as follows -

- 60% of the Affordable Housing designated as Affordable Rented Housing;
- 15% of the Affordable Housing designated as Shared Ownership Affordable Housing; and
- 25% of the Affordable Housing designated as First Homes

The application is presented to planning committee due to the level of representations made on the application and Parish Council concerns over compliance with the Cherry Willingham Neighbourhood Plan, particularly in regard to housing numbers and density.

Description:

The site is an approximately 5.21ha, broadly triangular parcel of land located to the north east of the centre of Cherry Willingham, currently consisting of two generally flat agricultural fields comprising arable-cultivated land and a small broad-leaved copse, with hedgerows interspersed with some trees to the boundaries. Access to the site is currently achieved from Croft Lane and Rudgard Avenue.

The southern boundary of the site is bordered by three different uses. In the westernmost portion, the site is bound by the local shopping amenities and residential development, with arable land wrapping the eastern portion of the site separated by

field boundary ditches and hedges. To the north lies the Lincoln to Grimsby railway line with a Public Right of Way and residential development beyond, and to the west lies Croft Lane, one of the main arterial routes through Cherry Willingham, also with residential development beyond.

The application seeks outline permission to erect up to 144 dwellings with access to be considered and not reserved for subsequent applications. Matters of layout, scale, appearance and landscaping are therefore all reserved for subsequent approval (“reserved matters”).

It is proposed that the development will comprise the erection of up to 144 dwellings which includes a 25% proportion of affordable homes (up to 36 in total) to assist with meeting the district’s identified housing needs. Approximately 4.42 ha of the site is proposed to be developed for residential purposes, representing a net density of approximately 32.58 dwellings per hectare (DPH), and is to include access roads, private garden space, car parking areas and open space. Further details of appearance, landscaping, layout and scale are reserved for subsequent applications.

Relevant history:W20/356/95 – Outline planning application for residential development and construct vehicular access in accordance with Drawing Nos 9033L/10A and 11A received on 5 September 1995. Refused 02/10/95

Representations:

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

Cherry Willingham Parish Council: 29/06/21 - The Parish Council acknowledges that the land in question is included in the 2017 local plan and would welcome development that is in line with both the Local Plan and the adopted Neighbourhood Plan. We would like to make the following points as we believe the proposal is not in accordance with either Plan.

1) The Local Plan (CL1179 page 119) and the Neighbourhood plan (Policy H1 p 17) state 40 dwellings as the indicative number for the site. The Neighbourhood Plan (policy H2 p24) states that allocated housing sites should be designed at densities to deliver the anticipated yields. The application is for 360% more dwellings than the indicative number and if granted would result in a very crowded site (0.011 ha/ dwelling, including road and green space, compared to the indicative 0.039 ha/dwelling derived from the Local Plan). The total would exceed the number of existing dwellings on Rudgard Ave, a larger site.

We appreciate that this application must be considered as it stands but note that if it were to set a precedent for similar density of development on allocated areas in the parish it could result in over 1300 additional dwellings on the other 2 allocated sites within the main village (rather than 333) and 126 in “Little `Cherry”, off Hawthorn Rd rather than 59.

The Parish Council has met with the applicant Taylor Lindsey to seek an explanation for the difference in numbers between the application and the Local Plan and the Neighbourhood Plan. Taylor Lindsey states that the figures in the two plans are erroneous and that they

unsuccessfully challenged them at the time. Both plans were scrutinised heavily at the time of development and if no changes were made as a result it is the Parish Council's belief that attempting to do so through a planning application is not appropriate. If successful in revising the allocated number we are concerned that Taylor Lindsey could take the same approach with the next phases of the development. If both had the same density as proposed for 142874 it could allow 806 dwellings on Thornton East (CL1181) rather than 200, and 539 on Rudgard East (CL4437) rather than 133. The total dwellings on the 3 sites would then be 1489 rather than the 373 in the Local Plan - an almost 400 % increase.

2) We cannot see that the density of development in Application 142874 will comply with 5.11.3 of the Local Plan or policy H1 of the Neighbourhood Plan as it would not "make a positive contribution to the character and appearance of the environment within which it is located", it would not "have regard to its local context and would "impact negatively upon the amenity experienced by neighbours" (in this case the rest of the village). Policy H1 3 specifically mentions the need for development proposals for CL1179 and the adjoining development sites should demonstrate a master planning approach to create a cohesive and sustainable development: we do not consider that the outline plan given for the 3 sites demonstrates such a master plan.

3) Policy D1 Cherry Willingham Neighbourhood Plan : Design principles for Cherry Willingham - Parking and layout. Paragraph j) states "where developments are proposing on-street parking provision, this shall be incorporated into the layout of the development through clearly defined parking bays"; and paragraph k) states "where a development is proposing a complex or block development, consideration shall be given to the inclusion of visitor parking spaces to avoid unnecessary clutter and on-street parking."

The proposed density means that parking space will be restricted, and it appears from the plan there is unlikely to be space for more than 1 vehicle per dwelling on each plot.

Although the travel assessment document states the road beyond the 6.5m wide access for commercial vehicles to the business premises is 5.5m wide it seems probable from the outline plan that on road parking will cause congestion and restrict access to delivery and emergency vehicles. This is already an issue in the village as can be seen in the contrast between the upper and lower ends of Ladymeers Road: the lower end is more densely developed and is much more congested.

4) Policy H2 Cherry Willingham Neighbourhood Plan: Housing Type, Mix and Density. Paragraph 1. states: "developments should deliver housing of a size, type and tenure appropriate to the site and locality." Whilst this is only an outline application and does not identify specific house types the density of 0.011 ha/dwelling is even greater than that allowed for the Wesley Rd developments in the Local and Neighbourhood Plans (0.0215/ha and 0.00252/ha respectively). Many of the existing new properties in the "Little Cherry" area along Hawthorn Rd are terraced townhouse type dwellings (some 3 storey), which would be out of place on the site in question if they were to be proposed on the definitive plan.

5) Both the Local Plan and the Neighbourhood Plan include the need for sustainability and the reduction of carbon emissions. Designing properties to be suitable for home working would help towards this and could reduce the traffic congestion issues mentioned in 12) below.

6) Policy OS3 Cherry Willingham Neighbourhood Plan Policy: Footpaths and cycleways. Although the plan shows a footpath from the western end of the proposed development to Croft Lane we consider that in addition a parallel cycle path should be provided: this would be safer for pedestrians and would also reduce the risk for cyclists by providing an alternative route that avoids the Rudgard junction (see 12b) below). The application also fails to take advantage of the proximity of the application site and the two future development sites to the existing public footpath and cycle routes. Paragraph 2 of OS3 states "Developments that propose improvements to the existing public footpaths between Cherry Willingham, "Little Cherry" and Fiskerton, shall be strongly supported." In its objectives the Neighbourhood Plan "seeks to encourage new connections to other areas of the Parish and neighbouring communities",

7) Policy H1(h) Cherry Willingham Neighbourhood Plan promotes development that "...avoids creating hard edges along any boundaries of the sites that face the open countryside", paragraph 4.3 supports housing development which "...enhances the village setting" ...and the design principles in paragraph 15.9 advise that "...more areas of structural woodland planting associated with new development could create closure". There is a missed opportunity in the application to mitigate the hard edge of the application design by including a path connecting to the Fiskerton footpath within a landscaped strip along a new edge to the village, thereby avoiding the same hard edge as the existing Lady Meers development, which ends abruptly against open agricultural landscape.

8) Currently the village has a population age structure which is older than the average for the area. We are concerned that the proposed mix of dwelling types may not meet the need of the community to become more balanced demographically by providing an adequate number of larger dwellings. To allow development at this density would probably mean houses of such a size that they would only be suitable for very small family units. This might be OK as starter homes but could result in them being aimed at the retirement end of the market. Cherry already has a skewed demographic, and an even higher proportion of elderly residents would make for an unbalanced community and pressure on services other than education (which could be disadvantaged). There appears considerable demand for larger properties within the village: there have been a considerable number of property extensions by people who presumably wish to remain local but for whom there are few larger properties available.

9) The increase in population of the proposed development (331 according to the estimate by the Clinical Commissioning Group) would add to the pressure on local amenities.

a) Although we appreciate the application must stand alone, we note that if all sites were to be developed at the density proposed for application 142874 the parish population could potentially increase by around 3,700, which would be likely to overwhelm village facilities and totally change its nature.

10) Policy OS1 Cherry Willingham Neighbourhood Plan : Provision of new Public Open Space and Neighbourhood Plan Policy OS2: Local Green Space

The application does not make any reference to general improvement of village amenities other than the green space at the NE corner (0.59ha).

11) There is no reference to social or affordable housing although we appreciate this may appear when detailed planning permission is sought.

12) We note that access in the application is a reserved matter for future consideration and approval. Nevertheless, we note that as the proposal stands the only access to the site is off Rudgard Avenue. Although the Travel Assessment states the first part of the access road will be 6.5m wide with a squared off junction to Rudgard Avenue (which is an improvement to the current arrangement) we are concerned that goods vehicles (including HGVs) may still need to back in or out of this as there is no turning space by the commercial premises. This would continue to pose a high risk of obstruction and potential danger to other road users. The proposed footpath from the new estate access road to Croft Lane might actually increase the danger as it is so close to the Co-op delivery area.

a) This would be a particular issue during the construction stage. Could the site be accessed by the airfield using the existing hard surface tracks with an extension to the east end of the site?

b) Although this would be partly ameliorated if sites B and C are developed with access to Ladymeers Road via Thornton Way and The Leys the combined volume of traffic from the 3 sites would seem likely to cause congestion on the Ladymeers/Church Lane junction and potentially on the narrow twisting lower end of Ladymeers Rd and its junction with Fiskerton Rd (which appears to be becoming increasingly busy since the completion of the bypass).

c) These issues would be exacerbated by development of sites B and C at the same density as proposed in this application: several hundred extra cars could potentially be attempting to exit or enter the developments over fairly short time periods.

13) Policy E1 Cherry Willingham Neighbourhood Plan: Enabling Employment Opportunities: The application makes no contribution to this policy. The location of the application site would lend itself to the incorporation of extended employment opportunities behind the Village Centre. In line with Policy R1: Village Centre

14) Section 19 Cherry Willingham Neighbourhood Plan – Community Priorities: As already stated the land is identified for development in both the current development plans. The Parish Council would welcome the associated CIL that development would provide. However, the current application is more likely to compound the problems identified under Community Priorities especially Community Priority 2: Traffic management measures, to such an extent that any CIL would be required to mitigate the issues caused by the development rather than enhance the village.

15) Optima Transport Assessment – Provided by Taylor Lindsey in support of the Application:

a) The summary of the assessment states in paragraph 7.1.8 that in regard to the proposal for 144 dwellings “Trips at the Croft Road/Church Lane/High Street junction will slightly exceed the 30 two-way trip threshold however the majority of additional trips will occur on the through flow, which will not result in either a material or severe impact on the junction performance. Despite this we remain concerned that this could prove a bottleneck.

b) We also note that there is no analysis of the possible impact on the Church Lane/Fiskerton Rd and Waterford Lane/Fiskerton Rd junctions, where Lincoln bound traffic has to turn right onto a road which appears to have become increasingly busy since the bypass was completed.

c) We believe that as the current application is submitted as phase 1 of the total identified development area the Transport assessment and Travel Plan should consider the site as a

whole rather than just the first phase. As such we consider the resulting conclusions to be flawed.

Conclusion

In summary the Parish Council is disappointed that the applicant, who has a long-standing relationship with the village has unfortunately failed to take advantage of the hard work done by the Parish Council to produce the Cherry Willingham Neighbourhood Plan, which on its adoption was commended by WLDC for its quality and thoroughness.

We wish to oppose the application for outline planning permission as it stands but would welcome a resubmission that relates much more closely to that described in the Local and Neighbourhood Plans. We would like to take this opportunity to refer the applicant to section 15 and Policy D1 of the Neighbourhood Plan: Design principles for Cherry Willingham. The Council also consider that as the first significant development since the newly adopted Neighbourhood Plan, the application is a test of whether all the effort put in by the community will turn out to have been worthwhile. If the current application were to be approved against the Local and Neighbourhood plans there could be a loss of trust in the whole process of planning and development.

30/07/21 - We have looked at Taylor Lindsey's response and agree that there is an error in the size of the plot. However, it does not mean that there is also an error in the number of dwellings, it is equally possible that the area plotted on the site map has been drawn incorrectly and the hectare figure is correct.

Taylor Lindsey in their response sought to blame the Parish Council for not consulting them during the preparation of the Neighbourhood Plan. The Parish Council advertised the development of its Neighbourhood Plan widely throughout the parish in the three years leading up to its publication.

This was done through a wide variety of means of communication. For Taylor Lindsey to accuse the Parish Council of failing to consult with them as the landowner is farcical. As the landowner and promoter of the site and believing there to be such a serious error in the Local Plan it would have been an ideal opportunity to take steps to have this corrected. They surely can't expect anyone to believe that they were unaware that a Neighbourhood Plan was being developed and that it would have great implications for several of their sites.

Even if we take the density [given by the applicant] dated 09 July 2021 as more appropriate for the 5.17 Ha's the number of dwellings comes out at 116. That means that the application for 144 dwellings is 24% greater.

We should also take into account that housing density is not the sole driver when deciding the number of dwellings for a particular site. Of particular concern in relation to this site is the access route as we also raised in our response. It is noteworthy that the Environmental Protection Officer in her response has requested that a Construction Management Condition is approved and adhered to throughout the construction period which will specifically cover access to and from the site. The Parish Council's preferred option as stated in our initial response is for a specific construction access to be put in place utilising the existing runways and perimeter tracks across Fiskerton airfield. It is the Parish Council's opinion as stated in our response that correction of the error, whatever it is, through the planning application process is not the correct means.

In response to Dan's second email to you dated 12 July, he challenges other issues that the Parish Council raised.

Point 3. As this is only an outline application as is stated frequently through the application documents much of the detail is deferred for the full application. It is therefore difficult to see the details. It is particularly difficult to give credit to the applicant's claim that the issues around avoiding a hard edge to the village can be dealt with through landscaping at the detailed application stage, when the layout plan submitted with the outline application fails to show such landscaping or even allocate any land for it.

However, much of the concern that the Parish Council has is due to the very poor parking layout in the last development by the applicant. It is difficult to reconcile the figures provided with the layout plan, unless of course the applicants are counting garage space as parking spaces (which would not be a helpful approach as most modern garages are built too narrow to be used, many owners are likely to convert garages to extra rooms and it is increasingly common practice for garages to be used for storage). We are also concerned about the absence of on-street visitor parking bays. Add to all this the already overstated density and it can be seen why this is a potential issue. The number of parking spaces is not the only issue, it is also the quality of the spaces that makes for a good site. The Chartered Institution of Highways and Transportation (CIHT) and The Institute of Highway Engineers (IHE) have produced Technical Guidance on what constitutes good Urban parking.

Point 6. We welcome Taylor Lindsey's agreement to widen the footway to Croft Lane and add a dedicated cycleway. We hope that they will also ensure that this extends to and will create a further route to and through phases two and three of the overall site. Notwithstanding this, the Parish Council has, as set out in its previous representation, a range of concerns about the proposed development, many of which it believes can only be resolved by a significant reduction in the density of the development.

The Parish Council has considered the responses provided by Taylor Lindsey but remains opposed to the application in its current form. We are still of the mind that the application falls short of the requirements and intent of the Local and Neighbourhood Plans.

The Council also consider that as the first significant development since the newly adopted

Neighbourhood Plan, the application is a test of whether all the effort put in by the community will turn out to have been worthwhile. If the current application were to be approved against the Local and Neighbourhood plans there could be a loss of trust in the whole process of planning and development.

