

AGENDA

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

Planning Committee
Wednesday, 5th October, 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 Steve England
- Councillor Cherie Hill
- Councillor Mrs Jessie Milne
- Councillor Peter Morris
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Jeff Summers
- Councillor Mrs Angela White

1. **Apologies for Absence**
2. **Public Participation Period**
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. **To Approve the Minutes of the Previous Meeting** (PAGES 3 - 21)
 - i) Meeting of the Planning Committee held on 7 September 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) 142874 - Land to the north of Rudgard Avenue, Cherry Willingham (PAGES 22 - 68)
- b) 144826 - "Gulham Fields Farm", Gulham Road, North Owersby (PAGES 69 - 89)
- c) 144738 - Land off Willoughton Drive, Gainsborough (PAGES 90 - 103)
- d) 145245 - Hope Farm, Hardwick (PAGES 104 - 120)
- e) 145032 & 145034 - Stamp's Mill, High Street, Faldingworth (PAGES 121 - 144)
- f) 145345 - "The Plough Business Hub", 37 Church Street, Gainsborough (PAGES 145 - 153)

7. **Determination of Appeals**

As of 27 September 2022, there were no appeal determinations to be noted.

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 27 September 2022

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 7 September 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 Mrs Jessie Milne
Councillor Peter Morris
Councillor Roger Patterson
Councillor Jeff Summers
Councillor Mrs Angela White
Councillor Christopher Darcel

In Attendance:
Russell Clarkson Development Management Team Manager
Rachel Gordon Development Management Team Leader
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
Andrew Scott Democratic and Civic Officer (Civic)
Andrew Warnes Democratic and Civic Officer

Also In Attendance: 6 Members of the Public.

Apologies: Councillor David Cotton
Councillor Cherie Hill
Councillor Mrs Judy Rainsforth

Membership: Councillor Christopher Darcel sat as substitute for Councillor Cherie Hill.

39 PUBLIC PARTICIPATION PERIOD

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

40 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 10 August 2022 be confirmed and signed as an accurate record.

41 DECLARATIONS OF INTEREST

Councillor I. Fleetwood declared, in relation to agenda item 6c, application number 142874, that he was a Member of Cherry Willingham Parish Council, and was also the County Councillor for Bardney and Cherry Willingham. He had not participated or discussed the application, and would remain in the Chair for the item.

Councillor C. Darcel declared, in relation to agenda item 6c, application number 142874, that he was the District Councillor for Cherry Willingham, but that he had not participated or discussed the application prior to the meeting, and would sit as Member of the Planning Committee.

Councillor A. White declared, in relation to agenda item 6e, application number 144930, that she was the Chairman of Nettleham Parish council, and would be speaking in that role, and then leave the Chamber for the remainder of the item.

Councillor J. Milne declared, in relation to agenda item 6a, application number 144574, that she would speak as the Local Ward Member, and then leave the Chamber for the remainder of the item.

42 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Development Management Team Manager updated Members of the Committee on the main national updates to planning policy, and that with a new government in formation, there was a new Department for Levelling Up, Housing and Communities Secretary, Simon Clarke MP, and an update on proposed planning reforms would likely be announced soon.

The Officer then progressed to highlight local updates, and updated that the Hemswell and Harpswell Joint Neighbourhood Plan was in examination. Members also learnt that the Hemswell Cliff and Keelby neighbourhood plans were in Submission Regulation 16 public consultations. Additionally, the Nettleham Neighbourhood Plan Review was under Regulation 14 Consultation.

43 144574 - LAND TO THE EAST OF CHURCH ROAD, UPTON

The Chairman introduced the first 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, DN21 5NS.

The Officer stated that there was an update to the report, which was that the S106 agreement was created, and was in consideration with the applicants. The Officer then gave a short presentation on the application.

The Chairman advised that there were two registered speakers for the item. The Chairman invited the first registered speaker, the agent for the application, Vic Fowlers, to address the Committee. The following statement was made.

The speaker thanked the Committee for their consideration, and stated the current application was based on a previously approved application. He then stated that the current application was similar to the previously agreed outline, with the same number and type of dwellings, and with a similar layout.

The speaker progressed to respond to objections previously made, specifically the removal of the hedge on the western side to Church Lane. This was only being removed due to Lincolnshire County Council requiring a two metre footpath between the access points to the site. The speaker stated that there was sufficient room, and the application provided for additional tree planting in a mitigation attempt of any environmental issues. Other measures proposed included lights and movement senses, nesting boxes, fences to the rear gardens, and openings to allow hedgehogs to access the site. Regarding the access roads to the proposed site, Lincolnshire County Council expressed no concerns regarding these roads, neither in the outline application or the proposed application.

The Chairman thanked the speaker for his statement, and invited the second and final speaker, the Local Ward Member, Councillor Jessie Milne, to address the Committee.

The Member stated that she knew the area very well, and that attending the site visit was useful. The statement expressed concern about the footpath linking the two access points, with the nearby Church Road hosting poor visibility issues, and dangerous road situations in the surrounding area. The Member then expressed concerns about road flooding and individuals avoiding cars in the village, with flooding not dealt with and the roads subsequently covered in mud. The statement then asserted that there were nearby archaeological sites of interest that could be affected.

Moving to suggestions for the committee, the Member highlighted that better management of flood risks, the historic environment, transportation, and construction control could be put in place in order to guarantee a better development. The Member asserted that this could be also assisted by the enforcement of the conditions, and made sure that the site was being looked after. The Member concluded her statement to state that she was tired of dealing with complaints from construction work in her ward, and that builders were not adhering to the conditions placed upon them in the approval of planning applications.

The Chairman thanked Councillor Milne for her statement.

Note: Councillor J. Milne left the Chamber at 6.47 pm for the remainder of the item.

The Case Officer was then invited to respond. He informed Members that a footpath for the whole of Church Road was unreasonable, and that the current access on Main Street was safe. The Officer also explained that the flooding and construction management aspects of the application were conditioned in the recommendations, and that the area was in Flood Zone 1. In response to the archaeological issues, this was to be conditioned as recommended by Lincolnshire County Council. Regarding any conduct of the developers, the Officer highlighted that this was an enforcement issue, and that the Authority could not control what developers did day by day.

The Chairman then invited comments from Members of the Committee. Debate ensued, and Members raised up their concerns, reiterating points about access, the lack of pedestrian safety, and the village footprint should the application have been granted. A large amount of discussion occurred on the affordable housing monies and CIL funding that were in with the proposed application.

During the debate, Members expressed their views on the proposed application, with several references to the need for agriculture, the level of community support, and a long conversation of the density of the application site. Members also utilised their experiences from the site visit to highlight aspects of the application.

In response to a query about potential footpaths, there were no plans for road widening. In a similar response from the Officer, the access point for construction vehicles would be laid out in the construction management plan, which would include the storage parking and management of the site, in addition to the roads that would be used by the builders.

During queries made to the Planning Officer, Members heard that the site would be 0.92 hectares, which was described as about two and a quarter acres, and was proposed to be built on Grade 3 agricultural land. In response to a query about the siting of the dwellings, the judgement call for small villages like Upton were whether it was within an inappropriate location, and the sequential tests of an application.

Responding to several questions about the affordable housing aspect, Members learned that the Homes, Health and Wellbeing Manager had assessed that the dwellings were not suitable for affordable houses, and an offsite contribution would be made. In response to a supplementary, the Senior Development Officer explained that any reassessment of the CIL figure provided would be very difficult, as it was based on the land used by the dwelling. In a later query, Members heard that the affordable housing contribution would be split, with 25% going towards the Government's First Homes project, and the remaining 75% going towards traditional affordable housing, with both of these streams being spent within the West Lindsey district.

Later in the debate, a similar query was raised about the affordable housing contribution, which Members learned had been calculated to be the equivalent of what would be on-site provision affordable housing, and that in scenario of on-site affordable housing, the dwellings might have stood empty.

In the debate, the Chairman had received two recommendations from the committee that were proposed and seconded. The first to do so was the granting of the application, and the second was the refusal of the application. Early in the debate, several Members felt that the proposed application was limiting safe access in the site, and in the surrounding area, in addition to a loss of agricultural land. The refusal proposal was deliberated to possibly include reasons of flood risk for removal, but after discussion with the Legal Advisor who pointed out that the flood authority did not object to the application, this was removed. Since the refusal was seconded last, the Chairman took the vote on the application

The Chairman took the vote to refuse first. Having been proposed and seconded, the Chairman took the vote, and on taking the vote, it was agreed that permission be **REFUSED** for the following reasons:

1. *The development would not achieve well designed, safe and convenient access for all, particularly with regard to pedestrians and cyclists. This would be contrary to policy LP13 of the Central Lincolnshire Local Plan (2017), and draft policy S46 of the Submission Draft Central Lincolnshire Local Plan.*
2. *The proposal would result in development in the countryside and lead to the potential loss of Best and Most Versatile Land, contrary to Policy LP55 (Part G) of the Central Lincolnshire Local Plan (2017), and draft policy S66 of the Submission Draft Central Lincolnshire Local Plan.*

Note: Councillor C. Darcel left the Chamber at 7.39 pm.

Note: Councillor J. Milne returned to the Chamber at 7.40 pm.

44 144010 - 18 SOUTH DRIVE, STOW

The Chairman introduced the second application of the agenda, application number 144010, for two dwellings at 18 South Drive, Stow, Lincoln. The Development Management Team leader informed Members that there was an update to the application, with the Landscaping Officer having visited the following a request from the neighbour to assess the existing trees and place a Tree Preservation Order. The Landscape Officers comments were read out.

“I visited the property with the 2 ash trees adjoining the west side of the dev site yesterday. Although both trees are very large and clearly visible, they are both low quality trees and do not meet the criteria for a TPO. The southerly ash of the two trees is and adequate distance from both the house and garage of the adjacent plot. This tree is infected with Inonotus hispidus which causes decay and significant loss of wood strength over a short period of time.

It appears to be two trees that have grown very close together with the bases moulded around each other. The southerly stem has a significant lean to the southeast, and the more upright stem has a low fork with included bark that could potentially split apart as they continue to grow in diameter with annual growth. The northerly tree of the two is forked into three from just above ground level, and appears to have early stages of Chalara ash on them.”

Note: Councillor C. Darcel returned to the Chamber at 7.41 pm.

The Officer then gave a short presentation on the application.

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

“Stow Parish Council objects to the application as it stands. We do not object to development on this site, but we do object to the size and scale of the dwellings proposed. The application is for two 3 storey houses of substantial proportions with each having six bedrooms, two bathrooms plus three en suites, which was 5 bathrooms, an office and a gym.

As pointed out at the previous meeting, the Sturton by Stow and Stow Neighbourhood Plan states: "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;"

While the Housing Needs Assessment for Central Lincolnshire may consider the evidence implies a need for larger family homes, there is nothing to suggest that 'larger' means six bedrooms (plus bathrooms, en-suites, offices and gymnasias). How many families with five children do you know who need to have a six bedroomed house to provide a separate bedroom for each of the children? We certainly found no such evidence of that need in our area in all the consultation work we undertook during the making of the Neighbourhood Plan.

Any development in Stow is likely to be one or two houses given the space available so the 'mix' across any site is important to the villagers in the context of other developments.

There have already been 3 three storey six bedroomed houses recently built in the village. We are a small compact village. We do not need more six bedroomed houses. Latterly, there have been successful applications for 3 and 4 bedroomed houses, some of which have been completed and are now occupied. We would not be averse to 3 or 4 bed two storey houses being built on the site. They would be more in line with locals' views, wishes and needs although we would have liked to see some single storey dwellings as well.

As stated above, Policy 1a of Sturton by Stow and Stow Neighbourhood Plan says we will support development where: "new homes are of size, type and tenure that meet local housing requirements;" and Policy 4 seeks a locally appropriate market housing mix. We believe that the application is not in accordance with either Policy 1a or 4."

The speaker then concluded his statement by rejecting the assertion from the agent for the application that the Parish Council was lobbied to change their minds. The Councillor stated that this was a procedural error and that the wrong submission was filled for the application.

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

The speaker thanked the committee, the numerous approvals for the proposed application, and asserted that the growth of the village would be in line with policy. The speaker stated the application followed planning policy, and was in with the neighbourhood plan. It was then referenced that though large, there was nothing stopping the development for any relevant planning policy reasoning, and that the plot suited the six-bedroom sized properties.

The speaker progressed to mention that there was nothing the Neighbourhood Plan that prevented the development, and that properties must be for affordable housing. The speaker asserted that the dwellings would not have a detrimental effect on the surrounding area, and were appropriately distanced. In concluding his statement, the speaker stated that the main policy stance, despite the new Neighbourhood Plan had not changed, and explained that the dwellings were not aimed at the low-cost market, considering that the application was only for two dwellings.

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

Having given thanks for visiting the site, the speaker stated that the proposed balconies would have a viewpoint onto Horseshoe House, its garden, and that the dwellings would remove the views that has been used by the dwelling owners for a long time. The statement progressed to mention about low-level dwellings in front of the nearby Rectory that were designed to not spoil the view points, and asked for a similar proposal to prevent any issues of privacy.

The speaker expressed concerns over privacy issues with the proposed dwellings, and that it might affect the already approved 'B and B' on her site. Regarding the vehicle access, the speaker commented that there was concern over the narrow access, and questioned officers' if the access was suitable for a possible 12 cars. The speaker then asserted that the increased size and scale of the dwellings was a possible attempt to plan by stealth, and was contrary to the planning policies in place.

She then questioned the Officer to explain how much of the application could be justified over the existing permission. She asserted that it was contrary to the Neighbourhood Plan, the Central Lincolnshire Local Plan, and NPPF policies, due to the lack of support from the Parish Council and the community, and that the lack of space surrounding the site multiplying the problems with the proposed application.

The speaker then progressed to talk about past comments about influencing the decision of Stow Parish Council, and that she and the other occupants of Horseshoe House had no association and that she had never attended a meeting of Stow Parish Council. She stated that the accusation was a slur to question the integrity and professionalism of the Parish Council, with it unfair and unsubstantiated.

The statement progressed to assert that the real issue was the misleading factually incorrect information and omissions on the plans submitted over five years for a linked development were likely to erode confidence in the process. The speaker concluded her statement remarking about Condition 3, with regard to the tree landscaping, and that the applicant had taken down substantial trees, which affected the visual screening and raised concerns about protecting trees both on and adjacent to the site.

The Chairman thanked the speaker for her statement, and invited the Development Management Team Leader to respond. In his response, the Officer highlighted that the previous permissions had a long history of approval, and that the previously approved permissions had expired. The current extant approval was for one dwelling. The Officer explained that the proposed application had enough space, and had an acceptable relationship with the nearby boundary properties.

The Officer then stated that whilst the policy in the Neighbourhood Plan supported a mix of dwelling types it did not mean that it would be refused if it did not deliver this. The officer also pointed to the small size of the development in terms of being able to deliver a suitable housing mix which would be more practical for a larger development. The Officer concluded his response to state that this would not justify a refusal pointed out that the site was

identified as falling within a built-up area in the Neighbourhood Plan which supported residential development in principle.

The Chairman then invited comments from Members of the Committee, and debate ensued. Members brought up multiple points, including the balcony overlooking, the location within the Stow village, and the orientation of the buildings. Members also commented about the condition and traffic of the adjacent roads, and utilised the site visit experience made.

Responding to a query about the balcony potentially overlooking the neighbouring properties, the Officer confirmed that the balcony was at the first-floor level, and would have 2 metre high obscured glass along the majority of both sides of the balcony. It was then remarked that only a small section of the side would have potential visibility and even in this instance it would necessitate a conscious effort to look over towards the neighbour and this would be 12.2 metres away from the neighbours.

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

45 142874 - LAND TO THE NORTH OF RUDGARD AVENUE, CHERRY WILLINGHAM

The Chairman introduced the next item on the agenda, application number 142874, for an Outline planning application to erect up to 144no. dwellings – access to be considered and not reserved for subsequent applications, on land to the north of Rudgard Avenue, Cherry Willingham.

The case officer provided an update to the Condition 9 in the report. Condition 9 needed amendment so that after development was commenced, it would need to include within 10m of the railway line. This has been agreed with Network Rail. This is to allow a start on site.

The new condition was to read: “9. Development shall not commence within 10m of the railway line 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.”

After a short presentation on the application, the Chairman advised that there were no registered public participants for the application, and invited comments from Members of the Committee.

Debate ensued, and Members brought up multiple points, which included access, the possible layout, and the principle of development, and the nature of outline applications. There was also deliberation over the error of the initial numbers for the site, and the density of the application, with one Member asserting that it was not of high density in many new development sites. It was also emphasised at multiple points that the application was only looking at the outline, with emphasis that there would be no dwellings built from the possible granting of the application.

In response to the numbers of dwellings proposed, the Development Management Team Manager explained that the housing numbers came from the Central Lincolnshire Local Plan and the Neighbourhood Plan, with the application being on an allocated site. There was an issue with the incorrect figure of 1.75 hectares, with an expectation that 75% of the site being used for dwellings, that the proposed figure was based on the area size being 5.17 hectares. The Officer explained that the plan was indicative, and that the approved local policies indicated that 40 dwellings was insufficient.

The Officer explained that the figure of 144 dwellings was up to that number, and that consideration would be given to the accommodating road space, layout and the open space. The Officer further elucidated that the Committee at this point should mainly consider the scale and reserved matters for the application, and whether the high number affects these issues, in addition to housing needs in the area. In a response to a later enquiry, Members heard that the actual number of dwellings might be reduced to factors around the site.

In response to a query on affordable housing, Members learnt from the Development Management Team Leader that the figures were advised by one of the West Lindsey District Council Housing Officers. The figure of 25% overall, with a split for 60% affordable rented housing, and 15% on shared ownership, and 25% on first homes, was decided as the best way to split the monies.

In a later enquiry, the Development Management Team Manager explained that the indicative scale and layout had been considered with Lincolnshire County Council Highways, and has assessed that the proposed site could safely accommodate the number of dwellings. For vehicle access, Members learned that the access was an upgrade to the existing access point onto Rudgard Avenue, and was designed with the usage of 'Manual for Streets'.

Regarding a similar enquiry about noise, mitigation was proposed and this had been reviewed by West Lindsey District Council's Environmental Protection Officer.

Members also learnt from the Development Management Team Manager that the full application would not automatically return to the Committee, but would progress the same way that any other planning application would progress. In a similar explanation later in the debate, the Officer explained that access was not a reserved matter, and therefore was in consideration at this point in the process.

During the debate, several Members felt that having the ability to see the access of the proposed site would be beneficial to check the access for the large number of dwellings proposed, and to examine the scale of the proposed site. Even with this group, the proposed application was proposed and seconded to be granted. The Chairman took the vote to have a site visit first, as it was the last proposal that got the required proposing and seconding.

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.

