

Guildhall Gainsborough
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AGENDA

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

Planning Committee
Wednesday, 30th 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 - 26)
 - i) Meeting of the Planning Committee held on 2 November 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) 145135 - Land Rear of Watering Dyke Cottages, Grange De Lings (PAGES 27 - 59)
- b) 145260 - Land at Lincolnshire Showground, Horncastle Lane, Scampton (PAGES 60 - 101)
- c) 145314 - Land South of The Ridings, Market Rasen (PAGES 102 - 118)
- d) 145360 - Land to the rear of Marquis Of Granby, High Street, Waddingham (PAGES 119 - 155)
- e) 144480 & 145076 - Land off 72 Scothern Road, Nettleham (PAGES 156 - 212)
- f) 145619 - Egmont, 23 Wragby Road, Sudbrooke (PAGES 213 - 227)
- g) 145547 - Glebe Farm Barns, Willingham Road, Fillingham (PAGES 228 - 235)
- h) 145640 & 145568 - Trinity Arts Centre, Gainsborough (PAGES 236 - 252)

7. **Determination of Appeals** (PAGES 253 - 267)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 22 November 2022

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 2 November 2022 commencing at 6.30 pm.

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

Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor David Dobbie
Councillor Steve England
Councillor Mrs Jessie Milne
Councillor Peter Morris
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Jeff Summers
Councillor Mrs Angela White

In Attendance:
Russell Clarkson Development Management Team Manager
George Backovic Development Management Team Leader
Martha Rees Legal Advisor
Ian Elliott Senior Development Management Officer
Joanne Sizer Area Development Officer
Andrew Warnes Democratic and Civic Officer

Also In Attendance: Sixteen members of the public

Apologies: Councillor Cherie Hill

61 PUBLIC PARTICIPATION PERIOD

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

62 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 5 October 2022 be confirmed and signed as an accurate record.

63 DECLARATIONS OF INTEREST

Councillor A. White declared a non-pecuniary interest, in relation to agenda item 6b, application number 145135, that she had called in the application to be considered by the Planning Committee. She also declared that she had received communication from journalists, but had not communicated her views, and would remain as a Member of the Planning Committee.

Councillor M. Boles declared a non-pecuniary interest, in relation to agenda item 6a, application number 144738, that he was the County Councillor for Gainsborough Hill, but remain as a Member of the Planning Committee. He also declared that he had received numerous emails about the application, but had not engaged with them, and had deleted them.

Councillor D. Dobbie declared a non-pecuniary interest, in relation to agenda item 6a, application number 144738, that he was a Local Ward Member for Gainsborough East. He was involved with the decision as a Member of Gainsborough Town Council, and had made his views known then. He would speak as the Local Ward Member, and then leave the Chamber for the remainder of the item.

Councillor R. Patterson declared a non-pecuniary interest, in relation to agenda item 6a, application number 144738, that though he could not attend the site visit, he had visited the site in a personal capacity, and felt he knew the area and site sufficiently well to comment and vote on the application.

Councillor P. Morris declared a non-pecuniary interest, in relation to agenda item 6a, application number 144738, that he could not attend the site visit, and felt that he could not participate and vote on the application.

Councillor M. Devine declared a non-pecuniary interest, in relation to agenda item 6a, application number 144738, that he was also a Local Ward Member for Gainsborough East. He would give a statement in the public participation section, and then leave the Chamber for the remainder of the item.

64 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Development Management Team Manager informed Members that Michael Gove MP had been reappointed as Housing Secretary. He had so far confirmed that the government's 300,000 annual housing target was still in place and that he was reviewing the recent Investment Zones policy, stating that "anything that might in any way undermine environmental protections is out".

The Officer reminded Members that public examination of the Central Lincolnshire Local Plan Review commenced this month. The Hearing sessions for the examination was to begin at 10.00 am on Tuesday, 15 November 2022, at the DoubleTree by Hilton Hotel, Brayford Wharf North, Lincoln LN1 1YW. Members also heard that the latest Central Lincolnshire Five Year Land Support Report for 1 April 2023 to 31 March 2028 had been published, with a calculation of 8.05 years' supply of housing land in Central Lincolnshire.

Moving to local planning policy, the Officer detailed that the Keelby Neighbourhood Plan had its submission (Regulation 16 final) consultation was to end on 4 November 2022. Moving to Draft Regulation 14 progression, the Officer informed Members that the Reephams Neighbourhood Plan had a steering group that its Reg 14 consultation had been undertaken and that the Scothern Neighbourhood Plan Review had its Regulation 14 consultation underway, ending on 9 November 2022.

65 144738 - LAND OFF WILLOUGHTON DRIVE, GAINSBOROUGH

The Chairman introduced the first item of the meeting, 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 were a few updates to the application. The first was that this application had returned after a site visit. There had been additional landscaping plans, and it was deemed suitable for the site. Moving to the landscaping condition, the Officer confirmed that the replacement of landscaping was required for a period of 5 years He also stated that he would recommend the removal of condition three and renumber the conditions. There was also an additional letter of support from the Vulcan Bossit site.

Note: Councillor I. Fleetwood declared a non-pecuniary interest that he had previously hired the agent but had not spoken to him about this application.

Note: Councillor S. England entered the Chamber at 6.43 pm.

The Chairman advised that there were five registered speakers for the application. He invited the Democratic and Civic Officer to read out the first statement, from the agent for the application. The following statement was read aloud.

“Good evening to the planning committee members and thank you for considering this planning application during both Octobers and this current November committee meeting.