19/04/2022 - The Planning Committee of Cherry Willingham Parish Council accept in principle the development of the site but continue to have the following concerns regarding the request for the outline application to be accepted without further conditions. 1) There is a lack of clarity over the number of dwellings that will be permitted on the site. The application is for "up to 144" which we consider to be too many, considering the shape and size of the site and the access from Rudgard Avenue. HELAA appendix E gives a potential capacity of 116 dwellings. The Draft Mid Lincolnshire Local Plan Review, currently out to consultation and the most recent figure

given, states 97 dwellings as the potential for the site. We consider that the situation should be clarified by WLDC Planning Committee and an upper limit for the number of dwellings should be set in line with the current Local Plan Review consultation. An approximately 33% reduction in the developer's original application to 97 dwelling would considerably lessen the concerns mentioned above. 2) The more recent documents submitted with the application are from Anglian Water and relate to the capacity at Reepham recycling works and the risk of downstream flooding. We understand the developers plans for drainage have been revised and that Anglian water will be obliged to take appropriate mitigating actions. However we are concerned about the possibility of Anglian water's mitigations not being in place by the time the dwellings are occupied. 3) Anglian Water also refer to the risk of surface water flooding which is not their responsibility. LCC and the Environment Agency also refer to this risk. We consider that that outline planning permission without conditions should not be granted unless WLDC planners are satisfied the risk has been adequately mitigated. 4) The NHS in its 2021 comments said there was a need to increase capacity at the surgery in the building. We consider that S106 money should be made available, although in view of the plans by the developer for phases 2 and 3 (which will be considerably larger) it would be appropriate to consider if there might be a way to "roll up" infrastructure resources for all 3 phases, which would result in economies of scale and better value for money.

Reepham Parish Council: Would wish to see the following taken into account:

1. Although the majority of this 12.87 acre site lies within Cherry Willingham Parish a small part of it (approximately 0.46 acres) in the extreme north east corner of the site actually lies within Reepham Parish. The part in question is the triangular shaped area forming part of a larger area of land coloured green on the applicant's site layout plan marked 'POS'. RPC assumes POS is public open space. This triangular parcel of land presently forms a small area of woodland and RPC would want this to be retained as woodland rather than being cleared to form part of the proposed public open space. This would aid in screening the proposed development from our village.
2. In addition, RPC would wish to see a significant strip of green planting along the remaining eastern boundary of the site to screen the development from our village. It would also enhance the differentiation between the development and the proposed solar farm. The indicative site layout plan suggests that the developer proposes to build housing right up to this boundary.

Agent Response: 09/07/21 - We note the comments on our above planning application from Cherry Willingham Parish Council.

The Parish Council has misunderstood the calculations on site density / capacity leading to some very significant errors in their statement and a gross exaggeration of the potential number of dwellings that could be developed across the three allocated sites and the potential impacts on the village.

There is an obvious mistake in their calculations of density; they have failed to appreciate the implications of correcting the site area from 1.57 Ha to 5.17 Ha and that the indicative capacity of 40 dwellings for the application site is a density of 7.7 dwellings per hectare whereas the two adjacent allocations are already based on a more appropriate 22.5 dwellings per hectare.

I attach a detailed summary of the figures, but, in conclusion:

- The 2017 CLLP estimates a total capacity for the three sites of 373 (based, in part, on the incorrect site area).
- The 2019 HELAA corrects the site area and revises the indicative capacity to 449.
- Based on the 144 dwellings proposed for the subject site we estimate a total of 556 dwellings.
- The Parish Council are suggesting a total of 1489 dwellings across the three sites.

The mistake over the site area and the indicative capacity was covered in DLP's Planning Statement and was further addressed in my email to you of 1 June. We have met with representatives of the Parish Council and explained the position but they have, clearly, not grasped the principles behind this.

Their response is critical of us for challenging the Neighbourhood Plan. We promoted our land through the Central Lincolnshire Local Plan process and took all the correct steps in that regard. The mistake on the site area is unfortunate but certainly not of our making. The mistake in the CLLP has been carried through in the preparation of the Neighbourhood Plan where a further opportunity to spot and address a manifest error on land areas was not taken. Had we been consulted over the preparation of the Neighbourhood Plan (as the owner / promoter of the allocated sites for the village) then this could have been addressed at that stage but, regrettably, we were not.

12/07/21 - Further to my email of 9 July 2021, we have now worked through the remainder of the Parish Council's statement. We would like to comment as follows:

The email referred to above deals with point 1.

Point 3 states that 'there is unlikely to be space for more than 1 vehicle per dwelling'.

That is manifestly incorrect as the indicative site layout plan shows two off-street parking spaces for every dwelling, in addition to garages.

Point 4 relates, as per point 1 and as discussed in my previous email, to development density. The Parish Council's figure of 0.011 Ha/dwelling is incorrect. The correct figure is 0.035 Ha/dwelling (i.e. three times the plot size the Parish have calculated). The proposed density allows for generous plots, well-proportioned gardens, ample offstreet parking and POS in excess of the CLLP requirements.

In relation to Point 6, we would have no objection to widening the footway to Croft Lane to provide a combined footway / cycleway. There are no existing footpaths connecting to the application site. Connectivity to the footpath to Fiskerton is a longer term aim and the potential for this is shown on the indicative masterplan submitted with the application.

Point 7 deals with the desire to avoid a 'hard edge' to the village. This can be addressed through landscaping proposals at the reserved matters stage. The application retains an area of established woodland in the north eastern corner of the site which is proposed to form part of the POS. We would contend that this is virtually unique for a housing development in Central Lincolnshire.

The comments at Point 8 about housing mix are not, strictly, relevant at this stage as this is an outline application. However, we would point out that the indicative layout

shows a mix of two, three and four bedroom dwellings, including 36 affordable dwellings, which are considered ideal for family occupancy. Taylor Lindsey has considerable experience of building and selling homes in Central Lincolnshire, and in Cherry Willingham in particular, and the house type mix proposed on the indicative layout has been carefully considered to reflect the anticipated demand.

Point 9 is addressed by the requested contribution from NHS Lincolnshire. Again, the Parish Council has grossly overestimated the impacts of the development of the three allocated sites through a misunderstanding of the site areas. They estimate a population increase of 3,700 people whereas the established NHS formula, when applied to the correct areas and densities, estimates around 1,279. The current village population is approximately 3,500; we are certainly not planning to double the size of Cherry Willingham !

Point 11 states that 'there is no reference to social or affordable housing'. We would draw attention to paragraph 3.6 in the Planning Statement which details that the development '... includes 25% proportion of affordable homes (36 in total) ...'.

Points 12 and 15 deal with highways matters. Pre-application consultation was carried out with Lincolnshire County Council Highways and we note from their consultation response that they consider the application acceptable in highways terms.

Point 13 relates to employment opportunities. The site has a residential allocation in the CLLP and is not considered suitable for employment use per-se. However, the comments completely overlook the very significant local employment and training opportunities that are created by the construction process itself.

We hope that the Parish Council will be minded to consider the above comments, correct the mistakes in their analysis of the application, and, we hope, decide to support the proposals.

Local residents: General observations received from 88 Rudgard Avenue, 30 Croft Lane, 38 Rudgard Avenue, 1 Heathcroft, 62 Rudgard Avenue with the following comments –

- Would like to draw your attention to the fact that this entrance is highly used by deliveries and residents to the flats and shops at the parade.
- Lorries use this entrance (the only entrance) from Rudgard Avenue to reverse their big lorries to the back of the shops
- Concern is that these houses will contain children going to school and just as some of the children do now they will use the back of the shops as a cut through to school and the bus stop. Even more will use it to cut through to the shops etc on the parade. Something needs to be put in place to keep the increased number of children and pedestrians safe from reversing lorries that do not always have a reversing noise and will not be able to see them.
- This is a narrow junction too and passing with a lorry or delivery van would be difficult, and as such the volume of traffic going in and coming out of the development will also

be held up in this junction because of the lorries that are sometimes stood standing waiting for a space to drop off their deliveries.

- I know about the lorries delivery problems because I live on this corner and watch it every day. I have also been the victim of having to have my fence replaced several times because lorries have hit it due to not watching where they are going. and since the extension of the compound at the rear of the coop the area for the lorries has decreased substantially causing the queuing to happen. I know that if a car is parked on the road then it can causes mayhem and can even block this junction completely.
- Ideally would like to see a footpath alongside the back of the shops to Croft Lane on the plans to facilitate the safe exit out of this junction to Croft lane and the Parade for all the residents of this development.
- Lady Meers Road is windy and narrow with cars/vans street parking in the evenings and weekends. Maybe an access road off Fiskerton Road to the east of the development would ease this.
- There is an access point off Croft Lane, this is directly next to the railway line/railway crossing – this could be used as a one way system only.
- Doctors surgery has limited opening times Mon/Fri am only.
- Will the bus service cope?
- Will the schools cope with the influx of pupils?
- Loss of a view and overlooking.
- Error on phase 2 plan. Notice there is a planned exit onto the road leading out of the farm gate. Would like to point out that from the gate to the tarmac which leads onto Rudgard Avenue is private property.
- Increase in vehicles to the area.
- Availability of services.
- Impact of residents.
- Environmental impact.
- Ignoring Cherry Willingham Neighbourhood Plan.
- The village is desperate for social housing and part buy part rent schemes.

Objections received from 2 St Matthews Close, 21 Rudgard Avenue, 76 Lady Meers Road, The Hawthornes 26 Thornton Way, 2 St Hugh's Close, 72 Rudgard Avenue, 6 St Hugh's Close, 38 Rudgard Avenue, 10 Rudgard Avenue, 66 Minster Drive, 22 Thornton Way, 24 Thornton Way, 54 Rudgard Avenue, 3 The Paddock, 60 Rudgard Avenue, 64 Rudgard Avenue, 58 Rudgard Avenue, 3 Thornton Way, 32 Croft Lane, 88 Rudgard Avenue with the main concerns –

- Doctors and local shops aren't big enough to cope with that many people.
- No additional amenities have been created with other new builds of late.
- Increased traffic and noise.
- Danger to vulnerable people with little or no provision put in for cycling or walking.
- Developer puts nothing in to the local community.
- Will the sewers cope with these new developments too?
- No mention of how the existing community will benefit from the development.
- Where is their reference to/consideration of the Cherry Willingham Neighbourhood Plan?

- Traffic calming measures are briefly mentioned as part of the development's road layout, but what about consideration of the main access roads to which this development will 100% depend upon - long stretches of road with no traffic calming measures in place – Lady Meers, Church Lane, Croft Lane, High Street, Fiskerton Road
- to which this development will add 385 cars. And that is just phase A of the development; expect 1000+ cars by the time all 3 phases are complete. What analysis/planning has taken place with regards which roads will absorb this traffic as residents enter and exit the village? It is knowingly naïve to suggest a leaflet through the door will encourage less cars on our roads as part of a 'Travel Plan.'
- Where are the infrastructure considerations?
- Opening Thornton Way as a through road will see a huge impact on many of the residents.
- Devaluation of property.
- 144 dwellings seems to be an excessive number of houses, given the space available and the limitations of the facilities of the village.
- The homes will be, as usual, crammed into the available space, regardless of our quality of life and indeed quality of house-build.
- Cherry Willingham seems to be growing at a pace (and lack of real planning) akin to 1840s Manchester.
- In consultation provided by Anglian Water they state there is insufficient capacity in the current network to accept additional water. Planning/construction should not be permitted until this is resolved.
- Surface water runoff should be limited to the green field rate and conditioned in accordance with their drainage plan. Attention should be installed prior to housing construction.
- The hedge/tree line should be retained and maintained into the future to reduce the existing properties being overlooked and to reduce environmental impact. Retention should be a condition of the permission.
- Access to the new development off Rudgard Avenue is not good and inappropriate for large number of vehicles.
- Other access should be developed to this proposed development avoiding Rudgard Avenue to prevent further congestion, noise and pollution before and after the build.
- Has there been any concerns over the railway?
- This new development will be directly opposite my house. On the other side of the railway. With the height of the railway being over 6 feet above my ground floor almost as high as my second floor I have a concern over the noise. The issue will be the echoes from the new houses once built. We notice this echo with the houses opposite ours in Minster drive. It could be that when the heavy trains pass by at 3 am it's likely to create much more noise than we have a present. It's likely that I will have to fit triple glazing to combat the noise and allow people sleeping in the back bedrooms, to sleep without disturbance. I feel that this cost of this remedial work will need to be reimbursed by the developer.
- Overlooking.
- Loss of privacy.
- Volume of traffic during and after construction.
- Effect on local wildlife.

- Is there capacity at the schools?
- Can the bus service cope with the influx of new residents?
- Loss of a view.
- Not in-keeping.
- Little existing vegetation or mature planting along the boundaries to blend new and old or offer significant screening.
- About half way along the part of the phase 2 plan, notice there's a planned exit onto the road leading out of the farm gate. Would like to point out that the farm gate to the tarmac which leads onto Rudgard Avenue is private property.
- The 2019 Cherry Willingham Neighbourhood Plan (CWNP) (Policy H1) also suggests a total of 40 properties to be suitable for site CL1179, Land north of Rudgard Avenue. Taylor Lindsey have proposed 144 dwellings for the same site. This is phase 1 of 3, if this planning application is successful, a precedent would be set, sites CL1181 and CL4433 that are adjacent to the subject site, may also have 360% increase on what the NP states for those sites, so a possible 1200 further dwellings rather than the 333 suggested.
- need to bring your attention to the fact that the entrance is already used frequently by all the shops receiving deliveries, along with the residents living above the shops on the Parade.
- Residents parking on Rudgard Avenue will, as it does now, cause traffic problems and delays. I also suspect damage to the verges will become a real issue.
- should be consideration given to the amount of vehicles using the busy entrance to Rudgard Avenue from the main road. Along with the entrance and exit to the parade itself.
- Development will lead to another 150 cars
- the provision of an appropriate mix, type, tenure and density of dwellings, as required by policy H2, that contribute towards a sustainable community - The properties proposed are mainly 2 and 3 beds where there is a distinct lack of larger family properties in the village, and these would be more appropriate. There is no detail to the number of storeys of the properties either, 3 storey properties would definitely be out of character for this area.
- Contrary to the Neighbourhood Plan
- wanted to comment on the number of trees and shrubs that have been removed by the developer in the last 2 years, prior to the assessment of the trees on the land regarding the development, sneaky. The established trees would have soaked up vast quantities of water from the clay soil we have in the area and it is evident now how much they consumed as in their absence, our gardens and driveways are becoming more frequently flooded, albeit relatively briefly, following heavy downpours, this was never the case before.
- The travel analysis that has taken place was based on 2015 levels of traffic in the village. Although no major developments have occurred since this time, the opening of the Eastern Bypass has altered the way traffic moves through the village (and also comes from other villages) so it may not be an accurate reflection of current traffic volumes/habits.
- I do not want a public footpath to the rear of our garden.

- Planning permission has already been passed for the new Cherry Willingham Marina, which is close to the above application, which leads to the bottom road, causing unsafe access from the additional proposed Taylor Lindsey developments.
- Along with the loss of parking space at the small shopping area, the high volume of car traffic will impede on local village business's ability to trade.
- The current mains drainage cannot cope with any more dwellings as it is overloaded – the Cherry Willingham Marina development will already increase the stress on the already stressed system – this additional development will only add to the problems. Surface water drainage in Cherry Willingham has become a big problem over the past few years, and still needs to be addressed.
- Another large development will drastically increase traffic, impact on local air quality, safety of pedestrians, particularly local school children.
- The density of the development seems far too high for a small village setting in a rural area, more like a development for a city.
- The plans include 33 two bedroom semi-detached and terraced houses, 58 three-bedroom homes, 33 three- bedroom detached and 20 four-bedroom detached house – but NO bungalows. No two-bedroom semi-detached bungalows or three-bedroom detached bungalows or four-bedroom detached bungalows.
- The lack of bungalows, limits the elderly/retired and disabled purchase seekers into the village; not offering a suitable lifestyle for the more vulnerable.
- This development is not safeguarding and improving the long-term quality of life for residents of Cherry Willingham. It is not growing the village in a sustainable way that reflects locally identified issues and concerns.
- Insufficient parking
- Surely lessons can be learnt from the bad planning of Ladymeers road. (Roads too narrow, lack of parking.)
- Why can't brown field land be built on first before not encroaching on green field sites?
- Train noise with freight trains passing through the village at all hours sounding their horns. Eight times each time they go through the crossing. How are young families going to sleep?
- Why change to up to 144 dwellings?
- Construction hours
- The developer should consider all sources of flood risk and not negatively impact on existing dwellings – this has not been adequately addressed and I object to the application. Also noting the comments by Anglian Water the application the application does not consider all sources.