46 145118 - 5 BECK HILL, TEALBY

The Chairman introduced the next item of the meeting, application number 145118, to erect 1no. dwelling – resubmission of 143877 on land adjacent 5 Beck Hill, Tealby, Market Rasen, LN8 3XS. The Officer stated that there was one update, which was an additional letter of support for the application, and then gave a short presentation on the application.

The Chairman advised that there were 3 statements, with these to be read out by the Democratic and Civic Officer. The first was from the applicants, Nik and Jools Ferrier-Hanslip. The following statement was read out.

"Good evening. The officer's report is well considered and recommended for approval as they have judged that the proposal fits with local and national planning policy. You may recall that a similar application was brought before committee in March which was recommended for approval, but unfortunately the members moved the application for refusal siting grounds of character and amenity.

You can obviously understand our frustration as we spent a long period of time getting the design of the property right and the approval from the then conservation officer Liz Mayle. I understand she is a person of extreme professionalism who takes pride and diligence in her role passionate about conserving the local areas. Basing all decisions on local planning policies and her professional opinion.

In essence she would not have given backing to the proposals if she thought it would be harmful to local character. To address this previous reason for refusal we have revisited the scheme and made extensive amendments, I would also like to make you aware that the previous scheme is also subject to an appeal which we would be willing to withdraw if you accept the officer's recommendation for approval of this new application.

At first glance this design may look similar to the previous but as already stated this is what the planning office deemed acceptable. We didn't want to change the location, style, or the shape of the building, but what we have done is reduce it in size by 44%! We have reduced both the buildings in length and width, lowered it by a further 80cm and removed the basement. We have also had visual images produced so you can see exactly how it will sit at a much-reduced level on the plot and look very much in keeping with its surroundings and setting.

We took on board the comments from the previous committee and we would like to address them. Firstly, one of the members comments last time was "it obviously doesn't fit in with the style of Tealby". No two houses on Beck Hill are the same. There are brick, stone and rendered houses, timber clad houses, tiny cottages, large barns and even a 1990's bungalow. Some have UPVC windows, others are wooden casement. Some have tiled roofs, others are slate. Photos have been shown. So, we were confused by that comment.

Sections 2.3 and 2.4 of the Tealby Conservation Area Appraisal refer to the character of the village and Beck Hill stating that "Dwellings and buildings have been historically squeezed in over time and provide an informal character to the village". After a consultation with the conservation officer, it was she that suggested the proposed design. She drew the size, shape, and position of the dwelling.

One that she deemed suitable in her professional capacity to fit in and not have a negative effect on the surrounding area. Or be contrary to LP17 and LP26. All we have done is put the details on. The visuals clearly show a traditional style dwelling which reflects the older properties in the village. We will utilise high quality materials and finishes to produce a dwelling which is fitting of the location.

Secondly, a councillor asked about the differences to the previous application that was taken to appeal. If you have studied the supporting documents you will see that our new design is completely different to the one that was dismissed at appeal 3 years ago. In terms of style, mass, orientation, position, height, and scale it is much smaller.

Thirdly, concerns were raised regarding amenity space and privacy. The planning officer has considered both, for this scheme and the previous scheme and considers that amenity space and privacy are acceptable and meet the relevant legislation. The new amendments have actually increased the level of amenity space. We have calculated that the proposed property will have 78% amenity/garden space. This is compared to houses recently

approved for development in Tealby which have 49% garden space. The proposed dwelling causes no overlooking issues with neighbouring properties. There is a 4 meter high laurel hedge on the southern boundary. Fourthly, the Water Course as referred to by councillors is actually a water feature created by ourselves.

Before attending the previous meeting, we researched what would happen. On both west Lindsey's website and the Gov website it states that access must not be discussed. However, this was brought up 5 or 6 times! Even after the planning officer explained access is not a planning matter but a civil matter. We were also left disappointed by the lack of reasoning behind the committee's decision to refuse. It states within – House of Commons Library Document.

'In cases where councillors overturn the advice of officer's reasons have to be given. The LGA/PAS guide to probity in planning for councillors and officers suggests that councillors should be ready to explain why they have not accepted the officer's recommendation. All reasons for refusing permission must be given in detail. Decisions must be based on fact; not personal opinion and those facts must be stated clearly.'

We don't believe we were given valid reasons. We wrote to each councillor individually asking them to explain their reasons and for advice going forward with our next application. We received only two replies.

Finally, I'd like to talk about the last three years and the effect that this has had on us mentally and emotionally. Particularly these last few months. I don't think any of you can possibly understand so I'm going to try to explain.

In March I explained the main reason for wanting to build our home was our desire to adopt another baby and remain in the village to care for our disabled father. We could be building that home now and looking forward to sharing it with a new baby. And that's the reality: It's not just about bricks, it's not about access or roof heights, it's about lives and changing them for the better. It's about doing the right thing for the right reasons.

And that is all we are trying to do. In conclusion we hope you can see that we have addressed all your previous concerns and created a characterful home causing no harm to the street scene and conservation area. Over the last 3 years we have done everything asked of us by the planning office to ensure that all planning policies are adhered to."

The Chairman thanked the Democratic and Civic Officer for reading the statement. He advised that there were two objectors, and invited the Democratic and Civic Officer to read out the first statement from Gail Firkin. The following statement was read aloud.

Note: Councillor R. Patterson left the Chamber at 8.35 pm.

"As the owner of the neighbouring bungalow, Lark Rise, 5A Beck Hill, Tealby I have the following concerns:

Proposed Visuals. The proposed visuals shown on the planning portal misrepresent the actual space available for the proposed dwelling. Part of my front garden has been obliterated and is shown as a new driveway and garden for the proposed dwelling and therefore is not a true representation of the proposed site. Right of Way. The host dwelling

does have a Right of Way over my drive but it is for one dwelling house only.

Residential Amenity. The overdevelopment of the site would adversely affect my residential amenity due to overlooking, over dominance and lack of parking provision in this small space. Site Location Plan (edged in red). This gives an inaccurate indication of the boundary, no part of my driveway forms part of the land owned by the host dwelling. Thank you.”

Note: Councillor R. Patterson returned to the Chamber at 8.37 pm.

The Chairman then invited the Democratic and Civic Officer to read the final statement, from a second objector, Andrew Laing. The following statement was read aloud.

“My wife and I have been residents of Beck Hill for sixteen years. Our house is some forty yards from the proposed new dwelling. The proposed dwelling would be about fifteen feet above our house. Our objections to the proposal are summarised below:

Beck Hill Dangers. Beck Hill is a narrow road without pavements or parking places. It is part of The Viking Way and is used by local pedestrians (children, elderly residents and their pets) as well as walkers making use of the Viking Way. In recent months the traffic on the road has increased due to speeding delivery vehicles. Pedestrians are obliged to flatten themselves against the roadside hedges to avoid accidents. The proposed new household would further add to the danger of accidents on the hill.

Risk of subsidence and new springs. Our house, 8 Beck Hill, suffered from subsidence for many years due to a leak in the village hall that is close to the proposed dwelling, At the same time springs appeared in our garden preventing us from making use of our lawn and caused a permanent stream on beck Hill. In freezing temperatures there were several accidents due to icing on the stream. The matter was resolved due to the intervention of a neighbour. Bully Hill is notorious for springs and land slips and the delicate balance that has been established risks being destroyed by the proposal.

Congestion. The crossing between Front Street, Beck Hill and the shop ls always busy. In particular there are problems during term time when children are dropped off and collected. The car park is frequently full and traffic becomes entangled with vehicles trying to escape the problem. The proposal is for a dwelling in the centre of this area and would exacerbate the dangers involved.

Out of Character. The heart of the village comprises Front Street and Beck Hill which are well known for their attractiveness such that many visitors come to enjoy the village. The proposal would risk downgrading the reputation of the area. Thank you.”

The Chairman thanked the Democratic and Civic Officer for reading the statement, and invited a response from the Planning Officer. In response, the Development Management Team Manager stated that the comments were more in line with the previously considered application, and advised the Committee to only consider the application that was submitted. In response to the critiques of the right of way, this was not part of West Lindsey District Council’s consideration of planning permission, with it being a civil matter. The Officer also stated that the concerns about subsidence and traffic numbers were minimal, as dwellings were already established, and that the application was only considering a single dwelling.

The Chairman then invited comments from Members of the Committee. Debate ensued, and Members debated the access of the proposed property, the possible interference to the immediate neighbours due to the access and egress of the proposed property, and the proposed design of the application. Members also raised the potential disturbance to the immediate neighbouring properties, and comments of possible decrease in the value of properties. There was also conversation about the existing hedges and trees on the site.

In response to a query about access, Members heard that the access came off the hill, and was already a tarmacked area. In a similar query about tree protections, Members learnt that they could condition the tree for retention.

During the debate, Members asserted that the application in front of them did not improve much of the problems highlighted in a previously refused application. Members proposed and seconded that the application be refused for the same reasons as a previous application had been. At the end of the deliberation, the Development Management Team Manager confirmed this reading out the refusal reason, and suggested consideration by Members of whether the amended scheme overcame the previously highlighted issues.

Having been proposed and seconded, the Chairman took the vote and, it was agreed that planning permission be **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.

47 144930 - "TROIKA", 21 THE GREEN, NETTLEHAM

The Chairman introduced the next item, application number 144930, 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, at "Troika", 21 The Green, Nettleham, Lincoln, LN2 2NR. The Officer informed Members of the Committee that there was no update to the report, and gave a short presentation on the application.

The Chairman invited the register speaker, Cllr Angela White, Chair of Nettleham Parish Council, to give her statement. The following statement was made.

The speaker wanted to speak in support of the objections to the application, and gave a brief history of the shop that had existed and was currently in use. The speaker referenced the access to the properties was limited around the nearby church, and partly due to the Co-op car park. The speaker then referenced the attractiveness of the approach adjacent to the Co-op for potential buyers, and asserted that there was enough space in the back of the properties for parking.

The speaker stated that the existing Nettleham plan was silent to parking standards for development, and that in the review, there was to be an insertion on day parking standards for additional bedrooms in existing dwellings in the village. This was to ensure that when

planning permission was granted for additional bedrooms, there was sufficient parking space for each new bedroom. The speaker progressed to state that any parking space needed to be within the existing curtilage of the property, which was the main objection by the Parish Council. In concluding her remarks, it was referenced that a bus stop was immediately outside of the property, and queried that stopping location.

The Chairman thanked the Member for her statement.

Note: Councillor A. White left the Chamber at 9.00 pm for the remainder of the item.

The Chairman then invited comments from Members of the Committee. Debate ensued, and Members drew attention to a return to the originally designed usage of the dwellings, the possible refurbishments, and the Conservation Officer's comments. There was also some discussion on the parking situation both surrounding the property, and generally with different property types, such for new developments.

In response to a comment about parking, the Officer replied that there was space in the back of the properties for parking spaces, and does have the right of access, but this was blocked off by a separate party.

Members also learnt in a separate response from the Officer that the Nettleham Neighbourhood Plan review was only at consultation.

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:

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.

Note: Councillor D. Dobbie left the Chamber at 9.05 pm to retrieve Councillor A. White.

Note: Councillor A. White returned to the Chamber at 9.06 pm.

Note: Councillor D. Dobbie returned to the Chamber at 9.06 pm.

48 145141 - GAINSBOROUGH TOWN CENTRE

The Chairman introduced the final application of the meeting, planning application 145141, for advertisement consent for 7no. freestanding map monoliths and 9no. fingerpost signs, in Gainsborough Town Centre. The Development Management Team Manager stated that 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, and Members were in general praise of the application, and that it would possibly help bring people into Gainsborough. There was some raised annoyance about the lack of solar panels, with a Member stating that Gainsborough Town Council wanted future proofing of the designs. It was also remarked that the application would not have come to the Committee's consideration if the applicant was not West Lindsey District Council.

Note: Councillor D. Dobbie declared that he had participated as Member of Gainsborough Town Council for the application, and left the Chamber at 9.15 pm for the remainder of the meeting.

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

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.

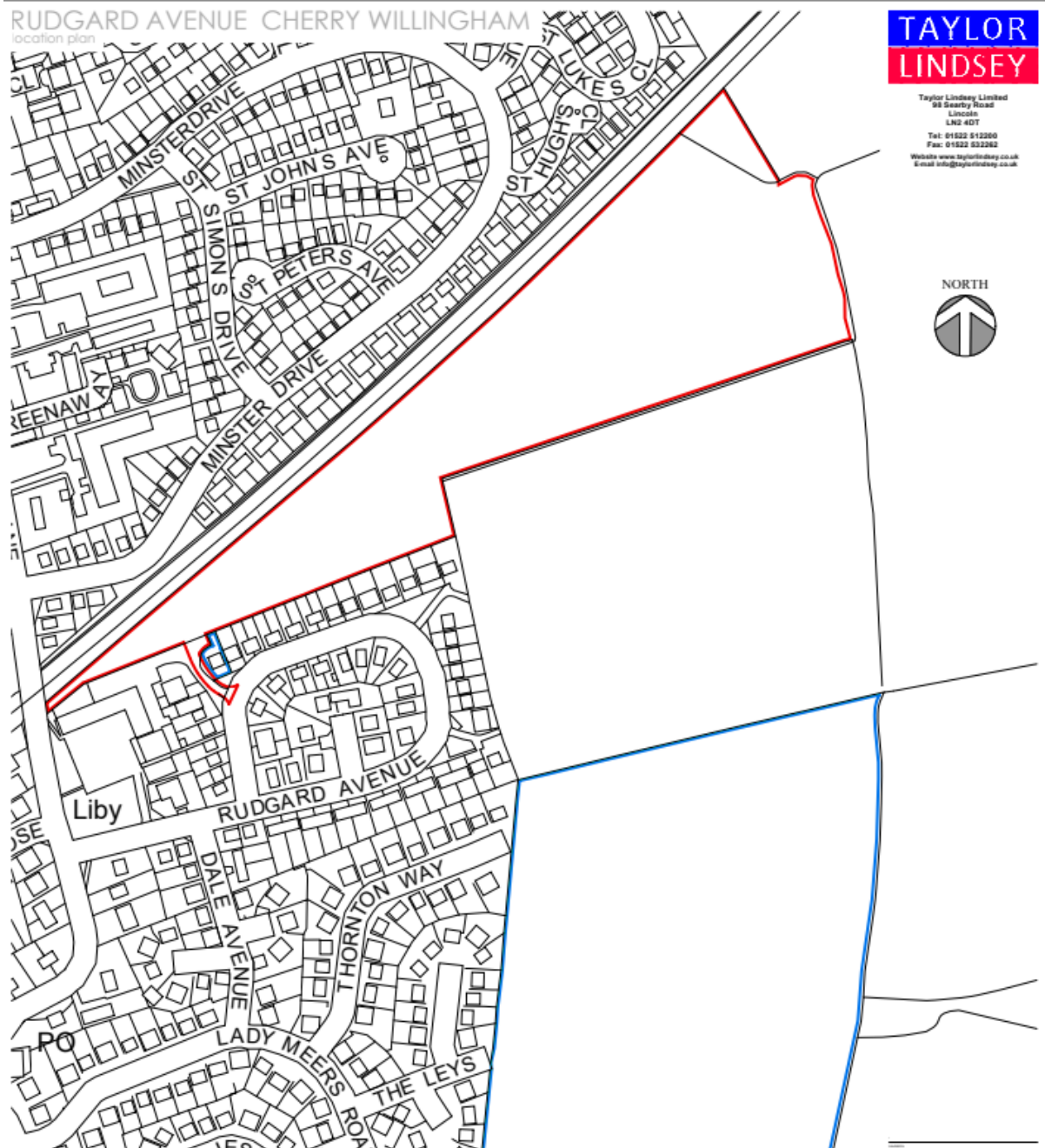
49 DETERMINATION OF APPEALS

There were no appeal determinations for noting.

The meeting concluded at 9.16 pm.

Chairman

Agenda Item 6a



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 Woolass

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.

The Planning Committee at its meeting on 7th September 2022 resolved to defer this planning application for a Members' Site Visit. The Planning Committee site visit took place on 21st September 2022 commencing at 10.30am.

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 0.46acres) 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 cause 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 in 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 include 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.

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

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 CWNP 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

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/>)

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.

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 (SFPP) (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

144826 SITE LOCATION AND BLOCK PLAN



Officers Report

Planning Application No: 144826

PROPOSAL: Planning application for erection of 2no. additional poultry sheds with associated feed bins, hardstanding area, dirty water tank and associated landscaping

LOCATION: Gulham Fields Farm Gulham Road North Owersby Market Rasen LN8 3PS

WARD: Market Rasen

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

APPLICANT NAME: Alec Mercer, Mercer Farming Ltd. Burton on Trent.

TARGET DECISION DATE: Extension of Time to 15th September 2022

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Permission

This application has been referred to the planning committee, following objections from third parties on planning matters including the Parish Council, and in view of the planning history of the site.

Description:

The application site is located to the immediate south of the existing poultry farm complex in the countryside approximately 2km to west of North Owersby. The land is gently undulating sloping downwards to the north. To the south and east the land is primarily open countryside and to the west there is a tree lined access road to the farm before a further dense area of trees. The farm managers dwelling is located to the south. The surrounding countryside is characterised by undulating land with individual farmhouses sited within the area. The closest dwellings are "The Grange" on Gulham Road which is approximately 490 metres to the south west of the site (beyond plantation woodland). There are two detached dwellings (Top Farm Cottages) located approximately 530 metres to south east of the site with densely planted trees running along its western boundary. South Gulham farmhouse is approximately 590 metres to the south beyond existing farm buildings.

The site is within close proximity to Kingery Beck Meadows Site of Special Scientific Interest.

The application seeks full planning permission for the erection of 2 poultry buildings with attached control rooms, door canopies and stores. Additional infrastructure is proposed in the form of 3 feed bins, a concrete apron and an underground dirty water tank. The feed bins are circular with a diameter of 3.5m and height of 8.5m. Each additional poultry building will accommodate up to 50,000 birds. The broiler rearing buildings each measure 97.9 x 24.6 metres with an eaves height of 3 metres and a ridge height of 6.3 metres. The proposed buildings will be clad with a polyester coated profile sheeting for the walls and roof in juniper green. This is to match those

existing. The broiler rearing cycle operates on an all-in all-out system, and each cycle takes 48 days. The broilers are reared for approximately 38 days following which the poultry buildings are cleaned out in preparation for the next batch of birds. Thinning of birds is undertaken from day 29, and final clearance from day 37. Removing the birds will be undertaken on 4 days per flock cycle. The buildings are empty for cleaning and preparation for 10 days at the end of the growing cycle. The unit will operate with approximately 7.6 flocks of birds per annum.

Each poultry building will have a control room attached to the west elevation. The control room will include a specialist computer system which is thermostatically controlled to maintain the desired temperature within the bird housing area, using the heating and ventilation systems. Feeding and lighting is also controlled by the computer system.

