

Guildhall Gainsborough
Lincolnshire DN21 2NA
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AGENDA

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

Planning Committee
Wednesday, 2nd November, 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 - 29)
 - i) Meeting of the Planning Committee held on 5 October, 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.

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

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) 144738 - Land off Willoughton Drive, Gainsborough (PAGES 30 - 43)
- b) 145135 - Land Rear of Watering Dyke Cottages, Grange De Lings (PAGES 44 - 76)
- c) 145252 - Land to the rear of 20 Queensway, Sturton by Stow (PAGES 77 - 91)
- d) 145585 - West Lindsey Operational Services Depot, Caenby Corner (PAGES 92 - 97)
- e) 145222 - Land West of 19 Waggoners Close, Scotter (PAGES 98 - 117)
- f) 144289 - Land off Station Road, Reepham (PAGES 118 - 138)

7. **Determination of Appeals** (PAGES 139 - 159)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 25 October 2022

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 5 October 2022 commencing at 6.30 pm.

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

Councillor Matthew Boles
Councillor David Cotton
Councillor Cherie Hill
Councillor Mrs Jessie Milne
Councillor Peter Morris
Councillor Roger Patterson
Councillor Jeff Summers
Councillor Mrs Angela White

In Attendance:
Sally Grindrod-Smith Director Planning, Regeneration & Communities
George Backovic Development Management Team Leader
Rachel Gordon Development Management Team Leader
Martha Rees Legal Advisor
Richard Green Planning Officer
Andrew Warnes Democratic and Civic Officer

Also In Attendance: Eleven members of the public

Apologies: Councillor Michael Devine
Councillor David Dobbie
Councillor Mrs Judy Rainsforth

50 PUBLIC PARTICIPATION PERIOD

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

51 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 7 September 2022 be confirmed and signed as an accurate record.

Note: Councillor D. Cotton arrived into the Chamber at 6.32 PM.

52 DECLARATIONS OF INTEREST

Councillor C. Hill declared a personal interest, in relation to agenda item 6a, application number 142874, that though she was at the site visit, she was could not make the previous meeting, and would abstain.

Councillor I. Fleetwood declared a personal interest, in relation to agenda item 6a, application number 142874, that he was the County Councillor for Bardney and Cherry Willingham. He had not participated nor discussed the application, and would remain in the Chair for the item.

Councillor M. Boles declared a personal interest, in relation to agenda item 6c, application number 144738, that he was the County Councillor for Gainsborough Hill, but would remain as a Member of the Planning Committee.

Councillor D. Cotton declared a personal interest, in relation to agenda item 6d, application number 145245, that he was the Local Ward Member for Saxilby, but would remain as a Member of the Planning Committee.

In relation to agenda item 6a, application number 142874, Councillors P. Morris, J. Summers and D. Cotton declared a personal interest that they were not present at the site visit, and so would not participate in the item.

53 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

Rachel Gordon, one of the Development Management Team Leaders, informed Members that the hearing programme for the new Local Plan had now been published on the Central Lincolnshire Local Plan website.

The main 'in-person' examination was scheduled to take place at the Hilton Double Tree on the Brayford in Lincoln from 14th to 25th November. A copy of the programme, which included which policies would be debated on what day, was scheduled to be circulated to all WL Members. Further updates would be provided in the Member Bulletin.

Before the Hearing, Officers on behalf of the Central Lincolnshire Joint Strategic Planning Committee were formulating answers to the recently published Main Issues & Questions document that the Planning Inspectors released. This was also published on the CLLP website under the examination pages.

All information concerning the examination was published on the website. However, if Members had specific questions about the programme, Members were advised the Programme Officer was Hannah Charlish. The Officer then stated that Members could alternatively contact Rachael Hughes, the Head of Policy and Strategy at West Lindsey District Council and was happy to discuss any policy-related queries.

Note: Councillors I. Fleetwood, D. Cotton, and R. Waller declared personal interests that they were Members of the Central Lincolnshire Joint Strategic Planning Committee.

54 142874 - LAND TO THE NORTH OF RUDGARD AVENUE, CHERRY WILLINGHAM

The Chairman introduced the first item of the meeting, 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 stated that there were no updates, beyond a site visit having taken place preceding this committee meeting. A short presentation was then made.

Note: Councillor I. Fleetwood declared that he was a Parish Councillor for Cherry Willingham Parish Council. He had not discussed the application, and would remain in the Chair for the item.

The Chairman noted that there was one registered speaker, the Parish Council representative from Cherry Willingham Parish Council, Councillor Dr Ian Lacy, to address the Committee. The following remarks were made.

“Cherry Willingham Parish Council does not oppose the application in principle. Indeed, we are happy for the village to continue to play its part in meeting the housing requirements of the Local Plan. The council regrets the early confusion about the size of the site which resulted from a typographical error in the 2017 Local Plan and acknowledges that this resulted in the initial miscalculation of the proposed housing density both for this site and of the 2 sites to the south which will eventually link to it.

However, despite clarifications and reassurances from the developer, the parish council continues to believe that 144 dwellings on this site are excessive. They would be at greater density (27.85 dwellings per hectare) than that shown in the Revised Local Plan for the two sites to the south, with an average 22.48 dwellings/ha in the current local plan.

We also consider that the single entrance at one end of this site, onto a bend on an existing estate road (Rudgard Avenue) is likely to lead to congestion both for the development itself and for the existing properties adjacent to the junction, which is also used by large vehicles delivering to the rear of shops to the west of the site.

The master plan for all 3 sites does show 2 further access points via site B to site C and then another existing estate road but it is hard see how these will much alleviate the potential congestion issue and consider this runs contrary to the implications of our Neighbourhood Plan Policy H1 e) "the scheme provides easy access and movement within the development and avoids making unnecessary barriers to movement between development areas". We know of no time scale for the development of these other sites.

We also remain concerned that on street parking may pose a problem and that the access for emergency vehicles appears very tight although we appreciate that so far, we only have a proposed layout.

We would also want to see (either at this outline stage or at the detailed application stage) a strong and binding commitment by the developer and WLDC to our Neighbourhood Plan Policy H2 1) to "deliver housing of a size, type and tenure appropriate to the site and locality" including affordable housing.

We also note that the submitted Revised Local Plan site gives a maximum of 97 dwellings

for the site. The Parish Council believes that this number would considerably reduce congestion. The Council is also concerned that allowing the number of dwellings to exceed that stated in the Local Plan could set a precedent for the Local Plan being overridden in future developments in the village and elsewhere.

The Parish Council would therefore wish to see: Outline planning permission being given for up to 97 houses, not the 144 stated in the Application. Appropriate conditions being set for on street parking and emergency vehicle access. And assurance that there will be an appropriate mix of dwelling types including affordable housing. Thank you.”

The Chairman thanked the speaker for his statement, and invited the Development Management Team Leader to respond. The Officer informed Members that the plan was indicative, and was already an allocated site. She confirmed that Lincolnshire County Council Highways had approved the site's capacity, and that the improved access was acceptable. It was also commented that the parking strategy was for reserved matters, and met the guidance necessary. The Officer clarified further that the type of housing was a reserved matter, with affordable housing to be secured in the Section 106 agreement, and the subsequent full application process.

The Chairman invited comments from Members of the Committee after presenting a summary of what the site visit entailed. Debate ensued, and Members expressed concern over the accessibility, potential traffic issues, and footpath concerns. A Member also referenced similar case studies in nearby villages where outline applications were successful on appeal.

In response to a query on a limit of the number of dwellings, the Officer cautioned Members not to condition less than the proposed number, as the application's provisions only allowed up to 144, and the full application could only match that figure or be less than the 144 figure. Members expressed that fewer dwellings would be recommended.

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. 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

Note: Councillor D. Cotton requested that his abstention on the above vote be recorded in the minutes.

55 144826 - "GULHAM FIELDS FARM", GULHAM ROAD, NORTH OWERSBY

The Chairman introduced the next item, application number 144826, for erection of 2no. additional poultry sheds with associated feed bins, hardstanding area, dirty water tank and associated landscaping, at Gulham Fields Farm, Gulham Road, North Owersby, Market Rasen, LN8 3PS. The Officer informed Members of the Committee that there was an update to condition 5, to read as followed.

“The development hereby permitted shall not be occupied **before**

- a) Highway improvements in the form of four localised carriageway widenings (passing places) have been provided, in accordance with details that shall first have been submitted to and approved in writing the local planning authority and subsequently certified as complete. The details submitted shall include appropriate arrangements

- for the management of surface water runoff from the highway **and**
- b) The highway improvements required by condition 5 of planning permission 140754 dated 24th August 2020 have been certified as complete.”

The Chairman informed Members of the Committee that there were three registered speakers. He invited the first registered speaker, the applicant, Alec Mercer to give a statement. The statement below was read aloud.

“Chairman, Members, thank you for the opportunity to speak. Gulham Fields Poultry Unit is a modern poultry unit which currently extends to 6 poultry houses which are producing chicken for UK supermarkets. The site is modern unit operating to best available techniques and incorporates renewables such as ground source heat pump and roof mounted solar panels, to make the farm more sustainable, reducing its reliance on fossil fuels.

The current application seeks consent to erect an additional 2 No. poultry houses on the site. The UK is currently only 65% self-sufficient in chicken, and reliant on imports from countries such as Brazil and Thailand to make up the balance, therefore I firmly believe it is important that we improve our self-sufficiency and decrease our reliance on product coming from abroad where we cannot guarantee the rearing and environmental standards.

The application site itself is a very good location for a poultry farm in operational terms. It is in remote location, well away from neighbours and settlements. The closest neighbour is more than 400m away from the site and the closest settlement of North Owersby is 1.8km away. The farm is permitted by the Environment Agency under the Environmental Permitting Regime and the Environmental Permit controls all emissions from the site including odour, noise, dust, ammonia, foul and surface water drainage and the disposal of waste.

When we applied for the original poultry sheds on the site, highway impacts were the main concern of the Local Planning Authority. Since that time, we have spent in excess of £100,000 on improvements to the road, including resurfacing, junction and bend widening and passing places.

We are currently in the process of implementing further road improvements associated with the planning application for sheds 5 and 6, which includes a further 4 passing places, and a further bend widening, amounting to an additional £50,000 of road improvements.

Frustratingly I acknowledge that this should have already been completed, and it was my genuine intention to have it completed well over a year ago. However due to Covid delaying meetings, and traffic licensing, it kept being pushed back. This has been clearly demonstrated to our planning officer to his satisfaction, and the work is finally set to start on the 7th November.

Prior to submitting this planning application, we undertook pre-application discussions with Lincolnshire County Council highways, and they supported the development, subject to a scheme of further passing places. The works which we have done to the highway have significantly improved the route for all users, and our site has now been operating for 5 years without any highway issues (reported or otherwise) whatsoever. This application has been fully reviewed by technical consultees - no objections have been made by Highways, Environment Agency, Environmental Protection and Natural England, and the Officer recommendation is one that planning permission be granted.

It is therefore respectfully requested that the committee grants planning permission for this development. Thank you.”

The Chairman invited the Democratic and Civic Officer to read out the second statement, from an objector, Mark Popplewell. The objector’s statement below was orated.

“I strongly object to the expansion of this poultry farm, near where I live.

It is important to highlight to the Planning Committee the recent history of the inception of this intensive development. This very Planning Committee refused the applications both for the initial six broiler units in 2014 and then four units a year later having visited the site in person. The proprietor only proceeding on appeal with a lower capacity of four units in 2016. Since then, we are seeing strategic piecemeal planning applications being made in 2020 to six units and now in 2022 to eight units, with the aim of doubling its size of operation in such a short timescale. When will this stop, I ask? This audacious approach is certainly not in the spirit of the planning process nor allows the Planning Committee to thoroughly evaluate the proprietor’s application in respect of its impact. Context is important, as it is not just another two more units. Size and scale should be proportionate to the rural character of the location.

The two-mile public highway from the A631 to the poultry unit on Gulham road is unsuitable for further increases in HGV movement with the road lacking the required structural foundations. The route is a narrow single track access road with blind bends and is designated by Highways as 'unsuitable for HGV' traffic. The road is uneven, rough, and has a significant number of potholes and road structural issues, which I have personally reported 28 separate cases in the last 6 months. The road is not maintained in winter, and existing passing places are poorly located, causing safety risks to road users. Even allowing for the additional passing places planned, the road is not suitable.

It is important to refer back to the appeal decision notice in 2014 that rejected the planning application for six units with the Planning Inspectorate concluding that the proposal would severely impact highways safety with the following statement - Section 10 refers:

“I conclude, therefore, on the main issue that the proposal would be likely to be severely prejudicial to highway safety along Gulham Road on particular days of the year. This brings the scheme into conflict with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 which endeavours, amongst other things, to ensure that new development does not create or aggravate highway problems. This policy is broadly in line with the National Planning Policy Framework which emphasises the need to prevent development that would have a severe impact on the highway network.”

The severity to highway safety was last considered by the Planning Inspectorate in 2016, which considered HGV movements but for only four units.

Therefore, the Planning Inspectorate’s 2014 conclusion that the six unit would likely severely impact highways safety remains relevant and should be a carrying factor to the eight-unit decision.

Interestingly, the National Planning Policy Framework requires the road to be suitable; not to have an unacceptable impact on highways safety, or the residual cumulative impacts on the

road network not to be severe – I consider that this application fails on all of these tests. It is also important to note that we are seeing increased traffic volumes caused by intensification of other local farms in the area, therefore I cannot see any evidence that all this has been taken into account on the cumulative impact. This proposed application is to increase HGV movements to 2,026 p.a. a rise of 34%, which is significant for a single-track country road.

I do not consider there to be any economic gains to this application to local communities and Lincolnshire, in fact to the contrary. The area is becoming the epicentre of intensive farming, which I don't associate with Lincolnshire's typical countryside character. Consideration therefore needs to take into account the cumulative impact of all these developments in such a small area. It is important to raise to the committee's attention that prior planning conditions still remain outstanding.

The 2018 landscaping condition for tree planting to the southern and eastern boundaries remain outstanding, which is important in a westerly wind and open transient countryside. Four years have since passed. This shows a disregard to the community through nuisance of the odour coming from the site, which is repellent at times. No new passing places (of which there should have been four) have been installed and complete from the 2020 six-unit decision.

In summary, in accordance with the Local Planning Policy – Central Lincolnshire Local Plan, the planning 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 Chairman stated that there was one final statement to be read aloud by the Democratic and Civic Officer, from the local ward member and County Councillor for Market Rasen Wolds, Councillor Stephen Bunney. The following statement was read aloud.

“In recent years there have been a number of planning enquiries and applications for Intensive Agricultural Units in The Market Rasen Area. In all of the cases including the Gulham Fields Development, a high proportion of the local residents and the parish councils have raised concerns and objections to the developments. Whilst local details vary there are three main threads running through these objections.

Highways. The narrow frequently winding nature of the local roads cannot easily cope with the existing HGV and Large Farm Vehicles. The extra vehicles with the new developments – 34% plus in the case of Gulham Fields – will only add to the problems. The heavier vehicles causing pot holes and road decay as well as being a health and safety risk for dog walkers, cyclists, horse riders as well as when vehicles cannot pass each other. Passing places on the roads provide mitigation but are not always 100% effective. They are fine when vehicles spot the difficulty before they reach the space but can cause issues if vehicles have passed them. Vehicles are forced to reverse down the highway which can lead to damage of the verges – further damage is also done if the passing places are not that wide. A further concern expressed is that the passing places are low down on the developer's priorities and are not always completed on time or to the agreed dimensions.

Odours. It is generally accepted that agricultural smells have always been part of country life. However, in recent years modern farming methods have increased both their intensity and toxicity. The smells coming from both the production units and the effluent waste. It is true that alongside the increased quantities and changes in chemical composition disposal methods have improved including the use of Anaerobic Digesters. It should be noted that these changes add to the number of HGV Tankers on the roads.

Despite these improved disposal methods, which still involve spreading the processed waste on the land, the number of complaints of intolerable odours is definitely up as are the number of reports that the odours are causing respiratory and skin conditions. People having to stay indoors and keep their windows closed on hot summer days – when they would prefer to be outside. In the same conversations on Odours there are lots of comments made about ammonia being spread on the land and the damage this does to the environment.

The odours are definitely worse than they were in the past – more than just basic agricultural smells! Several Parish Councils have requested that air quality detection monitoring meters are installed around the local rural areas and not just the towns. This will help build up a true picture of what is going on and will help the relevant authorities with enforcement – as on several occasions when they have turned up the odours have dispersed. I am very supportive of this idea.

Piecemeal Planning. There is a tendency for the Farm Owners to keep coming back for additional planning permission to increase the size of their operation. There is a strong belief that rather than put in for a really big operation and getting it turned down the owners are applying at a bit at a time and creeping the development through the system. The Gulham Hill application provides credence to this belief. Previous applications for new chicken sheds were turned down and then passed for fewer sheds. The current application for 2 new sheds will bring the number of units up to that applied for in the original application which was rejected. This obtaining permission by stealth is not seen as fair or as a level playing field by local residents.

I support the concerns about this application as expressed by the residents in their various submissions and request that the current application for expansion by two further sheds is rejected.”

The Chairman thanked the Democratic and Civic Officer for reading the statements, and invited a response from the Development Management Team Leader.

In his response, the Officer referred to the odour report submitted with the application which acknowledged that the facility could not be odour free, and that the level of the odour was not considered unacceptable at the location according to the Institute of Air Quality Management guidance and lack of objection from Public Protection. Regarding road users, the Officers explained that the odour was low intensity and short term, and that the odour impact was to fall within the accepted standards.

Moving to the highways concerns, the Officer noted that at the time of the first appeal the Planning Inspector was of the opinion that no changes could be made to the existing roads in order to resolve his highway safety concerns. This position was not accepted by the Inspector at the most recent appeal who took the view that subject to highway widening

(passing places) highway safety would not be an issue. He explained that Lincolnshire County Council Highways had not objected to the application subject to the provision of additional passing places. Members heard that there was no precise definition of "severe" with regards to NPPF Paragraph 111, which advised 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 were specific to the locations of each proposal, but have common considerations.

The first was the highway network is over-capacity, usually for period extending beyond the peak hours. The second was the level of provision of alternative transport modes. The final was whether the level of queuing on the network causes safety issues. In view of these criteria, the Highways and Lead Local Flood Authority did not consider that this proposal would result in a severe impact.

The Chairman thanked the Officer for his response, and invited Members of the Committee to give their comments. Members drew attention to multiple points, including the provision of agriculture and food made locally, development challenges, and odour concerns. Members also commented about the lack of highways provision on the adjacent roads, but also on the design of the sheds.

Note: Councillor J. Summers declared a personal interest, that he was familiar with the applicant, but had not spoken to him or anyone related to the application for 10 years.

In response to several queries about the highways access, Members learned that the highways provision for the previously granted application was scheduled to be built in November, and was required before being able to use the poultry unit, the subject of this application.

Responding to a query about the Environment Agency permit, the Officer explained that this was a separate regulatory requirement, which regulated the operation of the facility capacities. The Officer clarified that the Committee were tasked to review the application in its own right including the new buildings proposed.

In a separate query, Members learned that the Environmental Protection Officer raised no objection to the level of odour, in addition to no issue with methodology used and the conclusion reached.

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

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

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

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

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

2. No 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) Highway improvements in the form of four localised carriageway widenings (passing places) have been provided, in accordance with details that shall first have been submitted to and approved in writing the local planning authority and subsequently certified as complete. The details submitted shall include appropriate arrangements for the management of surface water run off from the highway **and**
- b) The highway improvements required by condition 5 of planning permission 140754 dated 24th August 2020 have been certified as complete

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.

56 144738 - LAND OFF WILLOUGHTON DRIVE, GAINSBOROUGH

The Chairman introduced the next item on the agenda, application number 144738, 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) on land off Willoughton Drive, Gainsborough. The Officer stated that there was no update, and gave a presentation on the application. This included a comparison of the original submission with the current application plan, clarification that the hedgerow could be removed at any time without planning permission.

The Chairman informed Members of the Committee that there were three registered speakers. The Chairman invited the Democratic and Civic Officer to read the statement from the agent for the application, Sean Madden. The following statement was read.

“Good evening to the planning committee members and thank you for considering this planning application.

The Development Proposals. The proposals seek planning permission for 7no commercial

units on a plot of land within the Foxby Lane Business Park, Gainsborough. The originally submitted site layout indicated a terraced row of commercial units along the full western boundary of the plot which required the removal of all the shrubs and hedges along the rear boundary. After reviewing the comments received from the residents at number 27 and 36 Maybell Close and the adjacent Vulcan Bossit site, the applicant was very proactive and ensured our proposals were developed in a collaborative manner, taking into full consideration the comments received. We also noted the comments received from the Environmental Protection Officer.

The proposals were therefore developed further and subsequently updated to remove the single storey unit from side of the garden of no.36 Maybell Close, reposition the units towards the northern edge and move the units a further away from the rear site boundary to increase the separation distances even further. The updated site layout also allowed for part of the hedgerow to be retained along with the tree, including a root protection area in accordance with the British Standards BS 5837 was also implemented. Additional planting was also provided towards the northern edge of the side along with a footpath to the rear of the units to provide maintenance access. We note the professional opinion of the Environmental Protection Officer that the current proposals presented have now removed the initial concerns raised.

When reviewing the proposals against the overall master plan of Gainsborough and the focus for substantial housing to be delivered as Policy LP3, the proposals will provide much needed employment and business start up opportunities in the area and will also compliment the major housing developments on the land adjacent to Foxby Lane and Middlefield Lane respectively and allow the site to be reached by walking and cycling, therefore reducing the potential users carbon footprint significantly and the reliance upon motor vehicles.

The design of the commercial units have been developed to provide an enhanced materials palette comprising of timber effect cladding with contrasting black brickwork with associated trims when compared against some of the typical units found on the adjacent sites which feature steel cladding for the roof and walls. The proposals would therefore provide aesthetically pleasing units which will enhance the character and locality.

Conclusion. We have taken appropriate steps to revise the designs/ building arrangements to reflect the comments made on to the WLDC planning website. And in conjunction with the relevant planning policies, we consider the proposals to be in accordance with the Central Lincolnshire Plan and Gainsborough Neighbourhood Plan. The proposals will provide both social and economic benefits to Gainsborough and provide a welcome increase in employment and business opportunities which will help to support the housing growth for our Town. We would like to respectfully ask the planning committee to grant planning permission for the development proposals on the established Foxby Lane Business Park.”

The Chairman thanked the Officer for reading the statement, and invited the second registered speaker, the objector, Andrew Boulton. The following remarks were made.

“There is no benefit to WLDC in approving this particular planning application. Any revenue from completing the sale of this Plot 5, will be received by LCC. Alternative less contentious purchasers of Plot 5 are available.

There is a positive effect of rejecting this planning application. The prospective purchaser,

will be looking to the Committee to reject the application as LCC will then be required to refund the £6,000 deposit, enabling the prospective purchaser to look for a more appropriate - less contentious - site.

There are numerous more appropriate alternative sites available on the nearby Heapham Road South industrial estate, for the applicant to pursue his private financial ambitions, and where his cavalier disdain for social obligations to neighbouring residential property owners, would not be an issue.

Whatever employment and jobs might be envisaged for this development, would still be possible and accommodated should the development be relocated to the more appropriate Heapham Road South industrial estate. A very similar development already exists at the entrance to the Heapham Road South industrial estate. It is pertinent that no-one has made written submissions - or is speaking - in favour of this application.

It is understood that 10% of recommendations for approval are overturned by a Planning Committee. It is respectfully suggested that this planning application is one of those that should be included in that 10%.

It is hoped that the elected members of the Planning Committee will exercise their independence, and their responsibilities to the community they represent, and risk incurring the ire of Planning Department Officials, by rejecting this planning application. There are a number of inconsistencies in how planning guidelines have been applied to individual submissions and, in the consideration of those different submissions. In a number of instances, it seems that some material planning considerations, have conveniently been ignored, which undermines the Report's recommendation to approve.

Trees – especially thriving twenty-year old trees, surrounded by “unmanaged” undergrowth or not – are a material planning consideration. It is evident that within this report, the existing trees, have NOT been given serious consideration. This undermines the assertion within the report's “Planning balance and conclusion”, that the proposal “would not conflict or cause harm to the amenities of neighbours (and that) the scale and appearance is acceptable”. The material planning consideration of “Impact on the neighbourhood” has demonstrably been ignored, as demonstrated by the above. I have identified four illustrative examples.

One: Implicitly accepting the necessity for a screen, Condition 3 requires that “details of soft landscape proposals shall be submitted”. There is no proposal for any “soft landscape” at the rear of any of the remaining units, particularly the two-storey buildings, that confront Maybell Close houses and Gainsborough Park.

Two: When considering “Main Issues” the Report refers to the “existing mature hedgerow. Whilst the Council's tree and landscape officer condescendingly refers to this as “unmanaged”, this is not (just) a hedgerow. It contains within it, twenty-year-old mature trees. This paragraph goes on to dismiss the necessity for retaining the existing screening, because “the maximum height (of the development), is below that of existing housing that neighbours the site”. Question: what is this comment even meant to convey? All the neighbours will view this development from ground level, and from bedroom windows.

Three: The Report mentions distances from the established Maybell Close houses and Gainsborough Park. Whatever the distances from the proposed industrial units, does not

make them any less intimidating, any less offensive, or negate the necessity for appropriate screening.”

The speaker asserted that he wanted a change about the public participation processes, and wished to counteract the officer’s view and statements later on. The speaker concluded his statement to reemphasis the issue of the hedgerows.