LCC Highways and Lead Local Flood Authority: 28th May 2021 - In order for the Highway Authority to provide a substantive response to this application a Transport Assessment and Travel Plan will be required. It is requested that the applicant submits these documents for consideration.

4th June 2021 - *Highways*

The principle of development is acceptable the HLLFA, the likely impact of the development on the existing highway network in terms of additional vehicle trip generation is considered to be acceptable.

Access drawing 20100/GA/01 Rev A dated 24/07/20 is acceptable in principle however the inclusion of tactile crossing points may be required, to be determined at S.38 approval stage. Stopping up of the redundant public highway at the rear of No. 86 Rudgard Avenue will be required. It is requested that an application under the Town and Country Planning Act is made as part of this application. The Travel Plan submitted as part of this application is currently being assessed and further comments regarding this are to follow in due course. A Section 106 sum of £5000 will be required for the future monitoring of the approved Travel Plan should the planning application be approved by the Local Planning Authority. Subject to the Travel Plan assessment further improvements or contributions may be required.

Layout is a reserved matter and as such has not been considered as part of this application. When an application for reserved matters is made please consider the guidance laid out in Lincolnshire County Council's Development Road and Sustainable Drainage Approach. Adequate off road parking will be required for all plots.

An upgraded crossing point in the form of tactile paving will be required on Rudgard Avenue outside No. 1 and 102, to form part of final recommended conditions to the Local Planning Authority.

Drainage

Discharge at 9.26 l/s to the ditch on the north-eastern boundary is acceptable provided consent is obtained from the relevant Internal Drainage Board.

It would appear that no first stage water treatment is provided, the initial surface water capture is via gullies and carrier pipes and this does not align with national guidance on providing sustainable drainage schemes on new developments. Alternative options should be explored for source control and first stage water treatment, such as swales if appropriate.

Surface water attenuation should be above ground where possible.

The following information will be required in order for the HLLFA to assess the suitability of the sites drainage strategy, taking into account the above comments:

- A revised FRA and drainage strategy including adoption and/or maintenance proposals and sketch layout plans in line with SuDS principles.
- Preliminary development layout showing surface water drainage infrastructure in line with SuDS principles.
- Preliminary hydraulic calculations.
- The necessary consents in principle, where applicable.

10/08/22 – No objections subject to conditions (detailed in consultation response)

Travel plan

03/08/21 Travel Plan comments - The Travel Plan has been submitted to support the above planning application for c144 dwellings. The measures suggested are mainly promotion based. The Travel Plan is generally good and includes some informative tables and images. However it lacks incentives (for a site of this size) and the proposed target is not considered 'stretching'.

Recommendation: That consideration is given to the comments and a revised Travel Plan submitted for approval. That an approved Travel Plan is conditioned to be in place

prior to occupation. That S106 funding is provided to ensure effective monitoring is undertaken.

04/11/21 - I can confirm that my comments have been actioned and that the Travel Plan now meets the requirements.

Anglian Water: The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. We have no objection subject to the following condition:
Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.
Reason: To prevent environmental and amenity problems arising from flooding.

Environmental Protection: 12/07/22 - *Contamination* - The Phase I Geo-environmental Appraisal by Alan Wood and Partners dated December 2020 recommends a Phase II investigation for the site. I therefore request the following condition: Contaminated Land (Prior to Commencement).

Noise and vibration - I have reviewed the Planning Noise Assessment and Vibration Assessment reports by Spectrum Acoustic Consultants. Although I accept the conclusions of both reports I do have concerns about the proximity of the railway line to some of the proposed dwellings, especially if the line was to be upgraded in the future which could result in increased train movements.

If the applicant is not minded to revise the layout; acceptable ambient indoor and outdoor noise levels can only be achieved in some of the properties with the mitigation measures proposed in the Spectrum report. I therefore request a condition on noise mitigation.

I also request a Construction Management Condition.

12/04/22 - I have reviewed the additional information provided and I do not have any comments.

Strategic Housing: LP11 of the Central Lincolnshire local Plan details a 25% contribution to affordable housing is required in the Lincoln Strategy Area where this site is located and this is detailed within the Design and Access Statement. The NPPF para 64 states that 10% of all housing delivered on major sites must be a low cost home ownership option. 10% equates to 14.4 units. 25% contribution equates to 36 units. Deduct the 14 required for shared ownership which means 22 units are to be delivered as Affordable Rent.

Summary:

14 units shared ownership

22 units affordable rent

The Central Lincs SHMA 2015 identifies a need to provide 676 affordable units per annum to meet newly arising need in the future which will require an uplift to 911 units per annum to cover the under delivery. This equates to a total of 17,400 affordable homes over the period 2012 – 2036. Below are the numbers of people who are registered for affordable housing and have expressed an interest in Cherry Willingham.

1 bed: 105 42/105 over 55

2 bed: 82 16/82 over 55

3 bed: 27 0/27 over 55

4 bed: 4 2/4 over 55

The house types details on the application are a mix of 2, 3 and 4 bed accommodation, the 2 and 3 bed dwellings would be suitable to be delivered as affordable.

I would like to see the affordable units secured through a S106 as affordable in perpetuity. The affordable housing must be delivered in partnership with a registered provider.

27/10/21 - I have put both affordable housing contributions below both with a First Homes element and without.

AH contribution with First Homes

25% affordable requirement = 36 affordable dwellings in total

10% requirement (of entire site) for low cost home ownership = 14

Of 14 – 9 are required to be first homes leaving 5 as shared ownership

Remaining affordable rent = 22

Summary

9 x First homes

5 x shared Ownership

22 x affordable rent

AH contribution without First Homes

22 x Affordable rent

14 x shared ownership

Either of the above are acceptable in terms of an affordable housing contribution

NHS England: Due to the location of the development the 2 practices that would be impacted the most are Nettleham Medical Practice and Glebe Park Surgery Practice.

The contribution requested for the development is £91,080 (£632.50 x 144 dwellings.)

LCC Education: 21/05/21 - The County Council has no comments to make on this application in relation to education as there is currently projected to be sufficient capacity in the locality for this scheme.

10/08/21 - As there is no change in numbers, please refer to our comments of 21 May.

31/03/22 - The County Council has no comments on this consultation in relation to education as any impacts have been mitigated at the outline stage on the original consultation with the education ask being given in our response dated 21/05/2021.

Neighbourhood Planning Officer: Policy H1: As informed by the CLLP this policy allocates the site (excluding wooded area) for 40 dwellings ref CL1179 Land North of Rudgard Avenue. The application is for 144 dwellings. H1 sets development principles for the site a) to j). A key element of policy H1 is to ensure that the development of the three allocations (CL1179, CL4433, CL1181 occurs in an integrated way allowing best possible access into and around the sites (policy H1 parts (2) and (3). It is good to see that the application includes a masterplan (for Sites A, B and C) to help achieve this and that the application itself plans for eventual connection with adjacent allocated site CL4433.

Policy H2: Noted that part (3) says allocated sites should be designed at densities to deliver anticipated yields set out in Policy H1 (40 dwellings).

Policy E1: Would apply to possible expansion of village centre adjacent to site. See comment for policy R1.

Policy OS1: What are the light green areas shown on the housing layout and masterplan. They are distinct from the darker green public open space areas. Are they grass verges/ front gardens/ or just hard open areas which wouldn't appear to aid green space connectivity. This policy supports integration of wooded area in top corner of site. To help assess habitat and species connectivity would help if nearby existing open spaces/wildlife corridors were shown on plans. The north easterly tip of the site includes an existing wooded area which looks if it would be integrated with proposed public open space. However this wooded area lies outside allocated housing site area and also within Reepham parish council boundary. Would seem a logical thing to include. Would its inclusion affect open space provision sums for the allocated part of the site?

Policy OS3: Site does includes provision of separate footway behind village centre linking site with Croft Lane. Also proposed site provides future footway linkages to the other allocations.

Policy D1: Please consider design principles including Building for Life guidance (criterion i).

Policy R1: Checked the boundary of the site against the allocation as shown in the NP as taken from the CLLP. At first it looked like site, at its bottom westerly end, included some of village centre area. See Map 9. But on closer inspection appears not so but please have a check just in case. The access to the site from Rudgard Avenue will also be shared with the service area for the village centre. Several new homes will be close to the busy rear service area. Policy R1, subject to certain safeguards, does encourage

the expansion of the village centre with a possible opportunity in the rear service area adjacent to the site.

Character Area 2 Central Strip page 81: This provides a landscape description of the three allocated sites.

06/08/21 - I have no other comments to make on the application and its change of description to what I made previously.

In the recent correspondence on the application reference is made to consultation.

In preparing the adopted Local Plan there would have been publicised opportunities to comment on figures (capacity/area etc) given for the site before it was adopted.

As for the neighbourhood plan this went through several rounds of statutory/public consultation before it could be made.

05/04/22 - Thank you for consulting Neighbourhood Plans on the above application. If this consultation is about new drainage details submitted only then reference should be made to Cherry Willingham NP Policy H1: Housing Land Allocations and Development Principles in Cherry Willingham criterion (j) which states: where appropriate, avoid areas at risk of flooding and incorporate the provision of Sustainable Urban Drainage Systems and/ or appropriate drainage and flood mitigation measures.

Lincolnshire Police: 04/05/21 - Do not have any objections to this application

02/08/21 - do not have any objections to this application.

31/03/22 - do not have any objections to this application.

Lincolnshire Fire and Rescue: In order to be successful in firefighting, adequate access to buildings for fire appliances and immediate access to adequate supplies of water, must be provided. The access to, and proximity of, those water supplies directly affects the resources that Fire and Rescue Authorities need to provide in protecting and mitigating their communities from the effects of fire. Please find below a list of Lincolnshire Fire and Rescue Authority requirements relating to access for fire appliances and firefighting water supplies.

Network Rail: Following assessment of the details provided to support the above application, Network Rail has concerns about the potential impact of the scheme upon the adjacent railway level crossing on Croft Lane.

Cherry Willingham Level Crossing

The safety of railway level crossings and all crossing users is of paramount importance to us and we would have concerns over any proposals that would increase the usage and risk of a railway crossing. The proposed development site is in close proximity to Cherry Willingham Level Crossing on Croft Lane and we have concerns that increases in traffic associated with the proposed scheme will have an adverse impact on the crossing without the implementation of mitigation measures. We consider that upgrades to the crossing fencing and signage (upgrade of existing warning signs to TSR 770 and

TSR 773 on each road approach with fixtures on yellow backing boards) should be provided at the developers expense to improve the visibility of the crossing to users and help mitigate this increase in risk. Without these measures, we consider that the development would be unacceptable. We are currently acquiring estimated costs for these improvements and will provide these as soon as possible.

Other requirements and conditions have been recommended regarding works in proximity to the operational railway environment, drainage, boundary treatments, landscaping and lighting.

31/03/2022 - £1900 required for the upgrades to the crossing.

Witham Valley Access Group: Apart from being having too great a number of houses on this site, there is insufficient footpath connection with the surrounding area.

Environment Agency: 24/05/21 - The proposed development will be acceptable if the following measures are implemented and secured by way of a planning condition on any planning permission.

Condition

The development hereby permitted shall not be occupied until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the site does not pose any risk to the water environment. This is in line with paragraph 170 of the National Planning Policy Framework (NPPF) which recognises that the planning system should enhance the environment by preventing development from contributing to, or being put at unacceptable risk from water pollution.

19/04/22 - We have no comments to make in respect of the further information received. Please refer to our letter dated 24 May 2021 for our position on this application.

Archaeology: No archaeological input required.

Idox checked: 11/08/22

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); the Cherry Willingham Neighbourhood Plan (made March 2019); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP9: Health and Wellbeing

LP10: Meeting Accommodation Needs

LP11: Affordable Housing

LP12: Infrastructure to Support Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

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

LP26: Design and Amenity

LP52: Residential Allocations – Large Villages

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

- ***Cherry Willingham Neighbourhood Plan (CWNP)***

Relevant policies of the NP include:

Policy H1 – Housing Land Allocations and Development Principles for Cherry Willingham

Policy H2 – Housing Type, Mix and Density

Policy OS1 – Provision of new Public Open Space

Policy OS3 – Footpaths and Cycleways

Policy D1 – Design Principles for Cherry Willingham

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/cherry-willingham-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 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*

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

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

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

- **Draft Central Lincolnshire Local Plan**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("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)

Consultation responses can be found in document STA022 Reg 19 Consultation Responses by policy / STA023 Reg 19 Consultation Responses by respondent.

Main issues

- Principle
- Open Space
- Highways
- Infrastructure
- Affordable Housing
- Flood Risk and Drainage
- Noise
- Ecology

Assessment:

Principle

Cherry Willingham is defined as a large village. Policy LP2 of the CLLP states that to maintain and enhance their role as large villages which provide housing, employment, retail, and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint.

The site is allocated for residential development in the CLLP (policy LP52) – site CL1179. Consequently, the principle of residential development would accord with the Central Lincolnshire Local Plan.

Policy H1 of the CWNPP states that land to accommodate, approximately 432 new dwellings, is allocated on the following sites; CL1179 - Land North of Rudgard Avenue (40 dwellings); CL1181 – Land East of Thornton Way (200 dwellings); CL4433 – Land East of Rudgard Avenue (133 dwellings); CL4751 – Site 1 Land South of Wesley Way (26 dwellings); and CL4752 – Site 2 Land South of Wesley Road (33 dwellings). These sites shall be the focus of residential development, in Cherry Willingham, over the plan period in-line with the adopted Central Lincolnshire Local Plan. Development on these sites shall be supported, provided it adheres to other statutory, Local Plan and Neighbourhood Plan policies and the development principles contained in policy H1.

The proposed site is an allocated site CL1179 in the Central Lincolnshire Local Plan and an allocation in policy H1 of the Cherry Willingham Neighbourhood Plan. The principle of residential development of the site therefore accords with the development plan, subject to all other policy considerations.

There have been numerous objections and concerns over the amount of dwellings proposed given the indicative number for the site including representations from both the Parish Council and the applicant's agent on calculations of numbers.

The **indicative** number of dwellings for the site is stated as 40 in the current CLLP and the NP.

The applications seeks permission for 144 dwellings – 360% of the indicative amount given within the development plan.

However, this indicative number was actually an error in the plans and confirmation has been received from the Central Lincolnshire Local Plan Team with the following –

“An inaccuracy has been brought to my attention in both the 2017 adopted Local Plan and in the Regulation 18 Consultation version of the draft new Local Plan. This discrepancy relates to a site known as Land north of Rudgard Avenue, Cherry Willingham (Ref CL1179 in the 2017 Local Plan and WL/CW/001 in the consultation draft new Local Plan).

This discrepancy relates to the size and subsequently the indicative capacity of the site.

The adopted 2017 Local Plan has the size of the site as 1.57 hectares with an indicative capacity of 40 dwellings. This capacity was derived from applying a standard assumption about the density and the amount of the site that would be expected to be needed for infrastructure taking into account the size and location of the site. The methodology is set out in the LP48-LP54 Residential Allocations – Evidence Report (available at <https://www.n-kesteven.gov.uk/resources/assets/attachment/full/0/17939.pdf>). The calculation for this is 1.57ha x 30dph x 85% of the site = 40 dwellings. An extract of the background methodology for assessing potential capacity is provided at Appendix A to this letter.

However, it has been brought to my attention that this site size is incorrect and it should in fact be 5.17 hectares, not 1.57 hectares.

In the Local Plan Regulation 18 Consultation Draft of the new Local Plan, the size of the site has been updated to reflect the actual size (5.17 hectares), but the indicative capacity of 40 has mistakenly been carried forward from the adopted 2017 Local Plan.

The methodology proposed to be used for allocated sites without permission in the new Local Plan has changed slightly from that used in the 2017 Local Plan and this is provided in Appendix B to this letter. The full evidence document can be viewed at <https://www.n-kesteven.gov.uk/resources/assets/attachment/full/0/121868.pdf>. Using this methodology the calculation would be 5.17ha x 25 dph x 75% of the site = 97 dwellings.

As with all allocated sites, and as is clarified in paragraphs 10.2.1 and 10.2.2 of the 2017 adopted Local Plan, the figure is only intended to be indicative and an appropriate design-led solution should be delivered for each site even if this is for a higher figure or a lower figure than the indicative one, provided it is otherwise consistent with the Development Plan Policies and National Policy. “

Consequently therefore, it would appear that the indicative figure within the published Development Plan would therefore underestimate the capacity of the site had the standard methodology¹ been correctly employed.