This will bring the total number of broilers at the site to 400,000. The Environment Agency Permit is for 300,000 birds and a variation to the permit has been submitted to the Environment Agency. It will not be possible to increase the number of birds currently on the site without this variation being granted.

An Environmental Statement has been submitted with the application. This contains:

- A Noise Impact Assessment
- An Odour Impact Assessment
- Preliminary Ecology Appraisal
- An Ammonia Assessment
- A Flood Risk and Drainage Assessment

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

The application is 'EIA Development' under the 2017 Regulations and an Environmental Statement has been submitted with the application.

Relevant history:

W76/581/95 – Outline planning application to erect dwelling to replace North Gulham Farmhouse – 12/10/95 - Refused

130639 - Planning application for erection of 6 broiler rearing units and associated feed bins, control room, feed weighing room, catching canopy, site office and general-purpose storage building – Refused - 13/01/14 – Appeal Dismissed 21/11/14

This was dismissed on the grounds of Highway Safety with the Inspector remarking that *“an increase in the number of HGVs using Gulham Road on these days I believe it is inevitable that the safe and free flow of traffic along the road would be severely affected. In particular it is likely, given the narrowness of the road and the lack of footways and lighting, that there would be conflict between the additional HGVs generated and other road users, including other farm vehicles, car drivers, pedestrians, cyclists and horse-riders.”*

132242 - Planning application to erect 4 broiler rearing units and associated feed bins, control room, feed weighing room, catching canopy, site office and a general-purpose storage building- resubmission of 130639 – This was refused on 03/06/15 for the following reason:

1. The proposed development would lead to an increase in the number of HGV vehicles along a stretch of road from the junction of the A631 with the site. The existing carriageway is not in a suitable condition to accommodate any increase in HGV movements and the improvement works that have been proposed to the highway are not considered sufficient to mitigate the impacts of the increase in movements. The proposed increase in HGV movements will therefore have a detrimental impact on the safe and free flow of traffic along the road particularly given the narrowness of the road and the lack of footways and lighting which will compromise and be severely harmful to highway safety contrary to the requirements of saved policies STRAT 1 and ECON 5 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework.

The appeal was **allowed** subject to conditions requiring specified improvements to the public highway and a Heavy Goods Management Plan. Details were submitted to discharge these conditions amongst others under application reference 136306 and were confirmed as acceptable by Lincolnshire County Council (LCC) Highways and works were apparently carried out by an “approved contractor” under licence from LCC.

136306 - Request for confirmation of compliance with conditions 3-7 inclusive of planning permission 132242 (Appeal: APP/N2535/W/15/3134814 - 09 February 2016) – Determined. Details Agreed.

136334 - Planning application for siting of an agricultural workers mobile home in connection with the proposed poultry unit – 21/09/17 - Granted time limit and other conditions.

136943- Application for the erection of additional infrastructure in connection with the proposed poultry unit including a gate house, sub-station, generator pad, dead bird store, water tank and gas tanks. GC 2017.

140754 - Erection of 2no. additional poultry buildings and associated infrastructure. GC. 24.08.20.

Representations: Members attention is drawn to the representations made in relation to the application, the substance of which are summarised below. The representations made can be viewed in full on the councils’ website.

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

Owersby Parish: Objects

This proposed development was discussed at the most recent Owersby Parish Council Meeting. We had received representation from members of the parish objecting to the further development of these poultry units from the current four to six on a number of different grounds, including environmental impact, noise and odour.

When the existing poultry units were first planned, (in 20??) the original proposal was for 6 units, however permission was only granted for the existing 4 units at that time, due in part to local objections and impact on local highways etc.

Whilst we accept that this new proposal only increases the size of this overall development to the size originally planned we still have real concerns about the impact of further expansion, particularly on the local highways.

Owersby Parish is a very small rural farming community accessed by narrow rural roads. The impact of large and heavy articulated lorries, which are increasing in size, and a general increase in road traffic, caused not just by this Poultry unit but also by other existing developments in this geographical area are causing increased wear and tear to the local roads which the highways department seem unable to keep up with in respect of maintenance. The state of all the roads in this Parish are an ongoing concern for this Parish Council.

The highways department have placed road signs at the turning off the A631 towards Gulham, Kingerby and Owersby that state the road is not suitable for HGVs, however, this is the main route used and identified by sat-nav. Moor Road, leading from the A46 into North Owersby is not in a good state of repair, with recent attempts to deal with the breakup of the road shoulders have been inadequate and incomplete. The road from South Kelsey through Thornton Le Moor to Osgodby is also in a poor state of repair, which has only been exacerbated by recent shoddy repairs.

Passing places on all roads are inadequate and not signed, and often the state of the verges, being rutted or churned up make it difficult to pull over as necessary.

This Parish Council objects to this development, on the grounds that the increased size of the development will inevitably cause increased heavy traffic on roads that are already proving not fit for purpose, have not been upgraded to meet current requirements and are inadequately maintained.

Local residents:

Kingerby Hall Main Road Kingerby Market Rasen: Object

- Repeated applications being made to secure what was refused originally
- Cumulative impact is unacceptable with great harm to local natural environment and highway safety due to single lane roads and poor infrastructure.
- No benefit to local community with no highway improvements offered
- we don't want more and more intensive smelly and noisy intensive farming operations to be built near to our homes, near and on single lane roads which were meant for occasional and less traffic and not by such intensive use by

1 Top Farm Cottage Gulham Road: Object

- The road is unsuitable for HGVs, and isn't designed for the heavy Lorries, leading to subsidence, regular and deep potholes and general poor condition of the road which will only get worse. The single track road has few passing places and the current passing places are poorly located due to obscurity and undulation of the road. The approved passing places from the last application have not been constructed,
- The entire road from the A631 needs rebuilding to cope with the current demands of large vehicle movement.
- The application was rejected at 6 units, but following appeal a decision was made for 4 units. Limited time passed before a further application was made to increase this to 6, which we had expected to be declined like the original application, particularly due to the strong and valid objections by residents.
- This application is essentially doubling its size due to the close proximity of the two planning applications. We need to be protected from intensive farming of this scale

- The previous applications had condition to plant trees on the east boundary, which has not taken place meaning strong smells caused by the westerly winds, transmit to my house without resistance, which are unpleasant.
- The south boundary also had conditions for tree planting which have not taken place. Appeasing the local community with these preventive measures, particularly due to the unrest the applications have caused should have been at the forefront of the chicken farms consideration. The outstanding passing places also fall into this category.

2 Top Farm Cottage, Gulham Road: Object

- Piecemeal planning applications to achieve the intended size is not in the spirit of the planning process nor allows Planning Officers and the Planning Committee to thoroughly evaluate the proprietor's application in respect of its impact.
- The negative impact to residents' mental wellbeing is present through not only having to contend with the local impact of this intensive operation, but also having to keep having to spend time and energy fighting these persistent applications of growth to achieve the proprietor's overall ambitions. When will this stop.
- The Planning Officer and Planning Committee are to be reminded of the recent history of the inception of this intensive development in that the local community strongly objected to these intensive poultry units for many reasons (namely, local highway infrastructure limitations, nuisance, prior use and scale etc.), and the Planning Committee came to the same conclusion and declined the application.
- The application was only successful on appeal in 2017 with a reduced scale (four poultry units rather than the six). The proprietor sought an expansion in 2020 to expand the capacity by a further two intensive poultry units (140754) to six that received Planning Committee approval, even allowing for the strong representation against the proposal by the local community.
- The area is becoming the epicentre of intensive farming, which I don't associate with Lincolnshire's typical countryside character and natural beauty. Consideration therefore needs to take into account the cumulative impact of all these developments in such a small area.
- Persistent breach of planning conditions in relation to landscaping scheme approved and not implemented and occupancy of units contrary to conditions requiring landscaping to be in place before occupation.
- The intensive poultry farm is however in full operation without regard to conditions. This shows a disregard to the planning process, but more fundamentally, the environment (bio-diversity, pollution) and the community (nuisance of the odour coming from the site, and lastly, the visual).
- Highways condition prohibits occupation of the previously approved 2 units until four passing places have been completed. To date, no new passing places have been installed however the unit has been in full operation using the six units, which again fails to comply with the conditions set. Why?
- The proprietor's latest submission refers to 'awaiting LCC minor works approval', therefore details are sought from the Highways authority to confirm when this request was made, and whether the timing correlates with this latest planning application.

- Fundamentally, the proprietor is not adhering to the conditions set by previous planning decisions, and these non-compliance matters should bear significant weight into this latest decision, and that profit and gains should not be at the expense of local residents and countryside living.
- The public highway from the A631 to the poultry unit on Gulham road is unsuitable for increased HGV movement. The route is a narrow single track access road, which is designated by Highways as 'unsuitable for HGV' traffic and the road is uneven, rough and has a significant number of potholes.
- The proposed application is to increase HGV movements to 2,026 p.a. a rise of 34%, which is alarming. This is 2,026 p.a. HGV movements more than what was there before the initial application was submitted.
- The intensification of farming in the local area (whether that be poultry or pigs) are at a scale beyond what is typical in the countryside.
- I have addressed concerns directly to the Highway authority on the pre-planning advice provided, whereby one of the most fundamental points is missing, namely the 'infrastructure' of the road asset and the damage that is being caused to it.
- The poultry business is highly profitable from observations of their company accounts and expansion will secure them even greater financial gains. I am concerned by the exposure this application is causing to Lincolnshire County Council's financial position by not having agreements in place to provide financial protection and investment funds to support existing road structure, which would allow for road infrastructure improvements to be made over the asset life of such intensive industries, but not at the expense of the Lincolnshire taxpayer.
- Conflict between different road users including horse riders, cyclists and HGVs will be increased due to increase in HGV movements impacting harmfully on Highway Safety.
- The current passing places in operation are poorly constructed with two of the three passing places placed before an obscure / blind bend, therefore even by travelling at a slow speed, the vehicle user still has to commit to proceed.
- Even allowing for the approved passing places awaiting Council works and two proposed passing places, I still consider it to be inadequate for the current operations HGV movement, let alone for the expansion of it. Both junctions have had the road surfaces completely redressed, however the problems still persist. Water springs continue to appear on the road corner near to the entrance to the poultry farm.
- The odour impact assessment continues to be through a dispersion modelling exercise, which is purely a theoretical approach using largely standard measures. The use of such an approach is fundamentally flawed. The six poultry units are in full operation, therefore undertaking extensive field testing and extrapolating the data will provide a more realistic cumulative impact statement to local residents based on local conditions (i.e. wind conditions (direction and strength) odour).
- The modelling predicts 98th percentile odour concentration which is below the Environmental Agency's benchmark for moderate offensive odours – this is a national guide, and its determination could be deemed subjective, from the poultry units. The sharp smell is something I have been concerned with since its inception.

- The noise results are interesting that during day light hours the noise levels are greater near neighbouring properties (site location two) than directly next to it (site location one), which is due to regular westerly winds. Having two units closer to the road is likely to have a significant impact on this and odours travelling, added with the lack of protection from mature trees. Having a young family and earlier sleeping patterns could mean this leads to sleep disturbance where it nears 85db. I see no forecast data of the impact within the noise report for the development. It is also unclear why the noise data is missing at site location one between the times of 03:45 to 12.15?
- There appears to be inconsistencies between the drawings of the site plans over the course of the proprietor's planning applications.
- The two proposed units are to be located nearest to the road, which will be prominent to the eye (and not in keeping with the rural setting), and secondly with the prevailing winds (from the South-west and West) that is likely to result in a greater transient of smells impacting residents and visitors.
- the application fails to satisfy the following relating to development in the countryside: The location of the enterprise is suitable in terms of accessibility; and the development is of a size and scale commensurate with the proposed use and with the rural character of the location.

The Gables, Gulham Road, North Owersby:

- This is the third application for this site. The first application for 6 units in 2016 was refused by WLDC and was dismissed at appeal, by the Appeal Inspector who concluded that "the proposal would be likely to be severely prejudicial to highway safety along Gulham Road". The applicant was only granted permission for a reduced scale operation of 4 units, to address these issues and the development became operational in 2018.
- The applicants were granted permission, on the condition that 4 additional passing places were constructed. To date, these passing places have not been built, yet the 6 units are in full operation.
- In addition, the applicants have still not fulfilled a condition of the original application to plant a tree belt and woodland to the east and south boundaries of the site.
- The planning department surely exists to control development in order to protect all local residents, road users and tax-payers and prioritise council funding already stretched to its limit with the state of the county's roads. We have never understood why a development of this scale with associated high HGV movements would be granted permission via an access road already deemed unsuitable for HGVs?
- The applicants suggest they will "improve" the carriageway by the addition of 2 passing places, yet the 4 passing places imposed as a condition of the 2020 expansion still haven't been constructed. The ones built as a condition of the original application are poorly designed/constructed and fail to address the obvious issue of the overall non-suitability of the carriageway along its entirety.
- My husband and I are from farming families - my grandfather, father and now my brother in-law have farmed at the bottom of Gulham Road since 1952. We

have nothing against the development of livestock farming (though we struggle to attach the same description to this industrial scale meat production), but it should not be in locations which adversely affect other residents/road users' enjoyment of the countryside.

- The broiler industry is highly profitable - if the applicant was offering some major investment in the upgrading of the entire carriageway from the A631 the application would maybe be viewed more favourably by the local community. But that is not the case. We strongly object to this application as we have already observed the increased rate of deterioration of the carriageway since the broiler unit has been operational which can only worsen with a 34% increase in operation size and increased numbers of HGVs,
- We urge the planning department to seriously consider the further impact this additional development will have and ask that they refer the matter to the full Planning Committee.

Hooks Farm, Gulham Road: Object

1. Our most significant objection with the above application is the effect that any further increase in traffic will have on local routes making it more dangerous and hazardous for users. The route used from the A631 is all single width road and is designated as unsuitable for HGVs and it therefore seems incongruous that any application which could increase HGV numbers would be approved. The verges along this route are often water logged and deeply rutted therefore making it unsuitable for vehicles pulling over. There are also significant drops from the road onto the verges at several points which could lead to vehicles being damaged should they need to pull off the road. The passing places that have been constructed provide little improvement and several times we have encountered HGVs associated with the current site/operation who cannot or will not pull over thereby expecting road users to pull on to verges which are unsuitable for cars. Since the 6 chicken sheds have been in use the roads have deteriorated and many deep potholes have appeared which cause damage to vehicles and constantly require repair. Added to this is the fact that the original application for 6 chicken sheds was rejected by WLDC and the Appeal inspector who concluded that "the proposal would be likely to be severely prejudicial to highway safety along Gulham Road". We, local residents, and other people using this route, have already experienced the deterioration in the roads since the completion of the original 4 chicken sheds in 2018 plus the additional 2 chicken sheds added in 2020 as well as the increased hazards from trying to use single track roads alongside the extra HGVs and therefore feel that any further increase in the HGV traffic on this route is unacceptable.
2. Since original 4 chicken sheds in 2018 plus the additional 2 chicken sheds added in 2020 have been in use we have frequently noticed a strong and unpleasant odour at our home which lies north west of the site. This issue is likely to become worse with more birds on the site.
3. Further demonstration of failure to comply with previous planning requirements are evident in the lack of landscaping that been completed on the site which was one of the conditions of the original application.

Thornton House, Thornton le Moor: Object

- You may recall that the original planning application for 6 broiler units in 2015 was reduced to 4 on grounds of the single carriage way road system, limited passing places and impact of large numbers of HGVs using the narrow lanes

deemed by the council and the Highways Authority to be unsuitable for HGVs. 2 further units were subsequently added in 2020.

- We have seen a considerable deterioration in the condition of the lanes due to the volume of HGVs. The pothole and subsidence situation is dire making the use of these lanes by car often very difficult particularly in wet weather with water sitting in the potholes making it difficult to navigate around them. Meeting a HGV is also potentially dangerous due to the difficulties of having to drive onto the soft verges – the Lorries certainly do not make any effort to leave the road.
- An increase in volume of HGV traffic, deterioration of the highways, increase in potholes/subsidence and odour are all very serious concerns.
- We therefore do not believe that planning permission should be forthcoming for any further units on this site.

1 Roberts Meadow Alvingham Louth: Object

- I objected to the original application for 6 poultry units back in 2016 which was refused and my reasons for objecting are still the same, being: Infrastructure The access to the site is a single lane road, which is designated unsuitable for HGV's. The road already suffers from potholes, subsidence and many fractions, affecting the 2.4 miles from the A631 to the site. A 34% increase in HGV movements will result in the road condition deteriorating significantly.
- Concerns raised around the sustainability of the passing places and road improvements. It is impossible to leave the road in some places due to verges being cut up and large ruts.
- Additional passing places were a planning condition on the previous planning application on this site, yet they have still not been constructed.
- The site already emits unpleasant smells, which result in you not wanting to be outside during these periods. The smells occur not just on cleaning out days, as such I am worried 2 further units will create even more nasty odours. The wind tends to be a westerly direction and with the units being nearer the road and not sheltered by the natural dip of the field this will mean the smells will just get worse for those living at Top Farm Cottages and Bungalow. In the original application it stated that there would be landscaping around the site, but I cannot see any additional trees/hedgerows have been planted, which potential would mask some of the current odour transmission.

LCC Highways: No Objection.

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.

Requests that any permission given by the Local Planning Authority shall include the conditions below:

Highway Condition 21

The development hereby permitted shall not be occupied before a scheme of highway improvements in the form of four localised highway carriageway widenings (passing places), has been provided in accordance with details that shall first have

been submitted to, approved in writing by and certified complete 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 access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

Highway Informative 07

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

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following links:
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

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

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

There is no precise definition of "severe" with regards to NPPF Paragraph 111, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues.

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

Environment Agency: Whilst we have **no objections** to this application, we would like to draw the applicant's attention to the following informative comments:

Environmental permitting

This site has an environmental permit (EPR/RP3933EU) to rear poultry in a facility with a capacity for 300,000 broiler places. A variation to the environmental permit will be required for the proposed changes.

Environmental Protection: I understand that this site currently has an Environment Agency permit under the Environmental Permitting Regulations (England and Wales) 2016. If permission is granted for 2 additional poultry sheds the applicant will need to apply for a variation in this permit to accommodate the additional bird numbers. Under the permit the Environment Agency are responsible for regulating the site with regards to issues such as noise, dust, odour and air quality and all complaints relating to the site are investigated by them. I note that the Environment Agency have no objection to this application.

I have reviewed both the Noise Impact Assessment by Matrix Acoustic Design Consultants dated 31 March 2022 and the Odour Impact Assessment by Isopleth dated April 2022. Taking all information into account I have **no objection** to this application with regards to site noise and odour.