The Chairman thanked the speaker for his statement, and invited the Democratic and Civic Officer to read the statement from the Local Ward Member, Councillor Mick Devine. The following statement was read.

“The Design and Access Statement clearly states the mature hedgerow will remain, this screens the industrial development from the housing close by. The plan being submitted requires that this hedgerow will be removed, to me that is not acceptable, the planting originally done by LCC I believe was to provide screening.

I note that replacements will be planted but this will not accommodate the birds that currently use the hedgerow as a nesting site, there will also be other insects and wildlife disrupted damaging the ecology of the whole area. Neither will the new planting screen the site from the homes immediately behind the application.

I have visited the site and the proposed units will be crammed into what is a small site and unsuitable in my mind for 7 units and the accompanying vehicles that will be visiting the site. I do not object to the development of this site as it is designated for development, but I do object to the size of the current application on this site. I would recommend that the Planning Committee make a visit to this site to see for themselves the scale of the site.”

The Chairman thanked the Democratic and Civic Officer for reading the statement, and invited a response from the Development Management Team Leader. The Officer further explained the layout using photographs of the site.

Debate ensued, and Members raised different points, including the expansion of businesses in Gainsborough, supportive of the principle of the development, and expressed concerns about the changes to the landscaping surrounding and on the proposed site. Members were also supportive of the changes made by the applicants during the application process. There were also comments about the layout of the site and the effect of the height of the proposed units.

In response to a few queries, the Officer emphasised that removing the hedgerow did not require planning permission. In a separate response, the Legal Adviser explained that the hedgerow was not protected, and anyone could take it away with the land owner's permission, or by the land owner themselves. The Adviser stated that there were no tree preservation orders on any vegetation on the site itself.

In response to a query about owning the land concerning hedges, the land ownership was not a material consideration in a planning application decision, whoever was the owner's identity. All that was required was the permission of the landowner or the landowner themselves to remove a hedge.

In reply to a query about the levels of the site as compared to the surrounding area, the

Officer clarified that this could be conditioned in the possible granting of the application.

The Chairman proposed a site visit to the Committee to learn about the site, the vegetation on the site, and to understand the application better. This followed the request made by the Local Ward Member.

It was also understood that this would also allow the Case Officer to liaise with the agent for further information in relation to landscaping and existing and proposed levels. with an update provided by the next meeting, after the site visit.

Having been proposed, and seconded, 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.

57 145245 - HOPE FARM, HARDWICK

The Chairman introduced the next item, application number 145245, 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, at Hope Farm, Hardwick Lane, Hardwick, Lincoln. The Development Management Team Leader stated that there was no update, and gave a short presentation on the application. It was emphasised that this was a retrospective application.

Note: Councillor I. Fleetwood made a personal declaration that the agent for the application was a former West Lindsey District Council Planning Officer. This declaration applied to all Members of the Committee.

The Chairman then informed Members of the Committee that there was one registered speaker, the agent, Oliver Fytche-Taylor, who had submitted a statement to be read aloud by the Democratic and Civic Officer. The following statement was read.

“Dear Chairman and Members. Thank you for the opportunity to address the committee. The application site represents a true success story and a great example of the kind of diverse economic growth that can be found within the rural parts of the district. As detailed in the officer’s report, the site has been a location for continuous employment since the applicant’s business uses first started at the site in 2015.

At that time, the applicant’s change of use proposal was considered by the council under a Prior Approval. That application applied to part of the site only and it was deemed that planning permission was not required for the change of use to allow business uses to start. As a result of that positive support from the council, business uses were able to start to operate within some of the old farm buildings, which at that time involved office uses only.

Since then, the business has grown and significant investment has been made in improving the quality of the whole site, including the area covered by the original prior approval, plus several connected farm buildings that are covered by this application. In their original condition, the barns were structurally unsound in several areas, with visible makeshift

repairs and non-standard construction materials used. These included railway tracks used for lintels and concrete filled barrels providing dangerous structural support.

Following its repair and renovation, the site continues to act as the main headquarters for the applicant's group of companies, including in particular delivering specialist youth and young adult training services which use large parts of the buildings. For clarity, since starting to prepare this application, use of the site has been scaled down to avoid operating without the correct planning permissions being in place for the changes that have occurred. This application is therefore submitted to regularise the site uses, as well as the building works completed as part of the renovation of the barns.

As the officer rightly identifies in their committee report, "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". This includes the not-for-profit social enterprises that have been awarded multiple contracts with national partners, such as The Department for Education and the Education and Skills Funding Agency to deliver Government initiatives supported by the National Skills Fund, such as the 'skills for life' objectives.

These allow young adults to access courses for free and gain recognised qualifications and skills. In addition, the company work with job centres and local authorities to provide sector-specific skills development, qualifications, re-training programmes and refresher courses. This includes targeting the long-term unemployed plus assisting young adults with practical training that increases their access to work placements and apprenticeship schemes. Partners in this regard include Lincolnshire County Council and a wide range of educational bodies and colleges.

In practice, this has allowed many young people to improve their life chances and employability. Many of the people attending these courses benefitted from being able to work on the buildings within the application site itself, to restore them and bring them back into use. Some were even awarded their qualifications at the site, as shown in the photos included with the application.

Whilst planning permission has not been obtained for the full site area, there is no indication of any detrimental impact arising from this site uses or of any concerns having been raised, at any time. Indeed, this fact is supported by the public consultation for this planning application, where there are zero objections, from any consultee (including residents in Hardwick) to the continuation of the site for business and training purposes.

In considering the full facts, the officer's report concludes that "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 site is made up of buildings that have been sensitively restored to an exceptionally high quality of finish. Sustainable transport is provided to attendants which both minimises vehicle movements and provides young people with free travel from the train station and pick-up points in the city.

In summary, for the reasons outlined in the officer's report and in the interests of allowing the business and social enterprise uses to continue to provide these vital services, we hope that the committee upholds the Officers recommendation and planning permission will be granted. Thank you for your time."

The Chairman thanked the Democratic and Civic Officer for reading the statement, and invited Members of the Committee for comments. Debate ensued, and though Members did have concerns about flooding, transport access to the site, and the retrospective aspects of planning applications, the application was widely appreciated. There was commendation that though this was a departure from the local plan policies, the provisions of the applicant's site and the principle of the site, along with the educational work done, were universally commended.

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

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.

58 145032 & 145034 - STAMP'S MILL, HIGH STREET, FALDINGWORTH

The Chairman introduced the next item of the meeting, application numbers 145032 and 145034, at Stamp's Mill High Street Faldingworth Market Rasen LN8 3SE. The applications were as listed below:

145032: Planning application for the conversion and extension of existing mill to create 1no. dwelling.

145034: Listed building consent for the conversion and extension of existing mill to create 1no. dwelling.

The Officer informed that there was no update to their report, and gave a short presentation on the application. The Chairman explained that there was one registered speaker, the agent, Daniel Sharp, and invited to the speaker to give his statement.

In his statement, the speaker stated that the disused former mill had been constructed over 200 years ago, and remained a distinctive site on the edge of Faldingworth. The site had fallen into a state of dilapidation for at least 50 years, and had a scruffy appearance at the village entrance.

The applications for the site had gone through pre-application scrutiny, and the extension had been designed to be visually separate from the mill tower, with just a glazed link joining the two structures. This was to ensure that the prominence of the mill tower was maintained.

The speaker asserted that the pitch roof extensions were appropriately sized, to limit the impact on neighbouring dwellings, and were of a materiality form and scale that sat beside the existing mill. The speaker progressed to state that the proposed extensions created a courtyard for parking, that screened passing vehicles from view, and the mill remained a prominent feature of the area.

Moving to the internal design, the speaker stated that the design of the first-floor bedroom with an en-suite bathroom, with a sweeping adjacent staircase to the bedroom, utilised the existing structure and form of the mill. Turning to the access proposals, the agent agreed with Lincolnshire County Council Highways that creating a dropped kerb and cutting back the hedge improved the existing site access and achieved the recommended visibility splays.

In concluding his statement, the speaker stated the existing listed mill was of architectural and historical merits, with its restoration and conversion securing a new, appropriate use to

secure its future for years to come. The speaker referenced the heritage report and explained the existing mill's rich history, with the applications helping to write the next stage of the mill's history.

The Chairman thanked the speaker for his statement, and invited comments from Members of the Committee.

Members were wholly appreciative of the proposed works, and the improvements that would be made to the site. It was expressed that preserving this local heritage site was critical, and that other improved listed mill sites had similar road configurations. There was some concern over the reasoning why it was before the Planning Committee, with objections from the parish council.

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

Conditions for planning permission 145032:

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.

Conditions for listed building consent 145034

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.

59 145345 - "THE PLOUGH BUSINESS HUB", 37 CHURCH STREET, GAINSBOROUGH

The Chairman introduced the final application of the meeting, application number 145345, for change of use of office 9 from class E to Aesthetics Clinic (Sui Generis) at the Plough Business Hub, 37 Church Street, Gainsborough. The Development Management Team Leader stated that there was one update, where since the writing of the report, the Authority received a consultation response from Gainsborough Town Council, who had no objections to the application. The Officer gave a short presentation on the application.

The Chairman advised that there were no registered speakers, and invited comments from Members of the Committee. Members heard that Sui Generis was a classification for an establishment out of the legislated categories, and the purpose of an aesthetic clinic included Botox treatments. Members supported the change and saw no issue with granting the application. A Member also remarked that the application would not be before them if West Lindsey District Council did not own the building.

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

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

60 DETERMINATION OF APPEALS

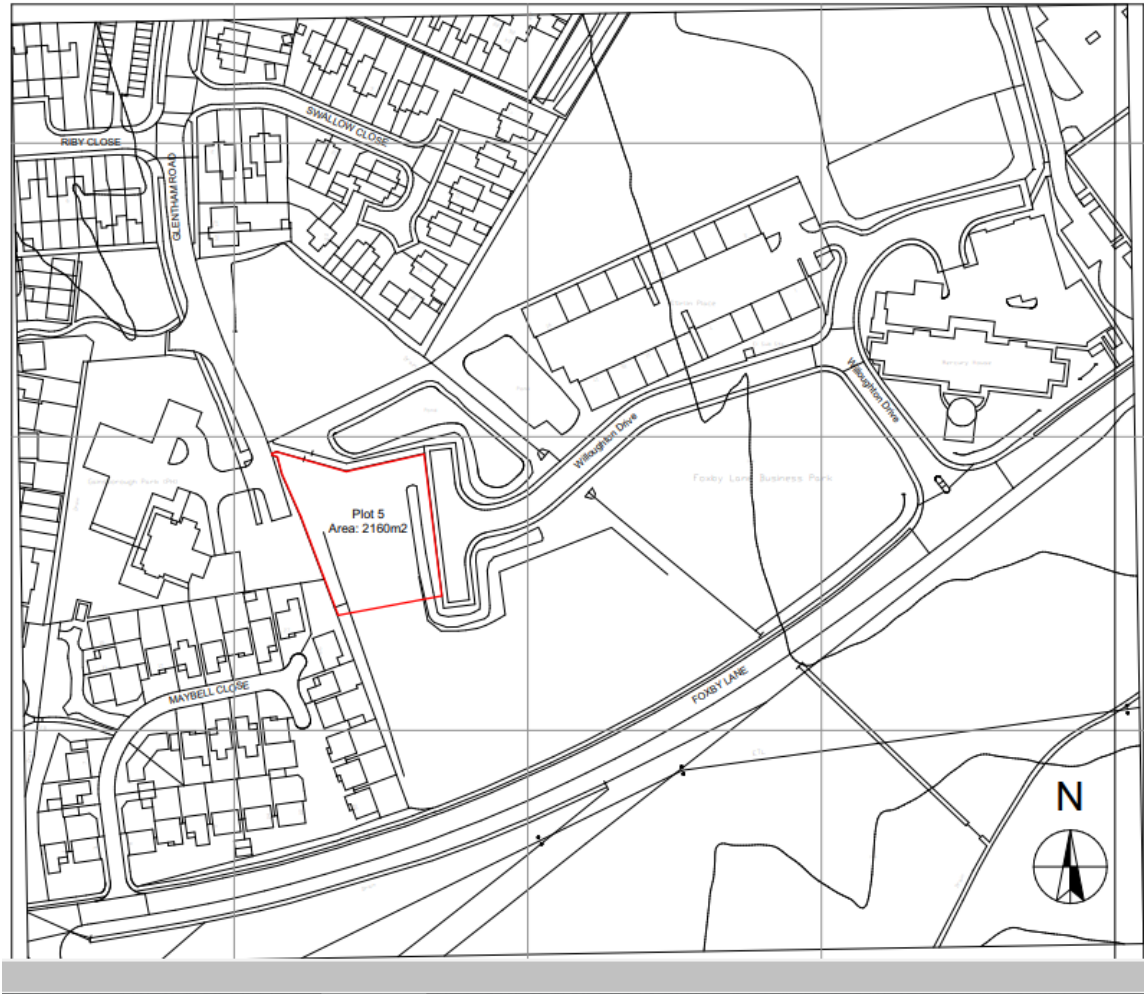
There were no appeal determinations for noting.

The meeting concluded at 8.16 pm.

Chairman

Agenda Item 6a

SITE PLAN: 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. The application was deferred for a site visit scheduled for 31st October 2022.

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 6b



Officers Report

Planning Application No: 145135

PROPOSAL: Planning application for the change of use of land for the siting of 12no. gypsy/traveller residential caravan and the erection of 2no. amenity buildings.

LOCATION: Land Rear of Watering Dyke Cottages Grange De Lings
Lincoln LN2 2LY

WARD: Nettleham

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

APPLICANT NAME: Mr Charlie Gaskin

TARGET DECISION DATE: 01/09/2022 (Extension agreed until 2nd December 2022)

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

This application has been referred to the Planning Committee at the request of the Ward Member, and following objections from Riseholme Parish Council and other 3rd parties.

Description:

The application seeks planning permission, retrospectively, for 12 gypsy/traveller residential caravan pitches and the erection of 2 amenity buildings with access of Hall Lane. The boundaries of the site have been landscaped and the ground has been landscaped by grass and loose hardstanding.

Site:

The application site is an area of land (0.40 hectares) to the east of the A15 and accessed off Hall Lane down a private track behind Watering Dyke Cottages. The site sits lower than the A15. The site comprises modest areas of grass and larger areas of loose hardstanding for vehicular access, manoeuvring and parking. At the time of the site visit (20th July 2022) there were 2 caravans and 1 campervan on the site along with 4 or 5 cars. The site has children's play equipment including a trampoline and a timber patio table and chair set with parasol. Four or five trees are within the boundaries of the site.

The site is screened by grey fencing and or hedging to each boundary. Neighbouring dwellings are adjacent to the north with open countryside to the east and south. To the west is the A15 and open countryside.

The site is in a Limestone Minerals Safeguarding Area. Public rights of way SCAR/190/2 in on the opposite side of the A15 with GDel/176/1 500 metres to the east.

Relevant history:

120573 – Planning Application to erect two stables and tack room, existing stables are to be demolished – 04/09/97 - Refused

Representations

Cllr Mrs A White: Call into committee

I am calling in this application because it is of concern to local residents. It is not a designated Traveller site. There was no prior consultation with the local community, so this has heightened tension between the occupants of the site and neighbouring residents.

The site was bought and development started without planning permission. So this is a retrospective planning application.

A particular concern for the residents of the adjacent properties is that their cess pit is on the site.

- Planning Policy for Traveller sites (Updated 31 August 2015) Introduction 1 -6: Decision taking: Policy H: Determining planning applications for traveller sites. To be considered in conjunction with the National Planning Policy Framework.
- Central Lincolnshire Local plan 2017: LP56: Pages 126 -128.
- Central Lincolnshire Local Plan for Regulation 18 Consultation: June 2022. Policy S82: Pages 182-84

Riseholme Parish Council: Objections (summarised)

- 12 caravans in an area of 6-8 houses is contrary to Planning Policy for Traveller Sites policy C (sites in rural areas and the countryside) as they would dominate the nearest settled community.
- Draft Central Lincolnshire Local Plan Review need to 2024 has been met.
- Central Lincolnshire Local Plan 2017 Policy LP56 Gypsy Traveller and Travelling Showpeople Accommodation references the sites that have been allocated as Westrum Lane Brigg, Washingborough Road Lincoln and Trent Port Road Marton.
- In The [Draft] Central Lincolnshire Local Plan 2022 which was only consulted on revised and submitted in March 2022 to PINS, Policy S83 sets out clearly how the Planning Authority has met the legislative requirements of The National Planning Policy Framework and The Planning Policy for Traveller Sites.
- There are two allocated sites one on Washingborough Road in Lincoln and one at Trent Port Road at Marton. These are identified in Policy S83.
- Therefore, it is clear that following that assessment there are sufficient sites already allocated to meet legislative requirements. Any further need

can be met from existing sites. Therefore, this site is unnecessary and does not meet the required criteria.

- Development has to meet criteria a-f of local policy LP56 and draft policy S83.
- b) The site with 12 proposed caravans will have in excess of 12 vehicles. The access is insufficient for 12 vehicles with deliveries and external visits. The access onto A15 is not suitable. It is certainly inadequate for emergency vehicles and large towing vehicles. (To note it is unclear as to who has a right of access to the site over a section of presumed privately owned land)
- c) The site is too densely designed for safe manoeuvring of vehicles nor does it comply with government design guide for layout/design.
- d) The site has already had a detrimental impact on nearby residents. It is understood that the settled residents have had to recourse to the Police for assistance. This is without all caravans in place. Should all caravans arrive then the settled residents will be far outnumbered by the travelling community. Apart from the two small blocks to be constructed there are no other amenities on site.
- e) There is no mains drainage to the current properties. It is unclear how other services will be connected. (The nearby road surface has been dug up to connect water. However, this is for field use only and not for accommodation use. This is the basis of the connection by the Water Company. Any use for housing of any nature is not within the terms of the connection agreement).
- f) There are no amenities in this location which are accessible by walking and cycling. The nearest village is Nettleham which is over 5 miles away. The bus service which is referenced in the application runs a minimal service of probably one service a day and not at weekends. There will be total reliance on car travel. The schools and medical facilities in the area are full. The nearest shop is approximately 7 miles distance.

Therefore, this submission sets out that although fully accepted that there should be Gypsy and Traveller sites in suitable and sustainable locations and sustainable development is supported, this proposed site does not meet the required criteria.

The Central Lincolnshire Local Plan 2017 referenced the need for an increase in site allocation. The correct studies were undertaken in 2020 and that report's findings have been appropriately included in the Central Lincolnshire Local Plan 2022. This latest plan was only in recent months circulated and consulted upon. There was no reference to this site as it is not necessary.

Therefore, this retrospective application has no merit and should be refused.

Local residents: Representations received from:

Objections:

- 1, 2, 3 Watering Dyke Cottages, Grange de Lings
- 2, 4, 5, 6 Brigg Road, Grange de Lings
- 3, 10, 14 Woodlands Edge, North Carlton

Dambusters, 23 High Street, Scampton

Retrospective

- Works have already started and using as a caravan site
- Intentional unauthorised development is a material consideration by Written Ministerial Statement of 2015.

Infrastructure

- Extra pressure on health and schooling facilities which are overstretched.
- Electrics have already been installed on the site

Sustainability

- No facilities on the site or within walking distance
- Shops and schools are at Welton and Scampton which need access by car
- Not serviced by local public transport or local amenities
- Not in best location with showground opposite
- Site cannot be safely cycled or walked from
- No bus service

Residential Amenity

- Security lights remain on all night and remain intrusive in evening to 2 and 3 Watering Dyke Cottages
- Overlooking Watering Dyke Cottages
- Loss of peace and quiet to garden of Watering Dyke Cottages
- Stopping using garden as much
- Added noise and disruption to area
- Impact of vehicle movements has been significant
- Too close to residential homes
- Impact on residents health
- No mitigation measures proposed between sites
- Music playing until midnight
- Smell from horses kept adjacent Watering Dyke Cottages
- Dogs barking all day and night
- Add to rubbish, flytipping and anti-social behaviour
- Unsafe for children to play
- Threatening behaviour
- Incidents of loud arguments/swearing

Visual Amenity

- Site has industrial character and incongruous to surrounding rural landscape
- Materials used out of keeping with cottages and highly visible from surrounding area
- Not reflect local vernacular
- Impact on openness of character of area
- Urbanising impact
- Does not positively enhance the area

- No soft landscaping proposed
- Large industrial steel fencing
- Not comply to CLLP LP26, PTTTS and NPPF

Scale

- Site is likely to grow above 12 caravans as time goes by
- Site of 12 caravans with domestic paraphernalia and vehicle parking would be overdevelopment of the site
- Site would be overpopulated

Highway Safety

- More vehicles using A15 junction which is dangerous
- Accessing onto A15 causing danger to other vehicles
- Entrance to site is inadequate for up to 12 mobile homes at busy times accessing and egressing
- Safety impact on shared driveway to the site
- Visibility of site and distraction to A15 users
- Traffic already queues on Hall Lane to A15
- Significantly increases the number of vehicle trips in and out of development site
- Driveway will not cope with extra traffic on shared driveway
- Should be a road of adoptable standard
- Site already has 4 vehicles and a horse and cart
- Contrary to LP56 of CLLP and paragraph 110 of the NPPF

Drainage

- No mains connection for drainage
- Application lacks detail
- Watering Dyke Cottages have a legal right to use septic tank on development site and owner has said this will not be happening
- Damage to waste outlet pipe which runs underneath site and not made to withstand hardstanding and heavy vehicle use.

Ecology

- Application lacks information
- Loss of trees on the site
- Detailed ecological assessment should be submitted
- No tree survey

Landscaping

- Application lacks information including lighting

Ownership

- Access is in the ownership of 1 Watering Dyke Cottages. The correct notices should be served.

Other

- Does not meet criteria of policy LP56

- Landowner planning to install floodlights which could be intrusive and displeasing
- Impact on house prices
- Scared of criminal damage
- No provision for collection of household waste from site
- Scared of criminal damage to property
- Setting a precedent for development on all green spaces

General Observation:

1 Brigg Road, Grange de Lings

- No increase in traffic or congestion of road
- Site and caravans are immaculate and do not dominate the area
- Noise from generator has now stopped
- School buses are on the school run route
- Majority of objections are from people I have never seen before and do not live in the area
- More traffic congestion and noise caused by the Lincolnshire Showground e.g. concerts/events
- Cannot see why peaceful life would change if they live on their own land and do the same.

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

Representation received 21st October 2022:

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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application

Recommended Condition:

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

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

Representation received 29th July 2022:
Proposal will require the formation of a metalled access to Lincolnshire County Council's specification within the extents of the public highway, can the applicant revise the block plan to reflect this intention.

LCC Archaeology: No objections

Anglian Water: No comment to make.
There is no connection to the Anglian Water sewers

LCC Minerals and Waste: No objections

Ramblers Association: No representation received to date

Lincolnshire Agricultural Society, Lincolnshire Showground: objections (summarised)

Contrary to policy LP55 and S5

Development is contrary to local policy LP56 a), b), d), e) and f) and S83.

- Adverse impact on landscape character and natural environment
- Does have some visual/landscape screening
- 12 caravans and 2 amenity blocks will create a significant urbanising features, particularly to the east and south of the site.
- It will have a significant adverse impact on the open character of the landscape.
- Application form has not been completed properly as trees have been affected within the site. A new application form should be completed a tree survey undertaken.
- Site has several trees, pond and watercourse running along its southern boundary. An ecology survey should be undertaken.
- The site does not have adequate or safe vehicular access for the types of vehicles accessing.
- Impact on 1-3 Watering Dyke Cottages from noise, overlooking and general nuisance with vehicles passing eastern boundary and lighting during hours of no daylight.
- Not close enough to Lincoln to be considered sustainable. 1 bus service is not sustainable. Occupants most likely to use a motor vehicles which should not be encouraged and of a time when climate change is becoming a greater concern.

National Planning Policy for Traveller Sites

- No information on how promote peaceful and integrated co-existence between the site and the community.
- Site is close to the A15 which is used by a vast number of vehicles per day including HGV's. Impact on sites occupants from noise, air quality. Application gives no consideration to this.
- No assessment on potential amenity impacts on occupiers of neighbouring dwellings.

Contrary too many of the 8 criteria for sustainability as set out in paragraph 13 of the PPTS. Site is not sustainable socially or environmentally.

Contrary to policy C of PTTS (sites in rural areas and countryside). 12 caravans will double the number of residential units and significantly dominate it.

Contrary to policy H (Determining Planning Applications for Traveller Sites). Paragraph 22 determine in accordance with development plan. Application is contrary to many criteria within the CLLP and DCLLPR. Paragraph 25 advises on a very strict limit for new traveller site development in the open countryside.