To clarify indicative numbers. Using the current methodology in the 2017 Local Plan, on the correct site area the indicative figure should have been 116 dwellings within the site. The formula would work on the basis of 75% of the site being developable, at 30 dwellings per hectare.

The application proposes up to 144 dwellings – so would nonetheless be 24% greater than the indicative capacity, had the correct formula been employed.

Under the regulation 19 Submission Plan, which has been submitted for examination, the site is given an accurate site area of 5.17, and an indicative capacity of 97.

This is because the methodology has changed². It now proposes a density assumption of 25dph in large villages, and still a developable area of 75%.

At 144 dwellings, the application proposes to be 50% higher than the indicative capacity in the draft Local Plan.

The figure in the neighbourhood plan was taken directly from the 2017 plan and should therefore also have been 116, if the correct standard methodology had been employed.

Regardless of the methodology in either Local Plan, this figure is **indicative** only.

To reiterate the comments from the Local Plan Team “As with all allocated sites, and as is clarified in paragraphs 10.2.1 and 10.2.2 of the 2017 adopted Local Plan, the figure is only intended to be indicative and an appropriate design-led solution should be delivered for each site even if this is for a higher figure or a lower figure than the indicative one, provided it is otherwise consistent with the Development Plan Policies and National Policy”.

The indicative figure is **not** a ceiling or cap on the number of dwellings for the site.

¹ Document HO006 - LP48-LP54 Residential Allocations Evidence Report (April 2016) (<https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/planning-policy-library-archive/>)

² Document EVR076-082 Central Lincolnshire Policies S76 – S82: Sustainable Urban Extensions and Housing Allocations in Lincoln Urban Area, Main Towns, Market Towns, and Large, Medium and Small Villages Evidence Report (<https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>)

Paragraph 124 of the NPPF expects planning decisions to support development that makes efficient use of land, taking into such factors as an areas prevailing character and setting, and well designed places.

Consequently, whilst the development proposes a level of housing greater than that indicatively anticipated within the development plan, The indicative site plan shows that 144 dwellings do sit comfortably within the site with ample gardens, adequate parking levels and appropriate open spaces.

However, the indicative site plan did not show SUDs features or tree lined streets, as required by the newly published NPPF.

The application description was therefore changed from –

Outline planning application to erect 144no. dwellings - access to be considered and not reserved for subsequent applications.

To

Outline planning application to erect up to 144no. dwellings - access to be considered and not reserved for subsequent applications.

The inclusion of “up to” adds more flexibility to the application when submitting reserved matters. It is an upper limit – should the local planning authority consider that it can in principle, be achieved.

Therefore, should the inclusion of these features require a reduction in house numbers, this change can be accommodated.

Updated drainage strategy plans do now show SUDs features.

Criteria 1 and 3 of Policy H2: Housing Type, Mix and Density states that

1. Proposals for new housing development of 6 or more dwellings should deliver housing of a size, type and tenure appropriate to the site and locality. Proposals will be informed by:

- a) Strategic housing market assessments;
- b) the local demographic context and future trends; and
- c) local assessments of housing need and demand.

3. The five allocated housing sites should be designed at densities to deliver the anticipated yields set out in Policy H1. Elsewhere development proposals should deliver housing at densities that reflect the specific characteristics of the site and its surrounding area (in terms of the existing built form and landscape).

Whilst indicative only, the site plan demonstrates a mix of 2, 3 and 4 bed homes.

The neighbourhood plans officer notes that part (3) says allocated sites should be designed at densities to deliver anticipated yields set out in Policy H1 (40 dwellings).

However, as per the discussion above, the indicative totals have been calculated incorrectly. The 40 dwellings is an incorrectly anticipated amount of dwellings for the site. Furthermore, 40 dwellings for a site of this size would be an inefficient use of the land. The NPPF (paragraph 125) actually states that Local Planning Authorities should “refuse applications which they consider fail to make efficient use of land”.

The densities surrounding the site are more comparable to the site.

The site, when measuring density at a standard calculation (i.e. no. of dwellings divided by the site area X 100) gives a density of 28 dwellings per hectare (dph) for the site. When looking at the density to the north of the railway, this is 25dph and to the south 24dph. 40 dwellings on the site would be 8dph which would be wholly inappropriate.

It is considered that the proposal is acceptable in principle and would be in accordance with policy LP2 of the Central Lincolnshire Local Plan and Policies H1 and H2 of the Cherry Willingham Neighbourhood Plan.

The development would be substantially above the indicative figures within the development plan, even when employing the standard methodology. Nonetheless, the Local Planning Authority should encourage the efficient use of land. A higher number than the indicative threshold should only be a concern if it was to result in other planning impacts. However, it is considered that the site can accommodate a higher number without undue detriment to the prevailing character of the area.

NPPF paragraph 20 states that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

Policy LP2 of the CLLP and H1 of the CWNP are consistent with the NPPF and attached full weight.

Open Space

Policy LP24 of the CLLP states that residential development will be required to provide new or enhanced provision of public openspace, sports and recreation facilities in accordance with the standards set out in Appendix C and in compliance with the latest Central Lincolnshire Developer Contributions Supplementary Planning Document (or similar subsequent document).

Open space, sports and recreation provision requirements should:

a. as first preference be provided on-site in a suitable location. Where on site provision is not feasible or suitable within a local context, consideration of a

financial contribution to the creation of a new facility or the upgrading and improvement of an existing usable facility will be considered as per the criteria set out in the Developer Contribution SPD and in accordance with national legislation;

b. be multifunctional, fit for purpose and support health and outdoor recreation;

c. consider the context of any existing provision and maximise any opportunities for improvement within the wider area where these are relevant to the development of the site;

d. when new provision is provided, have appropriate mechanisms secured which will ensure the future satisfactory maintenance and management of the open space, sports and recreational facility.

Policy OS1 of the CWNP states that new development should provide public open space to development plan standards. New public open space should be designed in a way that ensures that it is:

a) accessible, safe and inclusive to all; and

b) safeguards and enhances the natural environment and local habitats.

2. Where appropriate, the design and layout of the open spaces should allow habitat and species connectivity through linking new open space to existing habitats and green spaces.

A large area of Public Open Space (POS) is indicatively proposed to the eastern extent of the site adjacent the retained copse, providing a soft transition from the open countryside in towards the built area of Cherry Willingham and also opportunities for recreation and biodiversity enhancement. There are also several pockets of incidental open space within the indicative layout which would further these opportunities and improve residential amenity

The Design and Access Statement has extensively addressed the provision of open space and concludes as follows –

Essentially three strands exist; accessibility, quantity/provision and quality. Appendix C of the CLLP amplifies policy LP24 in this regard and requires the provision of, or access to, two types of ‘open space’: Local Useable Greenspace (LUG) (1.5ha/1,000 population in tiers 3- 6 of the settlement hierarchy) and Strategic Formal Playing Fields (SFPF) (1.1ha/1,000 population). 5.16 Applying an indicative occupancy multiplier of 1.7 occupants per 2 bedroom dwelling, 2.3 occupants per 3 bed dwelling, and 2.8 occupants per 4 bed dwelling (as set out in the CLLP Developer Contributions SPD) to the proposed development of 144 dwellings, this equates to an expected occupancy in the order of 320 inhabitants. In turn, this results in a LUG requirement of 0.48ha and SFPF requirement of 0.35ha, being minded of the contents of Appendix C of the CLLP.

The indicative layout envisages a total on-site LUG provision of 0.59 ha, thus demonstrating that the site can accommodate the necessary LUG provision, albeit this will be determined at reserved matters stage.

In terms of SFPF, it is not considered practical to include such provision on-site such that assessment of existing facilities within the locality, given the requirements of Policy LP24 and Appendix C, is necessary to determine whether requests for a commuted sum towards creation of new facilities or the upgrading and improvement of an existing usable facility would be necessary to make the development acceptable in planning terms.

In this regard the background and supporting evidence base to Policy LP24 is set out in the Central Lincolnshire Open Space Audit and Provision Standard Assessment (April 2016). This details the national benchmark standards used in the assessment of quantity and accessibility of playing field provision (for formal sports pitches and outdoor sport) which, it is stated, should be within a 1,200m distance or a walking travel time of 15 minutes. Paragraph 2.47 of the report however states that in rural settlement locations such as this, a 15-20 minute driving time or 15 minute walk is considered reasonable criteria on which to base such assessment, and as such both the specific local provision and that available further afield is considered here.

A specific definition of what constitutes a SFPF site is not explicitly set out within either the Central Lincolnshire Open Space Audit and Provision Standard Assessment (April 2016), which forms part of the evidence base for the CLLP, or the CLLP itself. However, when referring to national provision standard guidance, Table 2 of the 2016 Audit references 'formal sports pitches' and 'all outdoor sport' under the 'Playing Field Provision' heading. Expanding on this further, Appendix A of the Audit provides a description of 'Outdoor Sports Facilities' in terms of large and generally flat areas of grassland or specially designed surfaces, used primarily for designated sports (including playing fields, golf courses, tennis courts and bowling greens) and which are generally bookable. It is therefore considered logical and reasonable to include such facilities for the purpose of this assessment.

Cherry Willingham benefits from two sites which should be classified as SFPF according to the above definition. Firstly, the playing fields located to the rear of Cherry Willingham Primary School are positioned circa 650m to the south of the application site and can be readily accessed from Laburnum Drive and Fern Grove by lit footways. This provision amounts to some 1.9ha in total, comprising a formal football pitch with goal posts and changing facilities as well as a large area of flat grassland which could accommodate further activity. Secondly, land to the west of Croft Lane provides a further two formal football pitches with goal posts, as well as changing facilities. This site is circa 3.3ha in size, resulting in a total provision of approximately 5.2ha. It should also be noted that other indoor

sports facilities present here, including badminton courts, can be booked out and contribute to the sport and recreation facilities available in Cherry Willingham.

When applying the quantity standards set out in Appendix C, it is desirable that such provision serve a catchment population in the order of 4,728 (5.2/0.0011). The entirety of Cherry Willingham and the neighbouring village of Reepham lie within the 1,200m catchment of these sites. Data from the 2011 data demonstrates that the total population of these settlements is 4,421. There is therefore a surplus capacity of some 300 population within these settlements.

Further to this, a significant area including much of the Lincoln Urban Area is accessible within a 15-20 minute drive of the site and that there is therefore a significant number of SFPF sites within this area. Of particular note are pitches associated with the University of Lincoln Sports Centre (0.5ha), Hykeham Tigers Football Club Ground (4.5ha), and OneNK Leisure Centre (6.4ha). Given this and that set out above, there is sufficient the capacity available to satisfy the accessibility standards set out in Appendix C of the CLLP.

In accessibility terms, the provision offered by facilities in Cherry Willingham and the surrounding area therefore has sufficient capacity to accommodate the development in the context of the quantity standards set out at Appendix C of the CLLP.

In qualitative terms, both sites in Cherry Willingham are well established and serve a variety of functions for different age groups. Both are positioned in accessible locations within the village and close to public transport links. Both sites are considered to be well maintained.

Applying the Quality Assessment Criteria set out at Appendix B of the 2016 Audit, it is clear that both sites would score highly in qualitative terms, being that it is:

- Accessible and well connected;*
- Attractive and appealing;*
- Biodiverse supporting ecological networks;*
- Supports active lifestyles, health and wellbeing for a range of age groups; and,*
- Is community supported.*

In view of the above, it is considered that the proposed development would comply with the requirements of Policy LP24 and Appendix C of the CLLP in terms of provision, accessibility and quality and Policy OS1 of the CWNP as well as provisions of the NPPF promoting access to high quality open spaces and opportunities for sport and recreation.

Proposed management and maintenance should be conditioned to ensure long term design objectives, management responsibilities and maintenance schedules for all landscaped areas are achieved.

Highways

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

Criteria in policy H1 of the CWNP states that

e) the scheme provides easy access and movement within the development and avoids making unnecessary barriers to movement between development areas.

f) provides direct access to off street parking that is within the curtilage of the dwelling

The application is in outline including details of the access.

A Transport Assessment has been submitted in support of the application.

This concludes that –

- The development proposals can be summarised as follows:

- Up to 144 residential dwellings;
- Access via Rudgard Avenue; and
- Associated access, parking, landscaping and infrastructure.

- This report has provided a commentary on the existing Site and its conditions. It has demonstrated that with that the Site is in a sustainable location that is accessible with appropriate public transport and pedestrian links. This provision provides future residents with opportunities to travel via alternative modes of transport and minimise trips by the private car.

- A review of the personal injury collision data has been undertaken for the study area, which has shown that there are no specific safety concerns that the proposed development would exacerbate.

- The vehicular access to the Site will be from an extension and upgrading of an existing access point onto Rudgard Avenue. The access has been designed in accordance with Manual for Streets and Lincolnshire Development Roads and Sustainable Drainage Design Approach (2017).

- The predicted development trip generations have been undertaken based on agreed trip rates. The development is predicted to generate 68-72 two-way trips during the network peak hours, see table below -

Table 5.2 Proposed Trip Generation

Time Period	Total Vehicular Trip Generation (144 dwellings)		
	Arrivals	Departures	Total
AM Peak 08:00-09:00	19	53	72
PM Peak 17:00-18:00	47	21	68

- The development will not result in a material or severe impact at existing off site junctions within the study area with traffic volumes below 30 two-way trips during both the AM and PM peak hours in the majority of cases.
- Trips at the Croft Road/Church Lane/High Street junction will slightly exceed the 30 two way trip threshold however the majority of additional trips will occur on the through flow, which will not result in either a material or severe impact on the junction performance.
- A capacity assessment of the Croft Lane/Rudgard Avenue priority junction confirms that it can adequately accommodate the proposed development at the proposed design year of 2026 incorporating background traffic growth.
- From the work undertaken it is concluded that there are no reasons on highways or transport grounds why the development Site should not be granted outline planning permission for residential purposes.

The Highways and Lead Local Flood Authority (HLLFA) have been consulted on the application and have stated that the principle of development is acceptable the HLLFA, the likely impact of the development on the existing highway network in terms of additional vehicle trip generation is considered to be acceptable.

They also state that access drawing 20100/GA/01 Rev A dated 24/07/20 is acceptable in principle however the inclusion of tactile crossing points may be required, to be determined at S.38 approval stage. Stopping up of the redundant public highway at the rear of No. 86 Rudgard Avenue will be required. It is requested that an application under the Town and Country Planning Act is made as part of this application.

As layout is a reserved matter the HLLFA have not considered this as part of this application. They offer advice that when an application for reserved matters is made to consider the guidance laid out in Lincolnshire County Council's Development Road and Sustainable Drainage Approach. Adequate off road parking will be required for all plots. However, a condition is recommended to be included for a parking strategy.

An upgraded crossing point in the form of tactile paving will be required on Rudgard Avenue outside No. 1 and 102, this can be conditioned.

Travel Plan

A Travel Plan has been submitted in support of the application.

A Travel Plan (TP) is a package of measures tailored to the needs of individual sites, aimed at promoting greener, cleaner travel choices and reducing the reliance on the car. It involves the development of a set of mechanisms, initiatives and targets that together can enable a development to reduce the impact of travel and transport on the environment, whilst also achieving a number of other benefits for residents.

The highways team have been consulted on the Travel Plan.

They consider that the measures suggested are mainly promotion based. The Travel Plan is generally good and includes some informative tables and images. However it lacks in incentives (for a site of this size) and the proposed target is not considered 'stretching'.

They have given comments and considerations for an amended travel plan. A final Travel Plan can be conditioned.

A sum of £5000 will be required for the future monitoring of the approved Travel Plan and can be secured by s106.

The proposal subject to conditions is considered to be in accordance with policy LP13 of the CLLP and policy H1 of CWNP.

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

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

Policy LP13 of the CLLP and H1 of the CWNP are consistent with the NPPF and should be attached full weight.

Infrastructure

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

Infrastructure

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

infrastructure implications of a scheme; not just those on the site or its immediate vicinity. Conditions or planning obligations, as part of a package or combination of infrastructure delivery measures, are likely to be required for many proposals to ensure that development meets this principle.