The Development Proposals. As previously discussed, the proposals seek planning permission for 7no commercial units on a plot of land within the Foxby Lane Business Park, Gainsborough. We note that during the previous committee meeting, comments were raised regarding the un-maintained hedgerow being partly removed. The legal team clarified that none of the trees or hedgerow on the site were protected and the site owners were perfectly within their legal rights to instruct the clearing of all vegetation without consequence.

After the clarification above, the applicant, without hesitation chose to appoint a landscape specialist to ensure the landscape proposals were developed further and not removed completely. This approach would retain as much as possible and provide new tree and shrub planting with a detailed planting/ maintenance strategy. The applicant also met with the adjacent site owners Vulcan Bossitt to discuss our proposals and we have now received written support for our proposals.

The applicant has once again demonstrated a collaborative approach and willingness to

engage with others to produce a scheme which will be beneficial both socially and economically and goes far beyond the minimal requirements often seen on other business parks throughout the region. The proposals will provide aesthetically pleasing units which will enhance the character and locality. To compliment 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.

Conclusion. We have taken appropriate steps to revise the designs/ building arrangements to reflect the comments made on the WLDC planning website and comments made during the previous committee meeting. When read in conjunction with the relevant planning policies, we consider the proposals to be in accordance with the Central Lincolnshire Plan and Gainsborough Neighbourhood Plan.

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 next registered speaker, Vicky Dixon, a supporter of the application, to address the committee.

The speaker thanked the Committee for the consideration of the application and explained that she was an interested party in one of the units as an owner and director of a small business in the District. Members heard of the business details, that the company was looking for a larger base, and could not find a suitable one already existing. The speaker said that to solve this problem, creating much-needed space for business owners would be beneficial, and unit 5 allocated for them was perfect for her vision.

Members heard that potential unit owners stated that when it was sold, it was commercial land, with no boundary issues or preservation orders, and residents were aware of the site being for commercial use. The speaker then explained that only when it came to the application submission did any issues about the removal of the hedge for screening come about. This pushed for further amendments, a reduction of one of the proposed units, to facilitate established trees and hedgerows, in addition to a landscape gardener.

The speaker explained that the screening location was about 4 metres from the boundary, which prevented a loss of land that might stop the project. Members heard that the suggested comments of going elsewhere were unfeasible due to the significant financial aspects and plans submitted. The speaker clarified that they did not want to disrupt the residents and hoped that should the application be granted, they would be working regularly with the immediate local community. The speaker further expressed this by asserting that the development would be aesthetically pleasing and not use common designs in other sites across the country.

The speaker concluded her statement that they had listened to the concerns raised but that the building could not continue without some amendments to the hedge and vegetation existing on the site. She emphasised that they would plant new trees, shrubs, and hedges to compensate for the development, and promoted the business opportunities in Gainsborough with this site.

The Chairman thanked the speaker for her statement, and invited the registered objector, Andrew Boulton, to address the Committee. He gave the following statement.

“Frequent reference has been made, to the screening - between Plot 5 and the adjacent residential properties - as having been deliberately, consciously, planned, funded, and the planting subjected to contract by LCC.

The useful links included in the Report submitted to the last Planning Committee on 5 October, confirm that the original Planning Application states that the specification approved by West Lindsey, along the Western boundary, was to include a total of 132 trees within” a tree and shrub mix - to be planted at 1.75m centres in species groups of 3 to 5.

The above contradicts the poorly-informed comments by the Council’s “tree and landscape officer”, who describes the eighteen-year-old screen as ‘hedgerows unmanaged that’s left to grow’.

Trees, especially thriving eighteen-year old trees - surrounded by “unmanaged” undergrowth or not - are a material planning consideration. It is evident that within this report, the existing established trees, have NOT been given serious consideration.

This undermines the erroneous, and merely subjective opinion expressed 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”. This is merely a subjective opinion, which is not supported by the physical evidence, shown in the attached photographs. These photographs contradict that subjective opinion, and undermine the Report’s Recommendation to Approve.

The attached photographs, conveniently show the distant industrial units erected by the separate developer Stirlin. It is not difficult to form an objective opinion of very similar units being erected merely 1.76 meters from the boundary fence shown in the photographs once all the existing, established, screening has been ripped-out.

At the last committee meeting “details-of-planting” were required. The details now provided - confirm, as / have previously mentioned, that there will be no meaningful planting between the rear of the units and the adjacent neighbouring residential properties. The details now provided, seek to deliberately misrepresent four decorative conifer bushes, planted by my wife as extensive, verdant “trees and bushes on adjacent site”.

The material planning consideration of “Impact on the neighbourhood” has demonstrably been ignored, as illustrated by the above. The Woodland Trust have confirmed to me that the “National Planning Policy Framework”, sets out the Government’s planning policies for England and how these should be applied. This is the context in which environment-based policies must be considered. It states that existing trees should be maintained wherever possible.

The suggestion somewhere else that some of the trees could be moved – is naive - verging on the incredulous! It is ridiculous to suggest that delicate and interlocking 18-year-old, root systems can be disturbed and the trees be successfully transplanted.

Frequent reference has also been made to the 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.

Banks Long & Co have produced a brochure confirming that they have a comparable site in competition to this Application. However, from O5DEC, Drewery & Wheeldon will begin to auction the alternative 1.52 acre ANGEL site on Marshall Way, opposite the WLDC recycling centre. There is no reason why the applicant's architectural drawings and existing plans, could not be super-imposed on this site.