The application should be refused by West Lindsey District Council on the following grounds:-

- The site is situated within the countryside and the application for a gypsy/traveller site does not meet any of the circumstances in which development could be supported in policy LP55 or policy S5 of the adopted and emerging CLLP's;
- The site would have a significant adverse impact on the landscape character surrounding the site and on the existing natural/ecological value of the site, meaning it is considered contrary to criteria a of adopted policy LP56 and emerging policy S83 of the CLLP;
- The site does not have a suitable access for the types of vehicles and number of vehicular trips anticipated by the proposed development and is considered contrary to criteria b of adopted policy LP56 and emerging policy S83 of the CLLP;
- It is considered the proposed development on the site will have a significant adverse impact on the residential amenity of the neighbouring properties (specifically 1 to 3 Watery Dyke Cottages) and is, therefore, considered contrary to criteria c of adopted policy LP56 and emerging policy S83 of the CLLPs;
- The application has failed to demonstrate whether the site would have adequate services and is considered contrary to criteria e of adopted policy LP56 and emerging policy S83 of the CLLP's;
- The site is of a scale that would dominate what can only be classed as the nearest "settled community" (1 to 3 Watery Dyke Cottages and 1 to 6 Brigg Road) and, therefore, contrary to Policy C of the PPTS; and
- The site is situated within the open countryside where gypsy/traveller sites should be very strictly limited. No evidence has been provided to demonstrate a specific need for the development in its location and is of scale which is considered to dominate the nearest "settled community". Therefore, it is considered contrary to paragraph 25 policy H of the PPTS.

IDOX Checked: 24th October 2022

Relevant Planning Policies:

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

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

Development Plan

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

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP10 Meeting Accommodation Needs

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP16 Development on Land Affected by Contamination

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Development in the Countryside

LP56 Gypsy and Traveller and Travelling Showpeople Accommodation

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

- **Neighbourhood Plan**

There is no neighbourhood plan to consider

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

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

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

National policy & guidance (Material Consideration)

- **Planning Policy for Traveller Sites (2015)**

<https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

- **National Planning Practice Guidance**

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 111 states:

"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".

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/collections/planning-practice-guidance>

- **National Design Guide (2019)**

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

- **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

- 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).*

- **Submitted Central Lincolnshire Local Plan Review (SCLLPR)**

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.

On the 8th July 2022 The Draft 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 (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
S5 Development in the Countryside
S20 Resilient and Adaptable Design
S21 Flood Risk and Water Resources
S47 Accessibility and Transport
S49 Parking Provision
S53 Design and Amenity

S56 Development on Land Affected by Contamination

S57 The Historic Environment

S83 Gypsy and Traveller and Travelling Showpeople Accommodation

The plan review submitted for examination is at an advanced stage but is still open to alterations so at this stage may be attached **some weight** in the consideration of this application.

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

Other:

- Central Lincolnshire Consultation Draft Local Plan: Report on Key Issues Raised January 2022 (ROKIR)
- Summary of who commented against each policy in the Central Lincolnshire Draft Local Plan Consultation October 2021
- Natural England's Agricultural Land Classification Map 2010
- Central Lincolnshire Gypsy and Traveller Accommodation Assessment by RRR Consultancy Ltd (Final Report) dated February 2020 (GTAA)
- Central Lincolnshire: Meeting the Accommodation Needs of Gypsies and Travellers by RRR Consultancy Ltd dated April 2021 (MANGT)

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan
Submitted Central Lincolnshire Local Plan
Planning Policy for Travellers Sites
Assessment of local policy LP56 of the CLLP
Concluding Statement
- Need
- Minerals Resource

Assessment:

Principle of the Development

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

Central Lincolnshire Local Plan:

Local policy LP56 of the CLLP sets out the need for Gypsy and Traveller and Travelling Showpeople Accommodation in Central Lincolnshire. Paragraph 10.3.8 states that “*annual need of 3.6 new permanent Gypsy and Traveller pitches from 2013 to 2033 (72 total over this period) to meet needs arising from overcrowding and from newly forming families on authorised sites.*”

The following sites are identified for the provision of Gypsy and Traveller pitches:

Ref	Location	District	Indicative number of pitches	Comments or specific requirements
CL4738	Westrum Lane, Brigg	West Lindsey District Council	6 (additional pitches to existing 11)	6 additional pitches have planning consent (2015)
CL4675	Washingborough Road, Lincoln	City of Lincoln	5	<p>Only land within flood zone 1 should be developed.</p> <p>Proposals should avoid significant adverse impact on the Cow Paddle East, Cow Paddle Railway Embankment, and Canwick Road and St Swithin's Cemetery Local Wildlife Sites.</p> <p>To be developed with consideration for existing Washingborough Road site: site should be delivered without compromising the amenities of the occupants of the existing site.</p>
CL1337	Trent Port Road, Marton	West Lindsey District Council	3-6	

Local policy LP56 carries on to state that *“Detailed proposals for these sites, for sites coming forward in Sustainable Urban Extensions and for other Gypsy and Traveller and Travelling Showpeople proposals on non-allocated sites, will be considered against the following criteria:*

- a) *The proposal should not conflict with other local or national policies relating to flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and*
- b) *Must have adequate and safe vehicular access; and*
- c) *Must have sufficient space for vehicle manoeuvring and parking within the site; and*
- d) *Should provide an acceptable standard of amenity for the site’s occupants, and will not have an unacceptable impact on the amenity of nearby residents (in accordance with Policy LP26); and*
- e) *Should be adequately serviced, or capable of being adequately serviced, preferably by mains connections; and*
- f) *For non-allocated sites, should be located within reasonable travelling distance to both primary health care facilities and schools, preferably by walking, cycling or public transport. An exception to this may be allowed in the case of Travelling Showpeople, where there is a need to locate the development close to the primary road network: in such event, access to primary health care and schools should still be achievable.*

Submitted Central Lincolnshire Local Plan Review:

Submitted local policy LP83 of the SCLLP is split into three parts:

Part 1 - Existing Sites

Part 2 – Allocated Sites

Part 3 – New Sites

The application site although retrospective is considered a new site therefore criteria a to f would carry some weight in the determination of this application. The criteria is worded differently in places to local policy LP56 of the CLLP but is fundamentally the same in terms of the material considerations to be assessed. The minimal differences in the wording to submitted local policy S83 are outlined in red below:

- a) *The proposal should not conflict with other local or national policies relating to flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and*
- b) *The proposal must have adequate and safe vehicular access **including for emergency vehicles, other large vehicles and towed loads likely to frequent the site; and***
- c) *The proposal must have sufficient space for vehicle manoeuvring and parking within the site; and*
- d) *The proposal should provide an acceptable standard of amenity for the site's occupants, and not have an unacceptable impact on the amenity of nearby residents (in accordance with Policy S53); and*
- e) ***The proposal** should be adequately serviced, or capable of being adequately serviced, preferably by mains connections; and*
- f) *For non-allocated sites, **the proposal** should be located within reasonable travelling distance to both primary health care facilities and schools, preferably by walking, cycling or public transport.*

The key issues report from the draft local plan consultation did not raise any objections or comments on part 3 of S82 or to its changed policy number of S83.

The summary report of who commented identifies three individuals objected to policy S82 (S83).

Planning Policy for Travellers Sites (PPTS):

The PPTS sets out the Government's planning policy for traveller sites and its content should be read in conjunction with the National Planning Policy Framework as stated in paragraph 4 of the NPPF. The PPTS is structured into different policy sections (A to I) including:

Policy C: Sites in rural areas and the countryside

Policy H: Determining planning applications for traveller sites

Assessment of local policy LP56 of the CLLP:

- a) *The proposal should not conflict with other local or national policies relating to flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality;*

Flood Risk:

The application is located within flood zone 1 (low probability), and therefore is sequentially preferable for development. It passes the sequential test within the NPPF and policy LP14.

Contamination:

Local policy LP16 of the CLLP states that *“Development proposals must take into account the potential environmental impacts on people, biodiversity, buildings, land, air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.*

Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the relevant Central Lincolnshire Authority as the first stage in assessing the risk of contamination.

There are no known contamination issues with the site.

Heritage Assets:

Local policy LP25 of the CLLP protects heritage assets and their setting, character and appearance from being harmed.

The site is not in a Conservation Area or within the setting of a Listed Building or a Scheduled Ancient Monument.

The Historic Environment Officer from Lincolnshire County Council Archaeology has no objections to the development.

Agricultural Land Quality:

The site is a small piece of land measuring 0.40 hectares. Natural England’s Agricultural Land Classification Map identifies the land as being in an area of grade 2 agricultural land (see below extract).

It is however, a small scale (1:250,000) map, intended for strategic use, and that *“These maps are not sufficiently accurate for use in assessment of individual fields or sites and any enlargement could be misleading.”* It should therefore only be considered as indicative.



<u>Grade</u>	<u>Description</u>
1	Excellent
2	Very Good
3	Good to Moderate
4	Poor
5	Very Poor

Grade 2 is very good quality agricultural land which Natural England describes as:

“Land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown. On some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops, such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than grade 1.”¹

Local policy LP55 Part F protects the best and most versatile agricultural land.

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

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

Natural England guidance guides that when using the agricultural land classification maps *“you should take account of smaller losses (under 20ha) if they’re significant when making your decision. Your decision should avoid unnecessary loss of Best Most Versatile land”.*

The application site was a small area of grass land with trees and an area of hardstanding on the site enclosed by boundary treatments. This would appear to be unsuitable for modern farming machinery and have very limited use for growing crops. The development has led to a loss of 0.40 hectares of

¹ <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>

agricultural land (potential BMV land) but the scale of the land and its enclosed nature is not considered as a significant loss.

Protection of the natural and built environment:

The application site does not currently include any permanent built form and before the development commenced was an area of grass with some trees and hardstanding. The site is not located with an area for its special landscape and scenic beauty such as an Area of Outstanding Natural Beauty or an Area of Great Landscape Value.

It appears from historical maps (google maps pro) that some trees have been removed from the site and some have been retained as part of developing the site. It additionally appears that most if not all trees on the boundaries of the site have been retained. The application site did not and does not include any protected trees under a tree preservation order so any of the trees removed would not have required any permission from the Local Planning Authority. The removal of the trees would only have required the consent of the landowner.

Comments have been received about the need for an ecology survey and tree survey with the application. Local Policy LP21 of the CLLP states that '*All development should:*

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

The application site which is substantially complete is in the open countryside with surrounding vegetation and a watercourse adjacent the south boundary. There is also a very small pond to the south east boundary of the site. Table 1 (Where to expect protected species)² of the government's standing advice guidance sets out likely habitats for protected species. Following assessment of this guidance it is considered that whilst there is a watercourse and pond adjacent the site they are not linked to semi-natural habitats such as heaths or parks.

Therefore whilst the requests for an ecology and tree survey are acknowledged it is not considered that surveys of this nature are required in this case.

It is therefore considered that the development would not have an unacceptable harmful impact on the natural and built environment.

² <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species>

Landscape Character:

Objections have been received in relation to landscape and visual character including the urbanising impact of the development.

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 application site is located on land which sits at a lower level than the A15 (50mph) and the pedestrian footpath to the east of the A15. Views of the site from the A15 and the pedestrian footpath are available and more readily so when the leaves have fallen from the trees. Some of this view has been reduced by the installation of fencing to the south and west boundaries. The site follows and respects the linear character of the dwellings to the north.

The main body of the site is on a level but set back from Hall Lane (60mph) down the private shared track. Views of the site as you travel east and west along Hall Lane are limited by the high level of existing boundary screening from vegetation and the fencing which has been installed.

The site is currently accommodated by a modest amount of caravans and associated vehicles which is intended to increase to a maximum of 12 caravans. Whilst the inclusion of 12 caravans onto the site would be quite alien and urbanising to its previous predominant grassed appearance it is considered that the site is set down from the A15 and is well screened from most directions by soft landscaping to external views from public vantage points. The development although adding numerous structures to the site would not on balance have an unacceptable harmful impact on the character of the neighbouring and wider landscape.

Comments have been received in relation to the use of security lighting on the site at night time. Any lighting allowed on the site would need to be positioned

and directed appropriately to minimise its impact on the character of the area. Lighting is present within close proximity to the site in the form of street lighting to the east and west of the A15. If the development is recommended for approval then a condition would be attached to the permission to ensure appropriate lighting is installed on the site.

b) Must have adequate and safe vehicular access;

Objections have been received in relation to the vehicular access, its safety and the safety implications of the junction of Hall Lane and the A15.

The application site is accessed via a private track off Hall Lane which is shared with the occupants of Watering Dyke Cottages. The access to the private drive is wide as shown on the photo below and would provide more than sufficient access to the site by vehicles towing a caravan or campervans.



The occupants of Watering Dyke Cottages have parking spaces to the rear of their properties. The application has included the submission of certificate B as the applicant does not own the vehicular access. The shared access is used for access and egress from the site only as all vehicles and caravans are parked off street within the enclosed site.

The Highways Authority have not objected to the development but recommended that the site plan was amended to demonstrate a commitment to upgrading the access to Lincolnshire County Council specification. This has been completed and submitted with the application to the acceptability of the Highways Authority.

The Highways Authority have additionally recommended the installation of a footpath between the west side of the sites vehicular access and the existing pedestrian footpath which exists to the east of the A15. This would require the installation of approximately 50 metres of pedestrian footpath along the south side of Hall Lane to a width agreed with by the Highways Authority. The introduction of the footpath would provide safe access to the existing A15 pedestrian footpath during hours of light only.

The Highways Authority have recommended a condition requiring details of the footpath to be submitted prior to occupation. This is a retrospective planning application where the site has already been developed and is occupied. It would therefore be more appropriate to attach a condition which required the submission of the footway and drainage details within a 3 month period from the date of permission and the installation of the approved footway within 6 months of the date of the details being formally approved in writing by the Local Planning Authority.

Comments have been made about the use of Hall Lane and queuing at the junction with the A15. The A15 is a very busy A road connecting Lincoln to Scunthorpe. The junction does dip lower than the level of the A15 to the north and south but the observation views are in the case officers opinion considered acceptable for a road with a 50mph speed limit.

The development is likely to increase the use of the junction by the occupants of the site but only to a modest degree. As stated earlier in this report the NPPF guidance is that to refuse the application on highway safety the “*residual cumulative impacts on the road network would be severe*”. Whilst the occupants of the site may at times have longer vehicles due to towing caravans it is not considered that the vehicular access or the cumulative impact on Hall Lane and the junction with the A15 would have an unacceptably severe highway safety impact.

c) Must have sufficient space for vehicle manoeuvring and parking within the site

The submitted site plan identifying the formation of the pitches and position of the amenity buildings would leave plenty of space for vehicles manoeuvring and parking within the site.

d) Should provide an acceptable standard of amenity for the site’s occupants, and will not have an unacceptable impact on the amenity of nearby residents (in accordance with Policy LP26);

Local policy LP26 of the CLLP protects the living conditions of neighbouring dwellings from unacceptable harm.

Sites Occupants:

The application site is of a size which can accommodate the number of caravan pitches, associated vehicles and amenity blocks whilst providing external space for children to play including fenced off and open grassed areas. The two modest amenity blocks would provide permanent bathroom and laundry facilities on the site.

3 Watering Dyke Cottages is the nearest dwelling to the site with its south elevation approximately 8.2 metres from the shared boundary. This boundary is well screened by very high hedging therefore no overlooking onto the application site occurs and 3 Watering Dyke Cottages does not have an overbearing impact or cause any loss of light on the occupants of the application site.

Paragraph 26 of Policy H of the PPTS attaches weight to *“not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community”*. The site is enclosed by fencing to a part of the north boundary and to the east, south and west boundary. The fencing apart from the section to the north boundary entrance is screened by adjacent vegetation. The installed fencing is therefore not obvious and the site in general appears to be screened by natural means. The development does not therefore deliberately isolate the site or its occupants.

Nearby Residents:

Objections have been received in relation to overlooking, noise, smell, disturbance from vehicle movements and lighting.

As previously stated the nearest dwelling to the site is 3 Watering Dykes Cottages with the access to the site running to the rear of 1, 2 and 3 Watering Dykes Cottages.

The site does and will accommodate single storey structures which are and would be at least 12 metres from the shared high hedged boundary with 3 Watering Dyke Cottages. The development does and would not therefore have an unacceptable overbearing impact, cause any loss of light or have an unacceptable harmful overlooking impact on the neighbouring dwellings.

The shared access track to the rear of Watering Dykes Cottages is and will be used for vehicles entering and leaving the site. The track is approximately 40 metres long from the Hall Lane access to the main access to the site. The site would have up to 12 caravans and any other vehicles used for towing and general use. The use of the site for gypsy and travellers would generate vehicle movements at low speed to the rear of Watering Dyke Cottages. The direction of the track would not project vehicle headlights in hours of darkness towards the rear elevations of Watering Dyke Cottages. The amount of vehicle movements generate would not unacceptably harm the living conditions of neighbouring dwellings including the use of their back gardens.

Concerns of odour from the site have been submitted which appears to be in relation to the keeping of horses on the site. Whilst this is a retrospective application the keeping of horses on the site for grazing could have occurred on this land as agricultural land. No horse(s) or odour were present or experienced on the site at the officers site visit although a single horse box was present and evidence of using a grassed part of the site for horing was observed. Any unacceptable nuisance coming from odour from the site would need to be dealt with through Environmental Legislation.

Concerns of noise from the site in various forms such as loud music and shouting would need to be dealt with as a civil matter or dealt with through Environmental Legislation.

The application has not included any details of lighting for the perimeter or within the site. Concerns have been raised in relation to lighting and the use

of security lighting on the site during the night. The introduction of lighting on the site has the potential to harm the living conditions of neighbouring dwellings if it is not appropriately positioned and directed. If the development is recommended for approval then a condition will be attached to the permission to ensure appropriate lighting is installed on the site.

Paragraph 14 of Policy C of the PPTS states that *“When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.”*

Paragraph 26 of Policy H of the PPTS states that *“Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure”*

In this case the nearest settled community is Watering Dykes Cottages (1, 2 and 3) and Brigg Road (1, 2, 3, 4, 5 and 6). These two groups of dwellings are only separated by Hall Lane. The area additionally includes large build structures on the Lincolnshire Showground and Lincoln College Showground Campus. The nearest settled community therefore comprises 9 dwellings in a linear format to the north.

The site is smaller in floor space than the cumulative floor space of the 9 dwellings to the north but would accommodate more units in the form of 12 caravans and two permanent amenity buildings. The 12 caravans and two amenity buildings would be smaller in scale than the existing 9 dwellings to the north. Seven of the caravan pitches are identified for touring caravans therefore it is likely that the site would not always have 12 caravan units on the site.

It is therefore considered on balance that the site in its semi-rural setting does not unacceptably dominate the nearest settled community.

e) Should be adequately serviced, or capable of being adequately serviced, preferably by mains connections

It has been brought to the case officer's attention that electricity connection has recently been installed to the site.

The application form states that foul water is or would be discharged to a package treatment plant. This would be likely to be considered acceptable providing it can be evidenced that there is no mains sewer within reasonable proximity to the site. Planning Practice Guidance³ states that *“Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered.”*

³ Planning Practice Guidance – Water Supply, wastewater and water quality Paragraph: 020 Reference ID: 34-020-20140306 <https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality#water-supply-wastewater-and-water-quality--considerations-for-planning-applications>

The application form states that surface water is or would be discharged to a sustainable urban drainage system (SuDs). No specific SuDs scheme has been submitted with the application. The use of a SuDs scheme is encouraged and there is a watercourse to the south of the site which is or could be utilised.

It is considered that details of foul and surface water drainage can be addressed through a condition if it is minded to approve.

f) *For non-allocated sites, should be located within reasonable travelling distance to both primary health care facilities and schools, preferably by walking, cycling or public transport. An exception to this may be allowed in the case of Travelling Showpeople, where there is a need to locate the development close to the primary road network: in such event, access to primary health care and schools should still be achievable.*

Objections have been received in relation to the sustainability of the site.

Paragraph 26 of Policy H of the PPTS states that “*Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.*”

The application site is a non-allocated site which sits within a semi-rural settings adjacent 9 dwellings to the north and the Lincolnshire Showground and its built form to the north west. Whilst the site is in the open countryside it is not in an isolated location away from built form and infrastructure. The site is:

- 1.8 miles from the northern edge of the City of Lincoln
- 2.2 miles from the western edge of the large village of Nettleham
- 3.2 miles from the western edge of the large village of Welton

As the nearest large village or City to the site Lincoln comprises all services and facilities including primary schools, secondary schools, College, University, hospital and doctors surgeries. Nettleham and Welton as large villages jointly comprise many services and facilities including primary schools, a secondary school (William Farr, Welton) and medical centres.

Hall Lane does not include any pedestrian footpaths but the east side of the A15 does. This pedestrian footpath travels all the way to Lincoln but is only lit by street lighting at certain points. Some areas of the footpath would not be lit in hours of darkness. Whilst this footpath is available it is not currently directly accessible from the vehicular access to the site by a connected footpath along Hall Lane. There is a wide grass verge to the south of Hall Lane which could be used but this cannot be considered as safe access by foot to the A15 footpath. However, as recommended by the Highways Authority a condition would be attached to a permission for details of a footpath to connect from the west of the sites vehicular access along the south of Hall Lane to the footpath to the east of the A15. The distance to Lincoln from this footpath besides a 50mph road would not be a very attractive proposition in terms of safety for an

adult let alone an adult with a child. The footpath could not be used during hours of darkness due to the gaps between the street lighting.

Hall Lane is served by a bus stop on either side very close to the vehicular access to the site. These bus stops are only served by one bus service namely:

- N75S – PC coaches – Lincoln to William Farr Secondary School Bus Park, Welton (7.55am-8.40am and 15:50-16:32) ⁴

This bus only operates on school days and not during school holidays.

There are in addition two bus stops outside the main entrance to the Lincolnshire Showground which is a 370 metre walk from the site. The A15 does have an east side pedestrian footpath to these bus stops but again this footpath is not currently connected to the site along Hall Lane. There is a wide grass verge to the south of Hall Lane which could be used but this cannot be considered as safe access by foot to the A15 footpath. However, as recommended by the Highways Authority a condition would be attached to a permission for details of a footpath to connect from the west of the sites vehicular access along the south of Hall Lane to the footpath to the east of the A15.

These bus stops are only served by one bus service namely:

- 103 – Stagecoach – Lincoln to Scunthorpe.⁵

This bus operates 7 services a day including:

- 5 services each way Monday to Saturday (excluding Bank Holidays)
- 1 service each way on college holidays and Saturdays only
- 1 service each way on college days only

Therefore a secondary school day public bus service is available to get to Welton and back but the bus service is dictated to by the start and end of the school day meaning an adult using the service would have to wait around all day in Welton to meet the bus for the journey back.

It is therefore highly likely that the occupants of the site do and will rely on the motor vehicle to access all services and facilities within Lincoln, Nettleham and Welton.

Criteria f) is clear in that non-allocated sites should be located “*within reasonable travelling distance to both primary health care facilities and schools, preferably by walking, cycling or public transport*”. In this case it is considered that the site is located within a reasonable distance to the City of Lincoln but the occupants would rely on a motor vehicle to access all services. The criteria states that access to services and facilities would be preferred by

⁴ [N75S - Lincoln - Welton – PC Coaches – bustimes.org](http://bustimes.org)

⁵ [SC_103 Revised 050720.pdf \(tison-maps-stagecoachbus.s3.amazonaws.com\)](http://tison-maps-stagecoachbus.s3.amazonaws.com)

walking, cycling or public transport. As set out above, safe pedestrian cycle access, and public transport connections are limited. However, it does not state that it must be accessed via walking, cycling or public transport.

Concluding Statement

The proposed development is considered to accord with criteria a), b), c) and e) of local policy LP56 of the CLLP. Criteria d) and f) is a more balanced assessment due to the scale, location and relationship with neighbouring dwellings.

The application site is and would be likely to introduce up to 12 units on the site at any one time but not all the time. The units are and will be single storey in height with good screening around the boundaries of the site. There are 9 dwellings to the north of the site covering a larger area than the application site therefore it cannot be considered that the site would overly dominate the nearest settled community or unacceptably harm their living conditions. Therefore, on balance, it is considered that the development does and would accord to criteria d) of local policy LP56 and does and would not have an unacceptable harmful impact on the living conditions of neighbouring dwellings.

The site is located within 2 miles of the City of Lincoln and within 2 to 3 miles of the large settlements of Welton and Nettleham. Whilst there is a pedestrian footpath along the A15 to Lincoln it is not currently connected to the access to the site via a footpath along Hall Lane. Details of a connecting pedestrian footpath to the A15 has been recommended as a condition. The pedestrian footpath does and would not provide an attractive walk into Lincoln and would not feel a particularly safe journey to make given the busy nature of the A15 which has a 50mph speed limit. There are bus stops adjacent the vehicle access to the site but this provides an extremely limited service during school days but does provide transport to a local secondary school. There is also another bus stop within 400 metres away adjacent the Lincolnshire Showground main entrance off the A15 which provides a regular bus service between Lincoln and Scunthorpe. This can be walked to along the A15 pedestrian footpath but again there is no footpath currently connecting the site to the A15 pedestrian footpath. It is therefore acknowledge that whilst all facilities and services could be accessed via public transport or a long walk from the site it is considered that the occupants of the site do and would rely on a motor vehicle to travel to use all services and facilities. Criteria f) of local policy LP56 states that "*non-allocated site should be located within reasonable travelling distance to both primary health care facilities and schools, preferably by walking, cycling or public transport*". Criteria f) uses the words **should be** and **preferably**. These are not definitive words such as **shall** or **must**. The words used does therefore not automatically render the location of this site unacceptable and must be considered on a case by case basis. The site is located in a semi-rural location within a reasonable distance from a City and large settlements which could be accessed via public transport providing a footpath is installed to connect the site to the A15 footpath. It is therefore considered on balance that the development doe and would accord to criteria f) of local policy LP56 of the CLLP.