Consideration must be given to the likely timing of infrastructure provision. As such, development may need to be phased either spatially or in time to ensure the provision of infrastructure in a timely manner. Conditions or a planning obligation may be used to secure this phasing arrangement.

Developer Contributions

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

LCC Education have been consulted and have no comments to make on this application in relation to education as there is currently projected to be sufficient capacity in the locality for this scheme.

The NHS have been consulted and state that the above development is proposing 144 dwellings which, based on the average of 2.3 person per dwelling for the West Lindsey District City Council area, would result in an increase in patient population of 331.

Therefore, an increase in population of 331 in the West Lindsey District Council area will place extra pressure on existing provisions, for example- extra appointments requires additional consulting hours. This in turn impacts on premises, with extra consulting/treatment room requirements.

Due to the location of the development the 2 practices that would be impacted the most are Nettleham Medical Practice and Glebe Park Surgery Practice.

The contribution requested for the development is £91,080 (£632.50 x 144 dwellings).

This can be secured by s106 planning obligation.

The NHS has subsequently confirmed that the contribution will be solely for the purposes of additional clinical space at Nettleham Medical Practice.

A contribution for the railway crossing has been requested by Network Rail (£1900). This can also be secured by s106.

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

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

Affordable Housing

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

25% of the proposed development is proposed for affordable housing. On a site of up to 144 dwellings, this would amount up to 36 affordable dwellings.

The type of Affordable Housing is proposed as follows -

60% of the Affordable Dwellings designated as Affordable Rented Housing;

15% of the Affordable Dwellings designated as Shared Ownership Affordable Housing;
and

25% of the Affordable Dwellings designated as First Homes

This will be secured by s106 planning obligation.

The proposal would be in accordance with policy LP11.

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

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

Flood Risk and Drainage

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

LCC Highways and Lead Local Flood Authority have been consulted on the application and a summary of their comments is below -

- SuDS are expected to be considered for the management of the surface water.
- Discharge to the adjacent watercourse should be limited to the greenfield runoff rate.
- Flood risk should not be increased within the site or to the surrounding area and flows resulting from rainfall in excess of the 1 in 100 year rainfall event, are to be managed in exceedance routes that minimise the risks to people and property, allowing for 40% climate change.

Following the inclusion of swales within the drainage proposals, additional SuDS features were requested on 22 November 2021. Permeable paving/gravel driveways and a lagoon/mini wetland (submitted 28 March 2022) were further added to the drainage strategy to provide additional SuDS attenuation and treatment.

Following guidance from authorising bodies a hybrid drainage solution is proposed –

- A below ground attenuation tank is proposed, in addition to a lagoon, to enable the use of the public open space by local residents. Whilst the tank will provide the majority of the attenuation, the still conditions within the structure will allow the settlement of solids providing primary treatment during high flow conditions. The swales and lagoon will provide treatment to the surface water runoff close to the source whilst still attenuating small to medium volumes
- The combined strategy of sub-surface (Tank) and surface (Swale and Lagoon) drainage provides a troika SuDS solution addressing: Quantity (volume stored in all the drainage structures), Quality (treatment within the swales and lagoon) and Amenity/Biodiversity (within the Lagoon), whilst still allowing local residents to benefit from a large communal and recreational open space

A sustainable drainage solution has been proposed as part of the drainage design, which incorporates the use of multiple and appropriate SuDS features: swales and lagoon.

The combined strategy of sub-surface (Carlow Tank) and surface (Swale and Lagoon) drainage complies with Lincolnshire County Council's design guidance. Subsequent to previous documents / submissions, Anglian Water have now confirmed that they will adopt Carlow Tanks, removing any concerns about future maintenance.

Previous submissions have already added additional SuDS features to the original design; permeable paving / gravel driveways (January 2022) and a lagoon / mini wetland (March 2022).

To minimise the POS land-take the attenuation structures have been designed as follows

- 2.4 m deep and 708.3 m² plan area attenuation tank (Carlow), providing 1,700 m³ attenuation.
- 0.8 m deep and 470 m² plan area (footprint) lagoon/mini wetland providing 100 m³ storage (minimum 68.4 m³ treated attenuation).

- The remaining attenuation volume is provided within the hybrid surface water conveyance network of pipes and swales. The footprints of these structures are constrained by the need to ensure necessary offsets (easements) between them and the surrounding properties and highways. The swale and lagoon/mini wetland enhance the biodiversity while still allowing the effective use of the POS area in accordance with LCC's design guidance.

The site is within Flood Zone 1 (low probability) and is not at significant risk of flooding from any source.

Foul effluent discharge will need to be pumped to the 150 mm public foul crossing the site.

The foul drainage will be offered for adoption to Anglian Water.

It is considered that the proposal would be in accordance with policy LP14.

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

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

Policy LP14 is consistent with the NPPF and is attached full weight.

Noise

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.

A noise report has been submitted with the application.

This concludes that a noise assessment has been carried out to establish the impact of noise affecting the proposed residential development at Rudgard Avenue, Cherry Willingham, Zone A.

The assessment has demonstrated that acceptable internal ambient noise levels can be achieved at the site, as per the guidance and standards set out by WHO and BS 8233. Acceptable internal ambient noise levels can be achieved by implementing the proposed scheme of mitigation.

Noise in external amenity spaces has also been assessed and mitigation recommended such that acceptable noise levels can be achieved at the site, in line with the guidelines set out by WHO and BS 8233.

It is recommended to condition the noise mitigation measures.

Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments:

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 users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

LP26 is consistent with NPPF and is attached full weight.

Ecology

Policy LP21 states that all development should:

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

Proposals for major development should adopt an ecosystem services approach, and for large scale major development schemes (such as Sustainable Urban Extensions) also a landscape scale approach, to biodiversity and geodiversity protection and enhancement identified in the Central Lincolnshire Biodiversity Opportunity Mapping Study.

Development proposals should create new habitats, and links between habitats, in line with Biodiversity Opportunity Mapping evidence to maintain a network of wildlife sites and corridors to minimise habitat fragmentation and provide opportunities for species to respond and adapt to climate change.

Development should seek to preserve, restore and re-create priority habitats, ecological networks and the protection and recovery of priority species set out in the Lincolnshire Biodiversity Action Plan and Geodiversity Action Plan.

Development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings.

An ecology survey has been submitted as part of the application.

This concludes that no mitigation is required for the loss of the arable-cultivated land habitat to the development, including the rough grass areas and headlands, small dry ditches and the re-growing cut remnant hedge between the two fields.

The sketch housing layout (plan reference 1930/03/01B) given in Appendix 1, shows that the mature ash tree and mature field maple tree on the southern boundary are retained.

The copse will not be developed so mitigation is not relevant for this habitat.

The only mitigation required for plant species is that for the corn spurrey, and, although not a protected species, this is considered to be desirable on account of the Vulnerable status of the species in Britain. This is an annual plant of arable land and disturbed ground, and as such it would not survive on the site post-development, since there would be no suitable habitat remaining. Corn spurrey could not survive in, for example, open space grassland with a closed turf or within the copse woodland. It is not practical for the development to retain an area of open disturbed ground for the corn spurrey.

Therefore since the plant is an annual it is proposed to collect top soil from the part of the eastern field where it occurs, since this would have seeds and possibly plants (depending on the time of year) and translocate to a suitable receptor site. This would need to have light sandy soils and be either open vegetation or be disturbed to give the required open ground for the corn spurrey. Translocation of the corn spurrey could be done at any time of year and it is a standard ecology procedure for mitigation.

A suitable receptor site would be a nearby arable field off-site to the south which is in the ownership of Taylor Lindsey.

No mitigation is needed for invasive alien plants since none occur.

Enhancements

Enhancements for habitats would be to plant a mixed native tree and shrub species hedge along the currently open parts of the southern and eastern boundaries. This enhancement would help to define the development against the adjacent farmland and provide habitat for wildlife in general. The sketch housing layout plan shows habitat enhancements in the form of tree and hedge plantings on the site amongst the proposed new dwellings and at the proposed areas of public open space; and in addition there are proposed grassy drainage swales. These would all benefit wildlife in general. No habitat enhancements are proposed for the copse.

There are no constraints to the proposed development from badgers, otters, water voles, white-clawed crayfish, reptiles, breeding or sheltering great crested newts, barn owls, or roosting bats, or hares or hedgehogs.

It is considered that foraging and commuting bats are not a constraint to the development. This is because the copse and the line of trees and shrubs along the railway, which are the habitats most likely to be used by bats, would remain in situ because they are to be retained or they are rooted off-site on the railway land, so the sheltered habitat feature provided by them could still be used by bats post-development.

Trimming of overhanging branches of railway trees to facilitate the development, if needed, would not significantly affect the use bats would make of the site.

The site has very little habitat which could be used by nesting birds, and this is limited to the few mature trees, and the shrubs etc along the boundary ditches, and the copse. The remnant hedge on the boundary between the two fields would not support nesting birds since it is too low and open. Therefore, unless any further habitats are required to be cleared from the site, it is considered that nesting birds are not a constraint to the proposed development. This constraint only applies during the bird breeding season, which is roughly March to August inclusive. Nesting birds are not a constraint outside the breeding season ie: September to February inclusive.

No enhancements are necessary for badgers, otters, water voles, whiteclawed crayfish, reptiles, breeding or sheltering great crested newts, barn owls, or hares.

The habitat enhancement discussed above for tree and shrub planting along the open parts of the eastern and southern boundaries would benefit foraging and commuting bats since when the plantings had grown up they would provide a sheltered corridor along which bats could fly.

An enhancement for roosting bats would be to provide some bat roosting boxes for attachment to the main trunks of some of the multi-stemmed ash trees in the copse. Similarly, bird nesting boxes could be attached to trees in the copse.

The enhancements can be conditioned.

The proposal, subject to an enhancement condition would be in accordance with policy LP21.

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

Policy LP21 is consistent with the NPPF and is attached full weight.

Other matters

Devaluation of property is not a material consideration.

Construction hours will be conditioned.

Network Rail have requested a condition for landscaping. However, landscaping is a reserved matter and details will be provided a reserved matters stage.

Conclusion

The proposal is on allocated site CL1179 of the Central Lincolnshire Local Plan and H1 of the Cherry Willingham Neighbourhood Plan. The indicative plan shows that 144 dwellings sit comfortably within the site with ample gardens, adequate parking levels and appropriate open spaces.

Whilst the site has an indicative number of dwellings, this figure is not a ceiling or cap on the number of dwellings for the site.

It is considered that the proposal is acceptable in principle and would be in accordance with policy LP2 of the Central Lincolnshire Local Plan and Policies H1 and H2 of the Cherry Willingham Neighbourhood Plan.

The likely impact of the development on the existing highway network in terms of additional vehicle trip generation is considered to be acceptable. The proposal is considered to be in accordance with policy LP13 of the Central Lincolnshire Local Plan.

The proposal includes a drainage strategy and whilst the method of disposal is acceptable a full and detailed drainage strategy will still need to be determined. Conditions can secure this and subject to these conditions the proposal would be in accordance with policy LP14 of the Central Lincolnshire Local Plan.

The proposal would provide the full contribution to affordable housing. The proposal is therefore in accordance with policy LP11 of the Central Lincolnshire Local Plan.

The proposal would provide the full contribution to health. The proposal is therefore in accordance with policy LP12 of the Central Lincolnshire Local Plan.

The noise assessment has demonstrated that acceptable internal ambient noise levels can be achieved at the site. Acceptable internal ambient noise levels can be achieved by implementing the proposed scheme of mitigation.

Noise in external amenity spaces has also been assessed and mitigation recommended such that acceptable noise levels can be achieved at the site. Mitigation measures can be conditioned. It is considered the proposal would be in accordance with policy LP26.

The application has been submitted with an ecological statement which has included mitigation measures. Subject to conditions to be in accordance with this mitigation, the proposal would be in accordance with policy LP21 of the Central Lincolnshire Local Plan.

Subject to conditions it is considered the proposal would be acceptable and would not have a detrimental impact on the character of the area, highway safety/capacity, ecology, flood risk and drainage in accordance with policies LP1, LP2, LP3, LP9, LP10, LP11, LP12, LP13, LP14, LP17, LP21, LP24, LP26 and LP52 of the Central Lincolnshire Local Plan and Policies H1, H2, OS1, OS2 and D1 of the Cherry

Willingham Neighbourhood Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance.

The application is 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 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

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

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

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

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

4. Reserved matters application shall include details of a suitable trespass proof fence adjacent to Network Rail’s boundary (approx. 1.8m high) and provide details provision for its future renewal and maintenance.

Reason: The safety, operational needs and integrity of the railway.

5. In order to demonstrate the correct amount of parking, reserved matters application shall include a parking strategy, to be agreed in writing by the Local Planning Authority, detailing all parking spaces to be provided on site and how this satisfies current Local and Neighbourhood Policy.

Reason: To ensure adequate parking provision is provided in the interests of amenity and highway safety.

6. In order to demonstrate a sufficient housing mix, reserved matters application shall include a plan of housing types to be agreed in writing by the Local Planning Authority.

Reason: In order to help support the creation of mixed, balanced and inclusive communities in accordance with policy LP9.

7. No development shall take place until a surface water drainage scheme for the site based on sustainable urban drainage principle and an assessment of the hydrological and hydrogeological context of the development has submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be agreed with the Internal Drainage Board;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

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

8. No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include;

- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;

- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

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

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.

9. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project 2 Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority

Reason: The safety, operational needs and integrity of the railway.

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

10. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority. The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to greenfield rates;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development.

11. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

12. Construction works shall only be carried out between the hours of 08:00 and 18:00 on Mondays to Fridays; 09:00 and 13:30 Saturdays, and no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings in accordance with LP26 of the Central Lincolnshire Local Plan.

13. The development shall be carried out in accordance with the mitigation measures contained within the Noise Assessment by Spectrum Acoustic Consultants dated 27.04.2020.

Reason: In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

14. The development shall be carried out in strict accordance with the mitigation measures within the Ecology Report 2020/09/597 by Tim Smith.

Reason: To safeguard wildlife in the interests of nature conservation in accordance with policy LP21 of the Central Lincolnshire Local Plan

15. No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of an upgraded crossing point in the form of tactile paving on Rudgard Avenue, outside No. 1 and 102, has been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

16. The permitted development shall not be occupied until those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

17. Detail of any external lighting shall be submitted to and approved in writing by the Local Planning Authority to be approved in conjunction with Network Rail.

Reason: The safety, operational needs and integrity of the railway.

18. Prior to occupation of any dwelling, details of the proposed management and maintenance of the open space and landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. Management and maintenance shall be in accordance with these approved details.

Reason: In the interest of the amenity of the locality in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan and policy OS1 of the Cherry Willingham Neighbourhood Plan.

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

None

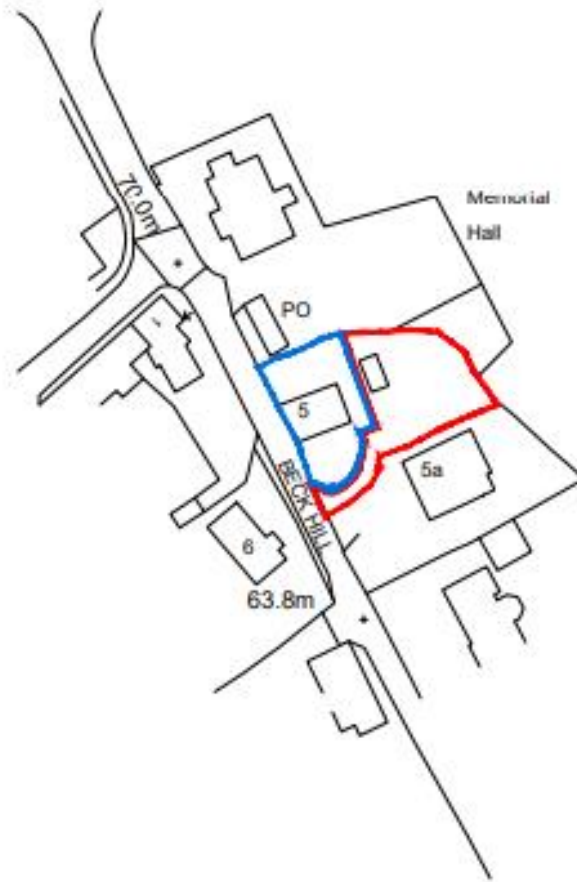
Human Rights Implications:

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

Legal Implications:

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

Agenda Item 6d



SITE LOCATION PLAN
scale 1:1250

Officers Report

Planning Application No: 145118

PROPOSAL: Planning application to erect 1no. dwelling - resubmission of 143877

LOCATION: Land adj 5 Beck Hill Tealby Market Rasen LN8 3XS

WARD: Market Rasen

WARD MEMBER(S): Cllr McNeil, Cllr Bunney, Cllr McCartney

APPLICANT NAME: Mr Nik Ferrier-Hanslip

TARGET DECISION DATE: 12/08/2022

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Grant permission

The application is presented to the planning committee due to the planning history of the site.