Natural England: No Objection – Subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Kingerby Beck Meadows and Normanby Meadow Sites of Special Scientific Interest have been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measure is required:

- Compliance with the Code of Good Agricultural Practice for reducing ammonia emissions

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Lincs Wildlife Trust:

12.09.2022: I have read the ammonia assessment and can now agree with Natural England regarding the effects of ammonia concentrations in the surrounding area.

08.08.2022 (Summary) Lincolnshire Wildlife Trust wish to place a holding objection onto this planning application until all of the appropriate

Environmental information is provided by the Applicant regarding the effects of ammonia emissions the site will have on the surrounding ecology and what mitigation will be taken to reduce its effects.

Lincs Wolds Countryside Service 07.09.22(Summary)

I've had a quick review of the proposal and the ammonia report, so conclusions all noted and in particular any potential impacts to the SSSI grassland at Normanby, which appear to be negligible from the findings as presented.

If the application does proceed, we'd certainly welcome wider landscape habitat enhancements to help aid wider biodiversity net gain/recovery and help minimise the environmental impacts;

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)**

The policies considered relevant include:

- LP1 A presumption in Favour of Sustainable Development
- LP2 The Spatial Strategy and Settlement Hierarchy
- LP5 Delivering Prosperity and Jobs
- LP13 Accessibility and Transport
- LP14 Managing Water Resources and Flood Risk
- LP17 Landscape, Townscape and Views
- LP21 Biodiversity and Geodiversity
- LP26 Design and Amenity
- LP55 Developments in the Countryside

North Owersby is not a designated Neighbourhood Area and so there is no Neighbourhood Plan in preparation.

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

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

National policy & guidance (Material Consideration)

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

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

Paragraph 219 states:

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

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

- ***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).

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

Main issues

- Principle
- Highway Safety
- Noise
- Odour
- Dust
- Biodiversity and Ammonia

Assessment:

Principle

The site is in the countryside therefore tier 8 of LP2 applies. This allows development demonstrably essential to the effective operation of agriculture. The proposal would introduce an additional two poultry sheds to an existing poultry farm which is considered to comply with this policy. The principle of development is therefore acceptable in accordance with LP2.

Highway Safety

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 110 requiring proposals ensure safe and suitable access for all users and paragraph 111 requiring development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts, on the road network would be severe. The policy is therefore attributed full weight.

A considerable amount of the objections raised focus on issues of road safety due to perceived inadequacies of existing highway infrastructure and comments are also made about the inadequacy of previous highway improvements. It is noted that conditions were placed on the allowed appeal which required specified improvements to have taken place to the public highway which have been carried out. In addition to this a Heavy Goods Vehicle Management Plan, has been submitted which mirrors that previously approved. There are currently 758 (1516 two way) vehicle movements per annum. The current proposal will see this increase to 1013 (2026 two way) vehicle movements per annum or 127 (254 two way). This represents an increase of approximately 34%. In order to accommodate the additional traffic without compromising highway safety 4 additional passing places (rather than the 1 offered on submission) must be provided along the route connecting to the A631. This will be conditioned requiring details to be submitted and approved in writing by the local planning authority and to be in place before bringing the units into use. On this basis no objections are raised on the grounds of Highway Safety by the Highways Authority. Highway safety is not considered a reason to withhold permission. It would be in accordance with LP13.

Noise

Noise

A detailed noise assessment was submitted in support of the application which looked at plant and operational noise development. The assessment included the proposed ventilation systems and transport related noise. The assessment included a noise survey conducted to determine the typical background noise levels at the nearest dwellings to the site. A number of objections were raised to the assessment by representations received from residents which I have set out below and the response from the acoustic engineer dated 6th September 2022.

Objection 1: *The noise results are interesting that during day light hours the noise levels are greater near neighbouring properties (site location two) than directly next to it (site location one), which is due to regular westerly winds:*

Response: The purpose of measurement Position 2 was to establish the existing noise environment at the nearest dwellings. As detailed in our report, it was observed that at Position 2 extract fan noise emissions from the existing poultry development were inaudible; the general noise environment here was very quiet, consisting of distant road traffic and birdsong.

The background ('underlying') noise levels, which are used in determining the BS4142 noise impact, are in fact lower at Position 2 than at Position 1; the higher levels at Position 1 are due to the contribution of operating extract fans. The maximum (highest individual noise event) and ambient ('average') noise levels, which are not used to determine the noise impact, are generally higher at Position 2 as a result of other noise sources not related to the poultry development plant/on-site activities e.g., vehicles pass on the adjacent road (short duration cars passes have a minimal influence on background noise levels). The wind speed during the survey was very low, and consequently will not have influenced the survey findings.

Objection 2: *Having two units closer to the road is likely to have a significant impact on this and odours travelling, added with the lack of protection from mature trees.*

Response: The purpose of our assessment is to review the noise impact of the proposed poultry development expansion, for which the aggregate noise impact was established to be low. Note that trees only provide noise attenuation if they form a dense woodland.

Objection 3: *Having a young family and earlier sleeping patterns could mean this leads to sleep disturbance where it nears 85db.*

Response: Day and night periods are clearly defined in the relevant British Standards, with sleep disturbance only required to be assessed during the night period (23:00 – 07:00hrs). In our report we reviewed the aggregate noise ingress levels from the development on the assumption of an open window (worst-case scenario); the resultant levels were found to have a negligible impact on sleep disturbance when reviewed against published guidance. We have no idea where the claimed 'near 85dB' value comes from; in the report the highest noise ingress levels are clearly stated as LAeq 16dB and LAmx 29dB.

Objection 4: I see no forecast data of the impact within the noise report for the development.

Response: Section 5 of our report covers the noise impact assessment, which details the noise sources, their operation, calculation methodology and individual and aggregate Rating Levels (noise emissions levels with Character penalties applied) and corresponding BS4142 noise impact. Full calculations are provided in Appendix B. We therefore can only assume that either they have a corrupted version of the report with this section/appendix missing or it has been misread/misunderstood.

Objection 5: It is also unclear why the noise data is missing at site location one between the times of 03:45 to 12.15?

Response: In the report it is clearly stated that the monitor did not operate for the full 24hrs due to battery failure. The purpose of Position 1 was to identify the fluctuation of the noise emissions from the existing extract fans and to review if there was any correlation with the noise levels obtained at Position 2. Sufficient data was obtained that demonstrated that the existing extract fans did not have any significant influence on the noise environment at Position 2 i.e., the dominant noise sources affecting Position 2 were not related to the existing poultry development.

Summary on noise and disturbance

It has been demonstrated to the satisfaction of the environmental protection officer that the noise impact of the ridge extract fans and transport activities during the day and evening would be low and would fall within acceptable levels and therefore does not represent a reason to withhold consent.

Odour

An Odour Impact Assessment (OIA) was submitted as part of the application. The guidance level is that 3 ouE/m³ is indicative of having a negligible impact ('negligible')

at, or below 3 ouE/m³ as a 98th percentile of hourly means ;). The levels predicted range from 1 to 1.97 ouE/m³ which fall below the guidance threshold of 3 ouE/m³. As the OIA itself acknowledges “*It must be noted that the facility will not be odour free. Odour will be perceived at locations such as The Grange, however this will not be at a level which would normally be considered unacceptable at this location according to Institute of Air Quality Management Guidance (IAQM) or that from the Environment Agency. Similarly, odour may be perceived by users of the roads alongside the site however these would be of low sensitivity and the perception would be short term. According to the IAQM Guidance and FIDOL factors this impact would also be regarded as ‘not significant’ at residences”*

No objections have been raised by the Environmental Protection Officer to the methodology used or the results reported. On this basis notwithstanding the number of objections received on this matter odour does not represent a reason to withhold consent.

Poultry Dust (Particulates)

Within a poultry building the main sources of dust are the birds, their food and the floor litter. Dust can be dispersed via the extractor fans and there is a potential for dust when the poultry sheds are emptied and cleaned in preparation for the next “cycle”. Concerns about correlations between exposure to fine particulate and impacts on public health have led to measures to regulate atmospheric concentrations of fine particulates. Limits have been placed on Particulate Matter (PM) at a level of 10 µm (10 microns = 10 millionths of a metre), with no differentiation as to chemical specification or origin. In keeping with European limits, the UK Air Quality Strategy (2007) has set a limit of 50 µgm⁻³ (micrograms per cubic metre) over 24 hours not to be exceeded more than 35 times per year and a limit of 40 µgm⁻³ as a maximum annual mean value. With increasing distance from the source the concentration of dust particles which originate from poultry buildings will fall to a level below air quality guide-line values, and eventually be indistinguishable from normal background dust levels. Background dust levels in rural areas according to data collected from the National Air Quality Monitoring Network (2005) indicates that background dust concentrations in a rural environment are around 15 µgm⁻³. Calculations indicate that annual average concentrations of poultry dust are not expected at distances exceeding 100 metres from the source. The nearest dwellings are over 480 metres from the proposed buildings and therefore it is considered that the proposal is acceptable in this respect.

It is concluded that the noise, odour and dust impacts fall within acceptable levels and the proposal would accord with policy LP 26. 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. This is consistent with section 12 of the NPPF and is afforded full weight in the determination of this application.

Biodiversity and ammonia:

A preliminary ecological appraisal was undertaken and has been submitted as part of the application. In summary as a whole the sites habitats which will be affected by works are common and widespread of low intrinsic biodiversity value.

Recommendations are made which will reduce the risk of harm to any wildlife in the lead up to construction on the site and during the development itself are provided. Proposed ecological enhancements for wildlife include the use of native planting (preferably of local origin) in all landscaping and placement of hedgehog boxes and the erection of bird and bat boxes on suitable trees within the curtilage of the farm. A condition can be imposed securing compliance with the recommendations. In correspondence with the agent he stated that the applicants competed planting on the southern and eastern boundaries of the site as part of the original consent for the site and that the expansion of the site resulted in the planting on the southern side of the site being removed." On this basis it will therefore be necessary to impose a pre-development landscaping condition which has been agreed by the applicant.

Natural England have stated that without appropriate mitigation the application would damage or destroy the interest features for which Kingerby Beck Meadows and Normanby Meadow Sites of Special Scientific Interest have been notified. The agent has confirmed that the existing site is designed and operates to "Best available techniques" (BAT) standards in compliance with the EA Permit. Nevertheless, a planning condition requiring compliance with the Code of Good Agricultural Practice for reducing ammonia emissions (Published by the Department for Environment, Food and Rural Affairs 2018) will be imposed. In addition, the required landscaping once established will also help with ammonia dispersion and biodiversity. Impacts on biodiversity do not represent a reason to withhold consent. It is in accordance with policy LP21. Policy LP21 is in accordance with Section 15 of the National Planning Policy Framework "conserving and enhancing the natural environment" which requires decisions to contribute to and enhance the natural environment by protecting sites of biodiversity value and is therefore accorded full weight.

Visual Impact

The existing poultry farm complex is not readily visible from public roads and glimpses are only available through small gaps in roadside hedgerows at a distance. The proposed buildings are very similar to those existing on site in terms of scale, appearance and materials and in any views available will be seen in the context of the existing operation. This together with the imposition of a landscaping condition will ensure that its impact on the character and appearance of the site and wider area will fall within acceptable levels and does not represent a reason to withhold consent. It is in accordance with policy LP 26.

Drainage

A Flood risk and drainage assessment has been submitted to support the application. The site is not located within an area at risk of flooding. There is an open drainage ditch located to the north of the proposed development, which drains the adjacent agricultural land and into which the surface water run-off from the existing poultry units' discharges. It is proposed to discharge into this drainage ditch via the existing restricted outfall. In order to ensure the discharge of surface water will not increase the risk of flooding to other properties, it is necessary to attenuate the drainage by restricting the discharge and providing storage as required. The new drainage will be discharged at an unrestricted rate to the existing attenuation lagoon and then to the watercourse via the existing restricted outfall which limits the discharge for the full poultry development to 5 litres per second. A hydraulic model

study of the new drainage network has been undertaken in order to assess the required pipe sizes and gradients and to check whether the existing attenuation lagoon which was designed to accommodate the current expansion has sufficient capacity. The results of the study show that the existing attenuation lagoon can accommodate the run-off from this new development. On this basis there is no ground to withhold consent in relation to drainage. The proposal accords with policy LP14. Policy LP14 in the section on Flood Risk requires that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test. This is in accordance with the Planning and Flood Risk section of the NPPF and is afforded full weight.

Planning balance and conclusion

The reasoned conclusion of the local planning authority following examination of the Environmental Statement and discussed above is that there will not be a significant Environmental Impact arising from the proposals subject to the imposition of conditions recommended below. This is a proposal that subject to the imposition of conditions is not considered to cause significant harm to: the interests of highway safety; the living conditions of nearby dwellings; biodiversity; the character or appearance of the open countryside. It will also support the development of an existing established rural enterprise. Therefore, having considered the proposal against the provisions of the development plan and specifically policies LP1 A presumption in Favour of Sustainable Development; LP2 The Spatial Strategy and Settlement Hierarchy; LP13 Accessibility and Transport; LP14 Managing Water Resources and Flood Risk; LP17 Landscape, Townscape and Views; LP21 Biodiversity and Geodiversity; LP26 Design and Amenity and LP55 Developments in the Countryside of the Central Lincolnshire Local Plan (2017) as well as against other material considerations including the National Planning Policy Framework it is considered that the proposal is acceptable and a grant conditional planning permission is considered appropriate.

Recommendation: Grant Permission subject to the following conditions;

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

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

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

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

2. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to help ameliorate its impact in this rural location and to provide increased opportunities for biodiversity on the site is

provided in accordance with Policies LP21 and LP26 of the Central Lincolnshire Local Plan.

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

3. The development hereby approved shall be carried out in accordance with the following drawings:

Location Plan: Dwg. Number IP/MF/02 Date April 22:
Proposed Site Plan: Dwg. Number IP/MF/02 Date April 22
Proposed Elevations: Dwg. Number IP/MF/03 Date April 22

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

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

4. Work shall be carried out on the site in accordance with the “recommendation for mitigations and further survey work” of the Ecological Appraisal prepared by Craig Emms and Dr Linda Barnett dated March 2022. A plan or other information showing the positions of the hedgehog boxes; bird and bat boxes placed on the site in accordance with part of these recommendations must be submitted to the Local Planning Authority for approval in writing prior to bringing the hereby approved buildings into use.

Reason: In the interests of biodiversity in accordance with policy LP 21 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 development hereby permitted **shall not be occupied** before a scheme of highway improvements in the form of four localised highway carriageway widenings (passing places), has been provided in accordance with details that shall first have been submitted to, approved in writing by and certified complete 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 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.

6. The Heavy Goods Vehicle Management Plan must be adhered to at all times.

Reason: In the interests of highway safety and to reduce impacts on existing dwellings in the area in accordance with policies LP13 and LP26 of the Central Lincolnshire Local Plan

7. The Landscaping Scheme referred to in condition 2 must be completed in the first planting season following completion of the development or the bringing into use of the approved buildings whichever is the sooner **and it must be confirmed in writing** as complete by the Local Planning Authority. 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 **avoiding previous delays on this site** in terms of landscaping provision and that initial plant losses are overcome, to ensure that a landscaping scheme to enhance the development and to provide increased opportunities for biodiversity on the site is provided in accordance with Policies LP 21 and LP26 of the Central Lincolnshire Local Plan.

8. The hereby approved units shall be operated in “Compliance with the Code of Good Agricultural Practice for reducing ammonia emissions (Published by The Department for Environment, Food and Rural Affairs 2018)”

Reason: As mitigation recommended by Natural England without which the development would damage or destroy the interest features for which Kingerby Beck Meadows and Normanby Meadow Sites of Special Scientific Interest have been notified and in accordance with policy LP 21 of the Central Lincolnshire Local Plan.

Notes to the Applicant

Comments from Lincolnshire County Council Highways:

The highway improvement works referred to condition 5 are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

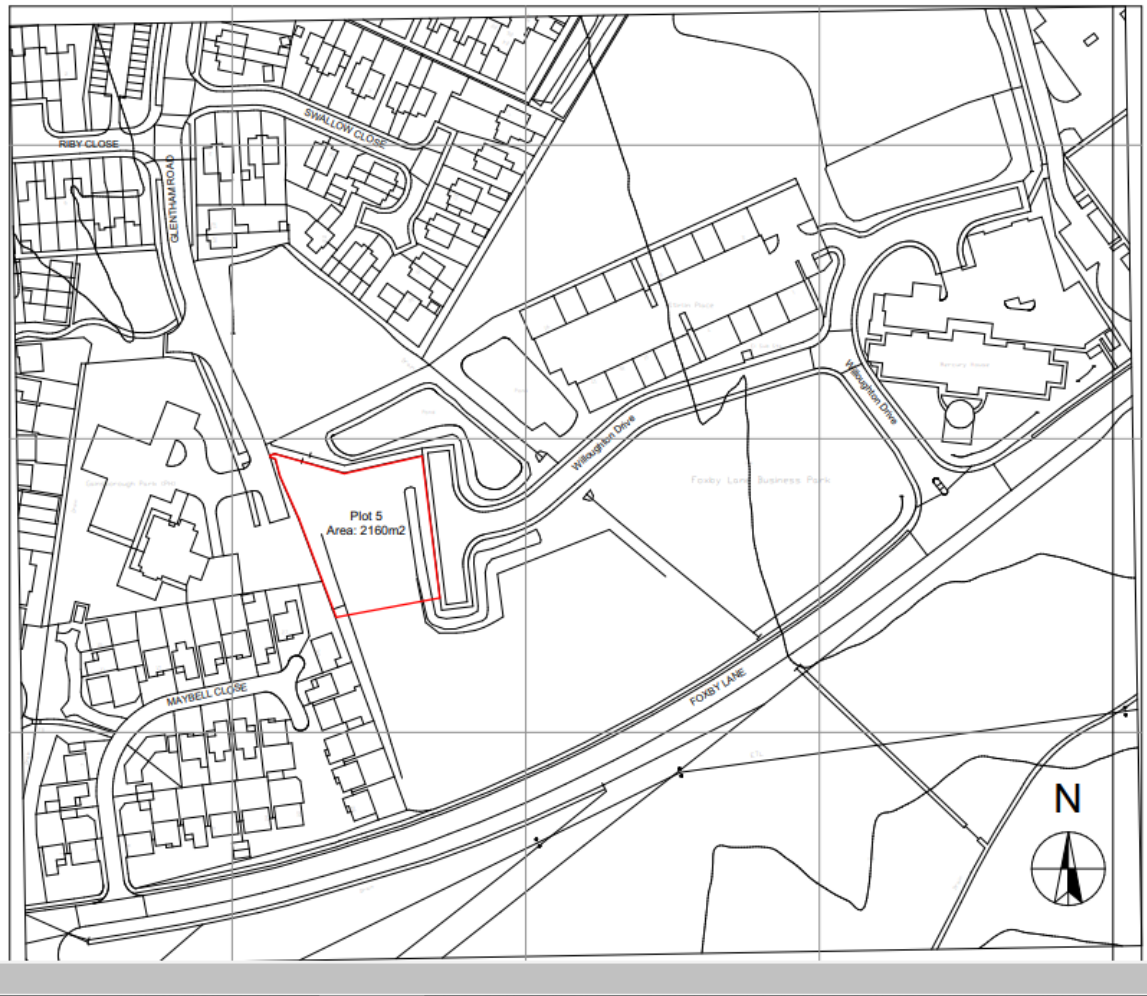
Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

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

Agenda Item 6c

LOCATION PLAN: 144738 Land off Willoughton Drive, Gainsborough



Officers Report

Planning Application No: 144738

PROPOSAL: Planning application to erect 7 no. commercial units, 5 units to fall within Use Class E((g)i) office ii) the research and development of products or processes or iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)) and 2 units within Use Class B8 (Storage and Distribution)

LOCATION: Land off Willoughton Drive, Gainsborough DN21 1DY

WARD: Gainsborough East

WARD MEMBER(S): Cllr T Davies Cllr M Devine Cllr D Dobbie

APPLICANT NAME: Mr Ben Dixon, Brexons Ltd

TARGET DECISION DATE: 22/07/2022

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Permission subject to conditions

This application has been referred to the planning committee, following third party representations, including from the Town Council, with objections on planning grounds.