As mentioned at the last Committee meeting, there would be positive effect in rejecting this PA. 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 than Plot 5, where he will still be able to offer employment, and short-term rental opportunities, for prospective entrepreneurs.

I am concerned that if all the above is to be ignored, and should the recommendation within the Report remain unchanged, and regrettably lead to the approval of this application, this would inevitably result in the further protracted delay associated with the Appeals process. Hopefully, all the above will provide enough of a reason for the Chairman of the Planning Committee, to now propose that PA Number 144738, be rejected.”

The Chairman thanked the speaker for his statement, and invited Councillor Michael Devine, the first registered local ward Member, to address the Committee. The following statement was read out aloud.

“Firstly, Chairman I would like to thank the Committee for agreeing a site visit at their last meeting. Planning application M03/P/1164 granted 28th October 2003 condition 3 outlines the requirement for landscaping, the current application proposes to rip up a 19 year old hedgerow including mature trees and replace with new plantings, this will not screen the neighbouring properties from the view of the new industrial units.

The Design and Access Statement 22/04/22 clearly quotes that the mature hedgerow will remain: ‘The scale of the proposed buildings have been carefully arranged to ensure the single storey unit is positioned to the rear of the site with the mature trees/ hedges providing screening from the adjacent dwellings. This will also ensure the height of the units does not provide a detrimental impact on the adjacent dwellings. The two storey units have been positioned towards the front of the site adjacent to the secure gated site access.’ It appears now that the impact on the adjacent dwellings is no longer a concern for the applicant.

The only reason I can think of to change the original Design and Access Statement is to squeeze in larger units than planned or that the original plan was wrong. I am not against the development of this site, it is after all designated for light industrial use, I do however object to this planning application on the grounds that it will destroy a mature hedgerow that is the nesting place for birds, there will also be insects and other wildlife disrupted damaging the Ecology of the whole area, it will also remove the screening for the neighbouring residential properties. I ask that the Committee refuse this application as it is not in line with policies LP17, LP21 and LP26.”

Note: Councillor D. Devine left the Chamber for the remainder of the item at 6.54 pm.

Note: Councillor S. England left the Chamber for the remainder of the meeting at 6.54 pm.

The Chairman thanked the Member for his statement, and then invited Councillor David Dobbie, the second registered local ward Member, to give address the Committee.

The Member clarified that he had made a representation in a previous application on the site but did not include the proposed landscaping scheme. The Town Council made a submission in which the Member expressed his happiness with the language of the decision recommended.

The Member concluded his short statement to state that though it was known that the area was for industrial units, the plans were next to a public footpath and expressed concerns over what future development might do to the site, which included potential restriction of access.

The Chairman thanked the Member for his statement.

Note: Councillor D. Dobbie left the Chamber for the remainder of the item at 6.56 pm.

The Chairman then invited a response from the Planning Officer. The Development Management Team Leader explained that planning permission was not required to remove hedgerows, and it was up to the applicant to decide what trees and vegetation were to remain on the site. The Officer further elucidated that the height of the proposed units was smaller than the dwellings directly adjacent to the site. Members also heard that the biodiversity concerns would be addressed by the proposed new tree planting and landscaping, along with retention of part of the existing hedgerow, with the potential to improve biodiversity. Members also heard that future footpath concerns were not a matter before the Committee

The Chairman invited comments from Members of the Committee. Members made remarks that included aspects from the site visit, the hedges, the levelling of the site, and the landscaping concerns raised. Members also commented about the height of the boundary fence and that the proposed application would likely clear some of the heavy littering in the area.

In response to a query made at the site visit and stated in the meeting about drainage run-off, Members heard that this was dealt in the amended condition 4 of the report.

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 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.

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

3. 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.

4. 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.

5. 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

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:

Site Location and Block Plan D01 P06;
Proposed Site Plan D02 P07;
Unit C to Unit G floor and elevation plans D06 P06;
Landscaping Plan Drawing No. MPN CUW
Unit A Plans and Elevations D04 P03;
Unit B Plans and Elevations D05 P03;
Site Section Drawing No. D09 Rev P02;

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 shown on Drawing No. MPN CUW 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.

Note: Councillor M. Devine returned to the Council Chamber at 7.05 pm.

Note: Councillor D. Dobbie returned to the Council Chamber at 7.05 pm.

66 145135 - LAND REAR OF WATERING DYKE COTTAGES, GRANGE DE LINGS

The Chairman introduced the next item, application number 145135, for the change of use of land for the siting of 12no. gypsy/traveller residential caravan and the erection of 2no. amenity buildings, on land rear of Watering Dyke Cottages, Grange De Lings, Lincoln.

The Officer informed Members of the Committee that there was one update, which was a letter of support for the application, the family on the site, and highlighted the standards on the site. The Officer then gave a short presentation, and highlighted the relevant policies to the discussion.

The Chairman advised that there were 3 registered speakers, all of whom were objectors. He invited the first registered objector, Alex Wright, to address the Committee. The following statement was read aloud.

“The objections presented tonight are raised by the Watering dyke cottages, the closest households to the development. We strongly wish to object to this proposal; this has been a disastrous 6 months since they have occupied the site with constant disruption caused to our lives. We have received verbal abuse from the applicants on multiple occasions including receiving multiple threats to rip out our septic tank which is on our site. On one occasion the applicant came to my house being very aggressive, shouting, swearing, and making various threats to me and my neighbour. This is despite The LP56 referenced in their application states they want to live peacefully with the other residents.