Description:

The application site comprises the rear garden of no. 5 Beck Hill. The site is within Tealby Conservation Area and is within the setting of The Brick House, a grade II listed house. To the east of the site is a play park and garden to Tennyson d'Eyncourt Memorial Hall which is covered by a woodland group TPO. The rest of the site is surrounded by a mix of modern and traditional dwellings. The site is also located within an Area of Outstanding Natural Beauty.

The application seeks permission to erect a detached 3 bedroomed dwelling with accommodation spread over 2 floors.

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:

139079 - Planning application to erect 1no. dwelling, Refused, 10/5/19 for the following reasons –

1. The proposal will have an adverse impact on the street scene as it is considered to be over development of the site in terms of its design, siting, scale and mass. It would dominate the host cottage and neighbouring bungalow causing harm to the

setting and context of the Conservation Area. The proposal is therefore contrary to the NPPF and policies LP17, LP26 and LP25 of the Central Lincolnshire Local Plan.

2. No Tree Survey has been submitted as part of this application. Without this information it is considered that the proposal has the potential to harm the trees adjacent to the site that are subject to a Tree Preservation Order. These trees are important in the street scene and to the public park area to the rear of the site. The impact of any tree loss would have a detrimental impact on the character and amenity of the area, and the dwelling would intrude into the green character of the area. The development is therefore contrary to the NPPF and policies LP17 and LP26 of the Central Lincolnshire Local Plan.

It was then dismissed at appeal, 29/10/19. Grounds for refusal summarised below:

‘...due to its height and form, it would appear similar if not larger in scale than No 5 when viewed from the street and dominant over the adjacent bungalow

at No 5A where a jarring disparity in height would be evident.’

‘In terms of layout, the proposal would result in a new dwelling with limited garden space and a much reduced garden to No 5, in contrast with the site surroundings which are generally characterised by dwellings set in spacious plots with mature gardens providing an attractive, verdant character to the CA. Given the size of the proposed dwelling and its proximity to Nos 5 and 5A, it would appear squeezed between the existing buildings in a contrived manner, with loss of existing planting and insufficient space for meaningful new planting, particularly trees. In this regard, there would be conflict with the requirements of the Tealby Village Design Statement.’

‘As a result of its composition and orientation, the dwelling would appear discordant in comparison to the attractive symmetry of the front elevation of No 5.’

140646 – Pre-application for 1 dwelling

143877 - Planning application to erect 1no. dwelling, Refused at Planning Committee, 31/3/22 refused for the following reason –

The proposed dwelling would result in the over-development of the site. It would, as a result of its scale, mass and positioning, be overbearing and would result in harm to the prevailing character and amenity of the surrounding area. This would be contrary to LP17 and LP26 of the Central Lincolnshire Local Plan

Representations:

Chairman/Ward member(s): None received

Parish/Town Council/Meeting: Object *‘The balance of the proposed development has no windows to the west facing elevation, visible from Beck Hill, however has 2 sets of patio doors directly overlooking the neighbouring residence. Tealby Parish Council feel that the size of the development, (a side garden), is not large enough to accommodate an additional dwelling, with lack of space for manoeuvring vehicles, without having to reverse out onto the public highway.’*

Local residents:

9 letters of **support** from 1b Orchard Close, Tealby, 1 Church Lane Tealby, 24 and 36 Front Street Tealby, 1 and 15 The Smooting and 8 Barff Meadow, Glenthams.

1 letter of **objection** received from Lark Rise, Beck Hill:

On-line comments from the Assessment of Significance and from the Local Highways Dept refer to a “shared” driveway. The driveway is NOT shared but is owned by me. There is a Right of Way over my driveway to No. 5 Beck Hill. The Right of Way (title no. LL 83303) specifically states that it is for the use of one dwelling house (ie 5 Beck Hill). This Right of Way therefore cannot be used for access to a second dwelling. In addition I am concerned that any development will infringe on my privacy due to the elevation of the site.

LCC Highways: No objections, request informative

Archaeology: *‘The proposed development is located within the core of the historic settlement of Tealby. The village of Tealby was recorded as a large settlement in early medieval documentation, with multiple manors recorded at 1086. The village appears to have thrived during the medieval period, with little impact from the Black Death, but suffered a decline in the post medieval period lasting into the 19th century. The proposed development is on one of the village’s historic streets in an area where former settlement remains might be expected. This means that there is a high potential for it to destroy archaeology that could provide evidence about the village’s history and development.’* Request Scheme of Archaeological Works condition.

Conservation Officer: The Conservation Officer was involved throughout the pre-application discussions on the previously refused application where advice was given on the design and detailing of the dwelling. No objections have been raised to the amended plans.

Idox: Checked 12/8/22

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy
LP3 Level and Distribution of Growth
LP4 Growth in Villages
LP13 Accessibility and Transport
LP17 Landscape, Townscape and Views
LP25 The Historic Environment
LP26 Design and Amenity

**With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2 is consistent with NPPF section 2 as they both seek to deliver sustainable growth. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP25 is consistent with section 16 of the NPPF as it seeks to conserve and protect the historic environment. LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.*

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

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

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in July 2021. Paragraph 219 states:

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

- **National Planning Practice Guidance**
- *National Design Guide (2019)*
- **Listed Building Legal Duty**
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- **CA Legal Duty**
Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Draft Local Plan / Neighbourhood Plan (Material Consideration)

Parish not currently preparing a NDP.

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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)

Consultation responses can be found in document STA022 Reg 19 Consultation Responses by policy / STA023 Reg 19 Consultation Responses by respondent.

Main issues

- Principle and background
- Impact on residential amenities
- Impact on streetscene/conservation area
- Impact on listed building
- Highways
- Impact on trees
- Other matters

Assessment:

Principle and background

Planning permission was refused at Planning Committee in March this year for 1 dwelling on the site. It was refused for the following reasons:

'The proposed dwelling would result in the over-development of the site. It would, as a result of its scale, mass and positioning, be overbearing and would result in harm to the prevailing character and amenity of the surrounding area. This would be contrary to LP17 and LP26 of the Central Lincolnshire Local Plan.'

The proposed application has been submitted to try and address the reasons for refusal by:

- Removing basement level
- Reducing height of dwelling; main ridge height by 300mm and rear projection by 610mm
- Reducing length by 2m
- Reducing length of 2 storey element by 400mm
- Reducing overall floor area from 251sqm to 142sqm (44% reduction)

- Repositioning of building to provide additional garden area

Policy LP2 designates Tealby as a 'Medium Village' within the settlement hierarchy in which unless otherwise supported via a neighbourhood plan or through the demonstration of clear local community support (neither of which apply here), it will accommodate development proposals on sites of up to 9 dwellings in appropriate locations. To qualify as an appropriate location, the site, if developed, would:

- Retain the core shape and form of the settlement
- Not significantly harm the settlements character and appearance; and
- Not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.

However policy LP2 also states that throughout this policy the term 'developed footprint' if a settlement is defined as the continuous built up area of the settlement and excludes;

- a) individual buildings or group of dispersed building which are clearly detached from the continuous built up area of the settlement;
- b) gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built up area of the settlement
- c) agricultural buildings and associated land on the edge of the settlement; and
- d) outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.

Policy LP4 permits 15% growth for Tealby with the remaining growth (as of 15th July 2022) considered to be 16 dwellings. Therefore the proposal would not exceed the anticipated growth. LP4 sets a sequential test for site development as follows;

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

The site is garden land and is considered to fall within tier 3, a greenfield site at the edge of the settlement. The site is within the developed footprint of the village. Therefore the proposal is deemed to be in an appropriate location as it retains the core shape and form of the settlement and does not significantly harm the settlement's character and appearance.

Development is deemed to accord with policies LP2 and LP4.

Impact on residential amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance. The policy also applies to future occupants of development proposals under consideration.

The site is located to the rear of no. 5 Beck Hill, a detached stone cottage and is directly adjacent no. 5a, a detached bungalow.

The proposed dwelling is in a 'T' shape, with accommodation provided within the roofspace of part of the dwelling with a ridge height of 6.7m and eaves height of 3.4m, the other section will be set at a height of 4.4m and have a ridge height of 2.6m.

Garden areas to the front and rear of the host dwelling will remain and the proposed dwelling will have adequate outdoor amenity space surrounding it. Concerns have been raised by Lark Rise Beck Hill with regards to overlooking. The site is to be lowered and the dwelling only has one, small, first floor window, serving a bedroom, in the gable end facing over the front of the bungalow and its driveway. There are several ground floor windows facing Lark Rise, however these windows look onto a mature laurel hedge which runs along the shared boundary with Lark Rise.

Therefore it is considered that due to its siting, orientation with neighbouring dwellings and positioning of windows it is considered there would not be any undue adverse effects on the residential amenity of no's 5 and 5a Beck Hill.

Impact on streetscene/conservation area

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

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

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

The application site is located within Tealby Conservation Area, in the setting of Listed Buildings and in an Area of Outstanding Natural Beauty (AONB).

The Tealby Conservation Area (the CA) covers the older parts of the village, with All Saints Church the focal point a short distance to the north of the appeal site. The CA Appraisal (1992) states that the village owes much of its charm to its natural setting, the informal nature of its street pattern, the overall looseness of its development and the unspoilt character of the older part of the settlement.

An Assessment of Significance and supporting statement has been submitted with the application which has identified the nearby heritage assets and assessed the impact of the new dwelling upon them.

Following the refusal of applications 143877 amendments have been made to the size, scale and design of the proposed dwelling attempting to overcome the reasons for refusal at committee.

The site slopes up towards the north east and concerns were previously raised regarding the height and form of the proposed dwelling as *'it would appear similar if not larger in scale than No 5 when viewed from the street and dominant over the adjacent bungalow at No 5A where a jarring disparity in height would be evident'*. Cross sections have been provided with this application which show the ground levels of the proposed and host dwelling. The plans show it being subservient to the host dwelling having its ridge and eaves heights set below that of the host dwelling and given its size, scale and position it will not dominate the adjacent bungalow, Lark Rise, Beck Hill.

Concerns have been raised with regards to over-development of the site. The Planning Inspector previously said *"In terms of layout, the proposal would result in a new dwelling with limited garden space and a much reduced garden to No 5, in contrast with the site surroundings which are generally characterised by dwellings set in spacious plots with mature gardens providing an attractive, verdant character to the CA."* It is accepted that the host dwelling will have a reduced garden area, however it will retain a front garden and rear patio area with parking alongside for 2 vehicles and due to the reduced size of the proposed dwelling it is considered that the proposed dwelling has sufficient amenity space around it, along with parking space.

The proposed dwelling is to be constructed from traditional materials, including stone with brick detailing and a pantile roof. This is considered acceptable as Tealby is a predominantly stone built village.

It is considered that due to its size, scale and appearance the proposed dwelling will not dominate the host or neighbouring property and will not appear prominent when viewed from Beck Hill.

It is therefore considered that due to its design, siting, scale and mass the proposed dwelling relates well to its context and will not cause harm to the streetscene and Conservation Area or AONB. The proposal is considered to be in accordance with the NPPF and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

Impact on listed building

The site is located near to a Grade II listed building, No.1 Brick House, located to the north west of the site.

Local policy LP25 of the CLLP states that *'Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire'* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of LP25 it states that *'Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building'*.

Guidance contained within Paragraph 189 of the NPPF states that *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'*.

Paragraph 193 states that *'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*

The application has included the submission of a Statement of Significance. This has identified the heritage assets and provided an assessment of the impact. The nearest listed building is No.1 Brick House, Grade II listed, which is located to the north west of the site. The submitted Statement of Significance states that *'The study area is not expected to be visible from this building due to the sloping topography and location of the village shop building between the two sites.'*

The Conservation Officer has raised no objections to the proposal.

It is considered that due to the size, scale and massing of the proposed dwelling it will not cause harm to the nearby listed building in accordance with policy LP25 of the CLLP.

Highways

The block plan shows parking arrangements for the dwellings. Access is to be via the existing access to the host dwelling and parking for the host dwelling will be along the east boundary. Parking for the proposed dwelling will be along the south east boundary. Both parking will provide two spaces. Concerns have been raised by the Parish Council and neighbouring residents regarding highway issues. The highways officer has viewed the plans and has raised no objections to the proposal.

It is therefore considered that the proposal accords with policy LP13 of the CLLP.

Impact on trees

Directly to the east of the site is a group TPO (Tree Preservation Order)/Woodland Tealby 1954 however the Tree Officer has confirmed that none of the trees within or adjacent to the site are covered by a TPO, they are all within the Tealby conservation area, adding to the character of the area. An Arboricultural Report and Impact Assessment has been submitted with the application. This identifies all trees on and adjacent to the application site along with their retention category, life expectancy and current condition.

The Tree Officer has stated that 'Although the report says when T3 is considered collectively alongside trees T4 to T7, the loss of amenity by the removal of T3 will be significantly reduced (as T4 to T7 will still be there). However, if a dwelling is built in the intended position, the impact on visual amenity would not just be the loss of T3, because in views from Beck Hill, views of sycamores T5 to T7 would be blocked by the new dwelling, leaving just T4 still visible along with the few trees next door at 5A Beck Hill. In effect, removing the visual amenity of T5 to T7 currently seen in the above photo. Please note that T5 to T7 are also low quality category C trees, that would receive permission to be removed if a tree application were to be made for their removal! Collectively the trees do provide good visual amenity to the area, but we also need to consider their current condition and BS cascade chart category C.' The Tree Officer goes on to say that she has no objections to the proposals, 'providing the recommendation within the Watson Lindsey Arboricultural Report & Impact Assessment are followed.' Therefore on balance and subject to conditions it is considered that the impact of the proposed dwelling on the existing trees on and adjacent the site is acceptable in accordance with policies LP17 and LP26 of the CLLP.

Other matters

- A comment has been received regarding the access to the site and that 'The driveway is not a shared drive. Applicants only have 'Right of Way' over it.' The agent has confirmed that this is correct and the applicants have a right of way over the driveway.

Conclusion

The proposal has been considered against the Development Plan namely policies LP1: A presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP4: Growth in Villages, LP13: Accessibility and Transport, LP17: Landscape, Townscape and Views, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan along with advice given in the National Planning Policy Framework and the National Planning Practice Guidance. The proposed dwelling would be in an appropriate location with no unacceptable impacts considered to arise on adjoining residential amenities or on highway safety and will not have a harmful visual impact on the site, the surrounding area or the Area of Outstanding Natural Beauty and will preserve the character and appearance of the Tealby Conservation Area and the setting of nearby listed buildings.

Recommended conditions:

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

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

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

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

2. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority (see notes to applicants below). The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme, at least 14 days before the said commencement. This scheme shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.

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

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

3. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 2.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and policy LP25 of the Central Lincolnshire Local Plan.

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

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and policy LP25 of the Central Lincolnshire Local Plan.

5. The report referred to in condition 4 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and policy LP25 of the Central Lincolnshire Local Plan.

6. No development, other than to foundations level, shall take place until full details (and samples) of all external materials) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and retained thereafter.

Reason: To ensure the use of appropriate materials within the Conservation Area in the interests of the character and appearance of the site and its surroundings which include listed buildings in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

7. No development, other than to foundations level, shall take place before a sample panel of the stone and brick work, of no less than 1 metre square, has been constructed on site and approved in writing by the Local Planning Authority. The samples shall utilise local stone, which shall match the existing host dwelling exactly in terms of colour, texture, size of masonry components, coursing, and also the colour and texture of the mortar, which shall match the original pointing on the host dwelling in all respects. New brickwork shall consist of a new handmade red brown brick and not reclaimed bricks. The sample shall be located on site and maintained for reference for the duration of the construction of all the walls. Once approved the development shall be constructed in strict accordance with the approved panels.