Description:

The application site is a grassed area located within Foxby Lane Business Park, which is an established local employment site within the developed footprint of Gainsborough. Internal roads and the access to the site from Foxby Lane (Willoughton Drive) have been laid out with Mercury House at the eastern end of the park. Mercury House is a two-storey managed workspace, business incubation and business innovation centre built under planning permission 120777. Commercial units are located to the north east of the park and work is underway across the wider site implementing approvals granted for business use. This site is located in the south western corner of the park. West is housing accessed from Maybell Close separated from the site by fencing and hedgerows. To the south is an office building occupied by Vulcan Bossit.

The application as originally submitted was for a terrace of 6 commercial units running along the entire length of the western boundary (Units C, D, E, F G and H). During the course of the application amendments were made to the application. As originally submitted a unit was to run along the side of the rear garden of 36 Maybell Close for a distance of 12 metres set back 1.3 m This was changed and reduced to a terrace of 5 units so a unit now only runs along the corner of the rear garden for approximately 1.8 m set back 1.7m. All of these terraced units will now fall within Use Class E(g)i) office ii) the research and development of products or processes or iii) any industrial process, (which can be carried out in any residential area without

causing detriment to the amenity of the area). Opposite the terraced units two larger detached units are proposed either side of the main access to the site. Originally a workshop was proposed in one of these units which was subsequently amended to a use falling with Use Class B8 (storage and distribution).

Relevant history:

Larger Site

M03/P/1164 – Outline application to create business park layout including 271 metres of new road and services. Granted 22/04/2004.

M04/P/1173 – Planning application to vary condition 9 of planning permission M03/P/1164 (no development shall take place until improvements to the junction of Foxby Lane with the A156 Lea Road have either been completed or subject of a contract). Granted 10/11/2004.

M05/P/1095 - Planning Application to vary condition numbers 1 and 5 of Planning Permission M03/P/1164. Granted 05/01/2006.

Land to south

141923- Application to erect a commercial office building for single business use GC 07.01.2021

Land to east

143678- 4 light Industrial units with parking. CG 27.01.22

143679- 3 light industrial units with parking. CG 27.01.22

Residential Development to West

128336

Planning application for proposed housetype substitution to plots 117 - 147 with associated roads and garages as a replan of the existing scheme previously approved (outline consent M02/P/1147) and reserved matters (M06/P/0984. Reduced no of houses from 35 to 31 and a new access road formed onto Foxby Lane

Foxby Lane Gainsborough DN21 1PP

GC 17.05.12

Representations:

Chairman/Ward member(s): No comments received

Gainsborough Town Council: Resolved to **object** on the grounds of the environmental impact with the removal of greenery, contamination risk and would await a response regarding how the noise and air quality impact on the residential housing will be mitigated.

Local residents:

27 Maybell Close ;(Summary) The full representation is available to view on our website. **object** strongly to this, as removal of these is not environmentally acceptable, more trees/bushes should be planted not removed in these times of global warming. The buildings on this scheme are positioned closer to the plot boundaries than any other of the applications. These proposed new trees are not going to provide any screening of the building until they have grown for several years. Once the hedgerow is removed, there will be no screening from the business park for the residents of Maybell Close.

36 Maybell Close: (Summary) The full representation is available to view on our website. The trees/bushes, on the boundary of the proposal will be removed, I would like to **object** strongly to this, as removal of these is not environmentally acceptable, more trees/bushes should be planted not removed in these times of global warming. They will provide a barrier to sound. If the ground level is raised this could then appear to take the height of the units above that of adjacent residential properties, blocking light and view What control is envisaged for sound prevention.

Gainsborough Park: (Summary) The full representation is available to view on our website. A number of years earlier, the ownership Title of the immediately adjacent strip of land to the west, of Glenthams Road, was transferred to me directly by/from WLDC, and includes mature trees. They have absolutely no relevance to the discussion surrounding Planning Application (PA) Number 144738. One “Existing tree (is) to remain”, all the rest of the 20-year-old mature tree-line screen of “hedge/shrubs (are) to be removed. The elevation of all the units is a harsh, industrial “composite panel”, which will be visible

7 Adlington Mews Gainsborough:

Brooklands Gainsborough Management Company Limited has an objection against the removal of any trees, bushes and green matter as we are striving on Brooklands to maintain a zero-carbon environment. We have striven for many years to accomplish this and do not want anything to happen to endanger the possibility of this continuing for many years to come. We have planted and laboured for this and nothing, yet nothing should jeopardize this for the foreseeable future.

Vulcan Bossit House Wharton Close (Summary) The full representation is available to view on our website.

There seems to be some inconsistencies between the ‘site layout drawings’ and the ‘design and access statement’. The western edge of the site currently has a wooden feather and edge fencing marking the boundary between the plot and the garden of the neighbouring houses in Maybell Close. Approx. 3 metres east of this boundary line is a deciduous shrub line made up of natural species of shrubs and trees. There are a few evergreen trees west of the plot boundary but this land is owned by others. The shrubs and bushes line within the plot would need to be totally removed to accommodate ‘Unit C’ being built within 4m of the western boundary. Although the planning statement points toward no significant impact to the local area, a new commercial development will always impact on the environment.

The counteracting of the greenhouse gases that the development will produce would be totally reliant on the tree and shrub planting of the other developments within the Foxby Business Park and the neighbouring housing estate. This surely cannot be acceptable with the recognised global climate crisis situation. If our interpretation of the planning request is incorrect and the existing hedgerow will remain and become part of the building scheme, there is a further issue that there is no access to maintain the hedgerow. Leaving the hedgerow without maintenance may cause the weakening of the hedgerow root system with risks of falling trees etc.

LCC Highways: 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.

Requests that any permission given by the Local Planning Authority shall include the conditions below.

Highway Condition 33

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 building 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 the permitted development

Environmental Protection:

14.09.22: I have reviewed the revised plans and I have **no objections**. I would still recommend the following hours of use for the units in order to protect residential amenity: 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays with no Sunday or Bank Holiday operation.

12.05.22 I have concerns that the some of the units back on to residential housing, however the application does not address this. I therefore request further information on how the potential impacts on residential amenity (primarily noise) will be mitigated. If this issue can be addressed I would also like to see conditions for a Construction Method Statement and Unexpected Contamination.

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 Gainsborough Neighbourhood Plan adopted 28th June 2021 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

LP5: Delivering Prosperity and Jobs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

- ***Gainsborough Neighbourhood Plan (NP)***

Relevant policies of the NP include:

NPP 1 Sustainable Development

NPP 2 Protecting the Natural Environment and Enhancing Biodiversity

NPP 5 Protecting the Landscape Character

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

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

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

National policy & guidance (Material Consideration)

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

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

The most recent iteration of the NPPF was published in July 2021. .

Paragraph 219 states:

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

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

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

Main issues

- **Principle of Development including consideration of impacts on neighbouring land uses; scale and character; impacts on the amenities of neighbouring occupiers and on the local and strategic highway network**

Assessment:

Principle of Development

The site is located on Foxby Lane Business Park, an established business area within the built footprint of Gainsborough. Gainsborough is classified as a main town within Policy LP2. Policy LP2 states:

*“To maintain and enhance their roles as main towns, and to meet the objectives for regeneration, Sleaford and Gainsborough will, primarily via sites allocated in this Local Plan, be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision. Additional growth on non-allocated sites in appropriate locations** within the developed footprint*** of Sleaford and Gainsborough urban area* will also be considered favourably.*

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

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

**** throughout this policy and Policy LP4 the term ‘developed footprint’ of a settlement is defined as the continuous built form of the settlement and excludes:*

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

In addition, Policy LP3 states that Gainsborough will facilitate around 12% of the total homes and employment land needed. The site is not subject to a specific allocation, but is considered to be in an appropriate location within the developed footprint of the Gainsborough urban area. Policy LP2 supports the principle of development. This site is on land that has been previously allocated and has previously benefited from planning permission for business use and forms part of the wider Foxby Lane Business Park. It would need to be assessed against Policy LP5 – Local Employment Sites (LES) of the Central Lincolnshire Local Plan which supports new B1/B2/B8 employment development on non-allocated but existing employment sites such as this site where the proposal:

- Does not conflict with neighbouring land uses;
- Does not harm in terms of scale the character of the locality and/or the amenities of neighbouring occupiers; and
- Does not impact unacceptably on the local and/or strategic highway network

Taking these criteria in turn

Neighbouring land uses:

These are primarily commercial in nature on the wider employment park nevertheless existing housing is to the west with a small part of site next to the rear garden of 36 Maybell Close.

Scale, Character and impacts on amenities of neighbours

The closest dwellings to the site are 36 Maybell Close and then 27 Maybell Close. These were plots 126 and 125 on the approved application 128336. Scaling off the approved plans shows that eaves height for 36 is approximately 5.2 metres with an approximate ridge height of 8.8m. Number 27 has an approximate eaves height above ground level of 5.2m which rises to a ridge of 8.2 m. The terraced block along the western boundary is closest to these dwellings. The first 16m of the terrace has an eaves height of 4m which rises to a ridge of 5.6m which then rises to an eaves height of 5.4m with a maximum ridge height of 7.6m which is still 1.2m less than that at 36.

As a consequence of proximity to housing all the units located along this part of the site will be restricted to Use Class E (g)i) an office to carry out any operational or administrative functions ii) the research and development of products and processes or iii) any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. . This replaced the former B1 Light Industrial Use Class. On this basis it is considered that the operation of these units and the 2 detached ones falling within Use Class B8 (storage and distribution) which will be conditioned to the hours recommended above would not give rise to undue noise and disturbance. Subject to the restriction in hours no objections have been

raised by environmental protection. A construction management plan condition will also be imposed to minimise impacts caused by development of the site.

The units will be roughly rectangular in footprint with a pitched roof above. The materials used on the units include a mix of black facing brick, timber effect composite panels and composite steel cladding wall and roof. This is not untypical for such buildings although there is a greater mix of materials that will add visual interest than some of the units previously approved which have predominantly steel-clad walls and roof. This is considered appropriate for this commercial site and the scale described above is also considered acceptable.

The loss of the existing mature hedgerow that runs along the boundary has given rise to substantial objections. The council's tree and landscape officer described the hedgerows as "unmanaged" i.e. left to grow. They are not subject to any protective designations and could be removed without the need for approval independent of this application. The objections are made on the basis of a loss of screening and harm to the natural environment. In terms of screening as discussed above the scale of development simply in terms of the maximum height is below that of existing housing that neighbours the site. A 3D image submitted in support of the application is reproduced below



The approved floor plans for no.36 label the wall that runs along the application site as the rear elevation which contains an entrance door and kitchen window at ground floor level and bathroom window at first floor. All the windows and openings are directed towards the existing office building to the south. The approved plans for number 27 show no openings at ground floor or first floor level to the side elevation that is opposite the application site. At its closest Gainsborough Park is approximately 30 metres from the site rising to almost 40 metres. The loss of what is described as screening is not considered critical and does not represent a reason to withhold permission. In terms of the loss of existing planting the removal of a unit has allowed retention of a small section of the existing hedgerow and new tree planting is proposed at the end of the unit whilst a landscape scheme has been submitted it is considered a condition is required to secure additional details to ensure it is of an appropriate standard and includes measures to ensure it is retained, and enhance biodiversity.

Subject to the imposition of this condition the removal of existing hedgerows does not represent a reason to withhold permission.

Highway Safety

20 car parking spaces are proposed with an area designated for cycle parking. No objections are raised to the level of parking or the access arrangements by the highways authority. On this basis highway safety does not represent a reason to withhold permission and it would be in accordance with LP13.

Drainage

A condition will be imposed requiring details of the proposed surface water drainage to be submitted to and approved in writing as recommended by LCC Highways. Foul drainage is proposed to discharge into the mains sewer which is the preferred option for disposal in the hierarchy. Subject to this there are no grounds on which to withhold consent in relation to drainage.

Comments from Town Council

The loss of existing vegetation would not require approval. A landscaping condition requiring measures to promote biodiversity is recommended. Impacts on residents have been discussed above. A construction Method Statement is recommended to minimise impact on residents during development of the site with a restriction on the hours of operation to 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays with no Sunday or Bank Holiday operation in line with the recommendation of Environmental Protection.

Planning balance and conclusion

Having considered the proposal against the provisions of the of the Development plan in in the first instance, specifically policies LP1: A presumption in Favour of Sustainable Development; LP2: The Spatial Strategy and Settlement Hierarchy; LP5: Delivering Prosperity and Jobs; LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, and LP26 Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036 and policies contained in the Gainsborough Town Neighbourhood Plan (NPP 1 Sustainable Development, NPP 2 Protecting the Natural Environment and Enhancing Biodiversity, NPP 5 Protecting the Landscape Character, NPP 6 Ensuring High Quality Design and NPP 7 Ensuring High Quality Design in each Character Area) and guidance contained within the National Planning Policy framework and National Planning Practice Guidance it is considered that subject to the imposition of the conditions above it would not conflict with neighbouring land uses or cause harm to the amenities of neighbours, the scale and appearance is acceptable and it will not impact on the local or strategic highway network and a grant of 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:

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

- (i) the 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) wheel cleaning facilities;
- (vi) measures to control the emission of dust and dirt;
- (vii) details of noise reduction measures;
- (viii) 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. Notwithstanding the submitted plans prior to the commencement of the development, full details of soft landscape proposals shall be submitted to, and approved in writing by, the local planning authority. Soft landscaping details shall detail measures to improve biodiversity and 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.

Reason: To ensure a satisfactory landscape scheme is provided in the interests of the character and appearance of the site and biodiversity in accordance with policies LP21 and LP26 of the Central Lincolnshire Local Plan.

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

4. In the event that previously unidentified contamination is found when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of the remedial works a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be submitted to the local planning authority. No unit shall be occupied prior to the approval of the verification report in writing by the local planning authority.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration to accord with

the National Planning Policy Framework and policy LP14 and LP16 of the Central Lincolnshire Local Plan 2012-2036.

5. 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 building 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 the permitted development.

6. Prior to any work above existing ground levels details of the proposed walling and roofing materials shall be submitted to and approved in writing by the local planning authority with the development carried out in accordance with the approved details

Reason: To ensure the use of appropriate materials to accord with Policy LP26 of the Central Lincolnshire Local Plan

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:

Site Location and Block Plan D01 P06;
Proposed Site Plan D02 P07;
Unit C to Unit G floor and elevation plans D06 P06;
Proposed Landscaping Plan D08 P02;
Unit A Plans and Elevations D04 P03;
Unit B Plans and Elevations D05 P03;

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

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

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

8. The hours of use of the hereby approved units shall be **limited to:**

08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays with no Sunday or Bank Holiday operation.

Reason: In the interests of the amenities of nearby residents in accordance with policy LP26 of the Central Lincolnshire Local Plan.

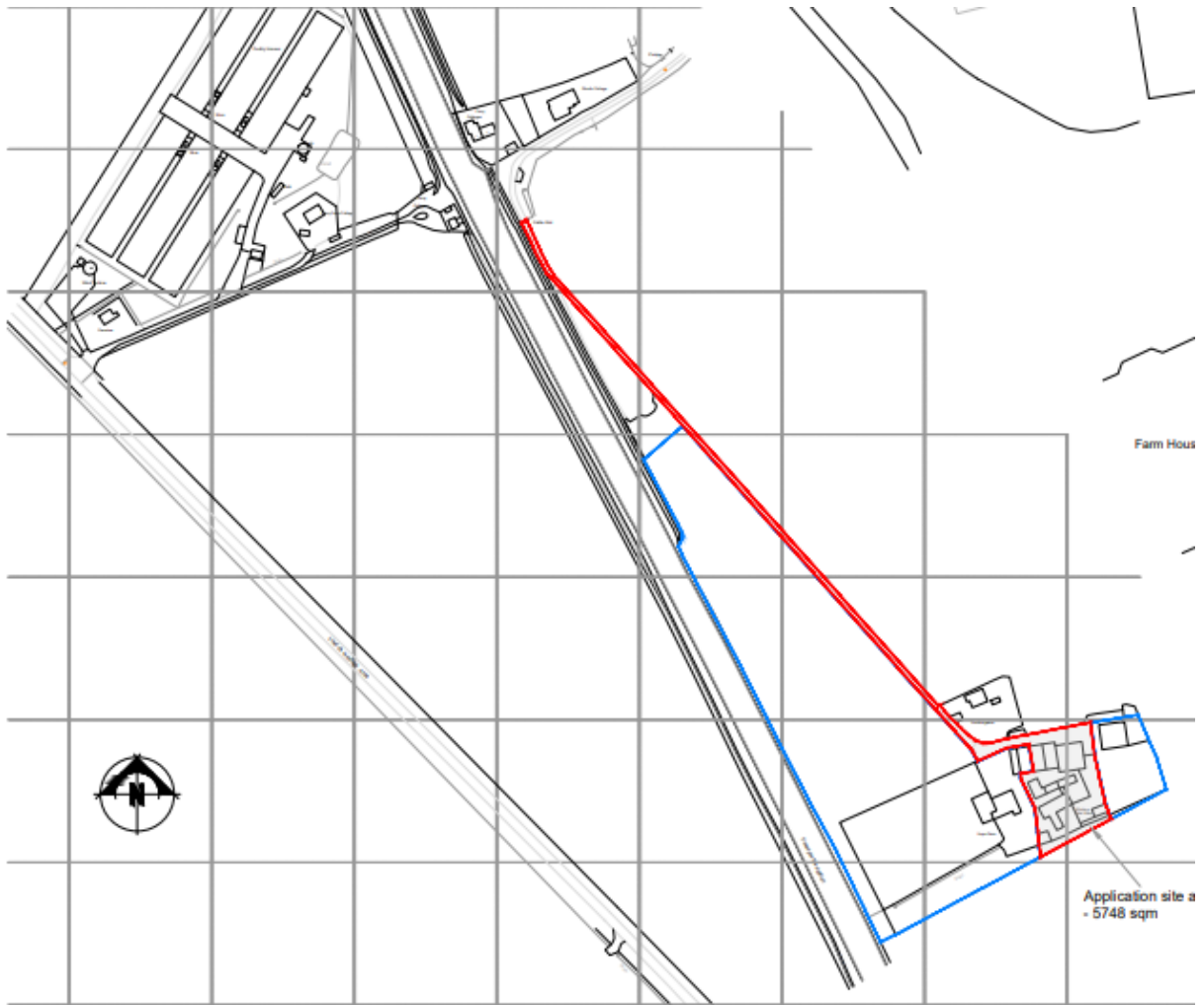
9. Notwithstanding the 1987 Use Classes Order (as amended) Units C, D, E, F and G shown on drawing D06 P06 can only be used for purposes falling within Use Class E (g)i)ii) and iii) and for no other uses.