We haven't used our garden as much because of the overlooking from the shared driveway, the noise pollution, the traffic disruption, the aggressive behaviour, and excessive shouting

from the site. My children are already scared and intimidated by the shouting and disruption from the site, they don't like being in the garden as much. What was once a lovely green space now looks industrialised from the driver entrance. Most sites are a distance away from other properties, this development is adjoining our properties making disruptions significantly worse and will do so even more if it is passed and triples in size.

This Development is also having a significant impact on our need to replace our septic tank. The development has and will further make it very difficult to install new needed sewage provisions which we have rights to on their land due to the sheer lack of room now and hardstanding.

This application could lead to 25 plus vehicles onsite, I believe it will be disastrous. There have already been 3 accidents on the junction outside our house to the A15 this year. To access their site, you must drive right next to our houses which is intrusive and dangerous especially getting my children in and out of the cars. Hall Lane, the road used for accessing the shared driveway often gets congested with people who are waiting to turn onto the A15. this will get worse and could impact us exiting our driveway. We will also have a loss of garden privacy from passing traffic and a lot more people walking from the site.

We believe this site is an overdevelopment and an unsuitable location for the already completed and further works. This will dominate the outside community, 12 caravans could lead to potentially 30 plus residents, significantly larger than the 5 adults living in our adjacent houses. The footprint of the development appears to be more than double the size of the Watering dyke cottages, making the development much larger than the existing community. Our family home and lifestyle have been taken away. We do not have the same quality of life as we had previously, due to the disruptions mentioned."

The Chairman thanked the speaker for his statement, and invited the next registered speaker, Peter Metcalfe, to address the Committee.

The speaker stated that there was no consultation with the decision recommended and no engagement with the local community. The speaker asserted that the original plan was for a few horses and a stable and contacted West Lindsey District Council when an excavator arrived. He suspected something more significant was afoot, with caravans having arrived a month before.

The speaker asserted that the applicant had been deceitful, ignored the planning law and that the development requesting retrospective approval contravened the 2015 Ministerial statement on intentional unauthorised development.

The speaker referenced LP 26, and that ribbon development must not be built in the open countryside and must protect important local views, and blocked the view to Lincoln Cathedral from the nearby properties. The statement progressed to say that the Planning Officer's report casually dismissed the geographic and population issues, and that the three caravans had doubled the population compared to the three homes adjacent to the site.

The speaker explained alleged harassment, that he had been intimidated to not object to the application, and asserted abusive language by the applicant had been used against the residents. He concluded his statement that they did not want the applicant to ride roughshod over the planning laws, and that approval set a dangerous precedent for all future decisions.

The Chairman thanked the speaker for his statement, and invited the final registered objector, Mara Metcalfe, to address the Committee. The following statement was read aloud.

“This development is a case of “act now, ask after.” Since 2015, the government wants you to stop “intentional unauthorised development” – such as in this case. Plus, the NPPF says “planning decisions should aim for safe places so that the fear of crime does not undermine the quality of life or community cohesion.”

But we have faced numerous threats from the applicant. He’s threatened to beat us up, pull down our hedge, rip out our septic tank. All because we filed legitimate complaints through the correct channels. Even standing before you now makes us vulnerable to his intimidation and retribution. We have lived in the house next door for 10 years. It is our first home and we bought it for the quiet and the outside space. In a labour of love, we added habitat by planting a hedge of 400 trees. We have watched meteor showers and eclipses from our garden. During the pandemic, it was our oasis and our haven. But no longer.

Now, floodlights illuminate our house and garden at night. Our days are sound tracked by a cacophony of dogs howling and barking and people shouting. They shovel animal waste over their fence onto land which is not theirs. These unauthorised works, the noise, light pollution, extra traffic, and especially the aggression have floored our daily lives and mental health. That is with 4 caravans on site. The proposals, if approved, would triple that. Decline them in line with the law to protect our safety. We’ve followed the law – they haven’t. I repeat: this is a case of “act now, ask after.” Please don’t set a precedent by sanctioning it.”

The Chairman thanked the speaker for her statement and invited a response from the Planning Officer. The Development Management Team Leader stated that even though there were emotive comments, the main concern for the Planning Committee was the land use for planning permission and looking at the implications.

The Officer re-emphasised that the Committee needed to be deciding in comparison with LP 56, and the criteria within the policy. The Officer explained that the focus should be on residential amenities. The Officer clarified that retrospective applications were allowed in the Planning Act and were not a breach of law. Members also heard that the restrictive covenants were outside the Committee's remit.

The Chairman invited comments from Members of the Committee. Members raised multiple points, which included septic tank concerns, the behaviour of the applicant, the usage of retrospective applications, the comparison with other development in the open countryside, the application of LP 56, road disturbances, and environmental health concerns.

Responding to a query about categorising caravans as dwellings, the Development Management Team Manager explained whether it met the description in the Caravan Act and that a caravan could be treated as a mobile dwelling.

Responding to a statement about comparing this application to other developments in the open countryside, the Development Management Team Manager explained that there were specific policies for traveller communities. This included LP 56, the National Policy Statement, which detailed specific needs, and a need for sustainability of the location in Criteria F. The Officer further clarified that in that Criteria, for non-allocated sites, it had to be

within a reasonable distance and this was something that the Committee had to take a view on.

In a query about the site's ownership, the Senior Development Management Officer explained that the access was not in the applicant's ownership during the application process.

Early in the debate, a site visit was proposed, with some Members commenting that they did not have complete information about the site. The reasons included assessing the number of caravans, the layout, and the space placement of the caravans. There was additional reasoning for determining the access from the road and the configuration on the road up to the adjacent A15.