Reason: To ensure the use of appropriate materials within the Conservation Area in the interests of the character and appearance of the site and its surroundings which include listed buildings in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

8. Rainwater goods shall be traditional in design, half round, coloured black, spike fixed rise and fall gutters and shall thereafter be maintained and retained.

Reason: To ensure the use of appropriate materials within the Conservation Area in the interests of the character and appearance of the site and its surroundings which include listed buildings in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

9. No development, other than to foundations level, shall take place until full details of all new windows and doors have been submitted to and approved in writing by the Local Planning Authority. Details shall include elevations of proposed windows with sections

through horizontally and vertically, showing cill and header details at scale of no less than 1:20, method of opening, glazing bars, colour and finish. The approved details shall be installed in accordance with the approved details and thereafter maintained and retained.

Reason: To ensure the use of appropriate materials within the Conservation Area in the interests of the character and appearance of the site and its surroundings which include listed buildings in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

10. Prior to the installation of any roof covering, full details of the rooflights shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in accordance with the approved details and thereafter maintained and retained.

Reason: To ensure the use of appropriate materials within the Conservation Area in the interests of the character and appearance of the site and its surroundings which include listed buildings in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

11. No development, other than to foundations level, shall take place before full details of all eaves and verge treatments are to be supplied for approval in writing by the LPA prior to any development above ground level.

Reason: To ensure the use of appropriate materials within the Conservation Area in the interests of the character and appearance of the site and its surroundings which include listed buildings in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

12. No development, other than to foundations level, shall take place until details of foul and surface water disposal (the drainage system to be used should include the results of soakaway/percolation tests) have been submitted to and approved in writing by the local planning authority. These details should include a plan showing the position of the drainage and location of the connections to the proposal.

Reason: To ensure adequate drainage facilities are provided to serve the development to accord with the National Planning Policy Framework and Policy LP 14 of the Central Lincolnshire Local Plan.

13. No development, other than to foundations level, shall take place before details of the finish and colour of surface material for the driveways have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and thereafter retained.

Reason: To ensure the use of appropriate materials within the Conservation Area in the interests of the character and appearance of the site and its surroundings which include listed buildings in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

14. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: LDC2848-PL-02A dated December 2019. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework.

15. The development shall commence in accordance with the recommendations contained within the Watson Lindsey Arboricultural Report & Impact Assessment prepared by Watson Lindsey dated 17th January 2022. Specifically with regards to tree protection shown at item 5.5. and in Appendix 3 in the report; Tree-friendly construction methods for parking area base i.e. cellular confinement system, as detailed at item 5.6. and detailed at Appendix 6 in the report; Positions as shown on the Tree Protection Plan at Appendix 8 of the report

Reason: To ensure that the development is carried out in a way which is not detrimental to the health of the trees and the visual amenity of the area in accordance with policy LP17 of the Central Lincolnshire Local Plan.

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

16. Notwithstanding the provisions of Classes A, B, C, D and E of Schedule 2 Part 1, Class A of Schedule 2 Part 2 and Class A Schedule 2 Part 14 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no buildings or structures shall be erected within the curtilage of the dwelling, no fences, gates or other means of enclosure shall be erected or constructed of any gate, fence, wall or other means of enclosure within the curtilage and no solar panels affixed to the dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the setting of the nearby listed buildings and Conservation Area and to accord with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

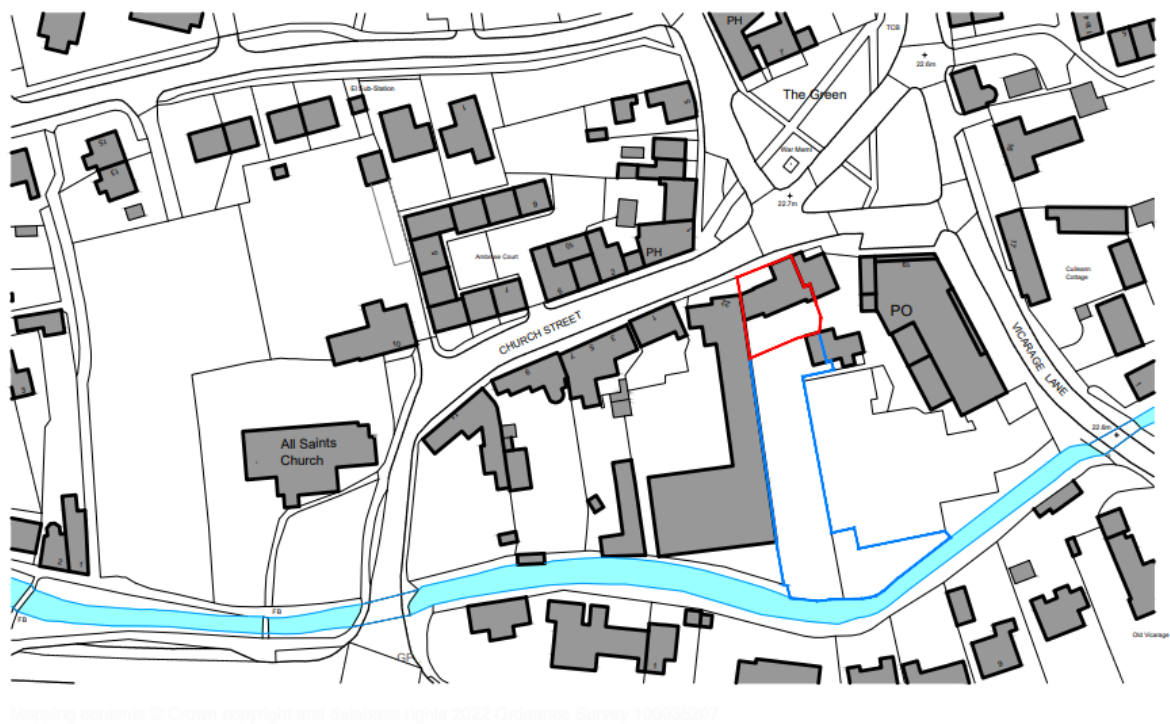
Human Rights Implications:

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

Legal Implications:

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

Agenda Item 6e



Officers Report

Planning Application No: 144930

PROPOSAL: Planning application to refurbish retail unit and sub-divide residential unit to form 1no. apartment over existing retail unit and 2no. dwellings, including first floor extension to infill and cover rear first floor balcony.

LOCATION: Troika 21 The Green Nettleham Lincoln LN2 2NR
WARD: Nettleham

TARGET DECISION DATE: 08/07/2022 (EOT agreed until 19/08/2022)
DEVELOPMENT TYPE: Minor - Dwellings
CASE OFFICER: Daniel Evans

RECOMMENDED DECISION: Grant Permission Subject to Conditions.

This application has been referred to the planning committee in view of the objections from the Parish Council, who consider that the application proposes development that would be contrary to the Nettleham Neighbourhood Plan.

Description:

The application site is a property known as 'Troika' located on The Green within village of Nettleham. The property is a two-storey building with a ground floor retail unit and residential accommodation attached. The site is surrounded by a mix of uses (residential and commercial), typical of the location within the centre of the village.

The site lies within Nettleham Conservation Area and within the setting of several listed buildings such as: 2 The Green (GII), located 22m to the north-west; The Plough Inn (GII), located 17m to the north-west; and, 1 Church Street (GII), located 17m to the west. The site lies within a Minerals Safeguarding Area.

The application seeks permission to refurbish an existing retail unit and sub-divide the existing residential unit to form 1 no. apartment over the existing retail unit and 2 no. self-contained residential units, including infilling of rear first floor balcony area.

Relevant history:

None relevant to the proposal.

Representations:

Chairman/Ward member(s):

No representations received.

Nettleham Parish Council:

- The Parish Council Object to this application.
- There is no off street parking provision in the application. Access is NOT possible through the Beck. The conversion will result in 3 two-bedroom residential units. Under the provisions of the existing Nettleham Neighbourhood Plan Policy D3 each 2 bedroom unit will require 2 parking spaces, therefore 6 spaces in total for the whole development. The plot is in the centre of the Nettleham Conservation Area, which is already subject to traffic congestion.

Local residents:

Objections received from the following properties:

2 The Green, Nettleham

Comments summarised below:

The application seems to make no allowance for off street parking for any of the residential units or shop.

General Observations received from the following properties:

7 Sudbeck Lane, Welton

Comments summarised below:

“To view the planning proposal”

LCC Highways and Lead Local Flood Authority:

Lincolnshire County Council does not have adopted parking standards and considers each application on its own merits. Whilst it is possible that the development may result in more parking demand than previously, there is parking available on the highway in the vicinity and it is therefore not considered that this proposal would result in an unacceptable impact on highway safety.

The proposal is for the refurbishment of one retail unit and sub division of residential unit to form 1no apartment and 2no dwellings and it does not have an impact on the Public Highway or Surface Water Flood Risk.

Conservation Officer:

28/07/2022

I am happy with the changes to return this into a separate retail unit and living spaces as it would have traditionally been. The use of the flat lead effect roof is to be at a high level which would not be easily seen and still allows for the more significant older pantile roof on the main property to be visible on the roofline. This therefore this has a neutral effect on the setting and aesthetic of the property whilst increasing the viability for reuse.

I have no objections to this proposal subject to conditions:

- All external material details must be provided and approved by the LPA, including mortar mix.
- A sample panel 0.5m2 of the Lincolnshire Limestone with to proposed mortar must be made on site and approved prior to any installation of the wall is undertaken.

15/07/2022

This application does not have a heritage statement with it so I cannot make comment until I receive one.

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP10: Meeting Accommodation Needs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP25: The Historic Environment

LP26: Design and Amenity

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

Relevant policies of the NP include:

E-4 – Historic Buildings and the Conservation Area

S-1 – Services and Facilities

- ***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 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 ("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).

Consultation responses can be found in document STA022 Reg 19 Consultation Responses by policy / STA023 Reg 19 Consultation Responses by respondent.

Other Guidance:

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990.

Section 72 of the Planning (Listed Building & Conservation Areas) act 1990.

Main issues

- **Principle of Development**
- **Heritage and Visual Impact**
- **Residential Amenity**
- **Highway Safety and Parking**
- **Other Matters**
 - **Flood Risk**
 - **Minerals**
 - **Household Waste**

Assessment:

Principle of Development

CLLP policy LP2 categorises Nettleham as a tier 4 large village. Policy LP2 outlines that Nettleham will be a focus for accommodating an appropriate level of growth to maintain and enhance its role as a large village which provides housing, employment, retail, and key services and facilities for the local area. Most of this growth will be via sites allocated in the CLLP, or appropriate infill, intensification or renewal within the existing developed footprint.

The application seeks permission to refurbish an existing retail unit and sub-divide the existing residential unit to form 1 no. apartment over the existing retail unit and 2 no. self-contained residential units.

The proposal seeks to reinstate this property to its original form. The previous owners retained the existing retail unit to the ground floor, however interconnected, what would have been an apartment over the retail unit and two separate town houses to the west. The applicant seeks permission to reinstate the properties, refurbishing the existing retail unit and sub-dividing the existing residential unit to form 1 no. apartment over the existing retail unit and recreating the two self-contained residential units.

The proposal will retain the existing retail unit which will preserve the vitality of the retail offer in the centre of Nettleham. Overall, subdivision of this building would represent appropriate intensification within the existing developed footprint of Nettleham and is supported in principle in accordance with LP2.

Heritage and Visual Impact

The site lies within Nettleham Conservation Area and within the setting of several listed buildings such as: 2 The Green (GII), located 22m to the north-west; The Plough Inn (GII), located 17m to the north-west; and, 1 Church Street (GII), located 17m to the west.

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural

or historic interest which it possesses. Setting is more than views, it is how the building is experienced. In addition to this, the site is located within Nettleham Conservation area and therefore Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Policy LP25 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. This aim is echoed within policy E4 of the NP.

This proposal does not seek to alter the existing front/principle elevation of the existing property, therefore retaining its significance within the existing street scene and preserving the character and appearance of the Conservation Area and setting of listed buildings.

A first-floor rear extension is proposed above the single-storey rear element. The materials proposed for the first-floor infill extension are proposed to match the existing in the form of Natural Lincolnshire Limestone and white windows. The roof over the extension is proposed as a rolled lead effect roof.

The scale of the proposed extension is acceptable, together with its proposed design and choice of traditional materials ensures that the character of the Conservation Area is preserved.

The Conservation Officer has recommended that a planning condition be included to secure final details for the proposed materials and a sample panel of facing stonework to ensure quality. These conditions are considered reasonable and necessary and have been agreed with the applicant.

Overall, the proposal is considered to preserve the character and appearance of the Conservation Area and the setting of nearby Listed Buildings. Consequently, it is considered that the proposed works are in accordance with policy LP17, LP25 and LP26 of the CLLP, the guidance contained within the National Planning Policy Framework and the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is considered that policy LP25 is consistent with the historic environment guidance of the NPPF and policy LP17 and LP26 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF. All of which can be attached full weight.

Residential Amenity

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

The NPPF also requires a high standard of amenity to be provided for future users.

There are no concerns in relation to overlooking, over dominance or loss of light over adjoining properties. The outlook from the rear of the property is over an extensive garden to the rear of the property and also over the car park to the neighbouring Co-op store. Outlook to the front is towards the highway and there is suitable separation to properties opposite. The site is located within a village centre location. Any residential use within a town centre location will be subject to some noise and disturbance given the nature of the location. Therefore, there is an element of buyer beware for any future occupants.

Whilst the proposed units would fall short of national space standards, the proposal seeks to reinstate this property to its original form.

Overall, the proposal complies with amenity considerations of policy LP26. Although the units would fall short of national space standards (un-adopted standards), on balance it is considered that this matter would not warrant refusal of the application.

Highway Safety and Parking

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

The proposal does not propose any highway alterations nor are any off-street parking spaces provided.

A local resident and the Parish Council have objected to the development on the lack of proposed parking in this location. The Parish Council have stated that the development is contrary to policy D-3 of the NP which sets out parking standards for *“New Housing”*. The policy states *“New residential developments...”*. This application is not a ‘new residential development’ and the policy is silent in relation to parking standards for developments other than ‘new housing’.

As with many properties that front The Green and Church Street in Nettleham no off-street parking is available. The property in its current form has no dedicated off-street parking. The property does benefit from a right of access to serve the rear of the property however this is over a dedicated pedestrian zone and is protected by a dropped bollard which enables occasional maintenance access to the rear only.

Due to the location within the Nettleham Conservation Area and the historic urban grain within the village centre on street parking is the only available option (as with many other properties in the village centre).

The proposal will likely increase demand for parking in the village centre however it is noted that LCC Highways have stated ***“there is parking available on the highway in the vicinity and it is therefore not considered***

that this proposal would result in an unacceptable impact on highway safety” (emphasis added). Any future users will be required to park in accordance with highway law.

Overall, on balance, in this village centre location it is considered that the proposed parking arrangements are considered acceptable and the proposal will not cause severe highway safety impacts. As such, the proposed arrangements are acceptable and the proposal accords with policy LP13.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

Other Matters

- Flood Risk

The application site lies within flood zone 1 (low risk) Although surrounding land lies within flood zone 3 (high risk), this application is a conversion of an existing building which will not increase flood risk elsewhere.

- Minerals

The site lies within a Minerals safeguarding area. Applications for conversion such as this are exempt from the requirements of policy M11.

- Household Waste

Bin storage is provided to the rear of the buildings which is acceptable.

Conclusion

The proposal has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP6: Retail and Town Centres in Central Lincolnshire, 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 Central Lincolnshire Local Plan and policies E-4 – Historic Buildings and the Conservation Area and S-1 – Services and Facilities of the Nettleham Neighbourhood Plan and Section 72 and Section 66 of the Planning (Listed Building & Conservation Areas) act 1990 in the first instance and guidance contained within the National Planning Policy Framework, the National Planning Practice Guidance.