In line with criteria a) to f) of LP56 of the CLLP the development does and would accord to local policy LP1, LP2, LP13, LP14, LP16, LP17, LP26 and LP55 of the CLLP. It would additionally accord to S1, S5, S21, S47, S49, S53 and S56 of the SCLLP and guidance within the PPTS and the NPPF

It is considered that policy LP1, LP2, LP13, LP14, LP16, LP17, LP26, LP55, S1, S5, S21, S47, S49, S53 and S56 are consistent with the sustainability, highway safety, flood risk, drainage, contamination, design, character and visual amenity and open countryside guidance of the NPPF and can be attached full weight.

Need

Objections have been received in relation to there being sufficient sites already allocated to meet the legislative requirement and any further need can be met from existing sites.

Annex 1 of the PPTS 2015 defines gypsies and travellers as:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

Ethnic Identity is defined as:

“a range of ethnic groups or people with nomadic ways of life who are not from a specific ethnicity”

Policy H, Paragraph 24(a) states that a) the existing level of local provision and need for sites b) the availability (or lack) of alternative accommodation for the applicants are relevant planning matters when considering planning applications.

Section 7 (Conclusion and Recommendations) of the Central Lincolnshire Gypsy and Traveller Accommodation Assessment by RRR Consultancy Ltd (Final Report) dated February 2020 (GTAA) sets out additional accommodation needs for traveller sites within Central Lincolnshire and West Lindsey from 2019 to 2040 in five year periods.

Table 7.1 sets out the additional need for Central Lincolnshire:

Table 7.1: Summary of accommodation needs 2019-40 (pitches)		
Period	Ethnic definition	PPTS 2015 definition
Total 2019-24	5	-4
Total 2024-29	10	10
Total 2029-34	11	11
Total 2034-40	15	15
Total 2019-40	41	32

Table 7.4 sets out the additional need for West Lindsey District Council:

Table 7.4: Summary of accommodation needs 2019-40 (pitches)		
Period	Ethnic definition	PPTS 2015 definition
Total 2019-24	10	5
Total 2024-29	6	6
Total 2029-34	7	7
Total 2034-40	9	9
Total 2019-40	32	27

These tables demonstrate that West Lindsey has a clear need for gypsy and traveller pitches when compared to the overall need for Central Lincolnshire. Paragraph 1.9 (Table 1) of the Central Lincolnshire: Meeting the Accommodation Needs of Gypsies and Travellers (MANGT) April 2021 summarises the additional accommodation need for pitches within Central Lincolnshire.

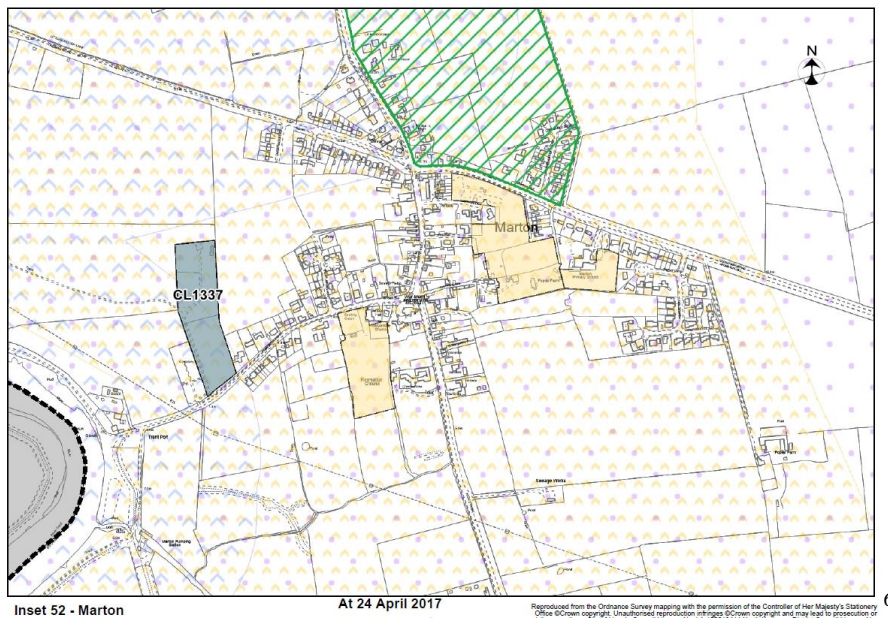
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Total 2029-34	11	11
Total 2034-40	15	15
Total 2019-40	41	32

This table reaffirms the need for 32 new pitches between 2019 and 2040 in Central Lincolnshire. Since the GTAA in 2020 5 pitches have been permitted in West Lindsey meeting the PPTS 2015 accommodation needs for 2019-2024 and lowering the Central Lincolnshire by 5 to 27 pitches by 2040 as shown in table 3 below from paragraph 1.11 of the MANGT.

Table 3: Summary of accommodation needs 2019-40 (pitches)		
Period	Ethnic definition	PPTS 2015 definition
Total 2019-24	0	-9 (0)
Total 2024-29	10	10 (1)
Total 2029-34	11	11 (11)
Total 2034-40	15	15 (15)
Total 2019-40	36	27 (27)

Local policy LP56 provides a list of allocated sites within Central Lincolnshire.

Ref	Location	District	Indicative number of pitches	Comments or specific requirements
CL4738	Westrum Lane, Brigg	West Lindsey District Council	6 (additional pitches to existing 11)	6 additional pitches have planning consent (2015)
CL4675	Washingborough Road, Lincoln	City of Lincoln	5	Only land within flood zone 1 should be developed. Proposals should avoid significant adverse impact on the Cow Paddle East, Cow Paddle Railway Embankment, and Canwick Road and St Swithin's Cemetery Local Wildlife Sites. To be developed with consideration for existing Washingborough Road site: site should be delivered without compromising the amenities of the occupants of the existing site.
CL1337	Trent Port Road, Marton	West Lindsey District Council	3-6	



Allocated site CL1337 (Trent Port Road, Marton) and Westrum Lane, Brigg are the only sites allocated within the district of West Lindsey for an indicative cumulative 9-12 additional pitches. Westrum Lane already has consent but no planning application has been submitted to date to develop the Trent Port Road allocated gypsy and traveller site.

The site at Trent Port Road, Marton is proposed to be retained as an allocated gypsy and traveller site in local policy S83 of the SCLLP under reference WL/GT/001

⁶ <https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-policies-map-and-interactive-map-2017/>

Ref	Site name/address	Indicative no. of pitches	Comments or specific requirements
COL/GT/001	Washingborough Road, Lincoln	5	<p>Only land within flood zone 1 should be developed.</p> <p>Proposals should avoid significant adverse impact on the Cow Puddle East, Cow Puddle Railway Embankment, and Canwick Road and St Swithin's Cemetery Local Wildlife Sites.</p> <p>To be developed with consideration for existing Washingborough Road site – site should be delivered without compromising the amenities of the occupants of the existing site.</p> <p>Within or includes an area of Biodiversity Opportunity – proposals on this site should incorporate the relevant Principles for Development within Biodiversity Opportunity Areas set out in Appendix 4</p>
WL/GT/001	Trent Port Road, Marton	3-6	<p>Within or includes an area of Biodiversity Opportunity – proposals on this site should incorporate the relevant Principles for Development within Biodiversity Opportunity Areas set out in Appendix 4</p>

It is understood that West Lindsey and Central Lincolnshire has met its need for the period of 2019 to 2024. Paragraph 1.30 of the MANGT provides the potential for additional provision on an existing site on Summergangs Lane in Gainsborough but this is not an allocated site in the CLLP or the SCLLP and no applications have been submitted on the site to date.

Whilst the need for 2019-2024 has been met the need for the plan period has not been. The GTAA identifies West Lindsey as having the greatest need for gypsy and traveller sites. This site would provide 12 pitches broken down into 5 mobile home pitches and 7 touring caravan pitches. This does and would therefore help to provide the need for gypsy and traveller pitches within West Lindsey and Central Lincolnshire.

Even with these pitches West Lindsey would still have a shortfall for gypsy and traveller pitches over the plan period of the CLLP and SCLLP. The allocated site at Marton is for an indicative maximum of 6 pitches which again if it came forward with this development would not meet the need over the plan period.

It is therefore considered that whilst the need for gypsy and traveller pitches has been met for the 2019 to 2024 period West Lindsey still has an identified shortfall for the remainder of the plan period.

In accordance with Policy H this is a relevant consideration.

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 no objections to the development. 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.

Other Considerations:

Biodiversity

Comments have been received requesting the completion of ecology and tree surveys.

Tree Survey:

It is clear that some trees have been removed from the site during the retrospective work which has taken place. None of the trees removed were protected by a tree protection order therefore could have been removed with the landowners permission without any form of permission required from the Local Planning Authority.

Ecology Survey:

Significant works have already taken place on site which could potentially have impacted on protected species such as the loss of the trees and the disturbance to the boundaries caused by the works. Again the removal of the trees did not require any permission from the local planning authority and any harm that may have been caused to protected species would have been a criminal offence under the Wildlife and Countryside Act 1981.

It is considered that requesting an ecology survey at this point of the development is not necessary.

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Growth in Villages, LP10 Meeting Accommodation Needs, LP11 Affordable Housing, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, LP25 The Historic Environment, LP26 Design and Amenity, LP55 Development in the Countryside and P56 Gypsy and Traveller and Travelling Showpeople Accommodation of the Central Lincolnshire Local Plan 2012-2036 and policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) in the first instance. Some consideration is additionally given to submitted local policy S1 The Spatial Strategy and Settlement Hierarchy, S5 Development in the Countryside, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S47 Accessibility and Transport, S49 Parking Provision, S53 Design and Amenity, S56 Development on Land Affected by Contamination, S57 The Historic Environment and S83 Gypsy and Traveller and Travelling Showpeople Accommodation of the Submitted Central Lincolnshire Local Plan Review. Furthermore consideration is given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide, National Design Model Code and Planning Policy for Travellers Sites.

In light of this it is considered on balance that the development as a non allocated gypsy and traveller site is acceptable in its semi-rural location within reasonable distance to primary health care facilities and schools. The introduction of a footpath along Hall Lane would provide access to public transport adjacent to and a short walk from the site. The development provides pitches to help meet the need identified for the plan period. The development has acceptable space for the onsite parking and manoeuvring of caravans and associated vehicles. The development does not have an unacceptable harmful landscape or visual impact or have an unacceptable harmful impact on highway safety, the amenity of the occupants of the site or the living conditions of the neighbouring settled community. It does not have an unacceptable harmful impact on flooding, contamination, the natural or built environment, heritage assets, agricultural land, ecology 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**

Decision Level (tick as appropriate)

Recommended conditions

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

NONE

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

NONE

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

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

- Proposed Site Plan and Pitch Layout received 19th October 2022
- Smaller Amenity Building Elevation and Floor Plans received 7th July 2022
- Larger Amenity Building Elevation and Floor Plans received 7th July 2022
- Post and Rail Fencing Elevation Plan received 7th July 2022

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17, LP26, LP55 and LP56 of the Central Lincolnshire Local Plan 2012-2036 and S5, S53 and S83 of the Submitted Central Lincolnshire Local Plan Review.

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

2. Within three months of the date of this permission details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests and justification for not using a main sewer for foul water) from the site and a plan identifying connectivity and their

position must be submitted to and approved in writing by the local planning authority. The development must be occupied in strict accordance with the approved drainage scheme and retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the site to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy LP14 and LP56 of the Central Lincolnshire Local Plan 2012-2036 and S83 of the Submitted Central Lincolnshire Local Plan Review.

3. Within 3 months of the date of this permission comprehensive details of a footway (width to be agreed) to connect the development from the west of its vehicular access to the existing footway network to the east of the A15, must be submitted to the Local Planning Authority. The detail submitted must include appropriate arrangements for the management of surface water run-off from the highway. The approved footway and surface water run-off scheme must be installed within 6 months of the date of the formal written approval date of the Local Planning Authority. The footway must be retained thereafter.

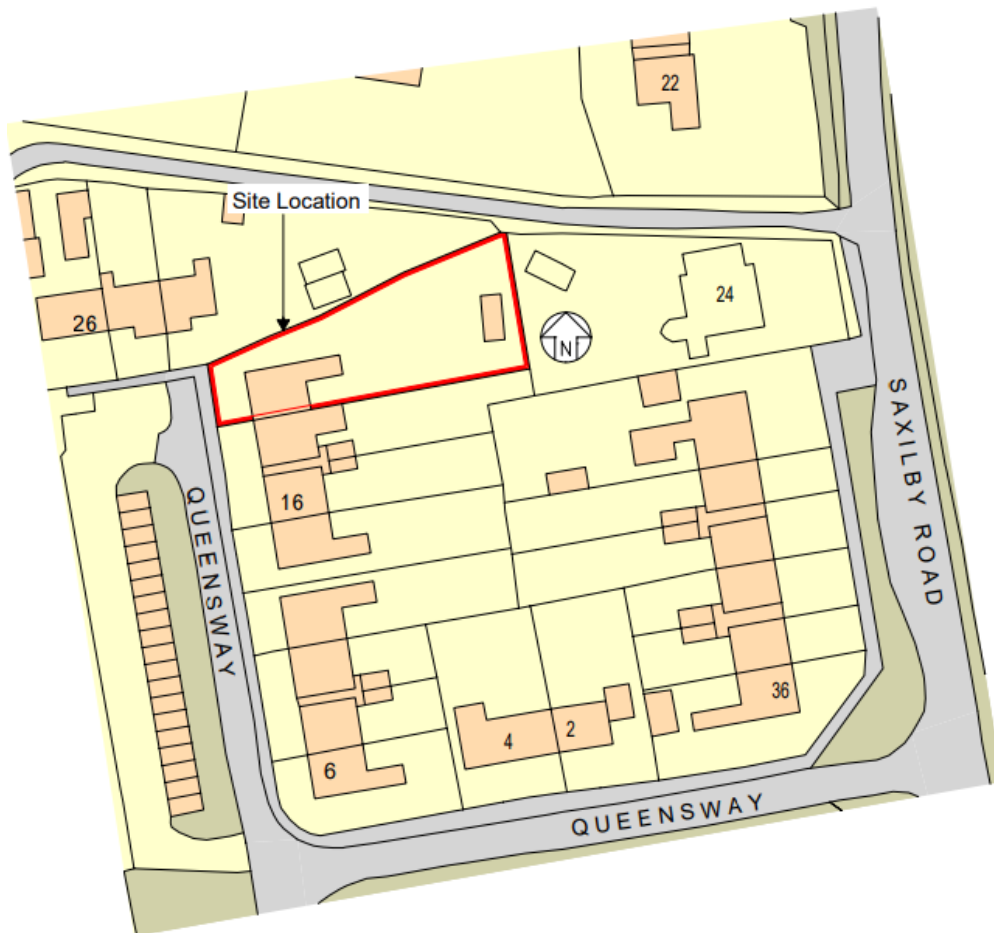
Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property to accord with the National Planning Policy Framework and local policies LP13, LP55 and LP56 of the Central Lincolnshire Local Plan 2012-2036 and S5, S47 and S83 of the Submitted Central Lincolnshire Local Plan Review.

4. No external lighting must be installed on the site outlined in red on the proposed location plan received 7th July 2022 unless otherwise permitted through the submission of a full planning application with a detailed lighting scheme including light specification, height and light direction plan.

Reason: To protect the amenities of nearby properties and the rural locality to accord with the National Planning Policy Framework and local policies LP17, LP26, LP55 and LP56 of the Central Lincolnshire Local Plan 2012-2036 and S5, S53 and S83 of the Submitted Central Lincolnshire Local Plan Review.

SITE LOCATION PLAN

REF 145252 LAND TO THE REAR OF 20 QUEENSWAY, STURTON BY STOW



Officers Report

Planning Application No: 145252

PROPOSAL: Planning application for removal of existing detached garage and construction of 1 no. detached single storey two bedroom bungalow with driveway and turning head - resubmission of 144493.

LOCATION: Land To The Rear Of 20 Queensway Sturton By Stow

WARD: Stow

WARD MEMBER(S): Cllr Mrs T J Coulson

APPLICANT NAME: Mr and Mrs Clark, 20 Queensway

TARGET DECISION DATE: Extension of Time to 3rd November 2022

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Permission

The application has been referred to the Planning Committee following representations by Sturton by Stow Parish Council, who consider that the development conflicts with the Sturton by Stow and Stow Neighbourhood Plan.

Description: 20 Queensway is at the end of a row of four brick terrace dwellings (nos. 14 to 20) at the end of a cul-de-sac in Sturton by Stow. To the north / northwest is a row of 3 terraced houses facing onto Queensway (nos. 22 to 26). West are 4 pairs of recently completed semi-detached houses. To the east are the back gardens of houses facing Saxilby Road. The site itself is part of the rear garden of 20 which contains a detached garage / workshop and currently contains a number of palettes with potted plants.



The garage is not used as parking with the occupants of number 20 parking off road to the front of their house in common with other occupants of the terraced row.

A 2 bed detached bungalow is proposed which will be accessed by a 3.65 m wide drive off Queensway which narrows to 2.5m leading to a parking/turning

allowing for a minimum of 2 to 3 spaces on plot parking and with the ability to exit the site in forward gear.

Relevant history:

144493 – one detached two bed bungalow WITHDRAWN

97/P/0989 – Detached bungalow and garage. GC 11.02.1998

Representations:

Chairman/Ward member(s): No comments received

Sturton by Stow Parish Council: Object

The area for proposed construction is a westerly [sic.] facing back garden. The house is an end terrace situated to the northern corner of Queensway. Access to the proposed bungalow is via a driveway which would pass immediately next to the existing house and neighbouring garden with outbuildings. The proposal would see a small eastern/northern facing area as a garden amenity.

The plans show that the current house will be 7.95 meters from the new build. The parish council have considered the following policies of the Sturton by Stow and Stow Neighbourhood Plan;

Policy 1 – Sustainable Development.

The proposal does correspond with local housing requirements. There is a risk that this development will have a negative effect on local flooding since a large proportion of garden will be used. There are no details for climate adaptation, carbon emission reduction or flood risk mitigation.

Policy 2 – Residential Development Management

The existing housing in the immediate locale of this proposal is terraced housing with some new buildings currently being constructed of semi-detached houses. The proposal is not in keeping with the immediate area.

This proposal does not fill a gap within the existing frontage and will be back-land development; A bungalow is not in keeping with the local surroundings; The privacy and amenity of the surrounding houses will be impacted and the privacy and amenity of the proposed bungalow will be impacted by the surrounding two storey housing; This development will reduce the amenities that the surrounding residents should expect to enjoy.

Policy 4 – Housing Mix and Affordability

The proposal does correspond with this policy; proposals for 1 – 2 bedroomed bungalows.

Policy 5 – Delivering Good Design

The proposal does not demonstrate that the siting and mass is appropriate for this particular location. There will be very little garden remaining for the existing house; there will be significant degradation of amenity with loss of light and overlooking. The proposed bungalow will also suffer with very little garden area which will also be subject to loss of light and significant overlooking from the surrounding housing. There will be significant disturbance of noise and light with vehicles manoeuvring since the only

access is off Queensway. The access will be down the side of the current house; there is an access directly onto the driveway which presents a potential hazard. This leaves no off-street parking for 20 Queensway, which is a very narrow road and already has significant problems with parking which can impede emergency services. There are major concerns there will be severe impacts of loss of amenity and enjoyment to the neighbouring Properties; properties on Saxilby Road are immediately adjacent to the rear of 20 Queensway.

Policy 13 – Flood Risk

This proposal does have a permeable driveway. Management of surface water runoff and disposal has not been demonstrated. The risk of flooding through climate change has not been addressed. There is significant risk of pluvial flooding on Queensway.

Local residents: No comments received

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

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP3: Level and Distribution of Growth

Policy LP4: Growth in Villages

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP21: Biodiversity and Geodiversity

Policy LP26: Design and Amenity

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

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

On 26 May 2022 the referendum on the Sturton by Stow and Stow Neighbourhood Plan was held. Residents voted in favour of West Lindsey District Council using the neighbourhood plan to help it determine planning applications in the Sturton by Stow and Stow parish areas. The Neighbourhood Plan was formally “made” at the Full Council meeting of 4th

July 2022, and now forms part of the statutory development plan against which decisions must be made. Full weight in decision making is now given to the policies it contains.

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

Relevant policies of the NP include:

- Policy 1: Sustainable Development
- Policy 2: Residential Development Management
- Policy 4: Housing Mix and Affordability
- Policy 5: Delivering Good Design
- Policy 13: Flood Risk

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

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

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

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019. Paragraph 213 states:

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

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

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

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (“Reg 18”) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft (“Reg 19”) of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

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

Main issues

- **Principle including consideration of impacts on neighbours, character and appearance of the area, highway safety**
- **Drainage**

Assessment:

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

Policy LP2 designates Stow by Stow a tier 5 medium village where unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support****, the following applies:

- They will accommodate a limited amount of development in order to support their function / and or sustainability.
- Typically, and only in appropriate locations**, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances***** proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances

Policy LP4 establishes the total level of % growth for Sturton by Stow, and further policy requirements in respect of identifying whether a site would be suitable for development. Policy LP4 permits 10% growth in Stow.

Policy LP4 establishes the total level of % growth for Sturton by Stow, and further policy requirements in respect of identifying whether a site would be suitable for development. Policy LP4 permits 10% growth in Sturton by Stow. The latest monitoring of growth update information shows the remaining growth for Sturton by Stow is 0 dwellings. This was specifically considered in the Neighbourhood Plan and extracts are reproduced below.

“3.2.7 Sturton by Stow is categorised as medium with a 15% growth and Stow as small with 10%. As of March 2022, Sturton by Stow has a remaining allocation of 0 dwellings out of the 97 calculated and Stow has no dwellings with all 17 used. Given the apparent lack of allocation availability serious

consideration must be afforded to new building development, taking account of community need as well as market forces”

“5.1.7 Policy 1 addresses these factors by the principle of actions, which will benefit the villages by causing more sustainable development to occur in Sturton by Stow and Stow for future generations. For the purposes of the policy “the existing or planned built-up areas” are indicated on Policy Maps 2.1 and 2.2

Policy 1: Sustainable Development

1. To support and enhance the sustainability of the Parishes of Sturton by Stow and Stow, development will be supported where it is consistent with the following principles as appropriate to the proposal’s scale, nature and location within the neighbourhood area

Policy Aim

Policy 2: Residential Development Management aims to add more detailed criteria on infill sites within the built-up area of Sturton by Stow and Stow: additional houses in the area will support the economic and social growth of the community, supporting additional commercial and community services in the villages. At the same time, the policy ensures that rural and environmentally valued sites in the countryside are protected from development pressure.

Policy 2: Residential Development Management

1. Proposals for residential development of up to nine dwellings in Sturton by Stow or four dwellings in Stow, on infill and redevelopment site will be supported where they meet the following criteria:

This is capable of being considered as the required “*promoted via the neighbourhood plan*” in order to exceed established growth limits. These policies support future growth after acknowledgement that there was no growth remaining. On this basis the principle of additional dwellings can attract support, however they must also be considered in detail to assess whether they meet specified criteria.

Policy 2 Residential Development Management supports developments of up to 9 dwellings provided they meet specified criteria including

- a)** They fill a gap in an existing frontage, **or** on other sites, within the existing or planned built-up area* of the villages (as shown in Policy Map 2.1 and Policy Map 2.2);
- b)** they are well designed and in keeping with their local surroundings, and respect the character of the area - including any heritage assets;
- c)** they do not unacceptably reduce the privacy and/ or amenity of nearby properties;
- d)** The proposed development provides appropriate access, off street parking and turning arrangements;

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

amenities** are defined as including reasonable privacy; reasonable access to daylight and sunlight; freedom from undue noise and disturbance

Taking the criteria in turn:

a) They fill a gap in an existing frontage, or on other sites, within the Existing or planned built-up area

It does not fill a gap in an existing frontage, however it is within a defined built up area and falls within policy Map 2.1 (South)

This criteria is met.

b) They are well designed and in keeping with their local surroundings, and respect the character of the area - including any heritage assets;

The bungalow will be laid out primarily in an “L” shape with a sloped roof falling away from its boundaries and ridge heights of 3.9m and 4.25m which add visual interest through changes in the roof form. It will be faced in brick with traditional window and door openings. Whilst there are a variety of dwelling types in terms of being terraced or semi-detached in the immediate area all are nevertheless two storey in height and a bungalow would not be in keeping with its surroundings or respect the character of the area. This criteria would not be met, however, balanced against this is that the bungalow will not be readily visible or stand out as incongruous within publicly accessible locations. The design is also considered acceptable.

c) Privacy of neighbours and “reasonable privacy”

A 6 ft. (1.83m) boundary fence will be erected on a foot high concrete gravel board (305 mm) with a total height of 2.13m to the boundaries of the application site. This will be sufficient to protect the privacy of neighbours and this will be conditioned. As a single storey dwelling this further reduces opportunities for overlooking. The existing boundary between the site and the area to the north is land to the side of 22 which contains an outbuilding and appears to be used for vehicular storage purposes, includes larch lap fencing between concrete posts. To the east is the rear garden area of 24 Saxilby Road which is screened by fencing and large trees. This is shown in the photograph below with the building the existing garage which is to be demolished.