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.

Note: Councillor D. Cotton left the Chamber at 7.28 pm. He returned to the Chamber at 7.29 pm.

67 145252 - LAND TO THE REAR OF 20 QUEENSWAY, STURTON BY STOW

The Chairman introduced the next item, application number 145252, for removal of existing detached garage and construction of 1no. detached single storey two bedroom bungalow with driveway and turning head - resubmission of 144493, on land to the rear of 20 Queensway, Sturton by Stow. The Officer informed Members that there were no updates, and gave a short presentation.

The Chairman advised that there was one registered statement to be read out by the Democratic and Civic Officer. The following statement was read aloud.

“Sturton by Stow Parish Council discussed this application at length and the following points were raised. We have grave concerns regarding the driveway running directly past the existing house to the rear of the property. The driveway is narrow with no option to widen. The consensus reached was that this would disturb the residents of the existing property. We recognise that the current residents are applying for planning permission, nevertheless disturbance should be taken into consideration.

We have concerns that the new build will be excessively close to the existing house; the plans state that the closest point is just shy of 8m. The deprivation of garden for the existing property is concerning. The proposed property will be overshadowed. Overlooking and lack of privacy is a problem for each property and potentially for 24 Saxilby Road.

Light and noise disturbance needs to be addressed due to the close proximity of the buildings. This particular location, being at the north eastern corner of Queensway, has its own logistical problems. Queensway is a very narrow road. The demolition of the garages and subsequent development of housing has exacerbated the situation. There is a distinct lack of parking provision for the original residents of Queensway. The road is subject to on-

street parking and can be difficult to navigate.

Sturton by Stow Parish Council object to this proposal and urge the planning committee to refuse this application.”

The Chairman thanked the Democratic and Civic Officer for reading the statement and invited a response from the Officer. He emphasised that the comments made by the Parish were addressed in the report and that the Authority’s view was that undue noise and disturbance would not arise from a bungalow in a residential area.

The Chairman then invited comments from Members of the Committee. Members expressed that the distance to other neighbours of the proposed dwelling was unlikely to be affected by the proposed dwelling, that it was easily accessible, and that no statutory bodies objected to the application. It was also expressed that the Parish Council had always expressed concerns about Queensway.

In response to a query about the narrowness of the driveway and the impact on refuse collection, the Officer clarified that the drive proposed was wide enough to allow refuse bins to be stored at the entrance for collection and clarified that Lincolnshire County Council Highways had not objected to the application.

Responding to a remark about parking, the Officer explained that the existing parking arrangements on the street were that most residents parked in their respective front gardens.

In responding to a query about the reasoning for the application being considered by the Planning Committee, the Development Management Team Manager explained that the Parish Council objected and stated that the application was contrary to their neighbourhood plan. This was not a formal call-in but embodied an objection.

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

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

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

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

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

None.

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

2. 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;
Proposed Elevations and Section 22/041/C/03;
Site Location and Block Plan Layouts 22/041/C/01 REV A

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

Reason: To ensure the development proceeds in accordance with the approved plans 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.

68 145585 - WEST LINDSEY OPERATIONAL SERVICES DEPOT, CAENBY CORNER

The Chairman introduced the next application of the meeting, application number 145585, for a permanent canopy covering to an existing road sweeper bunker at West Lindsey Operational Services Depot, Caenby Corner, Market Rasen, LN8 2AR.

The Officer stated that there was no update and gave a short presentation. The Chairman informed Members of the Committee that there were no registered speakers and invited comments. Members commented that there were no significant issues and that the application would likely not be in front of them if the applicant was not West Lindsey District Council.

Responding to a question about the site's lighting, the Officer explained that the lighting was strip lighting placed on the underside of the proposed canopy itself, facing downwards which would minimise light spillage within this countryside location.

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

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

1. The development hereby permitted 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

69 145222 - LAND WEST OF 19 WAGGONERS CLOSE, SCOTTER

The Chairman introduced the next item, application number 145222, for change of use of open grassed land to domestic garden land, on land west of 19 Waggoners Close, Scotter, Gainsborough. The Officer gave no updates, and conducted a short presentation on the application.

The Chairman advised that there were three registered statements, and invited the first

statement, from Scotter Parish Council, to be read aloud by the Democratic and Civic Officer. The following statement was read aloud.

“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.”

The Chairman thanked the Officer for reading the statement, and invited the next registered speaker, Jon Bayley, the agent for the application, to address the Committee.

In his statement, the speaker expressed a particular interest in the application's attention and hoped his statement would clarify the differing planning, historical, and legal aspects of the application. He stated that the site was not designated as a Local Green space, a protected open space under the same local plan, or the Scotter Neighbourhood Plan and that the site was not publicly accessible.

The speaker explained that this was one area of land under the applicant's ownership, which was maintained. Members heard that the land was identified initially as open space under the original planning approvals for broader development but was not formally adopted and that legal statements confirmed that it was not for public use but would benefit the public visual amenity.

The speaker stated that the original agreed plan formed part of the full site landscaping scheme covered by condition on the previous original planning applications. This was not yet formally implemented, nor was the variation in the initially approved landscaping, and the planted trees were relatively minor.

The speaker said that the sites still include some trees, a grassed area and hedging, and clarified that in the 12 years of maintenance, the applicant had started planting native hedges and fruit trees, improving the biodiversity and visual amenity without concern.