In light of this assessment it is considered that the proposed conversion within the village centre of the Nettleham is considered to be an appropriate location. The proposal preserves the special character and significance of the building, including the setting of the adjoining listed buildings. The proposal would also preserve the character and appearance of the Nettleham Conservation Area. On balance, in this village centre location it is considered that the proposed parking arrangements are considered acceptable and the proposal will not cause severe highway safety impacts. Therefore, it is recommended that planning permissions is granted subject to the following conditions.

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

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

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

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

None.

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

2. No external alterations shall take place until details of all external and roofing materials (including mortar mix) 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(s) and its surroundings in accordance with policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

3. No external alterations shall take place until, a 1m² (one square metre) sample panel of stonework demonstrating the quality, materials, bond, mortar, coursing, colour and texture shall be constructed on site. The Local Planning Authority shall inspect the above details of the stonework prior to the commencement of the first floor extension and the development shall be carried out in accordance with the approved details. The sample panel shall be retained on site until development is completed or removal is approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the Conservation Area to accord with the National Planning Policy Framework and policies LP25 and LP26 of the Central Lincolnshire Local Plan.

4. Prior to the occupation of the hereby approved dwellings, full details of the treatment of all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the units.

Reason: In the interest of the visual and residential amenity in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

5. 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:

- L-ADD-122 – 08 Rev B

- L-ADD-122 – 09 Rev A
- L-ADD-122 – 10 Rev A
- L-ADD-122 – 11 Rev A
- L-ADD-122 – 12 Rev A

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policy LP17, LP25 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:

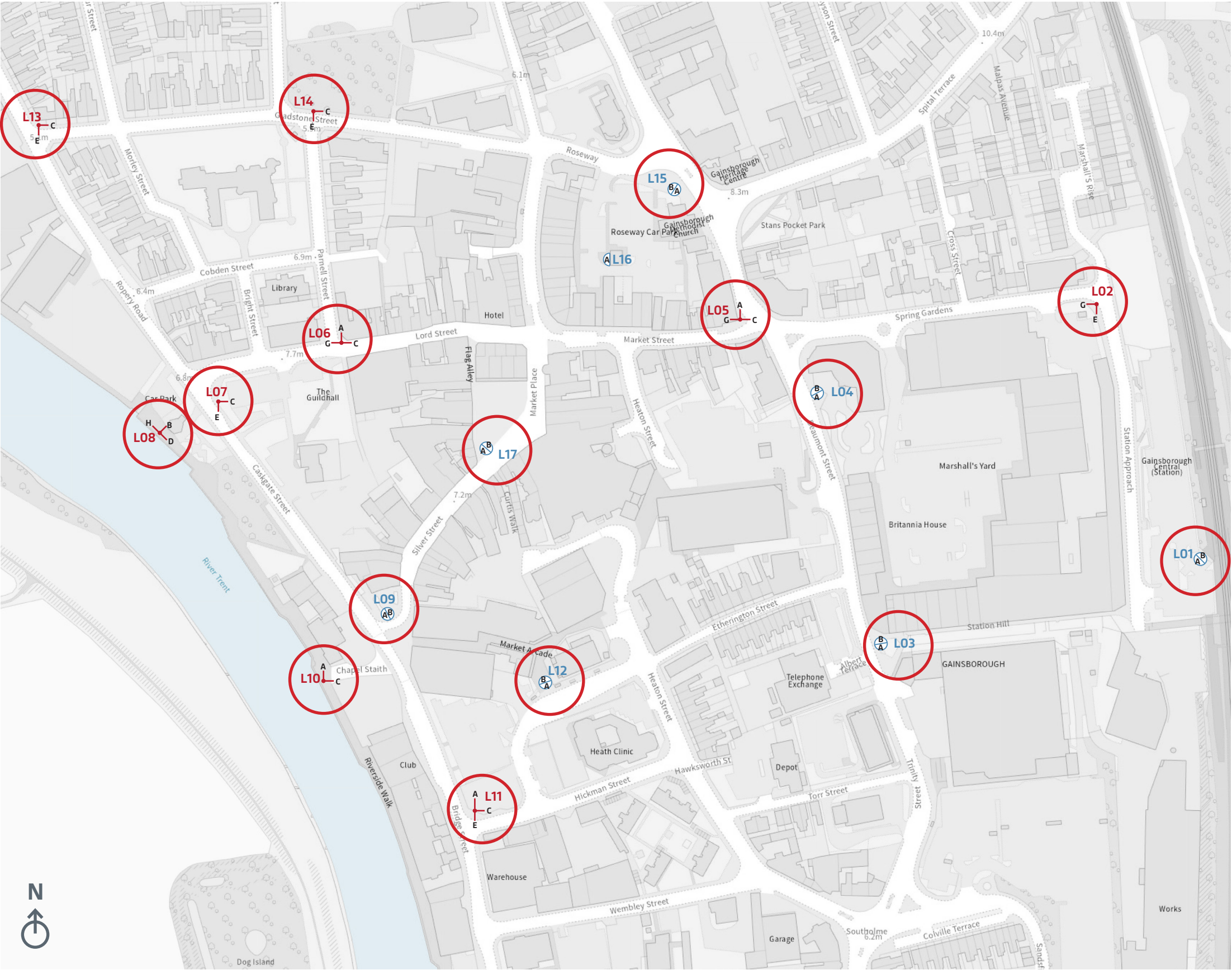
None.

End.

Scale: 1:2500 @ A3

SIGN LOCATION PLAN

- x7 ST1: Map Monolith
- x9 ST2: Fingerpost



Officer's Report

Planning Application No: 145141

PROPOSAL: Application for advertisement consent for 7no. freestanding map monoliths and 9no. fingerpost signs.

LOCATION: Gainsborough Town Centre Gainsborough Lincs

WARD: Gainsborough South West

WARD MEMBER(S): Cllr J A Rainsforth & Cllr C A Young

APPLICANT NAME: West Lindsey District Council

TARGET DECISION DATE: 09/09/2022

DEVELOPMENT TYPE: Advertisement

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant consent, with conditions attached.

This application has been referred to the Planning Committee, as the applicant is West Lindsey District Council.

Description:

The application site comprises of 16 locations within or close to Gainsborough Town Centre and within or close to three conservation areas (Gainsborough Town, Britannia Works and Riverside) and the locations are close to numerous listed buildings including the Grade I Listed Gainsborough Old Hall and the Parish Church of All Saints.

The application seeks advertisement consent to signage within and around Gainsborough Town Centre. All signs have been designed to match in style and colour and include 7no. free standing aluminium map monoliths which are approximately 2.2 metres in height, 0.65 metres in width and 0.14 metres in depth. White text on blue background and white text on dark grey background is proposed.

9no finger posts signs are also proposed approximately 3.25 metres in height. The finger post will have a width of 1.7 metres. A stainless steel post is proposed with fingers to extruded aluminium slats with a powder coated finish. Fingerslats to be blue with white text, finial at top of post to have white text on a dark grey background. The finger posts will be located approximately 2.36 metres above the height of the pavement.

The proposed advertisements will replace existing signage (including interpretation boards and signposts) in 14 locations which is of an ad-hoc nature in terms of design and is in a poor condition.

Relevant history:

No relevant planning history.

Representations:

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

Town Council: No representations received to date.

LCC Highways and Lead Local Flood Authority: No objection to the proposals in principle, however the following should be noted;

The minimum mounting height of the Fingerpost signs should be 2.2m to allow pedestrians and cyclists to travel without obstruction. The applicant will be required to apply for a license to install a structure within the Highway, all the signs can be covered under one license - [Apply for a highways licence or permit – How to apply - Lincolnshire County Council](#) -

<https://www.lincolnshire.gov.uk/licences-permits/apply-highways-licence-permit>

The exact positions will need to be agreed with the Local Highways Manager. Thought should be given to positioning the signs so they will not cause an obstruction to highway users, some of the proposed positions may need amending to achieve this, particularly signs located in footways.

Conservation Officer: I have no objections to this application.

LCC Historic Environment: The proposed new signage scheme has the potential to better reveal the significance of Gainsborough's historic environment, subject to the final design and content of the new interpretation that will be included on the monoliths. This is in line with the Government's ambitions for the historic environment to positively shape sustainable and economically viable places that promote character and local distinctiveness as set out in the requirements of Section 16 of the NPPF.

However, we recommend that the proposed maps include some of the landmark historic buildings and public art by the riverside in order to encourage visitors to explore this important part of the town's heritage, which is designated as Conservation Area in its own right.

The proposed removal of the interpretation boards by the river which share the story of the Trent Aegir does not seem to be justified. The Gainsborough Neighbourhood Plan and Gainsborough Town Centre Heritage Masterplan have both identify the significance of the Aegir to the town's intangible heritage. These heavy duty purpose made interpretation panels are cast metal and are capable of being reused elsewhere on the town's riverside if these locations are thought to conflict with new signage.

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), the Gainsborough Neighbourhood Plan (Adopted June 2021) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan:

The following policies are particularly relevant:

*Central Lincolnshire Local plan

LP1: A Presumption in Favour of Sustainable Development

LP17: Landscape, Townscape

LP25: The Historic Environment

LP26: Design and Amenity

LP27 Main Town Centre Uses – Frontages and Advertisements

LP42: Gainsborough Town Centre and Primary Shopping Area

**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. 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. LP27 is consistent with paragraph 136 of the NPPF which recognises that the quality and character of places can suffer when advertisements are poorly sited and designed and LP42 is consistent with section 7 of the NPPF as they both seek to ensure the vitality of town centres. The above policies are therefore attributed full weight.*

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

Gainsborough Neighbourhood Plan:

NPP 1 Sustainable Development

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

NPP 18 Protecting and Enhancing Heritage Assets

NPP 19 Improving the Vitality of the Town Centre

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

Lincolnshire Minerals and Waste Plan

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

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

Emerging Policy (a material consideration)

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/>

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>

Other:

The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (as amended)

<https://www.legislation.gov.uk/ukxi/2007/783/contents/made>

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990.
Section 72 of the Planning (Listed Building & Conservation Areas) act 1990.

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

<https://www.legislation.gov.uk/ukpga/1990/9/section/72>

Gainsborough Town Conservation Area Appraisal
Gainsborough Britannia Works Conservation Area Appraisal
Gainsborough Riverside Conservation Area Appraisal
Gainsborough Town Centre Heritage Masterplan

<https://www.west-lindsey.gov.uk/planning-building-control/planning/conservation-environment/conservation-areas>

Main issues

Under reg.3(1) of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

(a) the provisions of the development plan, so far as they are material; and
(b) any other relevant factors.

- Design and Heritage (Amenity)
- Public Safety
- Residential Amenity

The NPPF states (paragraph 136) that: *“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”*

Assessment:

Design and Heritage (Amenity)

The application site comprises a 16 locations within or close to Gainsborough Town Centre and within or close to three conservation areas (Gainsborough Town, Britannia Works and Riverside) and the locations are close to numerous listed buildings including the Grade I Listed Gainsborough Old Hall and the Parish Church of All Saints.

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Setting is more than

views, it is how the building is experienced. In addition to this, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Policy LP27 states *“All proposals for the display of advertisements will have to comply with relevant national regulations and guidance. Where advertisement consent is required, such consent will be permitted if the proposal respects the interests of public safety and amenity, subject to the following criteria:*

- h. The design (including any associated lighting and illumination), materials, size and location of the advertisement respects the scale and character of the building on which it is situated and the surrounding area, especially in the case of a listed building or within a conservation area; and*
- i. The proposal would not result in a cluttered street scene, excessive signage, or a proliferation of signs advertising a single site or enterprise; and*
- j. The proposal would not cause a hazard to pedestrians or road users; and*
- k. The proposal would not impede on any surveillance equipment and would contribute positively to public perceptions of security”.*

This application seeks to erect a new set of wayfinding signage in Gainsborough to replace existing signage which are out of date and in a poor condition. All signs have been designed to match in style and colour and include 7no. free standing aluminium map monoliths which are approximately 2.2 metres in height, 0.65 metres in width and 0.14 metres in depth. White text on blue background and white text on dark grey background is proposed.

9no finger posts signs are also proposed approximately 3.25 metres in height. The finger post will have a width of 1.7 metres. A stainless steel post is proposed with fingers to extruded aluminium slats with a powder coated finish. Fingerslats to be blue with white text, finial at top of post to have white text on a dark grey background. The finger posts will be located approximately 2.36 metres above the height of the pavement.

The proposed advertisements will replace existing signage (including interpretation boards and signposts) in 14 locations which is of an ad-hoc nature in terms of design and is in a poor condition. The proposed advertisements by virtue of their design, siting, materials will not cause an unacceptable harm to the setting of several listed buildings and will not harm the character and appearance of the Gainsborough Town, Britannia Works and Riverside Conservation Area.

Public Safety

LP27 of the Central Lincolnshire Local Plan and Chapter 12 of the National Planning Policy Framework require Local Planning Authorities to consider the impact on public safety when determining applications for advertisement consent. LP27 states that: The proposals must not cause a hazard to

pedestrians or road users; and not impede on any surveillance equipment and contribute positively to public perceptions of security.

The proposed advertisements are securely fixed into the ground and are of a scale to be clearly seen by pedestrians with the fingerpost signs located approximately 2.36 metres above the pavement (above the 2.2 metre height cited by Lincolnshire County Council Highways). As a result the above proposal will not obstruct pedestrian routes or cause a distraction to drivers. Therefore the proposal will not harm public safety.

Residential Amenity

Policy LP26 relates to design and amenity and guides 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 signs are considered to be located as not to have an adverse impact on the living conditions of the nearby neighbouring properties or are of a size to not result in undue harm to them.

Other matters:

LCC Historic Environment

The issues raised relating to the removal of existing information boards are not relevant to the determination of this application for advertisement consent but the comments have been passed to the Growth Team.

Minerals and Waste

The site locations are located in a Sand and Gravel Safeguarding Area but the nature of the proposal (signage) and the fact that the locations are within or close to the town centre which is already densely developed means that the proposal will not affect/lead to the further sterilisation of the minerals resource.

Highways

Notes to the applicant will be added to the decision notice if it is minded to grant consent.

Conclusion

The decision has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP17: Landscape, Townscape, LP25: The Historic Environment, LP26: Design and Amenity, LP27 Main Town Centre Uses – Frontages and Advertisements and LP42: Gainsborough Town Centre and Primary Shopping Area of the Central Lincolnshire Local Plan and policies NPP 1 Sustainable Development, NPP 6 Ensuring High Quality Design, NPP 7 Ensuring High Quality Design in each Character Area, NPP 18 Protecting and Enhancing Heritage Assets and NPP 19 Improving the Vitality of the Town Centre of the Gainsborough Neighbourhood Plan and Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990 in the first instance and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and guidance contained within the National Planning Policy Framework, the National Planning Practice Guidance, the Gainsborough Town Conservation

Area Appraisal, the Gainsborough Britannia Works Conservation Area Appraisal, the Gainsborough Riverside Conservation Area Appraisal and the Gainsborough Town Centre Heritage Masterplan.

In light of this assessment it is considered that the proposed advertisements by virtue of their design, siting, materials will not cause an unacceptable harm to the setting of several listed buildings and will not harm the character and appearance of the Gainsborough Town, Britannia Works and Riverside Conservation Area. The signage will also replace existing signage (including interpretation boards and signposts) in 14 locations which is of an ad-hoc nature in terms of design and is in poor condition.

Furthermore, it is considered that the proposed signage will not affect residential amenity or have a detrimental impact on public safety.

Recommendation: Grant planning permission subject to the conditions below

1. The grant of express consent expires five years from the date of the grant of consent.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

3. No advertisement shall be sited or displayed so as to—
(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

7. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Proposed Sign Details received 08/07/2022, Sign Removal Details received 08/07/2022 and Map of Proposed Sign Locations received 08/07/2022. The works shall be carried

out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework.

Notes to the applicant

Highways

The minimum mounting height of the Fingerpost signs should be 2.2m to allow pedestrians and cyclists to travel without obstruction. The applicant will be required to apply for a license to install a structure within the Highway, all the signs can be covered under one license - **Apply for a highways licence or permit – How to apply - Lincolnshire County Council -**

<https://www.lincolnshire.gov.uk/licences-permits/apply-highways-licence-permit>

The exact positions will need to be agreed with the Local Highways Manager. Thought should be given to positioning the signs so they will not cause an obstruction to highway users, some of the proposed positions.

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