Reason: In the interests of the amenities of nearby residents in accordance with policy LP26 of the Central Lincolnshire Local Plan

10. All planting, seeding or turfing comprised in the approved details of landscaping 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 character and appearance of the site and biodiversity in accordance with policies LP21 and LP26 of the Central Lincolnshire Local Plan.

Agenda Item 6d



Officers Report

Planning Application No: 145245

PROPOSAL: Planning application to change the use of an office building to a training and education centre and change of use of an agricultural buildings to form offices and meeting rooms (for business and training purposes) and associated infrastructure including car parking and detached garage.

LOCATION: Hope Farm Hardwick Lane Hardwick Lincoln LN1 2PW

WARD: Saxilby

WARD MEMBER(S): Cllr D J Cotton and Cllr J Brockway

APPLICANT NAME: Mr E Isles

TARGET DECISION DATE: 20/09/2022

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Planning Committee:

This retrospective planning application is considered relevant to be presented to the planning committee as it has a recommendation for approval when the development is considered to be a departure from the Development Plan.

Description:

The application site comprises existing farm buildings which have already been converted and changed use to business uses (educational and training facilities), associated office space/repairs and garage. The attached agricultural building has also been converted to the same use as permitted development, under prior approval application 132846. The occupying business is called 'The Number 4 Group'.



The site is located in the open countryside down a single track highway. The site includes a mix of single and two storey converted buildings and a detached three bay garage/car port building. Loose hardstanding vehicle parking is provided around the site including one tarmac disabled person's parking space. The land slopes gently upwards from the south west to the

north east. The site is screened to the north east and south east by low brick walling and post and rail fencing. The south west boundary is screened by high fence panels with existing agricultural buildings to the north west. Open fields are to the north east and south east. To the south west is a residential farmhouse with an agricultural building to the north west. The site is in a Sand and Gravels Minerals Safeguarding Area and flood zone 2 (medium probability).

The application seeks permission for the change of use of an office building (use class B1) to a training and education centre (use class F1) and change of use of an agricultural building to offices with meeting rooms (for business and training purposes) and associated infrastructure including car parking and detached garage.

Relevant history:

132846 - Prior approval of proposed change of use from agricultural building to a flexible use for business purposes – 29/07/15 - Prior Approval Not Required

This application was determined against *Schedule 2, Part 3, Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)*.¹

“Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order.”

On 1st September 2020 Schedule 2, Part 3, Class R was amended to accord with the changes made to the Use Classes Order 1987².

“Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within one of the following provisions of the Use Classes Order—

- a) Class B8 (storage or distribution) of Schedule 1;
- b) Class C1 (hotels) of Schedule 1; or
- c) Class E (commercial, business or service) of Schedule 2.

Representations:

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

Parish/Town Council/Meeting: No representations received to date

Local residents: No representations received to date

LCC Highways/Lead Local Flood Authority: No objections

¹ <https://www.legislation.gov.uk/ukxi/2015/596/contents/made>

² <https://www.legislation.gov.uk/ukxi/1987/764/contents/made>

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

Environment Agency: Comment

The application does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'. It was therefore not necessary to consult us.

The application site is in Flood Zone 2 of our Flood Map for Planning and the development is covered by our national flood risk standing advice. This replaces direct case-by-case consultation with us for 'low risk' proposals. Please view the advice on our website at <https://www.gov.uk/guidance/flood-risk-assessment-local-planning-authorities#flood-zone-2> before determining the application.

LCC Archaeology: No representations received to date

IDOX checked: 13th September 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

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Developments in the Countryside

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

- ***Neighbourhood Plan***

There is currently no neighbourhood plan to consider

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

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

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

National policy & guidance (Material Consideration)

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

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

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

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

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

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

Draft Local Plan/Neighbourhood Plan (Material Consideration)

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

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

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

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 has now been subject to a further round of public consultation which expired on 9th May 2022.

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

S1 The Spatial Strategy and Settlement Hierarchy
S7 Reducing Energy Consumption – Non-Residential Buildings
S19 Resilient and Adaptable Design
S20 Flood Risk and Water Resources
S46 Accessibility and Transport
S47 Walking and Cycling Provision
S48 Parking Provision
S52 Design and Amenity
S56 The Historic Environment

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

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

Other

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

[The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2015/1717/contents/made)

The Town & Country Planning (Use Classes) Order 1987 (UCO) (as amended³)

[The Town and Country Planning \(Use Classes\) Order 1987 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/1987/1017/contents/made)

Main issues:

³ Various amendments including the Town & Country Planning (Use Classes) Amendment (England) Regulations 2020

- Principle of the Development
Rural Economy
History of the Site
Central Lincolnshire Local Plan 2012-2036
Assessment of local policy LP55 (Part E) of the CLLP
Concluding Statement
- Minerals Resource
- Flood Risk
- Visual Impact
- Highway Safety
- Drainage
- Archaeology

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.

Rural Economy:

The application site has been developed for the bespoke purposes and use of the occupying company named as the Number4Group. The application indicates that the Number4Group has been established on the site for 7 years and employs 11 full time on site employees with more employees employed off site. The number4Group is split into four Divisions:

1) Train4

“As one of the UK’s leading independent training providers, we have substantial experience delivering bespoke training services to both employed and unemployed students, including specialist programmes for young people, those at risk of redundancy and students who simply want to progress in their careers. Our experience also extends to employers as our services extend to helping them recruit, engage with to the point of employment and train individuals across activities such as business administration, customer service, team leading, management, construction, security, health and social care and digital industries.”⁴

Paragraph 1.4 of the Planning Statement (PS) states that “amongst other purposes detailed later in this report, this facilitated the establishment of practical youth training and educational courses at the site that are delivered in conjunction with local colleges and job centres, as well as various local authority skills or job-creation programmes”. These partnerships are confirmed by the contracts identified in the supporting evidence document.

2) Security4

“Security4 provide a high calibre of personnel in all areas of security, including stewarding, man guards, mobile patrols, door supervisors and response

⁴ <https://train4.thenumber4group.org/about/>

teams, detector dogs, close protection operatives, consultancy services and security systems. We are able to provide and maintain this high calibre of personnel through our training and recruitment network which is managed through our sister companies”.⁵

3) Works4

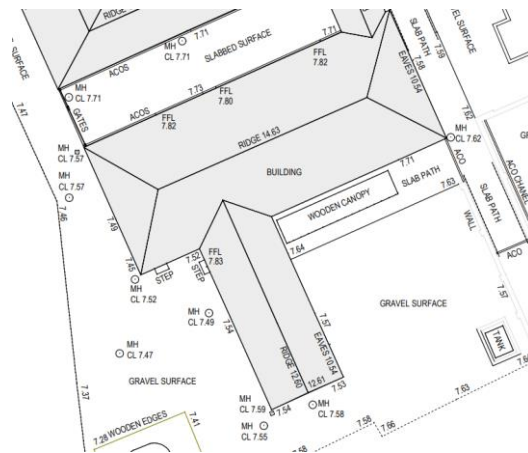
“Works4, we offer a range of high quality, professional services for both commercial and private clients in the construction industry. The quality of our work is second to none and our skilled team of building contractors will take care of all aspects of your project from start to finish.”⁶

4) Society4

“Our mission is to both educate and demonstrate the value of voluntary work and to promote the activities of noteworthy and commendable organisations around the globe. We achieve our mission through the online promotion of charitable work growing our network of volunteers and increasing the number of social and charitable partnerships.”⁷

History of the Site:

The number4Group began using the site through the prior approval application determined in 2015. This permitted the business to lawfully convert an existing building (see plan below) to offices to use as a main headquarters.



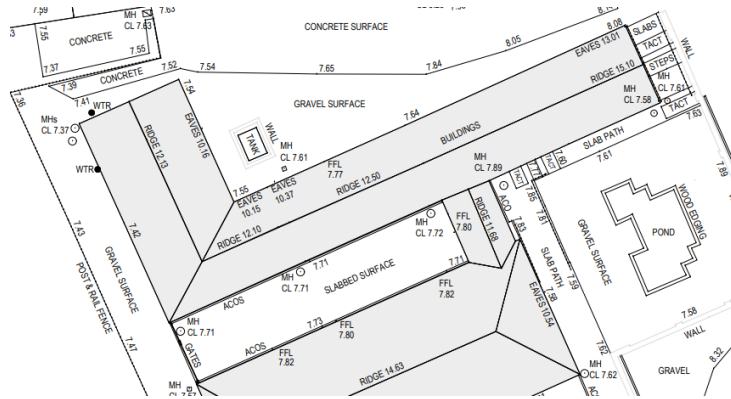
Therefore at that time and before any further works commenced to the remainder of the site the business was lawfully using the converted building for business (Use Class E of the UCO) purposes and establishing the businesses presence on the overall site.

The business then chose to convert further agricultural buildings to the north without submitting a formal planning or prior notification application.

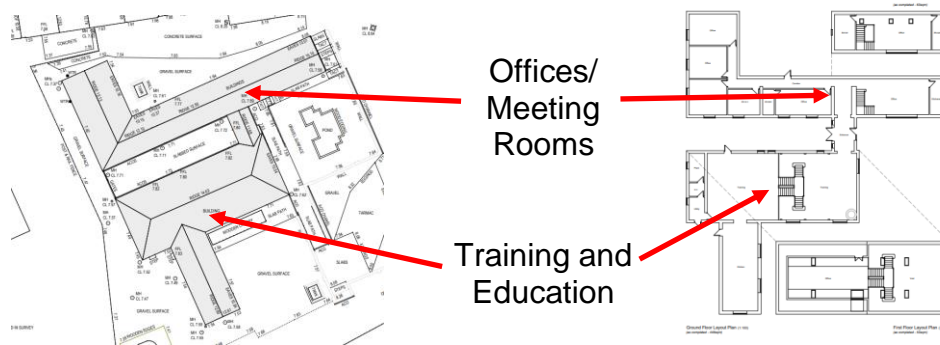
⁵ <https://security4.thenumber4group.org/>

⁶ <https://works4.thenumber4group.org/>

⁷ <https://4society.thenumber4group.org/>



The conversion of the further buildings to offices and meeting rooms meant that the original building was surplus to requirements as office space. The original office building was then converted to training and educational space (Use Class F1 of the UCO) without submitting a formal planning application.



Therefore whilst a lawful business use was established on the site the amendments implemented to convert the agricultural buildings to offices and meeting rooms and changing the use of the original lawful office building to a training and education use were done without the submission of a required planning or prior approval application.

As the agricultural buildings latterly converted to offices and meeting rooms has been implemented it can no longer be applied for retrospectively through *Schedule 2, Part 3, Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)*

This application has been submitted retrospectively to regularise the uses on the site.

Central Lincolnshire Local Plan 2012-2036:

Local policy LP55 Part E of the CLLP sets out the criteria for Non-residential Development in the Countryside.

The CLLP additionally includes local policy LP5 of the CLLP which includes a sections on Expansion of Existing Businesses. The development was lawfully using the site for business purposes but as described earlier in this report the conversions works and change of use that subsequently occurred have resulted in the offices and training/education buildings being unauthorised for planning purposes. It is acknowledged that there is a business operating from

the site but it is currently doing so as an unauthorised use, and it is therefore considered that local policy LP5 is not applicable to be assessed.

Assessment of LP55 (Part E – Non-residential development in the countryside) of the CLLP:

Local policy LP55 Part E of the CLLP state that “*proposals for non-residential developments will be supported provided that:*

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

The development is located within a remote open countryside location down a narrow single road (Hardwick Lane) which terminates at the entrance to the driveway which leads down to Hope Farm and the application site.



The proposed application is to regularise the use of the site for business, training and educational purposes which has been complicated by unauthorised works and changes of use occurring on the site. Therefore whilst a business operates from the site its unauthorised presence means that the proposed development cannot be considered to extend an existing established business.

The use of the site for business (Use Class E of the UCO) purposes would normally be expected to be located on an allocated employment site unless specific circumstances could be evidenced. The training and educational use of the site (Use Class F1 of the UCO) would normally be expected to be located in sustainable locations where access was available to all via public transport. This site is not directly accessible by public transport, however paragraph 5.32 of the Planning Statement states that “*during its use for training purposes 4Group works with training partners and local authority clients to provide minibus connections to public transport links, including collection and drop-off at nearby Saxilby railway station (with links to Lincoln, Sheffield and the east coast mainline)*”.

The business package on the site is quite unique in terms of its training and educational offering to a number of partners who have committed to contracts with the Number4Group. Paragraph 9.6 of the Planning Statement states that the training and educational part of the business provides “*practical and skills training to young adults, long-term unemployed and those seeking new career opportunities*”.

Whilst the buildings are located remotely in the open countryside there are farm buildings to the north west and Hope Farmhouse to the south west. The Number4Group site is separated from Hope Farmhouse by high fence panels.

The development has primarily involved the conversion of existing farm buildings with the inclusion of a new build detached triple garage.

Concluding Statement:

The business is not justified by means of proximity to a lawful established business. The business is located in an unsustainable open countryside location with no public transport connectivity meaning employees rely on a vehicle to get to work. The business in connection with its contract partners endeavours to provide a minibus service from nearby public transport networks such as Saxilby Railway Station to transport students/participants to the training and educational courses.

The development does not conflict with neighbouring uses and is of a size and scale commensurate with the proposed use and with the rural character of the location.

The development therefore accords to criteria (c) and (d) of local policy LP55 Part E of the CLLP but due to its unsustainable remote location does not accord with criteria (a) and (b) of local policy LP55 Part E of the CLLP. The development is therefore considered a departure from the Development Plan.

However whilst the location of the development is not considered sustainable, significant beneficial weight is afforded to the levels of employment the business provides, the sensitive nature of the conversion works completed to vacant buildings, and the educational/training skills it offers to young and unemployed members of the public through established contracts.

It is therefore considered that the benefits of the development outweighs the unsustainable location and is acceptable in this case.

It is considered that policy LP55 is consistent with the open countryside guidance of the NPPF and can be attached full weight.

Minerals Resource

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

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

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

The application has included the submission of a Minerals Assessment. The Minerals and Waste team at Lincolnshire County Council have to date not commented. It is considered that as the development is primarily conversion of existing buildings it has and 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.

Flood Risk

The application site is situated within flood zone 2 (medium probability). A Flood Risk Assessment (FRA) has been submitted with the application in summary concluding that the site the development has been constructed with flood mitigation in mind and includes first floor refuge even if the remote risk of flooding occurs.

The Environment Agency have not made a formal comment but have directed the case officer to their national standing advice⁸ for development within flood zone 2.

Business and training/educational uses are classed as a less vulnerable use in Annex 3 (Flood Risk Vulnerability Classification) of the National Planning Policy Framework. Table 2 (Flood risk vulnerability and flood zone

⁸ [Review individual flood risk assessments: standing advice for local planning authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442222/Review_individual_flood_risk_assessments_standing_advice_for_local_planning_authorities_-_GOV.UK.pdf)

'compatibility') of paragraph 79 (Reference ID: 7-079-20220825) of the NPPG states that only the sequential test is required for such development in flood zone 2.

The land is within the ownership of the applicant and as a retrospective planning application the development works have already been implemented. The FRA states that the development has retained the floor level of the buildings which have been converted and included mitigation measures in the construction. The business has been advised to sign up to the Environment Agencies Flood Warning System. The converted buildings have a number of escape routes and each building has easy internal access to first floor accommodation as a refuge.

It is therefore for considered that the proposed development would pass the flood risk sequential test and would include flood mitigation measures for the safety of the employees and students.

It is therefore considered that the proposal will accord to local policy LP14 of the CLLP and the provisions of the NPPF.

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

Visual Impact

In addition local policy LP17 states that '*To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark 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 conversion of the farm buildings has been completed to a high standard and in a sensitive manner. The new build detached triple garage has been constructed in a car port style with one bay enclosed by vertical timber garage doors. The development has therefore been completed in appropriate manner sensitive to its agricultural rural setting.

It is therefore considered that the proposal will accord 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 visual amenity guidance of the NPPF and can be attached full weight.

Highway Safety

The application site is within an open countryside location accessible by countryside roads from the settlement of Torksey or Saxilby. The site includes sufficient room for employee, visitor and minibus parking including a single disabled parking space. The Highways Authority at Lincolnshire County Council have no objections to the development.

It is therefore considered that the proposal will accord to local policy LP13 of the CLLP and the provisions of the NPPF.

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

Drainage

The application form states that surface water is dealt by soakaways which is a form sustainable drainage system. Foul water is disposed of to a package treatment which is considered acceptable in this location where there is unlikely to be a mains sewer.

It is considered that the drainage methods are acceptable and accords to local policy LP14 of the CLLP and the provisions of the NPPF.

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

Archaeology

The Historic Environment Officer (HEO) at Lincolnshire County Council has to date not made any comments on the application. The application is primarily for conversion with only the triple car port/garage built as a new build. Therefore it is not considered that the proposal would have an unacceptable harmful archaeological impact and accords with local policy LP25 of the CLLP and the provisions of the NPPF.

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

Other Considerations:

Use Class Order

It is considered reasonable and necessary due to the location of the business to attach a condition restricting the use of the site to offices, training /educational and meeting rooms only and no other uses within Class E (Commercial, Business and Service) and F1 (Learning and Non-residential institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended)

Community Infrastructure Levy

The proposed development is not liable for a CIL payment.