The statement progressed to say that the landscaping was well established, offered ecological benefits and was considered a vital quality of an otherwise dense, hard, landscaped development. The speaker stated that the application should be viewed to formally confirm the classification of this piece of land as domestic land to allow it to be incorporated under a single Land Registry title plan of 19 Waggoners Close. The speaker concluded that there was no argument for the proposed conditions.

The Chairman thanked the speaker for his statement and invited the final speaker, Janet Evans, an objector, to address the Committee.

In her statement, the speaker spoke on behalf of herself and a fellow objector, hoping the Members had read the case report. She referenced that the application was based on the 2003 issued reserved matters and the site's long history. The speaker referenced four similar estates in Scotter and that Waggoners Close was the odd one out as it did not have a public open space and one that the Parish Council had designated.

The speaker then referenced comments from a previous senior officer at West Lindsey District Council, which asserted that the space was designated as open space. However, the District Council did not implement any mechanisms to ensure that it was transferred to the parish council or West Lindsey from the developer as a public space.

The statement progressed to discuss the case report and referenced the reserved matters. Although the site was earmarked to be public, open space and publicly accessible through the granting of outline planning, permission and reserved matters, the approvals did not successfully control or secure this. It was also never fully implemented.

The speaker explained that a similar case in Fenton was too different due to the Section 106 agreement and the Parish Council owning the land for its eventual granting via appeal to apply.

Discussing this appeal, the speaker stated that West Lindsey District Council, in the first instance, refused the granting, which the Authority said that although it was an open space, it was not to be used for garden use.

The speaker moved to the specific design, stating that the height of the hedge was discussed, and the report noted a reduction in the height of 0.25 metres. The speaker then discussed the applicant's removal of the internal board fence and the possibility of privacy concerns in looking over the applicant's garden.

The speaker concluded her statement that there were 11 objections out of the 29 residents on Waggoners Close and asserted that enhancing one individual on Waggoners Close would be to the detriment of the 29 individuals.

The Chairman thanked the speaker for her statement and invited a response from the Planning Officer. In her response, the Officer clarified that the allocation of the land and the policies indicated by the Parish Council could be found in LP 23 regarding local green space and other important open spaces in the Local Plan. This site was a designated local green space.

The Officer explained that LP 23 was not engaged in this instance, as there was a history of development, and that it can be classed as an open landscape area for the area's visual amenity only. The Chairman then invited comments from Members of the Committee.

Members brought up many issues, including the set-up of the application site, the initial perception of what the land was to be, and the need for action and record-keeping for designating the site in the Neighbourhood Development Plan. Comments were also made

about other Neighbourhood Development Plans incorporating similar land and ownership of the land.

Responding to a comment about the open space and hedgerow, the original scheme that was approved did have a partial hedgerow around the site, but by a 1-metre hedge.

In response to a set of queries about the land ownership, Members heard that there likely was no title plan with HM Land Registry and that this application was intended to allow it to be registered in the same ownership. The Legal Advisor explained that it was likely that the site had been maintained for 12 years and wanted the plot registered under a conjoined title and to make it one plot.

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 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 reenacting 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.

70 144289 - LAND OFF STATION ROAD, REEPHAM

The Chairman introduced the final application of the meeting, application number 144289, to demolish swimming pool and annexe building and erect 1no. detached dwelling, on land off Station Road, Reepham, Lincoln, LN3 4DN.

Note: Councillor I. Fleetwood declared a non-pecuniary interest that he was the County Councillor for Bardney and Cherry Willingham, which included Reepham, and had attended Parish Council meetings. He had not discussed the application, and would remain in the Chair.

The Officer informed Members that there were no updates and gave a short presentation. The Chairman advised that there were no registered speakers and invited comments from Members of the Committee. Members provided comments about the size of the land and the dwelling usage.

In responding to a query about the access, the Officer clarified that it was a gate used by the existing dwelling and was to be continued to be used by both dwellings in the outcome of this proposed dwelling being built. Members also learned in separate queries that this proposed dwelling was one and a half storeys in height and that the full materials would be known and applied for at a later date.

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 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 reenacting 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.

71 DETERMINATION OF APPEALS

The determination of appeals was **NOTED**.

The meeting concluded at 8.10 pm.

Chairman



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.

The planning committee at its meeting on 2nd November 2022 resolved to defer this planning application for a member site visit. The planning committee site visit took place on 10th November 2022 commencing at 11.30am.

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, PTTs 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 PPTS (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.

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

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

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

criteria states that access to services and facilities would be preferred by 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 does 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.

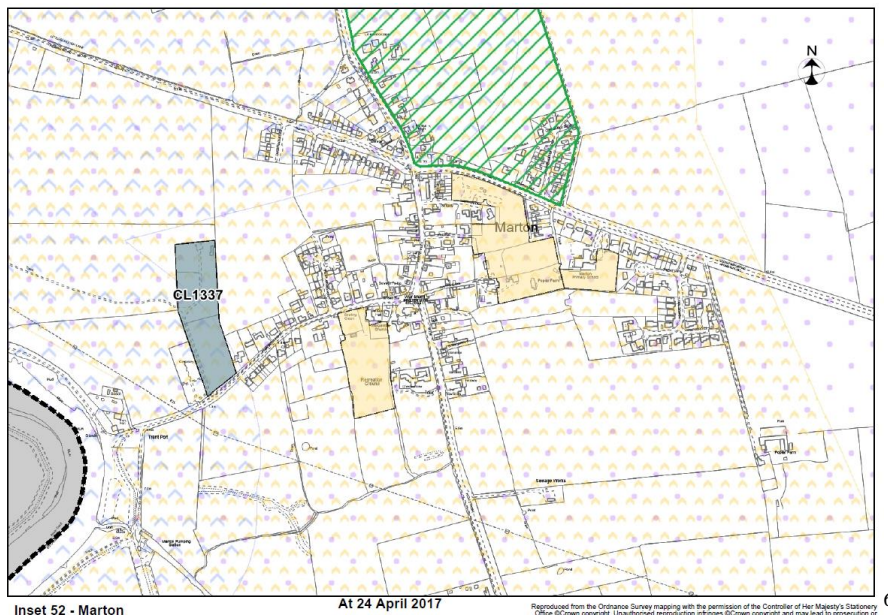
Table 1: Summary of accommodation needs 2019-40 (pitches)		
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Total 2029-34	11	11
Total 2034-40	15	15
Total 2019-40	41	32