It is considered that there will be no adverse impact in relation to overlooking and the attendant loss of “reasonable privacy” to existing neighbours. The parish council have objected to the application including on the grounds of loss of privacy to the occupants of the new bungalow. The fencing proposed would also reduce impacts on the occupants of the bungalow itself with only the host property directly facing the site, and the only opening on this elevation a bedroom window at a distance of approximately 16m away from the first floor windows. The existing boundary prohibits views from 24 Saxilby Road to the east which at its closest is over 20m away. The only other property that could potentially overlook would be 18 Queensway which does not directly look onto the site with views only available at an oblique angle. On this basis it is considered that due to distance separation, the layout of the bungalow and the intended fencing that there would not be an adverse impact on the occupants of the bungalow from overlooking. The parish also objects on the grounds that the garden area serving the bungalow is too small. This has been calculated as covering approximately 70 sq.m. The gross external area of the bungalow is approximately 88sq.m with an internal area of approximately 70 sq.m. As the amenity / garden area matches the floor area of the bungalow this is not considered deficient. The positioning of the bungalow to the west also helps to screen the area from overlooking. On this basis there would be no harmful impact on the occupants of the proposed bungalow.

Daylight and Sunlight

The bungalow is set back into its plot by approximately 1.25m which rises to 3.7m. Eaves height is 2.8m with the roof sloping away from the boundary to a maximum height of 4.25m to ridge. The parish council have objected on the grounds of loss of light to the host property. There would only be some shadowing in the early morning when the sun rises in the east, when use of the garden may be expected to be limited and is not considered would result in a significant adverse impact or otherwise represent a reason to withhold permission.

Noise and disturbance

The parish council considers there would be significant disturbance of noise and light with vehicles manoeuvring off Queensway. Whilst noted it is not accepted that a 2-bed bungalow in a primarily residential area would cause significant noise. In terms of light the only property potentially affected would be 20 Queensway and the position of the access ensures vehicle headlights which would only be in use in dark conditions do not directly face onto 20

Queensway. It is also noted that the majority of dwellings in this immediate location park in front of their houses with the potential light spill onto adjacent houses. Noise and light disturbance do not represent a reason to withhold consent.

Criteria c is considered as being met. It would also be in accordance with policy LP26 Design and Amenity of the Central Lincolnshire Local Plan.

d) Appropriate access, off street parking and turning arrangements;

The access is off Queensway, a minimum of 3 off street parking spaces can be accommodated and a turning area is provided which will allow vehicles to exit the site in forward gear. Current parking arrangements for the host property takes place off street in front of the existing dwelling. The garage being demolished does not appear to be used for vehicle parking.

No objections have been raised by the highways authority. This criterion is met. It would also accord with policy LP13 of the Central Lincolnshire Local Plan

e) The proposed development does not unacceptably affect the free and Safe flow of traffic on Tillbridge Road, Stow Road, Ingham Road and Sturton Road including all junctions;

It meets these criteria. No objections have been raised by the highways authority. It would also be in accord with policy LP 13

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

Amenities** are defined as including reasonable privacy; reasonable access to daylight and sunlight; freedom from undue noise and disturbance

Whilst the proposal could be considered back land development “it will not unacceptably reduce the amenities which neighbouring residents may reasonably expect to enjoy as demonstrated above. This criteria is met. It would also be in accordance with policy LP26 Design and Amenity of the Central Lincolnshire Local Plan.

g) There is no unacceptable impact on the natural environment and the development includes biodiversity enhancements;

The site covers existing garden land covered in structures including a garage. On this basis there will be no unacceptable impact on the natural environment. A condition will be imposed requiring details for biodiversity enhancement to be submitted for approval and subsequent implementation. On this basis this criteria is considered to be met.

h) There are no adverse impacts on locally important heritage assets and/or

Wildlife features;

This criteria is satisfied.

i) The proposed development does not adversely impact on any outdoor Sports or recreational facilities or other designated open spaces;

This criteria is satisfied.

j) Appropriate mitigation measures are incorporated in the design of the Proposal where any potentially negative impacts from a development on Climate change are identified;

No negative impacts on climate change are identified. This criteria is met.

k) The proposal demonstrates clear measures for adaptation and resilience to climate change;

The bungalow is to be constructed to the standards required to satisfy part L of the building regulations. This includes a high standard of insulation within the property and an air source heat pump. This will help the proposal achieve a reduction in carbon emissions of around 30%. Measures to alleviate pluvial flooding are proposed.

This criteria is met.

l) There is safe foot and cycle path access to the centre of the closest Village;

The site is located within the village. This criteria is met.

m) The capacity of all utilities is adequate to support the additional burden of any proposed development.

No objections have been raised to the development by statutory consultees. On this basis this criteria can be considered to be met. It would also be in accordance with policy LP12: Infrastructure to Support Growth.

Summary

The application meets 12 of the 13 criteria and on this basis, it is considered to accord with the development plan as a whole including the Central Lincolnshire Local Plan. The principle of a dwelling can be supported following a consideration of its detailed impacts above.

Drainage/ Flood risk

The applicants' representatives submitted the following response by email dated 5th October 2022;

“The development is in flood zone 1, where all types of development are considered suitable within the national planning policy framework. Building regulations approved document H, Section 3, paragraph 3.1 states that surface water drainage guidance is applicable to the drainage of small catchments with impervious areas of up to 2 hectares. Section 3, paragraph 3.2 states that surface water should discharge to a soakaway or other infiltration systems where practicable. The existing property at 20 Queensway includes a garage to the rear with approximately 19.21 m² (0.0019 hectares) of impermeable area. The proposed development would provide an external floor area of 88.01 m² (0.008hectares), approximately 4.5 times greater than that of the existing impermeable garage. The site has a clay stratum; therefore, soakaway is unlikely to be a suitable option. The proposed driveway is to be covered in gravel and therefore would be permeable, allowing water the infiltrate the surface below. The block paved section of the driveway, where the turning head is formed, would be surfaced with permeable block paviments and would also allow for the infiltration of water. The installation of a large bore pipe along the length of the driveway to attenuate any surface water which may gather would provide a localized, site specific method of pluvial flood prevention on site. Guttering and down pipes would collect surface run off from the roof of the development. The presence of guttering and downpipes on existing properties which run into the ground indicates a connection to an existing run off drainage system (connection to foul system is unlikely), as a soakaway is unsuitable due to the clay stratum in the area. The presence of multiple iron grill covers indicates the connection of the individual run off drains at each property to the shared run off collection system on Queensway. Proposed guttering and the potential bore pipe would be connected to this drainage system without posing significant risk of breaching the capacity of the existing run off system, due to the small scale of the development. The garden area would still allow for some infiltration into the soil.

Planning application 140375 (demolition of 20 no. garages and the construction 14no. affordable dwellings) includes a surface water drainage solution to mitigate the significant risk of pluvial flooding on Queensway by method of run-off attenuation. The proposed drainage method for this development, which has been constructed, accounts for a 1 in 100 event plus the 30% change in levels due to climate change. The full drainage strategy and list of elements included within the system can be viewed online. The improved drainage system on Queensway would be more than capable of handling the minor additional capacity presented by the development to the rear of 20 Queensway in the present and through climate change. Appendix B which can be viewed online also prescribes the management and maintenance plan for off-site surface water drainage for this development, ensuring the proposed strategy remains in a good condition.”

The site is located in Flood Zone 1 which is land at low probability of river or sea flooding (less than 1 in 1,000 annual probability). The Building Control Team Leader at West Lindsey District Council considers that subject to the submission of detailed proposals for written approval, a satisfactory surface

water drainage scheme can be provided for the development and that the installation of a suitably designed large bore pipe along the length of the driveway to attenuate any surface water which may gather would provide a localized, site specific method of pluvial flood prevention on site.

Foul will be connected to the public sewer which is the preferred option. On this basis, subject to the imposition of conditions requiring further details to be submitted for written approval, drainage and flood risk does not represent a reason to withhold permission which would be in accordance with LP14.

Conclusion and planning balance

Having considered the proposal against the provisions of the Development plan in the first instance, specifically policies LP1: A Presumption in Favour of Sustainable Development, Policy LP2: The Spatial Strategy and Settlement Hierarchy, Policy LP4: Growth in Villages, Policy LP13: Accessibility and Transport; LP 14 Managing Water Resources and Flood Risk, LP 17: Landscape, Townscape and Views and LP 26: Design and Amenity of the Central Lincolnshire Local Plan (2012-2036) as well as Policy 1: Sustainable Development, Policy 2: Residential Development Management, Policy 4: Housing Mix and Affordability, Policy 5: Delivering Good Design and Policy 13: Flood Risk, of the Sturton by Stow and Neighbourhood Plan the proposal whilst not complying with a single criterion out of 9 would nevertheless be in accordance with the Development Plan as whole and, subject, to the imposition of conditions discussed above would not give rise to any adverse impacts and a grant of permission is considered appropriate

Recommendation: Grant 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:

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:

Proposed Floor Plan 22/041/C/02;

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

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

3. No development, other than to foundations level shall take place until a scheme for the disposal of surface waters 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 completed 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 to enhance the biodiversity value of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of the dwelling and any losses 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.

Reason: To enhance the biodiversity value of the site in accordance with Policy LP21 of the Central Lincolnshire Local Plan and Policy 2(g) of the Sturton by Stow and Stow Neighbourhood Plan.

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

5. No occupation of the hereby approved dwelling shall take place until the proposed fencing has been erected as shown on drawing 22/041/C/01 REV A.

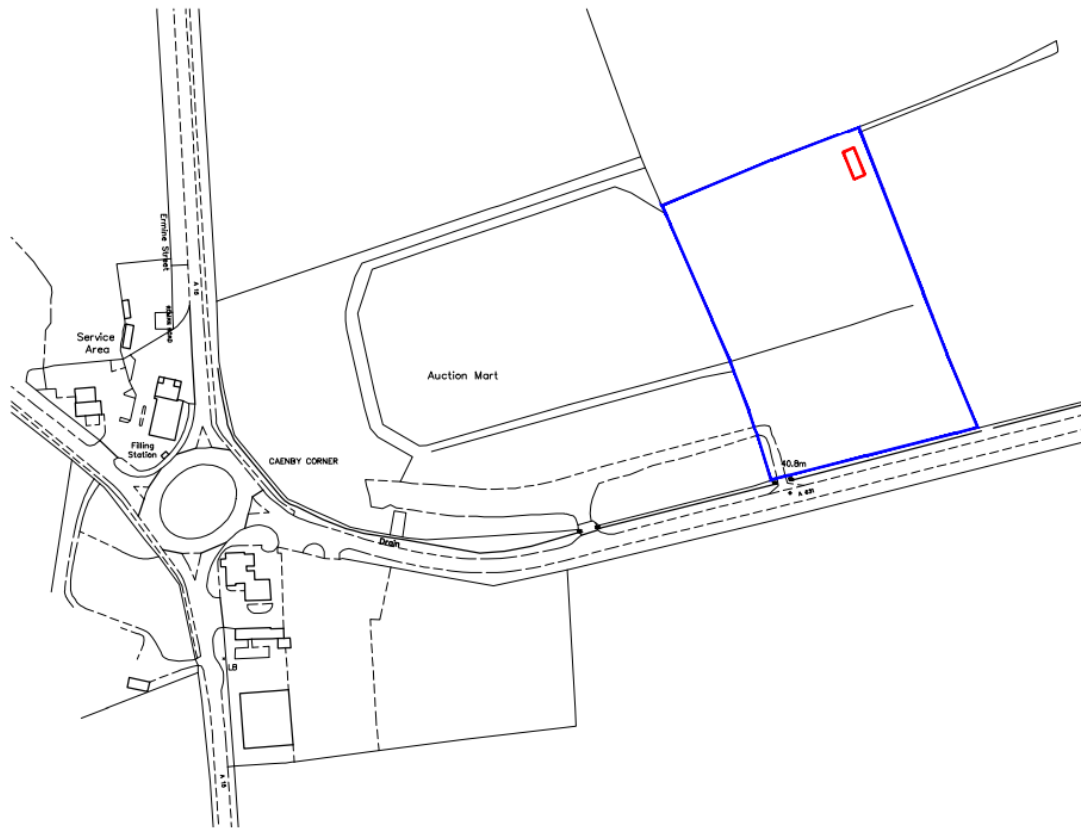
Reason: To prevent overlooking and loss of privacy in accordance with Policy LP26 of the Central Lincolnshire Local Plan and Policy 2(c) of the Sturton by Stow and Stow Neighbourhood Plan.

6. Notwithstanding the provisions of Classes A, B, and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, there shall be no external alterations to the dwelling including the insertion of new windows or dormer windows, extensions or outbuildings, other than as authorised by this permission.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of adjoining dwellings and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

Agenda Item 6d

145585 CAENBY CORNER DEPOT SITE LOCATION



Officers Report

Planning Application No: 145585

PROPOSAL: Planning application for a permanent canopy covering to an existing road sweeper bunker.

LOCATION: West Lindsey Operational Services Depot, Caenby Corner, Market Rasen Lincolnshire LN8 2AR

WARD: Waddingham and Spital

WARD MEMBER(S): Cllr Summers

APPLICANT NAME: Mr A Selby

TARGET DECISION DATE: 21/11/2022

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Permission

This application is reported to planning committee because the application is made by an employee on the behalf of West Lindsey District Council.

Description:

The site is within the West Lindsey Operational Services Depot at Caenby Corner, more specifically the north eastern section next to the existing storage buildings at the furthest point away from the A631 to the south. It is proposed to erect a permanent canopy with lighting fixed to its underside illuminating the existing concrete surfaced road sweeper bunker. The existing bunker which measures 15m x 5.4m, has 1.5 m high concrete walls to 3 sides. Aluminium trapezoidal cladding, blue grey in colour will be affixed above the existing walls to a total height of 5.3m above ground rising to a maximum height of 6.4 m above ground level. A mono pitch roof in aluminium trapezoidal sheeting is proposed.

Relevant history:

140485- Planning application to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping. Approved 8/7/2020.

141372- Request for confirmation of compliance with conditions 2, 3 and 4 of planning permission 140485 granted 08 July 2020. Approved 2/9/2020.

142188- Request for confirmation of compliance with conditions 6, 7 and 8 of planning permission 140485 granted 8 July 2020. Approved 8/2/2021.

142916 - Planning application to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility,

staff and visitor parking, and site landscaping being variation of condition 9 of planning permission 140485 granted 8 July 2020 re: approved plans. Approved 27/5/2021.

143441 - Planning application to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping being variation of condition 2, 3 and 6 of planning permission 142916 granted 27 May 2021 re: wording of conditions. Approved 14/09/2021.

Representations:

At the time of writing, no representations have been received.

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP26: Design and Amenity

Policy LP55: Development in the Countryside

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

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

The site is within a Limestone Minerals Safeguarding Area where policy M11 of the Core Strategy Applies.

National policy & guidance (Material Consideration)

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

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

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

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework.

Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**
- **National 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)

Main issues

- **Principle including consideration of detailed impacts**

Assessment:

Policy LP55 Part E: Non-residential development in the countryside, is the most relevant policy against which to assess the proposals. This supports non-residential development 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;

This criteria is met as it falls within the established operation depot.

b. The location of the enterprise is suitable in terms of accessibility;

This criteria is met as the existing access will be used.

c. The location of the enterprise would not result in conflict with neighbouring uses; and

This criteria is met as is located within the operational depot.

d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location.

The canopy covers an area of 83 sq.m with a ridge height at its maximum of 6.4m. By way of a general comparison prior approval for a new agricultural building with a floor area of 800 sq.m with a ridge height of 8.2 m was not required on 29.09.22(Ref: 145487). The development is therefore of a size and scale that is commensurate with its location within the depot and is relatively modest in size and scale at a distance in excess of 160 m from the A631. The proposed lighting faces downwards to light up the area that the Road sweeper uses within the bunker and will not be readily noticeable beyond the bunker itself which is located within the larger operational depot. All the required criteria are considered to be met, allowing the principle and detail to be supported.

Conclusion and planning balance

This is a proposal that is acceptable in principle and will not result in any adverse impacts on the existing site or wider countryside location in accordance with policies LP26 and LP55 of the Central Lincolnshire Local Plan, and approval is recommended.

Recommendation: Grant 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:

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:

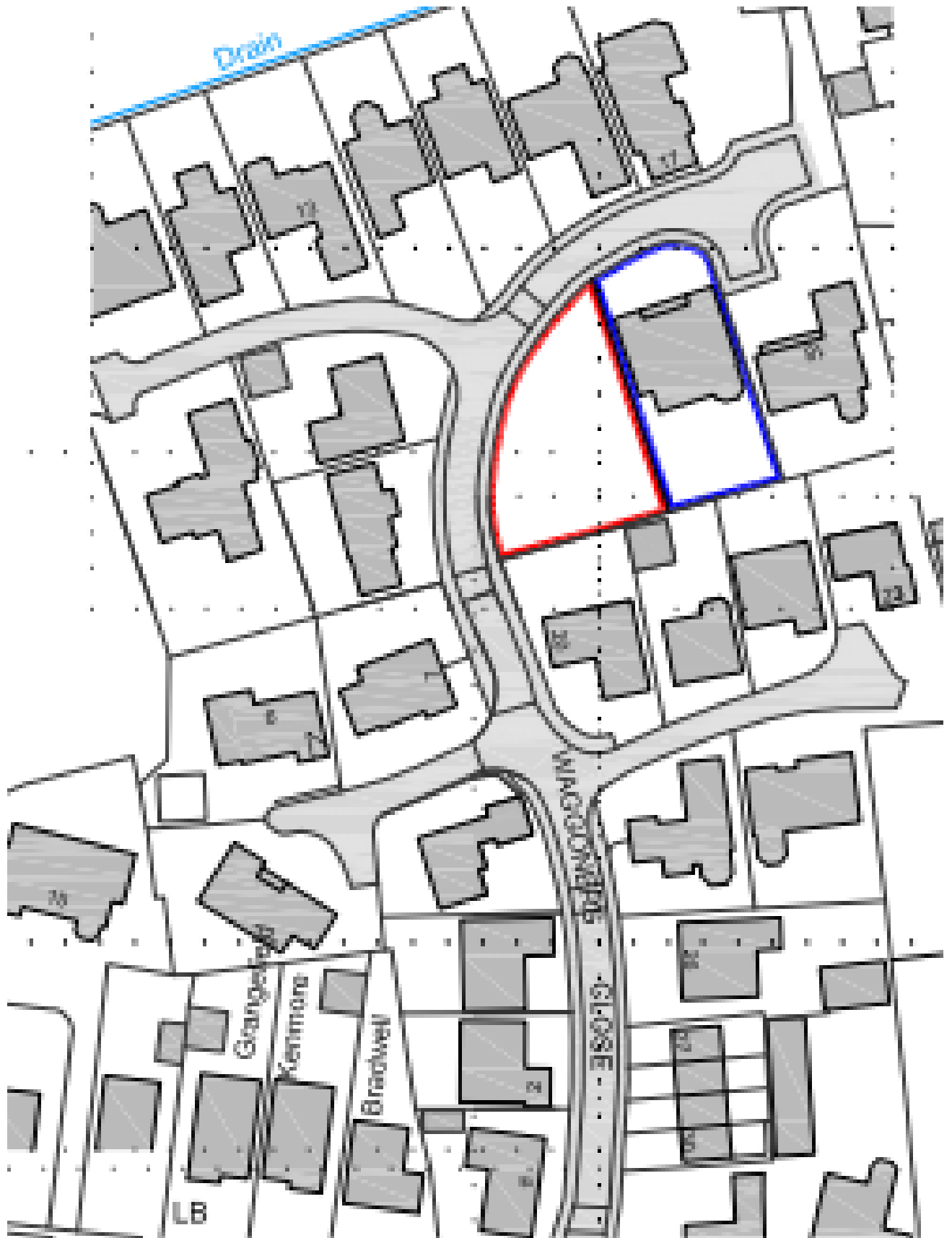
- Site Location: 180229 WCA 00 00 DR A PL100 S0 P01
- ENCLOSURE LIGHTING LAYOUT 19/3300/E63/EX04 REV B

- Proposed Road Sweeper Bunker, Plans, Elevations and Sections 180229 WCA ZZ
ZZ DR A PL102 P04

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

Agenda Item 6e



Officers Report

Planning Application No: 145222

PROPOSAL: Planning application for change of use of open grassed land to domestic garden land

LOCATION: Land west of 19 Waggoners Close Scotter Gainsborough DN21 3RJ

WARD: Scotter and Blyton

WARD MEMBER(S): Cllr Clews and Cllr Snee

APPLICANT NAME: Mr Broom

TARGET DECISION DATE: 02/11/2022

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Joanne Sizer

RECOMMENDED DECISION: Grant permission subject to conditions.

This application has been referred to the committee following objections from the Parish Council and other 3rd parties.

Description: The application site is located within an established residential area of Scotter and is surrounded by residential properties and their garden areas.

It consists of a landscaped piece of grass land, containing planting and trees and has an approximately 1.75-metre-high hawthorn hedge running along the North West boundary fronting onto Waggoners Close. It is currently owned and maintained by the Owner/occupier of No 19 Waggoners Close.

The site was earmarked as public open space and landscaped area as part of the development of the residential estate through Outline planning permission M00/P/0745 approved on 13/08/2001 and Reserved Matters Consent M02/P/1192 granted on 24/02/2003.

This application seeks permission to change the use of the parcel of land from an open landscaped area to private residential garden area for No 19 Waggoners Close.

This application has been referred to planning committee due to the material matters raised by the parish council and local community and level of objection received to the proposals.

Relevant history:

M00/P/0745 - Outline planning application for residential development – Granted Conditionally 13/08/2001.

Relevant Conditions:

11. No residential development shall be commenced until a scheme for the provision of formal and/or informal recreational land or play space within the site (in accordance with the provisions of West Lindsey Local Plan Policy RC10) shall have been submitted to and approved in writing by the District Planning Authority. The approved scheme shall include details of the treatment and landscaping of the area, provision of play equipment, hard surfacing, seating and where appropriate, fencing and shall be fully implemented in accordance with details and a timetable to be provided as part of the landscape management plan (see Condition No. 14 below).

Reason: 11. To provide an appropriate residential environment in accordance with the requirements of the adopted West Lindsey Local Plan.

14. A landscape management plan for the area of informal recreational land or play space, and the areas of substantial landscape planting, shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of development. The plan shall include the timetable of provision, long term design objectives, management responsibilities and maintenance schedules. The management plan shall be carried out as approved.

Reason: 14. To ensure the provision of a satisfactory scheme of landscaping and the future maintenance thereof, in the interests of the amenities of the locality.

15. When application is made to the District Planning Authority for approval of the "reserved matters", that application shall be accompanied by a scheme of landscaping and tree planting (indicating inter alia, the number, species, heights on planting and positions of all the trees) in respect of the land to which that application relates; and such scheme shall require the approval of the District Planning Authority before any development is commenced. Such scheme as approved by the District Planning Authority shall be carried out in its entirety within the period of 12 months beginning with the date on which development of that land is commenced (or within such longer period as may be agreed in writing with the District Planning Authority). All trees, shrubs and bushes shall be adequately maintained for the period of 5 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary. All trees, shrubs and bushes shall thereafter be retained.

Reason 15. In the interests of the amenity of the locality.

M02/P/1192 - reserved matters planning application for site layout, roads, drainage and landscaping. (granted outline planning permission, application number M00/P/0745). – Granted Conditionally 14/02/2003

Relevant Condition:

2. The scheme of landscaping and tree planting shown on Drawing No. CMS/1749/02 Rev A received by the District Planning Authority on 19

February 2003 shall be carried out in its entirety within the period of 12 months beginning with the date on which development is commenced (or within such longer period as may be agreed in writing with the District Planning Authority). All trees, shrubs and bushes shall be adequately maintained for the period of 5 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary. All trees, shrubs and bushes shall thereafter be retained.

2. To safeguard local amenity.

Representations:

Scotter Parish Council:

The site plan for the development clearly shows this area was designated to add amenity value to the development in line with NPPF. It is the Parish Council opinion that any change of use for the land would not be in line with the Central Lincolnshire Local Plan policies LP23, LP12 and LP9 and would create a permanent loss of amenity for residents.

The area noted in the application is noted as open grass land, the area is not open as it should be and the Parish Council would encourage WLDC to take enforcement action to have the hedges removed or lowered to no more than 30cm height and access allowed to the area for the benefit of residents.

The application is incorrect as it states no trees or hedges are on the area, which is clearly not the case.

From the evidence produced by other comments on this application it is clear the planning system has failed on more than one occasion to the detriment of the residents of Waggoners Close. The Parish Council would encourage WLDC to pursue the purchase of this land as previously investigated and open conversations with the Parish Council to adopt it for future maintenance and preservation.

Local residents:

Objections have been received from:

Ballycroy 8 Waggoners Close

17 Waggoners Close

Chapter House 16 Waggoners Close

Hathaway House 20 Waggoners Close

15 Waggoners Close

Bramble Edge, 13 Waggoners Close

14 Waggoners Close

Green Lawns, 7 Waggoners Close

The Ashes, 12 Waggoners Close

9 Waggoners Close

Rosemary House 18 Waggoners Close

4 Waggoners Close

Concerns relate to the following matters as summarised:

- This space should be used as a green space/park for the children of the area. There is none within the estate and to use it as a private garden would be a loss to the residents.