Conclusion and reasons for decision:

The decision has been considered against local policy LP1 A presumption in Favour of Sustainable Development, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment, LP26 Design and Amenity and LP55 Developments in the Countryside of the Central Lincolnshire Local plan 2012-2036, policy M11 of the Lincolnshire Minerals and Waste Local Plan in the first instance and the relevant draft policies of the Central Lincolnshire Local Plan Review. Consideration is additionally given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Model Code. In light of this assessment it is considered that the development does not accord with criteria (a) and (b) of local policy LP55 and is therefore considered a departure of the Central Lincolnshire Local plan 2012-2036. However in this case it is considered the harms caused by the location of the development are outweighed by the benefits of the business providing employment, the educational/training skills it offers to young and unemployed members of the public and the sensitive nature of the conversion. The development will not unacceptably visually harm the character and appearance of the site or the surrounding open countryside nor unacceptably harm the living conditions of the nearest neighbouring occupiers. Furthermore the proposal will not have an unacceptable harmful impact on flood risk, highway safety, archaeology, drainage or a minerals resource.

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

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

NONE

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

NONE

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

1. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with drawings:
 - 03 dated May 2022 – Proposed Site Plan
 - 04 Rev B dated May 2022 – Proposed Conversion and New Build Garage Elevation and Floor Plans

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

2. The development hereby approved must only be carried out in accordance with the flood resilience construction and mitigation measures identified on page 12 and 13 of the Flood Risk Assessment by RM Associates dated June 2022 and retained as such thereafter.

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

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

3. Notwithstanding the provision of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any amendment to that Act, the building must only be used for the purpose of offices; a non-residential training/educational centre; and associated

meeting rooms. Any other uses including any different use within Class E or Class F1 must require an application for planning permission.

Reason: To ensure the location is appropriately assessed for other uses within Class E and Class F1 to accord with the National Planning Policy Framework and local policy LP55 of the Central Lincolnshire Local Plan 2012-2036.



Officers Report

Planning Application No: 145032

PROPOSAL: Planning application for the conversion and extension of existing mill to create 1 no. dwelling.

LOCATION: Stamp's Mill High Street Faldingworth Market Rasen LN8 3SE

WARD: Dunholme and Welton

WARD MEMBER(S): Cllr D M Rogers, Cllr S England & Cllr C M Grimble

APPLICANT NAME: Mr Tom Pickering

TARGET DECISION DATE: 07/10/2022

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

This application has been referred to the Planning Committee, following objections from the Parish Council.

Description:

The application site is located on the eastern edge of Faldingworth outside of the developed foot print in the Countryside, close to the junction with High Street and Buslingthorpe Road and comprises part of a wider paddock and contains a Mill Tower. The Mill is located behind (to the north) of a row of 3 detached bungalows that front High Street, but is visible from the east along the highway. To the west of the site is the large rear garden of another detached bungalow (Chestnut View) which fronts High Street. To the north and east are the wider paddock. The Mill is a Grade II Listed building.

The application seeks planning permission to convert the existing Grade II Listed Mill to residential use to create a 3 bed dwelling. A master suite on the ground floor and an en-suite at first floor level is proposed within the Mill Tower. A single storey pitched roof building is proposed to the north of the Mill Tower and another single storey pitched roof building is proposed to the west of the Mill Tower. These buildings will form a courtyard. A single storey flat roof link is proposed to the south of the northern most building which will provide a link into the Mill Tower and the building proposed to the west. The proposed development is accessed off the High Street to the south via an access track to the east of Ings House, High Street. The access will lead to an area of hardstanding to the south and west of The Mill Tower. Garden space is provided to the west, north and to the east.

The tower is 9.5 metres in height. The single storey pitched roof element to the north west has a ridge height of approximately 4.6 metres and is 2.6 metres to the eaves.

The single storey pitched roof element to the south west has a ridge height of approximately 4.6 metres and is 2.6 metres to the eaves.

The single storey flat roof link element is approximately 3 metres to the eaves.

Relevant history:

125947 - Planning application for proposed existing development to carry out improvements to Faldingworth Mill and to construct a new dwelling house to be used in association with the mill. Withdrawn

126056 - Listed building consent to carry out improvements to Faldingworth Mill and to construct a new dwelling house to be used in association with the mill. Withdrawn

133964 - Planning application for restoration of existing mill and erection of small extension to facilitate its change of use to holiday let accommodation and erection of a new dwelling house and annex together with an open car port. Withdrawn

133965 - Listed building consent for restoration of existing mill and erection of small extension to facilitate its change of use to holiday let accommodation and erection of a new dwelling house and annex together with an open car port. Withdrawn

141711 - Pre-application enquiry for conversion and extensions to 1no. dwelling. Advice given 26/02/2021 and 22/012/2021 *'In conclusion if a planning application were to be submitted, the principle of the application is likely to be supported. After discussions with the Conservation Officer I can confirm that the amended proposal could be supported in principle as it protects important views of the mill tower and keeps the prominence of the tower, subject to the following:*

- *The additional bedroom and kitchen wings are truly single storey in scale with a smaller glass link.*
- *The mill tower is also utilised for living accommodation'*

145034 - Listed building consent for the conversion and extension of existing mill to create 1no. dwelling. To be determined in tandem with this application.

Representations:

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

Faldingworth Parish Council: The applications do not comply with approved planning policies. The application would adversely affect the setting a listed building.

The proposed access is sited at a dangerous point on the very busy A46, close to a sharp right angled bend where visibility is poor. The supporting statement refers to there being 'an existing access', but the Council point out

that it is not an approved access, there being no dropped kerb. The current user of the site drives over the kerb and grass to reach the field. The lamppost on the opposite side of the road has been hit twice in recent months by motorists coming round the bend too fast.

Local residents: Aelfric House, Rainow and Mill Corner, High Street, Faldingworth object to the proposal for the following reasons:

- Drive within 1 metre of my property. Entrance for construction, safety, vibration, damage to my property. Foundations, will the new drive damage my property foundations.
- Noise during construction.
- What fences/privacy are included.
- The entrance to this site is near a dangerous bend on A46.
- The 30mph speed limit starts at this bend and cars speed round this corner.

LCC Highways and Lead Local Flood Authority: Following the submission of amended plans showing an adequate visibility splay as outlined in Manual for Streets to the back edge of the carriageway and the demonstration of access improvements in line with LCC current specifications, LCC Highways requests that any permission given by the Local Planning Authority shall include one suggested condition and two suggested informatives.

Archaeology: The developer's Statement of Significance is detailed and well-researched, providing considerable new information on the history of the mill and its development since its construction in 1821.

In light of this new information we would like to revise the advice we have provided on previous proposals on this site. This office no longer feels that it would be proportionate to require an additional programme of historic building recording of the mill structure prior to conversion, as it is unlikely that a separate piece of fieldwork would contribute significantly to our understanding of the mill

The research undertaken with historic maps has also demonstrated that the mill lay outside the historic core of the village within its open fields prior to the enclosure of the parish. This means that the site's archaeological potential is lower than previously thought and we would not recommend that any further archaeological input be required.

Recommendation: no further archaeological input required.

Historic England: On the basis of the information received, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Conservation Officer: The design and scale proposed allows the mill to be the prominent feature retained in the setting. The proposal of the buildings placed to the south-west allow for more discrete development and the design

of a courtyard behind the mill allows for residential areas whilst retaining the rural setting outwardly. By creating a flat roof internally, no alteration to the top is visible and is neutral to the proposal with its current state. I note that the listing mentions the mill having a conical slate roof but the evidence in the HS illustrates this was not an original feature and is not retained in any state currently.

The pre-app spoke of mill equipment that could possibly be retained. There is no mention of anything to be retained within the listed mill in the proposal. I have no objections to this application subject to conditions:

1. Can details of any ironmongery, historic building fabric or equipment within the mill be identified for retention.
2. All windows and doors details are to be supplied to the LPA for approval prior to installation.
3. Details and methodology of repairs to the Mill to be sent to the LPA for approval.
4. All details for alteration within the listed Mill such as fixtures and fittings are to be supplied prior to any works taking place.
5. The restoration works to the Mill will be done before any other development on site is undertaken.

Relevant Planning Policies:

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

Development Plan:

The following policies are particularly relevant:

*Central Lincolnshire Local Plan 2012-2036:

LP1: A presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP25: The Historic Environment

LP26: Design and Amenity

LP55: Development in the Countryside

**With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2 is consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP25 is consistent with chapter*

16 of the NPPF as they both seek to conserve and enhance the historic environment. LP26 is consistent with section 12 of the NPPF in requiring well designed places and LP55 is consistent with paragraph 80 and paragraph 174 of the NPPF as they both seek to avoid isolated new homes in the countryside and both recognise the intrinsic character and beauty of the countryside. The above policies are therefore attributed full weight.

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

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/>

Neighbourhood Plan:

No plan currently being prepared.

National policy & guidance (Material Consideration)

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

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

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

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

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

- **National Planning Practice Guidance**
<https://www.gov.uk/government/collections/planning-practice-guidance>
- **National Design Guide (2019)**
<https://www.gov.uk/government/publications/national-design-guide>
- **National Design Code (2021)**
<https://www.gov.uk/government/publications/national-model-design-code>

Listed Building Legal Duty

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

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

Main issues

- Principle of Development
- Listed Building
- Residential Amenity
- Visual Impact
- Highway Safety and Car Parking
- Foul and Surface Water Drainage
- Garden Space and Landscaping
- Other Matters

Assessment:

Principle of Development

Policy LP2 of the Central Lincolnshire Local Plan sets out a settlement hierarchy. The application site is located within a wider paddock in the countryside just outside the developed footprint of Faldingworth, with tier 8 (Countryside) of the settlement hierarchy applying.

Policy LP55 Part A sets out criteria for the re-use and conversion of non-residential buildings for residential use in the open countryside. The criteria set out in LP55 Part A is as follows, an assessment of each criteria is also detailed below;

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

a. Comprehensive and proportionate evidence is provided to justify either that the building can no longer be used for the purpose for which it was originally built, or the purpose for which it was last used, or that there is no demand (as demonstrated through a thorough and robust marketing exercise) for the use of the building for business purposes; and

Historic Maps show that the Mill Tower has been vacant and unused since at least 1977 with the cap and remaining sails reputedly removed in the 1950's. It is therefore considered that the proposal complies with Policy LP55 Part A (a) as the former Mill Tower can no longer be used for the purpose it was originally built.

b. The building is capable of conversion with minimal alteration, including no need for inappropriate new openings and additional features; and

c. The building is of notable architectural or historic merit and intrinsically worthy of retention in its setting.

The Mill Tower is capable of conversion with minimal alteration and new openings on the proposed plans have been kept to a minimum and are of a limited scale and impact. The building is Grade II Listed and is of architectural and historic merit and is worthy of protection in its setting. Single storey extensions are proposed that have been carefully designed to not impact on the setting of the Listed Building and to preserve its prominence within the landscape. The extensions are needed in order to secure the long term future of the Grade II Listed building which is in a poor state of repair.

It is therefore considered that Criteria (b) and (c) have also been met.

Concluding statement

The proposal meets criteria a, b and c of Part A of Policy LP55 of the CLLP. If it is minded to grant permission conditions suggested by the Conservation officer will be attached to the decision notice.

The principle of development can be supported due to the proposal allowing a Grade II Listed redundant Mill Tower which is worthy of retention in its setting to be secured for the longer term. It is therefore considered that the proposal accords with the principles of the NPPF and Policy LP55 and of the Central Lincolnshire Local Plan.

Listed Building

S.66 of the Listed Buildings Act 1990 places a legislative requirement that when considering whether to grant planning permission for development

which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is a NPPF requirement within paragraph 197 that local planning authorities when determining planning applications should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

The application seeks planning permission to convert the existing Grade II Listed Mill Tower to residential use with a master suite on the ground floor and an en-suite at first floor level of the Mill Tower.

A single storey pitched roof building is proposed to the north of the Mill Tower and another single storey pitched roof building is proposed to the west of the Mill Tower. These buildings will form a courtyard. A single storey flat roof link is proposed to the south of the northern most building which will provide a link into the Mill Tower and the building proposed to the west. The proposed development is accessed off the High Street to the south via an access track to the east of Ings House, High Street. The access will lead to an area of hardstanding to the south and west of The Mill Tower. Garden space is provided to the west, north and to the east.

The tower is 9.5 metres in height. The single storey pitched roof element to the north west has a ridge height of approximately 4.6 metres and is 2.6 metres to the eaves. The single storey pitched roof element to the south west has a ridge height of approximately 4.6 metres and is 2.6 metres to the eaves. The single storey flat roof link element is approximately 3 metres to the eaves.

The application proposes two new single storey pitched roof extensions (and a flat roof link element) to the Mill and it is considered that they use both a traditional and contemporary approach, the two single storey pitched roof extensions have an industrial look with black timber cladding, aluminium windows and doors and a metal roof covering and have a similar form and scale to the bungalows to the south of the Mill Tower and allow the tower to retain its prominence. The single storey flat roof glazed link within the internal courtyard allows the tower to retain its prominence and ties together the converted tower and the other proposed extensions.

The Conservation Officer supports the proposal subject to appropriate conditions. If it is minded to grant permission the conditions suggested by the Conservation Officer will be attached to the decision notice.

It is considered that the proposed approach to development would achieve the key heritage aims of the NPPF in that it would put an existing deteriorating Heritage Asset into a viable use to enable its ongoing conservation; and that

the accompanying new development does not seek to undermine or harm the appearance and setting of the building, and is able to enhance the setting of the listed building. The proposal therefore accords with the NPPF and Policy LP25 of the Central Lincolnshire Local Plan.

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 application seeks permission to convert the existing Mill Tower to residential use with a ground and first floor of accommodation proposed. A single storey pitched roof extension is proposed to the north west of the tower and another single storey pitched roof extension to the south west. A single storey flat roof link is also proposed within the internal courtyard formed by the tower and the two proposed single storey pitched roof extensions.

The nearest part of the proposed single storey extensions are located approximately 17.7 metres to the north west of Ings House, High Street and 17.1 metres to the north west of Rainow, High Street. The proposed converted tower is located approximately 12.75 metres to the north west of Ings House and 22.5 metres to the north of Rainow, High Street. The proposed dwelling is accessed off High Street, with a driveway to the side of Ings House leading to an area of hardstanding and turning areas to the south and west of The Mill Tower

The tower is 9.5 metres in height. The single storey pitched roof element to the north west has a ridge height of approximately 4.6 metres and is 2.6 metres to the eaves. The single storey pitched roof element to the south west has a ridge height of approximately 4.6 metres and is 2.6 metres to the eaves. The single storey flat roof link element is approximately 3 metres to the eaves.

There are no issues with over dominance and loss of light.

The proposed south west elevation of the Mill Tower and one of the single storey pitched roof extensions overlooking the dwellings to the south will have no openings. The only openings proposed on the south west elevation of the proposal is the single storey flat roofed link buildings which is located approximately 9.3 metres from the southern boundary of the site and will overlook the internal courtyard of the proposed dwelling and the boundary treatments beyond.

The proposed north east and north west elevations will overlook the garden of the proposed dwelling with the wider paddock beyond. The proposed south west elevation will have one window in the Mill Tower which will be located above the proposed extensions and is located approximately 27.2 metres from the western boundary of the site and will overlook the proposed extensions and garden of the proposed dwelling. Two windows and a set of

French doors at ground floor level are also proposed in the single storey pitched roof extensions which will overlook the garden of the proposed dwelling with boundary treatments beyond. There are no issues with loss of light, over dominance or overlooking.

It is therefore considered that the proposal will not harm the living conditions of future occupiers of the proposed dwelling or neighbouring occupiers.

Visual Impact

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

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

The application seeks permission to convert the existing Mill Tower to residential use with a ground and first floor of accommodation proposed. A single storey pitched roof extension is proposed to the north west of the tower and another single storey pitched roof extension to the south west. A single storey flat roof link is also proposed within the internal courtyard formed by the tower and the two proposed single storey pitched roof extensions.

The proposed dwelling is accessed off High Street, with a driveway to the side of Ings House leading to an area of hardstanding and turning areas to the south and west of The Mill Tower. Garden space is provided to the west, north and to the east.

The Mill Tower will be converted sympathetically and will largely utilise existing openings and the two new single storey pitched roof extensions (and a flat roof link element) to the Mill and it is considered that they use both a traditional and contemporary approach, the two single storey pitched roof extensions have an industrial look with black timber cladding, aluminium windows and doors and a metal roof covering and have a similar form and

scale to the bungalows to the south of the Mill Tower and allow the tower to retain its prominence. The single storey flat roof glazed link within the internal courtyard allows the tower to retain its prominence and ties together the converted tower and the other proposed extensions.

The proposed access is kept tightly to the boundary with Ings House, High Street and the proposed car parking and turning areas are largely hidden behind the proposed dwelling.

It is therefore considered that the proposal with appropriate conditions to control materials and landscaping will not harm the character and appearance of the street-scene

Highway Safety and Car Parking

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

The proposed dwelling is accessed off High Street, with a driveway to the side of Ings House leading to an area of hardstanding and turning areas to the south and west of The Mill Tower.

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

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Following the submission of amended plans showing an adequate visibility splay as outlined in Manual for Streets to the back edge of the carriageway and the demonstration of access improvements in line with Lincolnshire County Council's current specifications, Lincolnshire County Council Highways requests that any permission given by the Local Planning Authority shall include one suggested condition and two suggested informatives. If it is minded to grant permission the condition and informatives suggested by the Highways Authority will be attached to the decision notice.

The proposed car parking detailed above is considered to be sufficient for the proposed dwelling and the proposal is considered to accord with Policy LP13 of the Central Lincolnshire Local Plan and the NPPF.

Foul and Surface Water Drainage

Foul sewerage will be dealt with by way of a package treatment plant and surface water drainage will be dealt with by a soakaway. The appropriateness of the intended method(s) cannot be assessed at this stage however the use of a sustainable urban drainage system is advised. If permission was to be granted a planning condition to secure full drainage details would be recommended.

A condition would also be attached to the decision notice if permission was to be granted requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site.

Garden Space and Landscaping

The development provides for an acceptable amount of private amenity space for the proposed new dwelling and if it is minded to grant permission appropriate conditions will be attached to the decision notice to secure full details of landscaping and boundary treatments.

Other Matters

Ecology

The Mill Tower is an empty shell and has a plastic covering over the top of the Mill. It is therefore considered that the site does not have any ecological importance.

Conclusion

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

It is considered that the principle of development can be supported due to the proposal allowing a Grade II Listed redundant Mill Tower which is worthy of retention in its setting to be secured for the longer term. It is also considered that the proposal will not have a negative impact on the living conditions of neighbouring occupiers or future occupants of the proposed dwelling. Furthermore, it is considered that the proposal will preserve the Listed Building and its setting and will not have a detrimental impact on the local Highways Network.

Recommendation: Grant planning permission subject to the conditions below:

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. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number LDC3048-PL-03B dated 16/09/2022 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre in accordance with the National Planning Policy Framework and Policy LP13 of the Central Lincolnshire Local Plan.

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

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: LDC3048-PL-02B dated 16/09/2022 and 16/09/2022 and LDC3048-PL-03B dated 16/09/2022. 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.