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**

Prepared by: Ian Elliott

Date: 15th November 2022

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.

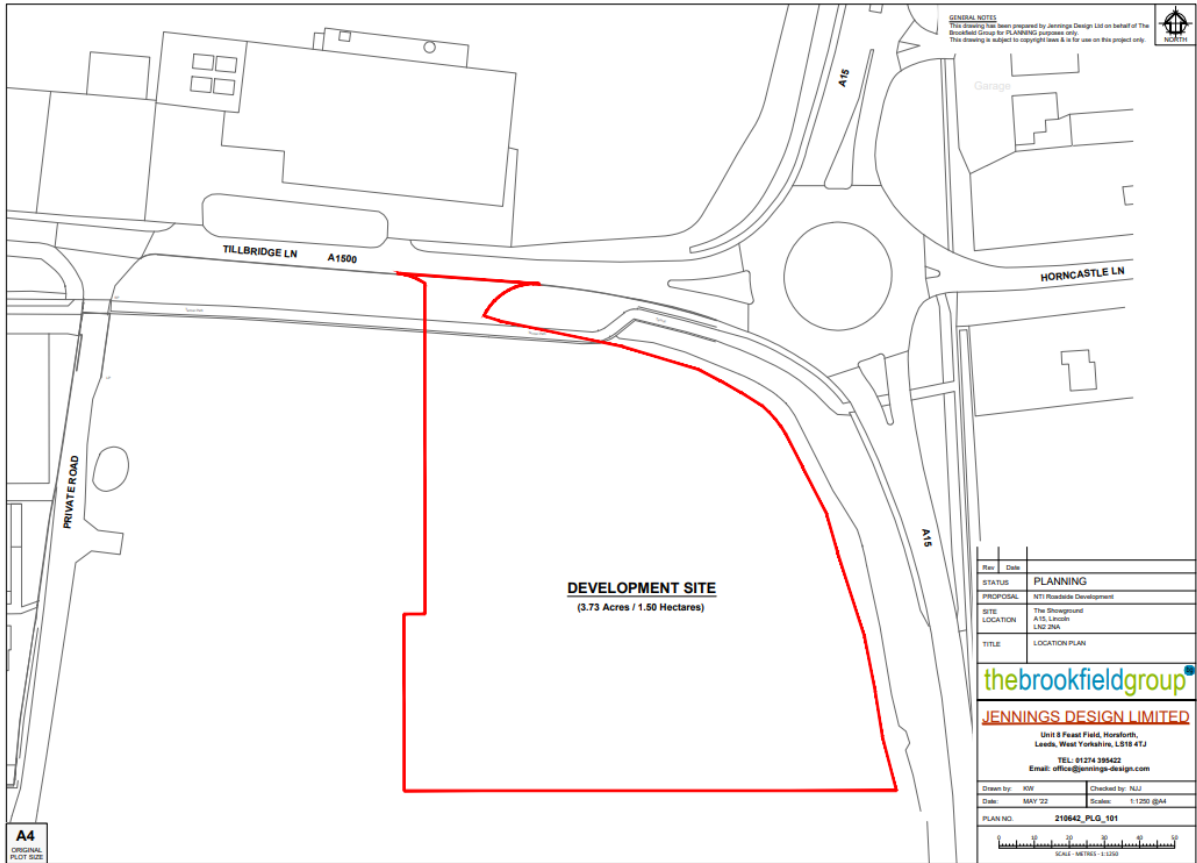
3. Within 3 months of the date of this permission comprehensive details of a footway (width to be agreed) to connect the development from the west of its vehicular access to the existing footway network to the east of the A15, must be submitted to the Local Planning Authority. The detail submitted must 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.

Agenda Item 6b



Officers Report

Planning Application No: 145260

PROPOSAL: Hybrid planning application comprising: (1) full planning application for a petrol filling station (Sui Generis) with rapid electric vehicle charging facility and retail kiosk (Use Class E), alongside a drive- thru coffee shop (Use Class E / Sui Generis) with associated access, parking, servicing and landscaping areas; and (2) outline planning application for an additional drive-thru facility (Use Class E / Sui Generis) with associated parking, servicing and landscaping areas (with all matters reserved for future consideration).

LOCATION: Land at Lincolnshire Showground Horncastle Lane Scampton LN2 2NA

WARD: Saxilby

WARD MEMBER(S): Cllr Mrs J Brockway, Rev Cllr D J Cotton

APPLICANT NAME: Brookfield Property (Holdings) Ltd and the Lincolnshire Agricultural Society

TARGET DECISION DATE: 01/11/2022

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Rachel Gordon

RECOMMENDED DECISION: Grant permission

The application is presented to planning committee as a potential departure from some policies of the Development Plan (namely, LP5 and LP8 of the Central Lincolnshire Local Plan), and following representations from third parties including Riseholme Parish Council, a nearby Parish.