- Date of display on the site notice and its removal.
- The 1.8 metre high hedge prevents visibility of the landscaping from the street.
- The existing landscaping scheme is not in accordance with those previously proposed or approved.
- The site is not currently open grass land and is already an extension of the garden of number 19 Waggoners Close.
- The estate should have access to open space and for it to be subsumed into a residential garden is not acceptable.
- The land needs to be returned back to being accessible by the residents. If the space becomes garden land then the community lose all chance of using it.
- The land was formed and sold as informal recreation/visual amenity space and it should be retained as this.
- If the granting of planning permission is recommend then long standing restrictive planning conditions should be imposed to prevent any future physical development in or on that land and to ensure it retains its aesthetic appearance as originally intended.
- The provision of the grassed area is consistent with planning policy for new developments similar to that of Waggoners Close. The site contributes to the locality and even if the owner does not permit access to the site it should be retained as is and not become domestic garden.
- The application form does not correctly identify there are trees on the site.
- The hedge and removal of the boundary fence to 19 Waggoners Close demonstrates how the land is enclosed and detracts from the amenity of the locality.
- Enforcement of the original landscaping scheme should be implemented.
- The history behind the land shows that an error in securing the land as open space was made and because of this the community has lost out and an individual has gained. The land should be retained to benefit the community as much as possible.
- The description of the proposals are misleading as they have already been carried out.
- Correspondence relating to the open space and the original planning applications reveal that the Council's view is that the land should be kept open and undeveloped so that it contributes to the visual amenity of the locality. Planning permission for its change of use would unlikely to be granted.
- The site is currently maintained by 19 Waggoners Close so how would its change of use change or secure this? This is not a benefit of the proposed development.
- The applicant indicates that the hedge is within his garden area on the site notice reply form.
- The land should contribute to the amenity of the locality as per the conditions set out in the outline and reserved matters permissions and site plan CMS/1749/02.

- The height of the hedge negatively impacts on the visual amenity of the area.
- No enforcement action has been taken despite numerous reports by residents.
- All the past correspondence indicates that the land should be left open in nature as it represents a visual amenity for the benefit of the estate.
- The removal of the boundary fence at 19 Waggoners Way and the incorporation of the land into his garden area should have been enforced against at the time it was reported.
- There are a number of anomalies in the submitted documents.
- The use of the land as garden area would result in a change as it would allow the applicant to use it and place structures and other domestic paraphernalia within it.
- The change to garden land would allow the applicant to pursue planning permission for further development.
- This green space should be for the benefit of all residents to provide recreational and health benefits to all residents.
- The openness of the site has been reduced over the years and is now enclosed.
- Enforcement action has not been appropriately taken within the relevant timeframes to the detriment of the area and residents.
- Notification of the applications has not been received by all residents.
- The hedge hampers the view around the road and is a safety risk.
- Pruning of the space and hedge impacts upon wildlife.

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.

Archaeology: None received to date.

Tree Officer: The species of trees and hedging planted within and around the open space amenity land adjacent No.19 are suitable. The current height of the hedge prevents the area from being seen as the landscaped area of amenity that it was meant to be. Prior to the hedge and trees being planted it was an area of mainly grass with very little shrubbery, but it provided a feeling of space and greenery to the street scene. The hedge has been allowed to grow high and it now creates a green barrier so the area of land is no longer visible and cannot be seen as an open space or an area of landscaped amenity. A reduction in hedge height (I suggest to at least 1.3m or lower) should allow views of the site so it becomes an amenity area that surrounding local residents can actually see and appreciate.

Idox Checked: 14/10/22

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 Scotter Neighbourhood Plan (Made June 2015); 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

LP17: Landscape, Townscape and Views

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

LP26: Design and Amenity

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

- ***Scotter Neighbourhood Plan (NP)***

Relevant policies of the NP include:

Policy D5 Design of New Development

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/scotter-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.

Policy M11 of the Core Strategy sets out exemptions which includes the change of use of land and buildings subject to there being no intensification. The proposed development is therefore considered to be exempt from the provisions of Policy M11 and no further consideration given to it in the determination of this application.

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**
- **National Design Guide (2019)**
- **National Design Code (2021)**

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

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

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

- **Draft Central Lincolnshire Local Plan**

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.Draft.Local.Plan/consultationHome>

Other:

Appeal Ref: APP/N2535/W/22/3291383 relating to the change of use of open space to garden land for application 143522 at 3 Fenton Fields, Fenton, Lincoln LN1 2GE.

Main issues

- Principle of Development, history of the site and impact upon visual and residential amenity.

Assessment:

Principle of Development, history of the site and impact upon visual and residential amenity.

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

This application seeks planning permission to change the use of a landscaped piece of grass land to residential garden area in connection with 19 Waggoners Close. The site is privately owned and maintained by the Owner/occupier of No 19 Waggoners Close, which shares an open boundary with the site.

The site was however earmarked as public open space and landscaped area as part of the development of the residential estate through Outline planning permission M00/P/0745 approved on 13/08/2001 and Reserved Matters Consent M02/P/1192 granted on 24/02/2003.



Many objections have been received by residents and the parish council in relation to the proposals and its change of use to private garden land resulting in the loss of access to public open space for the residents. However, correspondence relating to Outline permission M00/P/0745 and Reserved Matters Consent M02/P/1192 reveals that this has been an on-going matter of concern over many years. In fact, correspondence dating back to 2010 reveals that the use of the land as public open space, and therefore being publically accessible to residents was investigated in detail at this time; with a legal opinion being sought on this matter. The correspondence reveals that although the site was earmarked to be Public open space and publicly accessible through the granting of Outline permission M00/P/0745 and Reserved Matters Consent M02/P/1192, the approvals did not successfully control/secure this. Consequently, the legal advice received stated that it is not possible for the Local Planning Authority to enforce the land to be publicly accessible to residents. This position therefore must be taken into consideration in the assessment of these proposals and when considering such objections raised by residents.

The Parish Council have also raised that the Local Authority have previously and should again seek to purchase the land to enable public access to be gained. The Parish Council do not state if they have made any attempts of their own to purchase the land. However, the land is not currently for sale and this is not therefore a material consideration that can be considered in the assessment and determination of this application. It is therefore concluded that based upon the evidence and correspondence available through planning records relating to applications M00/P/0745 and M02/P/1192, the loss of the application site as publicly accessible open space for recreational use is not a matter that the Local Planning Authority can reasonably consider in the assessment of the proposals.

The application site is also not identified as either a Local Green Space or Other important Open Space on the policy maps within the Central Lincolnshire Local Plan and consequently the provisions of Policy LP23: Local

Green Space and other Important Open Space of the CLLP in seeking to protect access to open space as well as its character and appearance are not engaged or relevant to this application. Additionally, as the site relates to an existing residential estate and not the growth of an area, Local Plan Policies LP9: Health and Wellbeing and LP12: Infrastructure to support Growth cannot be considered relevant to this application and proposed development.

The application site is also not designated as Protected Open Space (proposals Map 5) or Local Green Space within the Scotter Neighbourhood Plan and Policy DLG14 in restricting development within such location is also not consequently relevant to the proposed development. The site overall cannot therefore be classed as public open space that can be publicly accessible for recreational use and its loss to the community in this regard not a material consideration in the determination of this application.

Nevertheless, what is evident from the correspondence and evidence relating to application records M00/P/0745 and M02/P/1192 is that the application site was also intended as a publicly visible landscaped area for its amenity contribution to the character of the area. The legal advice given also advised that Condition 2 of Reserved matters consent M02/P/1192 was valid in securing the site as a landscaped area and required:

2. The scheme of landscaping and tree planting shown on Drawing No. CMS/1749/02 Rev A received by the District Planning Authority on 19 February 2003 shall be carried out in its entirety within the period of 12 months beginning with the date on which development is commenced (or within such longer period as may be agreed in writing with the District Planning Authority). All trees, shrubs and bushes shall be adequately maintained for the period of 5 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary. All trees, shrubs and bushes shall thereafter be retained.

Reason: To safeguard local amenity.

The landscaping scheme approved on Plan No CMS/1749/02 Rev A is shown below and noted to consist of:

- Grassed surface
- 1 metre high Copper Beech Hedge running along sections the North West boundary and along Waggoners Way.
- 3 Broom Trees in the North East corner of the site
- A mixed hedge consisting of Pyracantha, Dogrose and Huneysuckle running along the Eastern and southern boundaries
- 2 Sweet Chestnut Trees, 1 Silver Birch and 1 Oak planted in the Wouth East Corner of the site
- 3 Gorse trees planted along the South boundary of the site



Correspondence dated 29th June 2010 and 20th December 2010 confirms the opinion of the Local Planning Authority at this time was that the space should be retained as **open space (with public visual amenity value)** and landscaped in accordance with the above noted scheme. It however appears that there is no further written correspondence or evidence which indicates that this landscape scheme was ever implemented thereafter.

The planting of the landscaping currently on the site is also believed to have been started in 2010 and has therefore been established over a 12 year period. The site as existing is laid to lawn and as shown on drawing No 1453.100A now contains 21 trees and a cluster of fruit bushes. The trees consist of a mixture of Apricot, Peach, Pear, Apple, Fir, Mulberry, Cherry and Chestnut and located towards the outer edge/middle of the site. It also has an approximately 1.75-metre-high Hawthorn Hedge running along the North West Boundary and fronting onto Waggoners Close, which has increased in height over the years.



The landscaping of the site as public open space as approved through drawing No CMS/1749/02 Rev A and the approval of M02/P/1192, differs from that currently on site and associated with the land as an open landscaped area. The landscaping on the site has however been established over approximately 12 years. It is therefore a familiar characteristic of the residential estate.

This application and proposed change of use does not include any landscaping changes to those present on the site. Consequently, the assessment of the proposals relates to the acceptability of the site as an open landscaped area with public visual amenity value; and the ability for it to be retained while forming part of the residential garden area of No 19 Waggoners Close.

Local Plan Policy LP17 relates to Landscape, Townscape and Views and relevantly advises that development proposals should maintain and respond positively to natural and man made features within the landscape and townscape which positively contribute to the character of the area. Local Plan Policy LP26 relates to the Design of development and criteria h. of the Design principles states that development should:

h. provide well designed boundary treatments and hard and soft landscaping that reflect the function and character of the development of the surroundings

Neighbourhood Plan Policy D5 also relates to the Design of New Development and relevantly advises:

All new development should deliver good quality design. In order to achieve this all new development should:

- a) Recognise and reinforce the distinct local character (as detailed in the Scotter Village Character Assessment 2016) in relation to scale, mass, form, density, character, landscape setting and materials.*
- g) create a place with a locally inspired or distinctive character;*
- h) provide buildings, landscaping and planting to create well defined streets and spaces;*

These policies are in accordance with chapters 12 and 15 of the NPPF and full weight therefore afforded to them in the assessment of this application. Paragraph 130 (b) states that Planning policies and decisions should ensure that developments are visually attractive because of good layout and appropriate and effective landscaping.

The application site and surrounding residential development is located within Character Area A of the NHP Character assessment. It relates to compact modern residential areas. These areas are associated with high density housing development, which have minimal spacing between properties and little garden space in comparison to the built footprint of the dwellings. They create enclosed residential environment within which views beyond the immediate townscape are very limited. Garden areas are sparsely planted

and shallow or dominated by parking. Consequently, character area A is associated with a lack of greenery, with built forms and hard surfaces dominating. Waggoners Close is given as an example of this type of development within the Character assessment. The Character assessment also goes on to recognise that some such developments incorporate generous green spaces which open the townscape up and help to create a more spatially, airy environment, whilst providing recreation opportunities. These spaces and the tree planting which they accommodate are noted to represent one of the key qualities of those development that fall within Character Area A and provide important landmarks amongst the otherwise monotone townscapes.

Residents and the Parish Council have also noted the importance of the site as an open landscaped space which should contribute to the character and amenity of the area. Like those noted in the Character Assessment. They have however raised concerns in relation to the change of use of the site and the harmful impact upon the character of it and valuable contribution it should make to the amenity of the area. Some residents have identified the possibility of domestic structures and paraphilia being erected within it and subject to permitted development, planning permission not required for the changes.

Most concerns raised however relate the height of the hedge running along the North West Boundary. Responses state that the space, due to the height of the hedge is no longer open and viewed as a landscape space associated with the visual amenity of the area. Instead, the hedge encloses the space into the garden area of No 19 Waggoners Close. Many have noted that the change of use applied for in this application has therefore in fact already been undertaken with the boundary fence between this property and the site being removed. However, this matter was investigated by planning enforcement in 2015, and it was concluded that no change of use had occurred at that time.

The Local Authorities Tree Officer has also advised that the species of trees and hedging planted within and around the open space amenity land adjacent No.19 are suitable for the residential environment. Nevertheless, the current height of the hedge prevents the area from being viewed as an amenity landscaped area as originally intended. They note that prior to the hedge and trees being planted it was an area of mainly grass with very little shrubbery, but provided a feeling of space and greenery to the street scene. The hedge at its current height now creates a green barrier so the area of land is no longer visible and no longer seen as an open space or an area of landscaped amenity. Consequently, they recommend a reduction in hedge height to at least 1.3m should allow views of the site so it becomes an amenity area that contributes to the character of the area and residents.

The type, number and position of the trees and bushes planted within the site are therefore considered to be an acceptable scheme in providing a landscaped space which adds value to the character and amenity of the area. However, the 1.75 metre height of the hedge does not enable the landscaped space to remain open or offer the same amenity value as intended. A reduction in the height of the hedge to allow the space to become more open

and more visible would therefore benefit the amenity of the area. To enable this, the height of the hedge and retention of the trees could be controlled using appropriate conditions which would secure the future of the open landscaped space and the value it adds to the character and amenity of the area. However, when considering what height reduction would offer an acceptable solution, consideration must be given to the fact that the hedge has formed part of the character of the area for some time now and in more recent years been maintained at a height of over the 1.3 metres recommended by the Tree Officer. Consideration is also given to the height of the trees, future growth and their visibility as part of the landscaped space. The fact the hedge will also become the residential boundary of No 19 Waggoners Close is also a factor and in this regard the height of boundary treatments within the street scene noted to be varied in height. The boundary hedge will also need to provide some screening and separation to the extended garden area of No 19 from the street scene. Although it noted that the trees planted will also do this and that the dwelling has access to an area of garden located immediately to the rear of the dwelling which is set at least 20 metres away from the boundary hedge. Consequently, should the boundary hedge be retained at 1.5-metre-high it would not look out of place with others in the street scene, would be a reasonable height for its function as a residential boundary, while allowing the space to be more open and visible to the surrounding area. It is therefore proposed that with the use of conditions securing the retention of the trees on site and the height of the hedge to be maintained at 1.5 metres, the change of use of the land would enable the landscaped space to contribute to the character and amenity of the area while functioning as garden land associated with 19 Waggoners Close.

The concerns raised in relation to the change of use to garden land and the ability for domestic structures and paraphilia to be erected in the extended garden area are however, also valid considerations in terms of visual impact. Nevertheless, the future erection of extensions, outbuildings, fences and other means of enclosure can be controlled using conditions and removal of permitted development rights. As can the laying of hard surfaces and creation of access onto the site. In terms of domestic paraphernalia such as washing lines, bin storage, chairs and tables, the host dwelling already has access to a more private amenity area directly to the rear of the property which is already used to host such household items. It is therefore considered more likely that the land would be a more ornamental garden that would not have an adverse impact on the visual amenity value of the it nor that of the surrounding area.

The change of use of the landscaped space into garden area, subject to conditions does not therefore have to result in a negative impact upon the character of it and the contribution it makes to the character and public amenity of the area. The change of use of the land offers the opportunity to control the retention of the trees and height of the boundary hedge so that the site as an open landscaped area retains its public amenity value. In this regard Paragraph 131 of the NPPF recognises the important contribution that trees make to the character and quality of urban environments and guides that appropriate measures should be in place to secure the long-term

maintenance of newly planted trees and the retention of existing trees where possible.

With these factors in mind it is considered that subject to conditions restricting permitted development rights, the height of the hedge and retention of the trees on site, the change of use of the space to garden land would not be harmful to its features or its contribution to the character of the area and public value as amenity space. It is consequently considered that the proposed development is in accordance with Local Plan Policies LP17 and LP26 as well as Neighbourhood Policy D5 and guidance within the NPPF and grant of permission subject to conditions is recommended.

A similar conclusion was reached by Inspector Toyne in the determination of appeal Ref: APP/N2535/W/22/3291383 relating to the change of use of open space to garden land for application 143522 at 3 Fenton Fields, Fenton, Lincoln LN1 2GE. The appeal was determined on 11th July 2022 and concluded the appeal site to be a suitable location for a residential garden having regard its public amenity value. Accordingly, and subject to conditions prohibiting the alteration of the extended residential garden area, the change of use of the land was not considered to conflict with the relevant requirements of policies LP17 and LP26 of the adopted Central Lincolnshire Local Plan.

Other matters

Site notice – Concerns were raised in relation to the display dates and the time of the site notice. They note that the site notice was displayed on the 27th July 2022 but dated the 26th. It was also removed/replaced within 5 minutes on the 12th August and taken down on 20/08/22. This indicates that the site notice was displayed between 27th July and 20th August and for a total of 25 days.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the requirements in relation to the displaying of site notices and stipulates that the site notice should be in place for no less than 21 days. The displaying of the site notice as noted by a resident therefore meets the requirement set out in the Procedure Order.

Conclusion and Planning Balance:

The application site is not public open space which is publicly accessible for recreational use nor allocated as a Local Green Space or important green space in the Local Plan or Neighbourhood Plan.

The site is however an open landscape space with public visual amenity value and is owned and maintained by the owner/occupiers of No 19 Waggoners Close. This application is seeking to change the use of this land to garden land but is not proposing any alterations the landscaping of the site.

The Landscaping on site has been established since over a 12-year period. It contains trees and planting that are considered to be appropriate for its

function as a landscape space with public visual amenity value. However, the 1.75 metre high boundary hedge which will form the garden boundary of No 19 Waggoners Close is considered to enclose the site to the detriment of its contribution to the character and amenity of the area. However, with the use of conditions to restrict the height of the boundary hedge to 1.5 metres and to retain the trees and planting on site, it is not considered that the change of use of the land would not be harmful to the landscape contribution it makes to the character and amenity of the area.

Conditions could also be used to remove permitted development rights to the site and consequently the impact that any domestic development may have upon its contribution as an open landscaped space to the character and amenity of the area could also be managed through the planning system.

Consequently, it is considered that subject to conditions restricting permitted development rights, the height of the hedge and retention of the trees on site, the change of use of the space to garden land would not be harmful to its features or its contribution to the character of the area and public value as amenity space. It is consequently considered that the proposed development is in accordance with Local Plan Policies LP17 and LP26 as well as Neighbourhood Policy D5 and guidance within the NPPF and grant of permission subject to the conditions below is recommended:

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

1. The change of use hereby permitted must take place 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 as (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. Within three months of the garden land hereby permitted first being brought into use, the height of the hawthorn hedge running along the North West boundary of the site and adjacent to the footpath along Waggoners Close as shown on drawing No 1453.100A shall be reduced to 1.5 meters above the existing ground level and retained/maintained as such thereafter.

Reason: To ensure the height of the hedge is reduced as part of the change of use of the land and the site will appropriately contribute to the character and amenity of the area in accordance with Policies LP17, LP26 of the Central

Lincolnshire Local Plan, Policy 5 of the Neighbourhood Plan and guidance within the NPPF.

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:

1453.100 - Site and Site Location Plan received 12 July 2022

1453.100A - Landscaping Plan

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 Policy LP1 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

4. The trees shown on Plan No: 1453.100A shall be retained and maintained in perpetuity and any which within a period of 5 years from the change of use taking place, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the existing landscaping scheme is retained and that any losses are overcome, to ensure the landscape space appropriately contributes to character and visual amenity of the area in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan and Policy D5 of the Neighbourhood Plan and guidance within the NPPF.

5. Notwithstanding the provisions of Classes A, E, and F of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 (as amended), or any Order revoking and re-enacting that Order, no extensions, buildings or structures shall be erected or hard surfaces installed within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed and ensure the landscape space appropriately contributes to character and visual amenity of the area in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan and Policy D5 of the Neighbourhood Plan and guidance within the NPPF.

6. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (Amendments) Order 2015 as amended, or any Order revoking and re-enacting that Order, no gates, walls, fences, other means of enclosure or fuel storage containers shall

be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposal to be assessed and ensure the landscape space appropriately contributes to character and visual amenity of the area in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan and Policy D5 of the Neighbourhood Plan and guidance within the NPPF.

7. Notwithstanding the provisions of Schedule 2 Part 2 Class B of the Town and Country Planning (General Permitted Development) (Amendments) Order 2015 as amended, or any Order revoking and re-enacting that Order, no formation, layout out and construction of a means of access from the site to a highway shall be carried out unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposal to be assessed and ensure the landscape space appropriately contributes to character and visual amenity of the area in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan and Policy D5 of the Neighbourhood Plan and guidance within the NPPF.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

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Prepared by:



Date: 18/10/22

Authorising Office



Date: 18/10/2022

Decision Level: Committee

Agenda Item 6f



Officers Report

Planning Application No: 144289

PROPOSAL: Planning application to demolish swimming pool and annexe building and erect 1no. detached dwelling.

LOCATION: Land off Station Road Reepham Lincoln LN3 4DN
WARD: Cherry Willingham

TARGET DECISION DATE: 07/04/2022
DEVELOPMENT TYPE: Minor - Dwellings
CASE OFFICER: Joanne Sizer

RECOMMENDED DECISION: Grant permission subject to conditions.

This application has been referred to the Planning Committee, following objections from the Parish Council and other 3rd parties.

Description:

The site is a triangular piece of land and forms part of the curtilage of 1 Station Road, situated immediately to the south-west. The site contains a two storey outbuilding associated with no.1, which would be demolished to make way for development.

An active railway line runs on the south-eastern edge of the site. The site fronts Station Road along its north-western boundary. The pinnacle of the triangle to the north east is adjacent to a level crossing over the railway line.

The site is within the Reepham Conservation area. 1, 3 and 5 Station Road are a row of traditional railway cottages which front the road and are locally important buildings. On the opposite side are more recent (late 20th / early 21st century) dwellings.

The application seeks planning permission to erect one dwelling. The proposals have been amended and relate to details submitted on 29 September 2022.

Relevant history:

131610 - Outline planning application to erect 1no. dwelling with all matters reserved – Granted Conditionally 06/11/2014

98/P/0309 - Planning application to erect canopy and porch to dwelling and to erect pitch roof over existing flat roofed garage. Approved 01/06/1998.

96/P/0577 - Planning application to erect a two storey extension to existing dwelling. Approved 30/10/1996.

W80/870/92 – Erect detached garage. Approved 05/01/1993.

Representations:

Chairman/Ward member(s): None received to date.

Reepham Parish Council:

14/10/22:

Councillors' comments have been received as follows:

- this is still an unacceptable design for this conservation area
- only a few minor changes to front elevation and it does not address our concerns about the material used, vehicular access etc.
- Therefore, the comments made in our initial response (attached) remain unaltered.

10/02/22: Reepham Parish Council has raised the following concerns:

1) The scale and appearance of the proposal:

The proposal should be sympathetic to the street scene in relation to the conservation area – it is NOT

The massing is too large, therefore out of proportion in comparison with surrounding properties

The suggested materials are inappropriate for the conservation area; being too modern for the surrounding area; therefore will 'jar'. For example, the proposal suggests a zinc covered roof, which will not blend in with the pantile roofs nearby

The supporting statement states that the proposal will be in keeping with the local vernacular. However, this is misleading as clearly it will not.

There is no reference to how the proposal will respect the conservation area policy

2) The Parish Council queries why there appears to be no provision for any sustainable aspects of a development eg solar panels etc.

3) The Parish Council considers there to be inadequate provision for access/egress when other cars are parked on the development.

Local residents:

Penates Et Lares, 5 Station Road has raised concerns/objections as summarised below:

04/10/22:

- Slightly better design but still not in keeping with the surroundings.

- The windows are inelegant and the material is alien to the area.
- It does not take reference to any surrounding building in the Conservation Area.

01/08/22:

- The revised plans for the site are an improvement
- The design is still not in-keeping with the surrounding area, especially the large glass window.
- The materials do not reflect those locally or within the Conservation area
- The number of cars using the site should be limited as access to the site is hazardous
- The rendered finish of the cottages is not authentic as these were brick cottages which have been recently altered and not a feature associated with the Conservation area.

24/02/22:

- Inadequate location, design and impact upon traffic
- The proposals would be detrimental to the street scene and Conservation Area.
- Visibility is poor near the site and access is a highway safety issue.
- The design and material choice of the dwelling is inappropriate for the area and not in keeping with the Conservation Area.
- Impact on the occupiers from the use of the railway should be considered.
- The Location of the access, railway crossing and highway parking will be a hazard.

8 Station road Raises concerns:

01/04/22 – The type of building is not in keeping with the rest of the properties.

1 Laburnum Court: Supports the proposal

- A great improvement to what is there now.

LCC Highways/Lead Local Flood Authority:

22/02/22 – Does not wish to restrict the grant of permission:

Request the following informative' s should permission be granted:

- 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>

Network Rail:

07/03/22 –

Works in Proximity to the Operational Railway Environment

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include demolition and construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

Condition recommended:

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 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. Contact details for Asset Protection are supplied below and we would draw the developers' attention to the attached guidance on Network Rail requirements.

Drainage

It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets.

Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail. Please note, further detail on Network Rail requirements relating to drainage and works in proximity to the railway infrastructure is attached for your reference.

Condition Recommended:

It is expected that the preparation and implementation of a surface water drainage strategy addressing these above points will be conditioned as part of any approval.

Boundary Treatments, Landscaping and Lighting

Trespass onto the railway is a criminal offence. It can result in costly delays to rail traffic, damage to the railway infrastructure and in the worst instances, injury and loss of life. Due to the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway.

Condition Recommended:

The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rail's existing fencing/wall must not be removed or damaged.