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

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

5. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

Reason: To ensure the use of appropriate materials or drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

6. No development, other than to foundations level shall take place until, a scheme of landscaping including details of the size, species and position or density of any trees and hedging to be planted and boundary treatments (including boundaries within the site) and hardstanding have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details (see notes to the applicant below).

Reason: To ensure the site is visually softened by appropriate methods and to enable any such proposals to be assessed in terms of their impact on the locality in accordance with the National Planning Policy Framework and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

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

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

Reason: To ensure the site is visually softened by appropriate methods and to enable any such proposals to be assessed in terms of their impact on the locality in accordance with the National Planning Policy Framework and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

Notes to the Applicant

Listed Building Consent 145034

Please also see the conditions attached to the decision notice for Listed Building Consent 145034.

Highways

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

applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

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

Human Rights Implications:

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

Legal Implications:

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

Officers Report

Planning Application No: 145034

PROPOSAL: Listed building consent for the conversion and extension of existing mill to create 1no. dwelling.

LOCATION: Stamp's Mill High Street Faldingworth Market Rasen LN8 3SE

WARD: Dunholme and Welton

WARD MEMBER(S): Cllr D M Rogers, Cllr S England & Cllr C M Grimble

APPLICANT NAME: Mr Tom Pickering

TARGET DECISION DATE: 07/10/2022

DEVELOPMENT TYPE: Listed Building - Alter/Extend

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

This application has been referred to the Planning Committee, following objections from the Parish Council.

Description:

The application site is located on the eastern edge of Faldingworth outside of the developed foot print in the Countryside, close to the junction with High Street and Buslingthorpe Road and comprises part of a wider paddock and contains a Mill Tower. The Mill is located behind (to the north) of a row of 3 detached bungalows that front High Street, but is visible from the east along the highway. To the west of the site is the large rear garden of another detached bungalow (Chestnut View) which fronts High Street. To the north and east are the wider paddock. The Mill is a Grade II Listed building.

The application seeks planning permission to convert the existing Grade II Listed Mill to residential use to create a 3 bed dwelling. A master suite on the ground floor and an en-suite at first floor level is proposed within the Mill Tower. A single storey pitched roof building is proposed to the north of the Mill Tower and another single storey pitched roof building is proposed to the west of the Mill Tower. These buildings will form a courtyard. A single storey flat roof link is proposed to the south of the northern most building which will provide a link into the Mill Tower and the building proposed to the west. The proposed development is accessed off the High Street to the south via an access track to the east of Ings House, High Street. The access will lead to an area of hardstanding to the south and west of The Mill Tower. Garden space is provided to the west, north and to the east.

The tower is 9.5 metres in height. The single storey pitched roof element to the north west has a ridge height of approximately 4.6 metres and is 2.6 metres to the eaves.

The single storey pitched roof element to the south west has a ridge height of approximately 4.6 metres and is 2.6 metres to the eaves.

The single storey flat roof link element is approximately 3 metres to the eaves.

Relevant history:

125947 - Planning application for proposed existing development to carry out improvements to Faldingworth Mill and to construct a new dwelling house to be used in association with the mill. Withdrawn

126056 - Listed building consent to carry out improvements to Faldingworth Mill and to construct a new dwelling house to be used in association with the mill. Withdrawn

133964 - Planning application for restoration of existing mill and erection of small extension to facilitate its change of use to holiday let accommodation and erection of a new dwelling house and annex together with an open car port. Withdrawn

133965 - Listed building consent for restoration of existing mill and erection of small extension to facilitate its change of use to holiday let accommodation and erection of a new dwelling house and annex together with an open car port. Withdrawn

141711 - Pre-application enquiry for conversion and extensions to 1no. dwelling. Advice given 26/02/2021 and 22/012/2021 *'In conclusion if a planning application were to be submitted, the principle of the application is likely to be supported. After discussions with the Conservation Officer I can confirm that the amended proposal could be supported in principle as it protects important views of the mill tower and keeps the prominence of the tower, subject to the following:*

- *The additional bedroom and kitchen wings are truly single storey in scale with a smaller glass link.*
- *The mill tower is also utilised for living accommodation'*

145032 – Planning application for the conversion and extension of existing mill to create 1no. dwelling. To be determined in tandem with this application.

Representations:

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

Faldingworth Parish Council: The applications do not comply with approved planning policies. The application would adversely affect the setting a listed building.

The proposed access is sited at a dangerous point on the very busy A46, close to a sharp right angled bend where visibility is poor. The supporting statement refers to there being 'an existing access', but the Council point out

that it is not an approved access, there being no dropped kerb. The current user of the site drives over the kerb and grass to reach the field. The lamppost on the opposite side of the road has been hit twice in recent months by motorists coming round the bend too fast.

Local residents: Aelfric House, Rainow and Mill Corner, High Street, Faldingworth object to the proposal for the following reasons:

- Drive within 1 metre of my property. Entrance for construction, safety, vibration, damage to my property. Foundations, will the new drive damage my property foundations.
- Noise during construction.
- What fences/privacy are included.
- The entrance to this site is near a dangerous bend on A46.
- The 30mph speed limit starts at this bend and cars speed round this corner.

LCC Highways and Lead Local Flood Authority: Following the submission of amended plans showing an adequate visibility splay as outlined in Manual for Streets to the back edge of the carriageway and the demonstration of access improvements in line with LCC current specifications, LCC Highways requests that any permission given by the Local Planning Authority shall include one suggested condition and two suggested informatives.

Archaeology: The developer's Statement of Significance is detailed and well-researched, providing considerable new information on the history of the mill and its development since its construction in 1821.

In light of this new information we would like to revise the advice we have provided on previous proposals on this site. This office no longer feels that it would be proportionate to require an additional programme of historic building recording of the mill structure prior to conversion, as it is unlikely that a separate piece of fieldwork would contribute significantly to our understanding of the mill

The research undertaken with historic maps has also demonstrated that the mill lay outside the historic core of the village within its open fields prior to the enclosure of the parish. This means that the site's archaeological potential is lower than previously thought and we would not recommend that any further archaeological input be required.

Recommendation: no further archaeological input required.

Historic England: On the basis of the information received, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Conservation Officer: The design and scale proposed allows the mill to be the prominent feature retained in the setting. The proposal of the buildings placed to the south-west allow for more discrete development and the design

of a courtyard behind the mill allows for residential areas whilst retaining the rural setting outwardly. By creating a flat roof internally, no alteration to the top is visible and is neutral to the proposal with its current state. I note that the listing mentions the mill having a conical slate roof but the evidence in the HS illustrates this was not an original feature and is not retained in any state currently.

The pre-app spoke of mill equipment that could possibly be retained. There is no mention of anything to be retained within the listed mill in the proposal. I have no objections to this application subject to conditions:

1. Can details of any ironmongery, historic building fabric or equipment within the mill be identified for retention.
2. All windows and doors details are to be supplied to the LPA for approval prior to installation.
3. Details and methodology of repairs to the Mill to be sent to the LPA for approval.
4. All details for alteration within the listed Mill such as fixtures and fittings are to be supplied prior to any works taking place.
5. The restoration works to the Mill will be done before any other development on site is undertaken.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

Lb Legal Duty

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Main issues

- Principle and impact on a Listed Building

Assessment:

Principle and Impact on a Listed Building

Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The National Planning Policy Framework requires Local Planning Authorities to assess the

significance of the heritage assets involved and the likely impact of the development on them.

The application seeks planning permission to convert the existing Grade II Listed Mill Tower to residential use with a master suite on the ground floor and an en-suite at first floor level of the Mill Tower.

A single storey pitched roof building is proposed to the north of the Mill Tower and another single storey pitched roof building is proposed to the west of the Mill Tower. These buildings will form a courtyard. A single storey flat roof link is proposed to the south of the northern most building which will provide a link into the Mill Tower and the building proposed to the west. The proposed development is accessed off the High Street to the south via an access track to the east of Ings House, High Street. The access will lead to an area of hardstanding to the south and west of The Mill Tower. Garden space is provided to the west, north and to the east.

The tower is 9.5 metres in height. The single storey pitched roof element to the north west has a ridge height of approximately 4.6 metres and is 2.6 metres to the eaves. The single storey pitched roof element to the south west has a ridge height of approximately 4.6 metres and is 2.6 metres to the eaves. The single storey flat roof link element is approximately 3 metres to the eaves.

The application proposes two new single storey pitched roof extensions (and a flat roof link element) to the Mill and it is considered that they use both a traditional and contemporary approach, the two single storey pitched roof extensions have an industrial look with black timber cladding, aluminium windows and doors and a metal roof covering and have a similar form and scale to the bungalows to the south of the Mill Tower and allow the tower to retain its prominence. The single storey flat roof glazed link within the internal courtyard allows the tower to retain its prominence and ties together the converted tower and the other proposed extensions.

The Conservation Officer supports the proposal subject to appropriate conditions. If it is minded to grant permission the conditions suggested by the Conservation Officer will be attached to the decision notice.

It is therefore considered that the works are acceptable as the changes (subject to conditions) will have no adverse impact on the character and appearance of the Listed Building in accordance with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 and the NPPF.

Other matters:

None.

Conclusion

The proposed works have been considered against Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 and advice given in Chapter 16 of the National Planning Policy Framework. In light of this

assessment, it is considered that the works are acceptable as the changes (subject to conditions) are considered not to have an adverse impact on the character, appearance and fabric of the Listed Building.

Recommendation: Grant Listed Building Consent subject to the conditions below:

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 detailed specification and methodology for the repair of the external brickwork (and any other external finishes) on the Mill Tower has been submitted and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials for this Grade II listed building in accordance with the National Planning Policy Framework and Policy LP25 & LP26 of the Central Lincolnshire Local Plan

3. No development shall take place until the proposed new walling (including finishes for the timber, metal sheeting and a sample of the brick for the external repair to the Mill Tower), roofing and external materials including all windows and doors have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details. The details submitted shall include; the proposed colour finish and rainwater goods to be used.

Reason: To ensure the use of appropriate materials for this Grade II listed building in accordance with the National Planning Policy Framework and Policy LP25 & LP26 of the Central Lincolnshire Local Plan.

4. No works shall take place until a sample panel (brick) of no more than 1 metre square has been provided for the repair of the external brick work on the Mill Tower, showing the colour, style and texture of the mortar and bond of the brick have been provided on site for the inspection and approval in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details

Reason: To ensure the use of appropriate materials for this Grade II listed building in accordance with the National Planning Policy Framework and Policy LP25 & LP26 of the Central Lincolnshire Local Plan.

5. No works shall take place until full details of the internal finish to the walls of the Mill Tower have been provided in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To safeguard the character and appearance of this Grade II Listed Building, in accordance with section 17 of the Planning (listed Buildings and Conservation Areas) Act 1990 (as amended) and in accordance with the National Planning Policy Framework and Policy LP25 & LP26 of the Central Lincolnshire Local Plan.

6. No development shall take place until full details and specifications of the Mill Cap have been submitted to, and agreed in writing with, the local planning authority. The development shall be constructed in accordance with the approved details, before first occupied and retained as such thereafter.

Reason: To safeguard the character and appearance of this Grade II Listed Building, in accordance with section 17 of the Planning (listed Buildings and Conservation Areas) Act 1990 (as amended) and in accordance with the National Planning Policy Framework and Policy LP25 & LP26 of the Central Lincolnshire Local Plan.

7. No works shall take place until full details of the internal staircase (including the balustrade, handrails, newels etc) to the Mill Tower have been provided in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To safeguard the character and appearance of this Grade II Listed Building, in accordance with section 17 of the Planning (listed Buildings and Conservation Areas) Act 1990 (as amended) and in accordance with the National Planning Policy Framework and Policy LP25 & LP26 of the Central Lincolnshire Local Plan.

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

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: LDC3048-PL-02B dated 16/09/2022 and 16/09/2022 and LDC3048-PL-03B dated 16/09/2022. 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.

9. No part of the proposed dwelling shall be occupied until the Mill Tower has been fully restored.

Reason: To ensure the full restoration of the Mill Tower to safeguard the character and appearance of this Grade II Listed Building, in accordance with section 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and in accordance with the National Planning Policy Framework and Policy LP25 of the Central Lincolnshire Local Plan.

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

None.

Notes to the Applicant

External Finish to the Mill Tower

Utilising a non-breathable clear coating will not be acceptable as this would restrict the breathability of the tower and result in long term damage.

Human Rights Implications:

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

Legal Implications:

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



Officers Report

Planning Application No: 145345

PROPOSAL: Planning application for change of use of office 9 from class E to Aesthetics Clinic (Sui Generis)

LOCATION: The Plough Business Hub 37 Church Street Gainsborough
Lincolnshire DN21 2JR

WARD: Gainsborough South West

WARD MEMBER(S): Cllr Mrs J A Rainsforth, Cllr T V Young

APPLICANT NAME: Aesthetic Skin and Wellbeing Clinic

TARGET DECISION DATE: 14/10/2022

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Rachel Gordon

RECOMMENDED DECISION: Grant permission

The application is presented to Planning Committee as West Lindsey District Council is an interested party, as owners of the building.

Description:

The site is located within the Gainsborough Town Centre. The site adjoins a Conservation Area (to the south and on the opposite side of Church Street). All Saints Church, a Grade I listed building, is located to the south of the site and there are several other listed buildings diagonally opposite on the east side of Church Street. The remainder of the surrounding area comprises of a mix of commercial and residential properties, with a three storey block of flats to the immediate north of the site. The site is located within flood zones 2 and 3.

The application seeks permission for the change of use of 'office 9' from class E (Commercial, Business and Service) to Aesthetics Clinic (Sui Generis).

Relevant history:

W33/632/81 – Erect garage. Permission granted 22/07/81

W33/A/25/84 – Display timber panel sign, pictorial sign, illuminated panel sign and two lanterns. Consent granted 31/07/84

125174 – Planning application for change of use from A4 (pubs and bars) to B1 (Offices, Research and Light Industry). Also to demolish rear single storey building, form new vehicular access to rear carpark, refurbish and extend. Extension to comprise of single storey building with a two storey lift well. Permission granted 09/02/10

126621 – Planning application for conversion of public house into office accommodation, with rear extension for lift shaft – amendment to previously approved scheme 125174. Permission granted 16/11/10

127532 – Application for a non-material amendment to planning permission 126621 granted 16 December 2010 – eliminate rear extension and need for additional vehicular access. Planning permission required 28/09/11

127588 – Planning application for change of use of public house to office accommodation – amendment to previously approved scheme 126621. Permission granted 30/08/11

128179 – Application for advertisement consent to display 1 non-illuminated box sign on the south elevation. Permission granted 12/03/12

128555 – Planning application for change of use from B1 to B1 Business, Office and Light Industry and A2 Financial and Professional Service. Permission granted 31/05/12

Representations:

No representations received at the time of writing.

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 Gainsborough Town Neighbourhood Plan (made June 2021); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP25: The Historic Environment

LP26: Design and Amenity

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2017/>

- **Gainsborough Town Neighbourhood Plan (NP)**

Relevant policies of the NP include:
NPP1 Sustainable Development

<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 Local Plan (LMWLP)**

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

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

National policy & guidance (Material Consideration)

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

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

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

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

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

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

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

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

- **Draft Central Lincolnshire Local Plan**

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

<https://central-lincs.inconsult.uk/CLLP.Proposed.Submission./consultationHome>

Main issues

- Principle
- Impact on Setting of Listed Buildings and the Conservation Area
- Flood Risk
- Highways
- Residential Amenity
- Minerals

Assessment:

Principle

Policy LP2 states that to maintain and enhance their roles as main towns, and to meet the objectives for regeneration, Sleaford and Gainsborough will, primarily via sites allocated in this Local Plan, be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision.

The property is a former public house in former B1 (business) and A2 (financial and professional) use classes, now reclassified under Use Class E (Commercial, Business and Service).

The application seeks permission for the change of use of office 9 to an aesthetics clinic. This use would fall under Sui Generis - a term used to categorise buildings that do not fall within any particular use class for the purposes of planning permission.

Whilst the property is located within Gainsborough Town Centre where class E uses are appropriate, it is considered that the proposal for an aesthetics clinic would also be appropriate and suited to a town centre location.

The proposed change of use would allow greater flexibility of end users in this business hub, developed to help support new local businesses, and secure its long term future.

The proposal is considered acceptable in principle and is considered to be in accordance with policy LP2 and the provisions of the NPPF.

LP2 is consistent with the NPPF and is attached full weight.

Impact on Setting of Listed Buildings and the Conservation Area

Policy LP25 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

The Church of All Saints, a Grade I Listed Building, is located directly to the south of the application site. The Church is surrounded by generous grounds which contain a number of trees.

The Conservation Area boundary runs along the south side of the property. As well as the Church there are numerous listed buildings in the Conservation Area on the east side of Church Street.

The proposal comprises of a change use only with no external alterations therefore the proposed will not have a detrimental impact on the setting of the Listed Building or the Conservation Area.

The proposal would therefore be in accordance with policy LP25.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to 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.

LP25 is consistent with the NPPF and is attached full weight.

Flood Risk

The site is located within Flood Zones 2 and 3. The use proposed would be considered 'less vulnerable'. The current use is also 'less vulnerable', therefore the vulnerability of users would not increase. As a change of use only, it qualifies as 'minor development' and is exempt from the sequential and exceptions test (see paragraph 168 of the NPPF).

Highways

Policy LP13 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.

Although the use would be one where members of the public do visit, given the sites sustainable location within Gainsborough Town Centre which is well served by public transport and the level of off street car parking provided, it is not considered that the proposed change of use would be detrimental to highway safety.

The proposal is considered to be in accordance with policy LP13.

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

Policy LP13 is consistent with the NPPF and is attached full weight.

Residential Amenity

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 surrounding area is a mix of residential and commercial uses and is separated from neighbouring residential uses by public highway and the vehicular access to the site. The proposed change of use is not likely to result in significant increases in on site activities or vehicular movements. Therefore, the proposed change of use would not result in harm, through increased noise and disturbance, to the amenities of surrounding properties. Given the mixed use characteristics of the area it is not considered reasonable to restrict the opening hours.

The proposal is considered to be in accordance with policy LP26.

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.

Policy LP26 is in accordance with the provisions of the NPPF and is attached full weight.

Minerals

The site lies within a minerals safeguarding area and policy M11 states that applications for non-minerals developments must be accompanied by a minerals assessment.

However, exemptions to this do apply, which includes the change of use of an existing development.

As the proposal is for a change of use, a minerals assessment is not required.

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, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP25: The Historic Environment, LP26: Design and Amenity of the Central Lincolnshire Local Plan and policy NPP1 Sustainable Development of the Gainsborough Town Neighbourhood Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. The proposed change of use of office 9 would not have a detrimental impact on the character of the area, amenity, and highways and does not conflict with neighbouring land uses. The proposal is recommended for approval 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:

None

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