Note to Developer:

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Railway Level Crossings

It is noted that the proposed development site is in close proximity to the Reepham Station railway level crossing. Railway safety is of paramount importance to us and we would ask that level crossing safety leaflets are included in information/welcome packs provided to the new homeowners at the site. These can be provided by ourselves upon request from the developer or alternatively information is available online via the following link

<http://lxresource.co.uk/campaigns/distraction-campaign>.

In addition, the level crossing approaches, gates, warning signs and signals should remain clear and unobstructed at all times both during demolition/construction works and during subsequent operation of the site. This is in order to ensure that all crossing users can enter and leave the crossing area safely and unobstructed at all times.

Archaeology: None received to date:

Conservation Officer:

28/09/22: The design is an improvement, offering a modern yet vernacular appearance that will work in the Conservation Area. Concerns are raised in relation to the larger glazed opening on the gable end and is detrimental to the character of the conservation area. Modern materials and design have

also already taken their toll on the character and appearance of the Conservation Area. An alternative choice and special attention should be given to materials on all new development proposals.

13/05/22

The applicant has confirmed that the building proposed to be demolished does not have any historic significance.

Previous comments requested that the proposed plans should show neighbouring buildings in order to demonstrate that an acceptable relationship will be maintained. This information is not shown in the revised plans.

Previous comments advised that traditional vernacular materials should be used although there may be some opportunities for contemporary materials which reflect the colour and textures of traditional materials. The material palette has now been revised to include brick and red standing seam cladding. The red standing seam cladding is proposed to be used on the roof, some of the elevations and as feature detailing around some windows and doors. The overall amount of this material should be reviewed and reduced to avoid it being a dominant feature. Details of the material specification are also required although this could be conditioned.

The further information and amendments requested above should be provided to the planning case officer within a timescale that would allow for the case to be determined within its deadline. The planning case officer should assess the request above and set a suitable timescale for this further submission.

15/03/22

The application is located in Reepham Conservation Area and within the setting of the Railway Cottages which are identified as important buildings within the conservation area character appraisal and contribute towards the character and appearance of the area.

The building proposed to be demolished is a swimming pool with an annexe. No information has been submitted about the age or any associated significance of the existing building. Further information is required.

The proposed building is between one and two-storeys with a pitched roof, and this is reflective of houses in the surrounding area. The proposed building follows a similar footprint to the existing building although the first floor is larger. The proposed plans should show neighbouring buildings in order to demonstrate that an acceptable relationship will be maintained.

The proposed floor plans do not match the footprint of the building as shown on the proposed site plan. Amendments are required to ensure that all plans are consistent.

The architectural design is contemporary. While a contemporary design could sit successfully within the area, the design at present is not a vernacular design and would disrupt the overall street scene. Traditional vernacular

materials should be used although there may be some opportunities for contemporary materials which reflect the colour and textures of traditional materials. For example, some elements of red zinc cladding may sit well against traditional red clay pan tiles. The material palette should be reviewed.

The existing hedge makes a positive contribution to the conservation area, and this should be retained. Boundary treatments are not clearly shown although this detail could be conditioned. A large area of hard surfacing is proposed in front of the building which would be used for parking. Landscape mitigation and high quality surface materials would be required to ensure there is not an adverse impact on the street scene. These details could be conditioned.

Overall, the proposed design needs further consideration given to its context and in particular an appropriate palette of materials. The further information and amendments requested above should be provided to the planning case officer within a timescale that would allow for the case to be determined within its deadline. The planning case officer should assess the request above and set a suitable timescale for this further submission. If the further information and/or amendments requested are not delivered or deliverable within this timescale, then this application should be determined on the basis of our objection as set out above.

Environmental Protection:

06/10/22 - I refer to the above and the amended plans. I have reviewed the revised information and have no further comments to add to those originally made dated 4 th March 2022.

28/07/22 - I request that conditions 5, 6 and 7 of the expired outline planning permission 131610 relating to contamination, construction method statement and noise and vibration are added to this application.

04/03/22: I request that conditions 5, 6 and 7 of the expired outline planning permission 131610 relating to contamination, construction method statement and noise and vibration are added to this application

Idox checked 10/10/22

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages

LP13 Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP16: Development on land affected by Contamination

LP17: Landscape, Townscape and Views

LP25: The Historic Environment

LP26: Design and Amenity

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

- **Reepham Neighbourhood Plan (NP)**

Reepham was designated a Neighbourhood Plan Area in July 2017. There is however no Plan in circulation to consider at the time of assessing this application.

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

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

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

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019. Paragraph 213 states:

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

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

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

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

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

- **Draft Central Lincolnshire Local**

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.Draft.Local.Plan/consultationHome>

Other:

S72(1) of the Listed Buildings Act 1990

Main issues

- Principle of residential development
- Character and Appearance
- Residential Amenity/Neighbouring amenity
- Highway Safety
- Drainage

Assessment:

Principle of Residential Development

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

Central Lincolnshire Local Plan Policy LP2 and LP4:

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

- they will accommodate a limited amount of development in order to support their function and/or sustainability.
- no sites are allocated in this plan for development, except for Hemswell Cliff and Lea.
- typically, and only in appropriate locations, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances'.

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

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

The site is considered to be located within the built footprint of Reepham village and the development therefore retains the cores shape and form of the settlement. The location of the application site and the proposed development

being within an established residential area of the village is also not considered to significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement. Considerations relating to the settlements character and appearance will be discussed later in the report and subject to this matter and all other material considerations being found acceptable; the site can be considered an appropriate location for the development as required by Policy LP2 of the CLLP. Additionally Local policy LP4 sets out appropriate growth levels for small and medium villages and indicates Reepham to have a growth level of 10%. An updated LP4 table for housing growth (dated 30th september 2022) in medium and small village's states that Reepham has a remaining growth level of 47 dwellings. The provision of one additional dwelling is therefore within the identified growth limits as set out in Policy LP4 and contributes to Central Lincolnshire housing supply.

Character and appearance, including the Historic Environment.

The site lies within the Reepham Conservation Area and lies immediately adjacent to a traditional row of railway cottages which are noted to be locally important buildings. Opposite the site, more recent residential development comprising large two storey dwellings are found.

S72(1) of the Listed Buildings Act 1990 places a statutory general duty that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that [conservation] area." In accordance with Chapter 16 of the NPPF, Policy LP25 of the CLLP also guides that: Development within, affecting the setting of or affecting views into or out of a Conservation Area should preserve features that contribute positively to the areas character appearance and setting.

Additionally Policy LP26 of the CLLP relates to appropriate design and impact upon the character of the area. It requires that all development proposals must 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.

This policy is considered to be in accordance with chapter 12 of the NPPF and full weight therefore afforded to them in the assessment of this application.

The site comprises a wedge of curtilage enclosed by a hedge and developed out with a number of non-historic outbuildings. The site, other than the hedge running along the front boundary does not therefore make an obvious positive contribution towards the character of the area/conservation area and the principle of replacing the existing buildings with an appropriately designed dwelling is therefore considered acceptable.

Concerns have been raised by local residents and the Parish Council in relation to the design and material choice of the dwelling not being reflective

or in-keeping with the traditional character of the area and that of the Conservation Area. It is nevertheless noted that the character of the area is formed by dwellings and buildings which are very varied in terms of their age, size, scale and design. The properties within the area are also constructed with varying materials and finishes.

The proposed dwelling is designed to be between one and two storeys, with a pitched roof, which is reflective of some houses within the surrounding area and the building currently occupying the site. The footprint of the proposed dwelling is also similar to the existing building and consequently is a suitable replacement in terms of its size and scale, and impact upon the character of the street-scene.

The architectural design of the dwelling is however contemporary and although the Conservation officer notes that a modern approach could be successful within the area, concerns over it not being domestic in character were raised. They advised that a more vernacular design and choice of materials should be used to enable the dwelling to be more considerate to its local context.

These concerns were relayed to the agent and amendments to the design have been submitted. The revised design relates to fenestration details and providing a more vernacular approach. Concerns have still been raised by a local resident and the Parish Council in relation to the changes and proposed material palette still not being in keeping with the character of the area/Conservation Area. The Conservation officer has advised that the design of the dwelling is now more appealing, being modern but offering a vernacular that is not harmful to the setting it sits within. The Conservation officer has however raise concerns in relation to the glazed gable end forming the north east side elevation and the materials proposed. These features are considered to have the potential to be harmful to the character of the area and Conservation Area. The glazed gable end is however only on a single storey element of the building and with appropriate materials will appear in-keeping with the modern design of the new dwelling, which has been supported by the Conservation Officer. A condition can also be used to secure appropriate material choices which will ensure the dwelling reflects the valued characteristics of the area. Regard is also given to the design and presence of the existing building to be demolished in this regard and it considered that with a condition securing appropriate materials, the development will not be harmful to the character of the area or features that contribute positively to that of the Conservation area.

Consideration must also be given to hard and soft landscaping, and boundary treatments as these are also important elements relating to the development and its impact upon the character of the area and Conservation area. The hedge running along the front boundary of the site is noted in this regard and consequently further information would therefore be required in this regard and conditions used to secure an appropriate scheme.

Neighbouring and Residential Amenity:

CLLP Policy LP26 sets out Amenity Considerations and guides that all the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development. This policy is considered to be in accordance with paragraph 130 of the NPPF and full weight afforded to it in the assessment of this proposal.

With regards to neighbouring amenity consideration is given to the occupiers of No 1 Station Road. The proposed dwelling is noted to be of a similar size and scale to the existing building which it will replace and is sited in a similar position. The proposed dwelling would not therefore result in a significant change through its presence and not considered to be overbearing or harmful to the occupiers of No 1. There are also no windows proposed on the side elevation facing onto No 1 Station Road and consequently the dwelling would not result in harm through overlooking. The garden area of No 1 Station Road would however be reduced in size as a result of the development. There would however be some amenity space remaining to enable it to function as a private space/storage area. This change is not therefore considered significantly harmful to the occupiers of No1 and warrant refusal of the application. No objections/concerns have been received in this regard also.

In terms of the amenity afforded to the occupiers of the host dwelling, it is noted that the relationship between it and No1 Station Road is considered acceptable subject to adequate boundary treatments being in place and this could be secured through a condition.

The presence of the working railway line running to the rear of the site is however a consideration in terms of noise, vibration and contamination impacts. Policy LP16 of the CLLP relates to land affected by contamination and is in accordance with Paragraphs 183 -185 of the NPPF. Environmental Protection have not raised any objections to the development subject to a contaminated land assessment, demolition method statement and a noise and vibration study, with mitigation measures being submitted to and approved in writing prior to works commencing on site. Network rail have also noted in their response that due to the line being active, the developer needs to provide adequate soundproofing for each dwelling. The securing of such details through the use of pre commencement conditions was also done through the determination of application 131610 which related to the same site and type of development. It is therefore considered that the living conditions of the proposed occupiers can be safeguarded through the submission and approval of further information and appropriate mitigation measures.

Network Rail have also set out in their response that the development must not be detrimental to the safety and use of the railway line/network and have highlighted the need for a demolition and construction methodology, including details of demolition and construction, earthworks and excavations, use of crane, plant and machinery, drainage, lighting and boundary treatments to be

submitted and approved prior to works (including demolition) commencing on site/

The proposed development subject to control through conditions is therefore considered to be in accordance with the amenity considerations set out in Policy LP26 of the Central Lincolnshire Local Plan.

Highway Safety

Policy LP13 of the CLLP states that Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported. This policy is considered to be in accordance with Chapter 9 of the NPPF and full weight afforded to it in the determination of this application.

Concerns have been raised locally regarding access and parking arrangements associated with the new dwelling and the relationship it shares with the Highway and level crossing. No concerns have however been raised by the Local Highway Authority in this respect, nor network rail. Consequently there is no evidence which suggests that the access and parking arrangements associated with one additional dwelling would be detrimental to highway safety.

The proposals are therefore considered to be relevantly in accordance with Policy LP13 of the CLLP and guidance within the NPPF.

Contamination and Drainage:

Policy LP 16 relates to Development on Land Affected by Contamination and LP26 the amenity impacts of proposed development. This policy is considered to be in accordance with Paragraphs 183 -185 of the NPPF and full weight therefore afforded to it in the determination of this application.

Policy LP14 - Managing Water Resources and Flood Risk relates to adequate drainage provision for the site. This Policy is relevantly in accordance with Chapters 14 and 15 of the NPPF and full weight afforded to it.

In terms of contamination West Lindsey Environmental Health have identified that the site due to its location and previous uses has the potential to be affected by Contamination. Based upon this and the fact that no information has been provided with the application, they have advised that a pre commencement condition is necessary to secure an appropriate contamination report to be undertaken and any remediation measures to be carried out as part of the development.

In terms of drainage and the disposal of surface and foul water no specific drainage details have however been submitted with the application and the extent of contamination on site is also not known. Consequently further details of drainage will also need to be secured through an appropriate condition to ensure the site and development can be adequately drained.

Consequently, with conditions in place securing adequate contamination measures and drainage details, the development is considered to be in accordance with Policies LP14 and LP16 of the Central Lincolnshire Local Plan.

Other matters

None.

Conclusion and Planning Balance:

The proposed development has been assessed against Local Plan policies
LP1: A Presumption in Favour of Sustainable Development
LP2: The Spatial Strategy and Settlement Hierarchy
LP3: Level of Growth
LP4: Growth in Villages
LP13 Accessibility and Transport
LP14: Managing Water Resources and Flood Risk
LP16: Development on land affected by Contamination
LP17: Landscape, Townscape and Views
LP25: The Historic Environment
LP26: Design and Amenity

Consideration has also been given to the draft Central Lincolnshire Local Plan but limited weight afforded to its policies at this time. Guidance within the NPPF and NPPG has also been considered as well as the duty contained within S72(1) of the Listed Buildings Act 1990.

In light of this assessment it is considered that the proposals subject to conditions are considered to be principally acceptable and do not result in harm to the character of the area, highway safety or on neighbouring uses. Conditions securing further details in relation to drainage, contamination and materials also ensure the development is acceptable and grant of permission subject to the following conditions is therefore recommended.

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 full details of the proposed foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter

be implemented in full before the building is first occupied and retained thereafter.

REASON: To ensure that an adequate scheme serves the development and protects the Water environment in accordance with the provisions of Policies LP14 and LP16 of the Central Lincolnshire Local Plan and guidance within the National Planning Policy Framework.

3. No development shall take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment in accordance with Policy LP16 of the Central Lincolnshire Local Plan and guidance within the NPPF.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall provide for:

- i. Method of demolition;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. wheel washing facilities;
- v. measures to control the emission of dust and dirt during construction;
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii. Any lighting scheme;
- viii. Safeguarding measures to prevent disruption or encroachment on the adjacent operational railway land and infrastructure.

REASON: To minimise disruption to neighbouring land, including the adjacent operational railway land and crossing, during the construction phase, in accordance with Policy LP26 of the Central Lincolnshire Local Plan and guidance within the NPPF.

5. No development shall take place until a scheme for noise and vibration mitigation, including soundproofing measures in relation to the occupation of the dwelling hereby approved, has been submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented prior to the occupation of the dwelling and thereafter maintained.

REASON: To protect the occupants from noise associated with the adjacent operational rail use and to ensure a reasonable standard of amenities in accordance with saved policy LP26 of the Central Lincolnshire Local Plan and guidance within the NPPF.

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

6. 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:

UKSD-SA-08-0004 - B00 site location plan received 10th February 2022

UKSD-SA-08-0005 E00 Block plan received 18th July 2022

UKSD-SA-08-0002-F.00 Floor Plans received 29th September 2022

UKSD-SA-08-0003-F.00 Elevations Plan received 29th September 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 Policy LP1 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

7. The approved Construction Method Statement required by Condition 4 above shall be implemented and adhered to throughout the construction period.

Reason: To minimise disruption to neighbouring land, including the adjacent operational railway land, during the construction phase, in accordance with Policy LP26 of the Central Lincolnshire Local Plan and guidance within the NPPF.

8. Notwithstanding the details submitted, no further development other than the demolition of the existing building and laying of the foundations for the dwelling hereby approved shall take place until details of all external materials, their finish and colour have been submitted to and approved in writing by the Local Planning Authority. Details shall include, all external surfaces, roof materials and windows/glazed screens. The development shall then be carried out in accordance with the approved details and retained/maintained thereafter.

Reason: To ensure the development is not harmful to the character and appearance of the area and Conservation area in accordance with Policies LP25 and LP26 of the Central Lincolnshire Local Plan and guidance within the NPPF.

9. Notwithstanding the details submitted and prior to the first occupation of the dwelling, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning authority. They shall then be implemented in accordance with the approved details and retained in perpetuity.

Reason: To safeguard the character of the area and Conservation Area and the amenity of the neighbouring property and operational railway in accordance with Policies LP25 and LP26 of the Central Lincolnshire Local Plan and guidance in the NPPF.

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

10. Notwithstanding the provisions of Classes A, AA, B, C and E of Part 1, Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, and no buildings or structures shall be erected within the curtilage of the dwelling, and no boundary treatments erected unless planning permission has first been granted by the Local Planning Authority.

REASON: To safeguard the character and appearance of Reepham Conservation Area and safeguard the adjoining residential property and operational railway land in accordance with Policies LP25 and LP26 of the Central Lincolnshire Local Plan and guidance in the NPPF.

Notes to the Applicant

Network Rail Consultation Response and supporting information.
For further information in relation to the details and requirements requested by Network Rail, please see their response and supporting information received on 07 March 2022 attached to the permission or using the following link and application reference number. <https://planning.west-lindsey.gov.uk/planning/>

Human Rights Implications:

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

Legal Implications:

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





Planning Committee

Wednesday, 2
November 2022

Subject: Determination of Planning Appeals

Report by:

Director Planning, Regeneration &
Communities

Contact Officer:

Andrew Warnes
Democratic and Civic Officer
andrew.warnes@west-lindsey.gov.uk

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

RECOMMENDATION(S): That the Appeal decisions be noted.

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

Equality and Diversity including Human Rights: The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment: None arising from this report.

Climate Related Risks and Opportunities: None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

Appendix A - Summary

- i) Appeal by Miss Emma Truelove of Truelove Property and Construction Ltd against the decision of West Lindsey District Council to refuse planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted, on land rear of 72 Scothern Road, Nettleham, Lincoln, LN2 2TX.

Appeal Allowed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse

- ii) Appeal by Mr David Whitehead against the decision of West Lindsey District Council to refuse planning permission for the erection of an extension and alterations to form ground floor ensuite guest bedroom and first floor ensuite master bedroom at Woodside Cottage, 18-20 Kexby Road, Glentworth, Gainsborough, DN21 5DQ.

Appeal Dismissed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse

- iii) Appeal by Mrs Wendy Ayres against the decision of West Lindsey District Council to refuse planning permission for internal and external alterations, including rendering, erect 2-storey side extension with porch to front and balcony to rear and detached garage, at Ashbrook, Cliff Road, Spridlington, Market Rasen, LN8 2DW.

Appeal both Dismissed and Allowed in part – See copy letter attached as Appendix Biii.

Officer Decision – Refuse

- iv) Appeal by Messrs Paul and Neil Knapton against the decision of West Lindsey District Council to refuse outline planning permission for erection of 4 no. dwellings (with all matters aside from access and layout reserved for subsequent consideration) on land at Station Road, Grasby, DN38 6AP.

Appeal Dismissed – See copy letter attached as Appendix Biv.

Officer Decision – Refuse



Appeal Decision

Site visit made on 9 September 2022

by **S Hunt BA (Hons) MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 06 October 2022

Appeal Ref: APP/N2535/W/22/3300608

Land rear of 72 Scothern Road, Nettleham, Lincoln LN2 2TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Miss Emma Truelove of Truelove Property and Construction Ltd against the decision of West Lindsey District Council.
 - The application Ref 144264, dated 13 January 2022, was refused by notice dated 14 April 2022.
 - The application sought outline planning permission to erect 68 no. dwellings 10 no. affordable including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke, layout and scale to be considered and not reserved for subsequent applications, without complying with a condition attached to planning permission Ref 131975 granted 14 March 2017 (as amended by 140640 approved 8 July 2020 and 141843 approved 12 February 2021)
 - The condition in dispute is No 5 which states that: *'The development shall proceed in accordance with the Construction Method Statement (February 2018) throughout the build (approved under condition discharge approval 137462) except that the hours of work shall be restricted on week days to being between 8am – 6pm'*.
 - The reason given for the condition is *'In the interests of amenity and in accordance with policy LP26 of the Central Lincolnshire Local Plan'*.
-

Decision

1. The appeal is allowed and outline planning permission is granted 'to erect 68 no. dwellings 10 no. affordable including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke, layout and scale to be considered and not reserved for subsequent applications' at Land rear of 72 Scothern Road, Nettleham, Lincoln LN2 2TX in accordance with the application Ref 144264 dated 13 January 2022 with variation to condition number 5 previously imposed on planning permission Ref 141843 approved 12 February 2021, and subject to the remaining conditions imposed therein, so far as the same are still subsisting and capable of taking effect, as set out in the attached Schedule.

Procedural Matters

2. The original planning permission Ref 131975 has been followed by the approval of two variation of condition applications under section 73 of the Town and Country Planning Act 1990 (s73). Amongst other conditions, condition 5 has been previously varied to include specific hours of work. For the avoidance of doubt, this appeal concerns the most recently approved application Ref

141843. The wording of condition 5 which is in dispute is as set out in the banner heading above.

3. Condition 5 refers to a Construction Method Statement (CMS) approved as part of a discharge of condition application (Ref 137462), and copies of the relevant documents have been provided. No other matters within the CMS are before me as being in dispute, only the construction working hours. The residential development site is under construction.
4. The outline consent included layout as a matter to be considered. No other plans have been submitted as part of the appeal documents apart from site layout, of which there are two slightly different versions before me. The appellant submitted plan ref. TL016-SL (12 January 2022), but the Council states that plan ref. TL016-SP-NMA Rev B (16 May 2022) is the most recent site layout as approved by a non-material amendment (Ref 144807). Whilst I have been made aware of full planning applications for additional dwellings, I understand these are currently undetermined. My decision is therefore informed by TL016-SP-NMA Rev B, being the layout which I understand is currently being built out.

Main Issue

5. The main issue is whether condition 5 is reasonable with regard to the potential effects on the living conditions of existing neighbouring occupiers.

Reasons

6. Paragraph 56 of the National Planning Policy Framework (the Framework) and Planning Practice Guidance on the use of planning conditions (PPG) set out a number of tests for the imposition of conditions; they should only be imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects ('the tests').
7. The Council applied condition 5 to assist in reducing the effects of the construction phase of the development on the living conditions of existing residents which adjoin the appeal site. The CMS (February 2018) as originally approved by application Ref 137462 (5 November 2018) encompasses a range of measures to minimise such effects, such as wheel cleaning, dust suppression, waste disposal and traffic management. The hours of construction are noted in paragraph 1.1 of the CMS to be between 7.30am and 5pm Monday to Friday (excluding public and bank holidays). The decision letter for application 137462, in discharging a range of conditions, specifies that condition 5 is subject to 8.00am to 6pm hours of works.
8. The subsequent s73 applications continued to accept the CMS as approved under application Ref 137462, but instead condition 5 specified the hours of work as '*restricted on week days to being between 8am – 6pm*'. Neither the approved CMS nor the decision notices prescribe any weekend working hours.
9. The appellant seeks to extend construction working hours so that site operatives can start half an hour earlier, at 7.30am, rather than the currently prescribed 8.00am. The updated CMS (January 2022) also specifies a finish time of 17.00, and Saturday working hours, between 7.30am and 13.00. The appellant's final comments propose a start of 8.00am on Saturdays.

10. The updated CMS also specifies that work on public and bank holidays would take place during the same hours as regular weekdays. The originally approved CMS specifically excludes such holidays. I am unable to find clarification on the reasons for this amendment within the submission.
11. The appellant states that a benefit of an earlier start time would result in the acceleration of the build out of the site, with completion at least one year sooner than with the current approved working hours. It is unclear how this has been calculated. I acknowledge that Saturday working hours would assist in speeding up delivery of the residential development. However the appellant now proposes an earlier weekday finish time of 17.00, which would overall result in 30 minutes less working time per weekday.
12. Notwithstanding the somewhat contradictory submission in respect of the working hours being sought, I now go onto consider the potential effects, specifically an earlier start time of 7.30am, on the living conditions of existing neighbouring occupiers. The northern and western boundaries of the appeal site bound onto existing residential properties situated on High Leas and Highfields. On my site visit I noted that many of the dwellings, particularly those on High Leas, have short gardens and low boundaries. I also saw the fenced footpath links, which provide a buffer between many of the existing gardens and the new dwellings.
13. I saw that the majority of the dwellings which bound existing properties are structurally complete, with outstanding works largely being limited to internal fittings and landscaping works. A good proportion of the overall development is occupied. There is an undeveloped area remaining to the western edge of the site where it adjoins Highfields, indicated on the site layout plan to be plots 24 and 28. These plots have consent for detached dwellings with larger than average gardens. Elsewhere within the appeal site, construction is starting on the area to the east which stretches towards open fields and further away from existing dwellings.
14. I note that condition 6 requires implementation of a noise attenuation scheme to the boundaries of No's 70 and 74 Scothern Road. There is no evidence before me to suggest that this has not been implemented, and therefore such measures would continue to provide a level of protection to these particular properties from construction vehicle use of the access road.
15. There are no representations before me from neighbouring occupiers in respect of the proposal. This lack of objection does not necessarily represent support. However, there is little evidence before me to substantiate the Council's concerns that the current construction works and any breaches of the working hours conditions are resulting in significant harm to living conditions. I acknowledge that a small number of complaints have been received by the Council's Environmental Protection and Enforcement teams in relation to a construction noise and working hours, but I do not have details of the location or timing of such complaints.
16. Given my observations on site, it appears that the bulk of the 'noisy' development in close proximity to existing residential properties is substantially complete. Additional construction activities on the remainder of the site would be partially screened by the completed dwellings, and the effects on living conditions of existing residents would correspondingly be less than in the earlier phases of development. The construction works are temporary and time

limited, and I accept that amended hours of work could assist in delivering the housing development sooner.

17. In this context, I am satisfied that a start at 7.30am rather than 8.00am would not result in significant additional harm to living conditions. Likewise, I am satisfied that the existing finish time of 18.00 is suitable and it is unnecessary to bring it forward to 17.00. In terms of weekend working, hours of 8.00 to 13.00 on Saturdays would be appropriate. However Sundays, public and bank holidays should be specifically excluded so that existing and new residents are afforded some respite from the ongoing construction activities.
18. I therefore find the construction working hours as currently restricted by condition 5 to be unreasonable, and that amendment of the condition to permit construction working from 7.30 to 18.00 on weekdays and from 8.00 to 13.00 on Saturdays would meet the tests. In doing so, the proposal would comply with the amenity considerations set out within Policy LP26 of the Central Lincolnshire Local Plan which requires amongst other matters for proposals to demonstrate consideration of existing occupants. In turn it is compatible with paragraphs 130 and 185 of the Framework and advice set out in the PPG.

Other Matters

19. I acknowledge that the majority of existing dwellings which bound the appeal site are bungalows, however this has little bearing on my decision; I have considered all neighbouring occupiers equally no matter what house type they reside in. I have also had regard to the construction working hours conditions applied to other housing developments nearby, however given that circumstances may be different I have considered the appeal site on its own merits.
20. I note the correspondence between the appellant and the Council (dated 8 March 2022) regarding a proposal to move the construction compound to the southern boundary. I saw on my site visit that it is presently situated around the location of plot 32 (broadly central to the overall site) and it comprises site office and welfare facilities, contractors parking, and a storage compound. However, the use of the compound itself does not necessarily result in more disturbance than the activities which might take place within and around the housing plots. Moreover, the location of the compound is not specified within either version of the CMS. In this respect restricting the location of the compound or noisy activities would not meet the tests.
21. I have been provided with a copy of the Nettleham Neighbourhood Plan (2015). I note that the site is allocated by the plan for residential development however there are no policies which are directly relevant to the main issue before me.

Conditions

22. The guidance in the PPG makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that any other conditions have been discharged, that is a matter which can be addressed by the parties. Condition 19 (approved plans)

reflects the latest site layout plan TL016-SP-NMA Rev B approved by the aforementioned non-material amendment.

23. The standard conditions relating to time limits are unnecessary given that work has commenced, and therefore this alters the numbering. In respect of condition 3 (previously 5) I retain the substance of the condition in its requirement to adhere to the CMS, together with stating the construction working hours and days in a more precise manner so to ensure that the tests are met.

Conclusions

24. For the reasons given above and taking into account all other considerations, I conclude that the appeal should be allowed, and a new planning permission granted with variation to condition 5 as previously imposed.

Susan Hunt
Inspector

Schedule of Conditions

- 1) The development shall proceed in accordance with the surface water drainage plans depicted in drawings 4827-06 to 482710; 4827-12 and Report 4241/DR/01 (approved under condition discharge approval 137462) and shall be completed before all the dwellings are occupied.
- 2) Prior to occupation, a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas, inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management, including the provision of bat roosts and bird boxes.
- 3) The development shall proceed in accordance with the approved Construction Method Statement (January 2022) throughout the build, except that construction works shall take place only between the hours of 07:30 and 18:00 on Mondays to Fridays and between 08:00 and 13:00 on Saturdays, and such works shall not take place at any time on Sundays or on Bank or Public Holidays.
- 4) The noise attenuation scheme to the boundaries of No 74 and No 70 Scothern Road contained within The Noise Impact Assessment by ENS Limited, alongside drawings TL016-NB-01 (Noise Barrier Wall) & TL016-NB-02 (Noise Barrier Positioning) (approved under condition discharge approval 137462) shall be put in place prior to the occupation of the first dwelling.
- 5) The development shall proceed in accordance with the Estate Street Phasing and Completion Plan (TL016-PP (Street Phasing Plan)) (approved under condition discharge approval 137462).
- 6) No dwelling shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.
- 7) The development shall proceed in accordance with the arrangements for future management and maintenance of the proposed streets previously approved under 137462. The streets shall thereafter be maintained in accordance with the management and maintenance details approved until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
- 8) The development shall proceed in accordance with the full engineering, drainage, street lighting and constructional details of the streets proposed for adoption depicted on drawings 4827-01; 4827-02; 4827-03 (approved under condition discharge approval 137462), unless otherwise agreed in writing with the Local Planning Authority.
- 9) No dwellings (or other development as specified) shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number TL16-SL-01 Rev.E (3) dated 01/05/15 has been completed, approved under 131975 unless otherwise agreed in writing with the Local Planning Authority.
- 10) The Travel Plan by LDC (approved under condition discharge approval 137462) shall be adhered in totality. Those parts of the approved Travel Plan

that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

- 11) The development shall proceed in strict accordance to the written scheme of archaeological investigation by Allen Archaeology Limited (approved under condition discharge approval 137462) and the Written Scheme of Investigation: Archaeological Monitoring by PCAS Archaeology (approved under condition discharge approval 144569).
- 12) The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 11 of this permission at least 14 days before the said commencement. No variation shall take place.
- 13) The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 11 of this permission.
- 14) Following the archaeological site work referred to in condition 11 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.
- 15) The report referred to in condition 14 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.
- 16) The existing boundary hedges on the site shall be retained at all times apart from that required to be removed for the purpose of the new access.
- 17) The development shall proceed in strict accordance with the following plans:

Site wide plans: TL016-SP-NMA Rev B dated 16/05/2022.

House Types Plot 1: TL016-CA-A-08 rev A, Plot 2: TL016-DO-A-08, Plot 3: TL016-DO-B-08, Plot 4: TL016-KE-08, Plot 5: TL016-DO-5-08, Plot 5A: TL016-DO-B-02 Rev G, TL016-DO-B-03 Rev F & TL016-DO-B-07 Rev G, Plot 6: TL016-PE-SP, Plot 7: TL016-PE-SP, Plot 8: TL016-SN-08, Plot 10: TL016-DO-10-08, Plot 11: TL016-KE-08 rev A, Plot 12: TL016-HI-06, Plot 13: TL016-DO-B-08, Plot 14: TL016-CA-A-08, Plot 15: TL016-DO-15-08, Plot 16: TL016-CA-16-08, Plot 17: TL016-DO-17-08, Plot 18: TL016-SN-08, Plot 19: TL016-WR-08, Plot 20: TL016-BU-08 rev B, Plot 21: TL016-BUA-08 rev B, Plot 22: TL016-HI22-06, Plot 23: TL016-HI22-06, Plot 24: TL016-WR-08 Plot 25: TL016-PE-SP, Plot 26: TL016-PE-SP, Plot 27: TL016-KEA-A-07, Plot 28: TL016-T8-05, Plot 29: TL016-A1-06 or TL016-A2-06 or TL016-A3-06, Plot 30: TL016-A1-06 or TL016-A2-06 or TL016-A3-06, Plot 31: TL016-KEA-A-07, Plot 32: TL016-KE-08 rev A, Plot 33: TL016-KE-08 rev A, Plot 34: TL016-SN-08, Plot 35: TL016-WR-02 Rev F, TL016-WR-03 Rev E, TL016-WR-04 Rev F, Plot 36: TL016-A1-06 or TL016-A2-06 or TL016-A3-06, Plot 37: TL016-A1-06 or TL016-A2-06 or TL016-A3-06, Plot 38: TL016-DO-B-02 Rev G, TL016-DO-B-03 Rev F & TL016-DO-B-07 Rev G, Plot 39: TL016-KE-08 rev A, Plot 40: TL016-HI-02 Rev B, TL016-HI-03 Rev D & TL016-HI-05 Rev C, Plot

41: TL016-DO-B-02 Rev G, TL016-DO-B-03 Rev F & TL016-DO-B-07 Rev G, Plot 42: TL016-SC-06, Plot 43: TL016-KE-08 rev A, Plot 44: TL016-DO-A-08, Plot 45: TL016-KE-08 rev A, Plot 46: TL016-DO-A-08, Plot 47: TL016-CAR-08, Plot 48: TL016-DO-A-08, Plot 49: TL016-HI-06, Plot 50: TL016-A1-06 or TL016-A2-06 or TL016-A3-06, Plot 51: TL016-A1-06 or TL016-A2-06 or TL016-A3-06, Plot 52: TL016-DO-A-08, Plot 53: TL016-CO-08, Plot 54: TL016-SN-08, Plot 55: TL016-HI-06, Plot 56: TL016-HI-06, Plot 57: TL016-T8-05, Plot 58: TL016-KEA-A-07, Plot 59: TL016-KE-08 rev A, Plot 60: TL016-CA-A-02 Rev I, TL016-CA-A-03 Rev H & TL016-CA-A-07 Rev G, Plot 61: TL016-KE-08 rev A, Plot 62: TL016-HI-02 Rev B, TL016-HI-03 Rev D & TL016-HI-05 Rev C, Plot 63: TL016-CA-A-02 Rev I, TL016-CA-A-03 Rev H & TL016-CA-A-07 Rev G, Plot 64: TL016-WR-02 Rev F, TL016-WR-03 Rev E, TL016-WR-04 Rev F, Plot 65: TL016-KE-08 rev A, Plot 66: TL016-DO-B-02 Rev G, TL016-DO-B-03 Rev F & TL016-DO-B-07 Rev G, Plot 67: TL016-CA-A-08, TL016-CA-A-02 Rev I, TL016-CA-A-03 Rev H & TL016-CA-A-07 Rev G and Plot 68: TL016-SN-08

Garage & substation types: TL-SGD-03, TL016-SGD-01 and TL016-SS-01.

- 18) None of the dwellings hereby approved shall be first occupied until the surface water drainage system serving that dwelling including for the highway serving that dwelling and the public open space has been completed in accordance with the details required by condition 1. The approved system shall be retained thereafter.
- 19) The recommendations contained in the Extended Phase 1 Habitat survey carried out by Delta Simons no 14-0725.01 dated November 2014 (approved in planning permission 131975) shall be followed at all times during development.
- 20) 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 building(s) 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.



Appeal Decision

Site visit made on 26 September 2022

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022.

Appeal Ref: APP/N2535/D/22/3302378

Woodside Cottage, 18-20 Kexby Road, Glentworth, Gainsborough, Lincolnshire DN21 5DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Whitehead against the decision of West Lindsey District Council.
 - The application Ref 144670, dated 28 March 2022, was refused by notice dated 20 May 2022.
 - The development proposed is the erection of an extension and alterations to form ground floor ensuite guest bedroom and first floor ensuite master bedroom.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and the local area.

Reasons

3. The proposal is to enlarge and alter the appeal property, which is an attractive detached dwelling that has been amalgamated from a pair of semi-detached cottages. The walls are brick with the front and a side elevation painted white. The main roof is tiled with gables at each end. With 2 matching gables and first floor windows in the front façade, a central chimneystack and a single storey projection on each side of the 2-storey house, there is a broad symmetry and a balance to the front of the dwelling, which is distinctive.
4. The site falls within the countryside beyond the settlement of Glentworth. It is also within an Area of Great Landscape Value (AGLV), where the primary policy objective is to protect and enhance the intrinsic value of the landscape.
5. In my view, the conversion of 2 cottages into a single dwelling has essentially and successfully retained the simple form, modest proportions and traditional style of former rural cottages in the countryside. The inter-visibility between the site and the countryside surrounding it reinforces this impression. When seen from Kexby Road, the appeal property remains clearly legible in the street scene and the landscape as former cottages, the presence of which often signal that a larger rural estate lies beyond. In doing so, Woodside Cottage relates well to and retains a strong visual and historical association with the

- countryside that surrounds the village. As such, the appeal dwelling positively contributes to the character and qualities of the countryside and the AGLV.
6. The proposed front extension has been designed to reflect the style of the main house with a third gable introduced to face the road that would echo the pattern of its existing counterparts in the front façade. The new roof lines would follow those of the main dwelling and the pattern of windows, detailing and external materials would also match those of the existing building.
 7. However, a new substantial 2-storey built form would be introduced to one side of the main house that would unbalance and visually dominate the front elevation. By noticeably stepping forward of the main front wall, the new gable would also be a significant and prominent feature of the completed building. It would compete with and thus detract from the existing gables and the otherwise flat front wall of the main house (save for the porch), which appear to be important features of the building's original design.
 8. As a result, the appeal scheme would fail to respect the modest proportions, traditional style and appearance of the original building from which the existing dwelling was formed, to the detriment of its character and appearance. With the new built form in place, the building would no longer be readily interpretable as a particular rural typology. It would have a far more uncertain historical and visual association to the countryside and its value and significance as an example of a former rural estate style property would be notably reduced. Consequently, the proposal would materially reduce the positive contribution of the appeal property to the countryside and the AGLV. In doing so, it would have a deleterious effect on the character and appearance of the local area, which would be evident from the road just in front of the site.
 9. I saw that some properties in the wider area that are also within the AGLV include 2-storey elements that are set forward of the principal elevation including those to which the appellant has referred and provided photographs. However, these existing forward projections appear to form part of the dwelling's original design rather than involve a later addition, as proposed. Furthermore, none of the properties cited are similar in style to Woodside Cottage. As these examples are not directly comparable with the proposal, I attach only limited weight to them in support of the appeal.
 10. On the main issue, I therefore conclude that the proposed development would cause significant harm to the character and appearance of the host building and the local area. Accordingly, it conflicts with Policies LP17 and LP26 of the Central Lincolnshire Local Plan (CLLP) and Policy 3 of the Glentworth Neighbourhood Plan 2018-2036. These policies seek to ensure that development achieves high quality sustainable design which adds to local character, landscape and townscape. It also is at odds with the National Planning Policy Framework insofar as it seeks to ensure that development is sympathetic to local character and adds to the overall quality of the local area.
 11. Once complete, the proposal would provide valuable additional living space particularly for the appellant's relatives who find the existing narrow staircase too difficult to use. I am sympathetic to this desire. However, personal circumstances seldom outweigh more general planning considerations. These benefits do not provide an exceptional justification to outweigh the identified harm, to which LP Policy 17 of the CLLP refers.

12. The size of the proposed extension reflects the space requirements of providing additional bedrooms with bathrooms. A good-sized garden and ample space for off-road parking would remain with the new addition in place. The proposal would make efficient use of land available within the plot with no impact on the character within the main village. Others raise no objection, and the living conditions of the occupiers of properties in the local area would not be affected. I also acknowledge that alternative options to enlarge Woodside Cottage to the side or rear are problematic. However, these considerations do not outweigh the significant harm that I have identified.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR



Appeal Decision

Site visit made on 6 September 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 October 2022.

Appeal Ref: APP/N2535/D/22/3299070

Ashbrook, Cliff Road, Spridlington, Market Rasen, LN8 2DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Wendy Ayres against the decision of West Lindsey District Council.
 - The application Ref 144492, dated 15 February 2022, was refused by notice dated 12 May 2022.
 - The development proposed is internal and external alterations, including rendering, erect 2-storey side extension with porch to front and balcony to rear and detached garage.
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Decision

1. The appeal is dismissed insofar as it relates to the internal and external alterations, rendering, the 2-storey side extension with porch to front and balcony to rear. The appeal is allowed insofar as it relates to the detached garage and planning permission is granted for a detached garage at Ashbrook, Cliff Road, Spridlington, Market Rasen, LN8 2DW in accordance with the terms of the application, Ref 144492, dated 15 February 2022 and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. A04 insofar as it relates to the detached garage only.
 - 3) Prior to the construction of the approved garage commencing, details of the external facing materials to be used in the construction of the walls and the roof shall be submitted to and approved by the local planning authority. The development shall then be carried out in accordance with the approved details.

Procedural Matter

2. The proposal involves a number of different elements, which are severable from each other. Consequently, I am able to issue a split decision in this case.
3. The description of the development used above differs from that given in the planning application form, but it is the one used by the Council in its decision notice. Although the normal convention is to use the description in the

application form, the Council's description is more succinct and accurately describes the proposal. Therefore, I have used it in this appeal decision.

Main Issues

4. The main issues are: the effect of the proposal on the character and appearance of the Spridlington Conservation Area (CA); and the effect of the proposal on the living conditions of the occupants of the neighbouring dwelling (Old Meldrum), with particular regard to outlook and natural light.

Reasons

Character and Appearance

5. The appeal property is a detached dwelling with a relatively large rear garden, which is situated on the edge of the village with open countryside on one side and Old Meldrum on the other. It is within the CA, but the appeal property itself is of no particular architectural or historic interest. In that regard, I consider that its contribution to the significance of the CA is neutral.
6. The CA encompasses much of the village and the character of the built development varies in terms of building styles, size and materials. I noted at my site visit that the use of stone, brick and render are used throughout the CA. Old Meldrum has a traditional appearance with stone walls and a red pantile roof. The setting of the CA is enhanced by its rural surroundings and the appeal property is prominent, due to it being the first (or last) building one sees when travelling along this section of Cliff Road.
7. It is a statutory requirement when considering development proposals that decision makers have regard to the desirability of preserving or enhancing the character or appearance of conservation areas. This is reflected in Policy LP25 of the adopted Central Lincolnshire Local Plan 2017 (LP) and in Policy 8 of the Spridlington Neighbourhood Plan (NP). In addition, Policy LP26 of the LP and Policy 7 of the NP require the design of new development to be of high quality that contributes positively to local character. These policies accord with the provisions of Chapter 16 and paragraph 130 of the National Planning Policy Framework 2021 (The Framework).
8. The proposal contains a number of different elements including a detached double garage with a gabled roof, that would be sited within the rear garden. The garage would be a relatively plain and simple structure. I note that the Council does not refer to the planning merits of the proposed garage in either its decision or in the officer's report. However, in my opinion, the proposed garage would sit comfortably within the relatively large garden and whilst it would be visible when approaching the site from the west it would be well set-back from Cliff Road and it would not detract from the character or appearance of the CA.
9. With regard to the other works, the Council raises concerns in respect of the roof design, the proposed rendering and the external flue that is proposed on the side elevation of the building.
10. In respect of the roof design, the Council states a preference for a hipped roof, which it considers to be more in keeping with the existing building. At my site visit, I noted that gabled roofs are common with the CA and, in that respect, the proposed roof design would not be out of keeping with the character of the

CA. However, the effect of the proposed gable roof would be to add bulk to the eastern side of the property, which would reduce the existing space at roof level between the appeal property and Old Meldrum. I consider that this would have an adverse effect on the streetscene and would be harmful to the character and appearance of the CA.

11. With regard to the proposed use of render, I also noted that there are other rendered properties within the CA. Given that the appeal property is of no particular merit and it sits at the end of a row, I am not persuaded that the use of render would be harmful, notwithstanding the use of stone on the walls of Old Meldrum. Render would also help to unify the appearance of the building.
12. The proposed external flue would be sited in a prominent position on the west facing side elevation of the property. It would be clearly visible when approaching the property from that direction and I consider that it would detract from the appearance of the property and from the character of the CA at that point.
13. For these reasons, I consider that the proposal would be harmful to the character and appearance of the CA and, therefore, it would conflict with the policies of the LP and the NP, as referred to above.
14. Having regard to paragraph 202 of The Framework, I consider that the harm caused by the proposal would be 'less than substantial'. In that context, I am required to consider whether the harm is outweighed by any public benefits arising from the proposal. Whilst the extension and alterations would improve and enhance the living accommodation for the appellant, this would not amount to a public benefit. Accordingly, my findings on this issue do not change.

Living Conditions

15. Policy LP26 of the LP seeks to ensure that the amenities enjoyed by the occupants of neighbouring land and buildings are not unduly harmed by, or as a result of development. The Council contends that the proposed side extension would have an adverse impact on the occupants of Old Meldrum in terms of overbearing and loss of light.
16. I note that the proposed extension has been reduced in depth since it was originally submitted and that a building originally stood on part of the site. However, the extension would be relatively close to the side boundary with Old Meldrum and it would project well beyond the main rear wall of the neighbouring property. Old Meldrum contains ground floor windows that would look both directly and at an angle towards the extension.
17. The rear of both the appeal property and Old Meldrum face in a northern direction and I am not persuaded that there would be an unduly harmful effect on the occupants of Old Meldrum in terms of loss of light.
18. Notwithstanding, I consider that the proposal would have an unacceptably overbearing and oppressive impact on the neighbouring dwelling, because of its length, height and bulk. This would be to the detriment of the living conditions of its occupants. Accordingly, the proposal would conflict with Policy LP26 of the LP.

Conditions

19. The Council has suggested conditions in the event of the appeal being allowed. I have included these in my decision. In addition to the standard conditions relating to the commencement of development and the listing of approved plans, a condition is also imposed requiring details of the materials to be used in the construction of the garage. I note that the appellant has stated that it will be a wooden structure, but no further detail on this or the roofing material has been provided. The condition is necessary to ensure a satisfactory external appearance.

Conclusion

20. For the reasons given above, I conclude that the appeal is allowed in relation to the detached garage. With regard to the internal and external alterations, rendering, the 2-storey side extension with porch to front and balcony to rear, the appeal is dismissed.

Ian McHugh

INSPECTOR



Appeal Decision

Site visit made on 18 October 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2022

Appeal Ref: APP/N2535/W/22/3301300

Land at Station Road, Grasby, Lincolnshire DN38 6AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Messrs Paul and Neil Knaption against the decision of West Lindsey District Council.
 - The application Ref 144527, dated 2 March 2022, was refused by notice dated 22 April 2022.
 - The development proposed is described as 'Erection of 4 no. dwellings (with all matters aside from access and layout reserved for subsequent consideration)'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form seeking approval for access and layout with scale, appearance and landscaping reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to scale, appearance and landscaping.
3. An extant outline planning permission¹ exists on the site for the erection of two dwellings.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site consists of part of an agricultural field located along Station Road, a minor road leading out of the village of Grasby. The site abuts residential development to the north. The boundary of the garden of the dwelling at 26 Station Road, runs along the full extent of the northern edge of the appeal site.
6. The dwellings along this side of the road tend to be set back considerably from the road edge and comprise of large, two storey detached dwellings on substantial plots with sizeable gardens extending to the rear. On the site visit I saw that the depth of front gardens increases steadily from north to south along Station Road. Backland development is nonetheless rare. The front

¹ Ref 140515.

boundaries are typically verdant in character with the hedges to the front reflecting the hedgerow along the part of the road frontage of the appeal site. There are residential properties opposite the appeal site that are located relatively close to the road. Nevertheless, the large dwellings to the opposite side of the road, set back behind verdant boundaries within extensive rear gardens give a spacious and coherent pattern of development to the streetscene here.

7. The proposed layout plan shows the proposed dwellings arranged in two rows with a two dwellings to the site frontage and a further two 'barn-like structures' to the rear. In order to accommodate this tandem arrangement, the frontage dwellings are required to be set substantially forward of the dwelling of No 26 and its immediate neighbours. This would be distinctly at odds with the pattern of development of increasing front garden depth that is prevalent here.
8. Furthermore, the backland structures to the rear would be set well back from the frontage dwellings with smaller rear gardens. They would likely be easily visible along the proposed access from which they would appear at odds with the spacious character of the area. Whilst the appellant has designed this to be '*reminiscent of agricultural crew-yards*', this is not a characteristic of the streetscene along Station Road. Overall, the proposal would represent an incongruous form of development that would clearly and adversely stand out alongside the existing development along Station Road.
9. The Council considers that the proposal would set a precedent for similar developments. Whilst I accept that each application and appeal must be treated on its individual merits, I appreciate that approval of this proposal could be used in support of housing proposals within the rear gardens of properties along Station Road or other similar schemes. Application for such proposals could be difficult to resist and the cumulative effect of these would exacerbate the harm which I have described above.
10. The appellant has directed me to the provisions of the National Planning Policy Framework (the Framework) with regard to effective and efficient use of land. However, for the reasons set out above I have found that the proposal would not represent an efficient or effective use of the land due to the harm to character and appearance.
11. For the above reasons the proposal would result in significant harm to the character and appearance of the area. It would therefore conflict with Policy LP26 of the Central Lincolnshire Local Plan (2017) (the CLLP) which, in summary and amongst other things, seeks to ensure new development provides high quality sustainable design that contributes positively to local character, landscape and townscape. There would also be conflict with paragraph 130 of the Framework which requires that planning decisions ensure developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character.

Other Matters

12. The development of windfall sites in locations such as this is generally supported through both the Framework and CLLP. However, whilst all dwellings contribute to housing supply, in this case the delivery of two additional dwellings, having regard to the extant planning permission, would only make a

limited contribution to the existing stock. Whilst the appellant has referred to the houses as being 'affordable' there is nothing before me to demonstrate that what is proposed would amount to affordable housing². As such the benefits of the scheme in this regard are relatively limited.

13. In terms of other benefits provided by the appellant, I accept that economic benefits would arise from the construction and occupation of the new houses. Nonetheless for the reasons outlined above, given the scale of the proposal, these comparatively minor benefits would not outweigh the harm that would arise.

Conclusion

14. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, and with regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

² As defined in the Glossary to the Framework.