Description:

The application site comprises around 1.5 ha of land, within the confines of the Lincolnshire Showground. It lies within the Parish of North Carlton - It is located on a key main road junction (A15/A1500) to the north of Lincoln and to the east of Riseholme College. The site lies around 6.5 km to the north of Lincoln City Centre. A mixture of non-residential uses exist within the environs of the site, including college buildings to the west, a furniture shop to the north-west as well as kennels and a van hire business to the north east. Existing planting exists around the northern and eastern perimeters the site, along the A1500 and A15. The site is bound, to the north by the A1500; to the east by the A15 and; to the south and west by open showground land.

The application seeks full planning permission for a petrol filling station (Sui Generis) with rapid electric vehicle charging facility and retail kiosk (Use Class E), alongside a drive- thru coffee shop (Use Class E / Sui Generis) with associated access, parking, servicing and landscaping areas;

and

Outline permission for an additional drive-thru facility (Use Class E / Sui Generis) with associated parking, servicing and landscaping areas (with all matters (layout, scale, appearance, access and landscaping) reserved for future consideration).

The proposal seeks to provide a roadside services scheme comprising:

- a petrol filling station with associated retail kiosk and rapid electric vehicle charging facility;
- a drive-thru coffee shop and;
- an additional drive-thru unit.
-

Petrol Filling Station

The proposed petrol filling station would be a modern, eight-pump facility offering a range of services for the motorist, including car cleaning and air & water facilities. The forecourt of the petrol filling station would be sheltered by a steel canopy, underlit by LED lighting. The canopy and roof of the kiosk would also accommodate solar panels over an area of approximately 250 sqm. This, in turn, would generate c. 52kWp of green, renewable energy.

Proposed Roadside Services Facility

The associated retail kiosk would have a floor area of 500 sqm (GIA) and in line with most modern petrol filling stations would offer a selection of mainly convenience goods items and refreshments as an ancillary offer to the main use. It would also offer a selection of fresh bakery items, as well as providing wider customer facilities including toilets and an ATM facility.

All the external plant equipment and refuse bins associated with the petrol filling station are to be located within the open roofed external component which will form part of the building envelope of the retail kiosk.

A patio/seating area is also to be provided to the south of the retail kiosk for customers and for those wishing to take a break from a journey, including for those people making use of the rapid electric vehicle charging points.

The petrol filling station will also provide fuelling for HGV vehicles, accommodating four high speed pumps.

Vehicular access to the site is proposed from the north, with a separate entrance and exit point provided either side of the forecourt. 16 customer parking spaces are proposed (including 1 accessible parking bay) as well as 10 staff parking bays.

A pedestrian access into the site is proposed, with a zebra crossing providing a safe route to the retail kiosk. A further pedestrian access is to be provided to the west, connecting to the wider showground site. A cycle stand is also proposed immediately to the south of the retail unit.

Electric Vehicle Charging Hub

The EV charging hub will be located in a central position to the east of the site. It will initially comprise 8 rapid charging points, with associated parking bays. The charging points will be sheltered by 4m high canopies to ensure that users are sheltered in all weathers.

Five waiting bays are also to be provided, with passive infrastructure provided to allow these to become future charging points as demand for EV charging increases.

The specification of the rapid EV points would provide an 80 mile top up to electric vehicles in as little as 15 minutes and would be accessible at all times.

Drive-Thru Unit 1

The drive-thru unit to the south west of the PFS would be operated as a drive-thru coffee shop and would have a floorspace of 200 sqm (GIA). The unit, which would operate under Use Class E / Sui Generis, would offer barista-quality coffee and light refreshments to customers arriving by car, as well as offering a service for walk-in customers.

Vehicular access to the drive-thru unit would be provided via the main internal access road. A safe pedestrian route between the drive-thru unit and PSF would be provided via dedicated footways and zebra crossings.

32 parking bays (including 2 accessible bays) are to be provided as part of the drive-thru unit as well as a cycle stand to the north east.

Drive-Thru Unit 2

The second drive-thru unit would be located to the south east of the site and would have a maximum floorspace of 165 sqm (GIA). The unit would be operated under Use Class E / Sui Generis.

Whilst the details of the drive-thru unit 2 would be subject to Reserved Matters approval, the Illustrative Masterplan which accompanies this submission shows one such way that it could be delivered, with safe pedestrian routes connecting the unit to the other facilities provided within the site.

The Illustrative Masterplan also shows how the unit can be served by adequate car parking provision showing, indicatively, 27 parking bays.

Relevant history:

None

Representations:

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

North Carlton Parish Council (host Parish): No representations received to date.

Welton Parish Council (adjacent Parish): The Council has no comments or observations on this application.

Riseholme Parish Council (Parish approximately 1.5km to the south-east of the site): Riseholme Parish Council is not against sustainable development in the right location. Due to the “strategic importance” of The Lincolnshire Showground as a flag ship for Lincolnshire, which is arguably the largest and most important agricultural county in the UK, The Central Lincolnshire Local Plan 2017 has a Policy LP 8 solely dedicated to the area. In the Central Lincolnshire Local Plan 2022, which was only consulted on within the last 3 months and submitted to PINS within the last month, Policy S44 is solely dedicated to The Lincolnshire Showground as this principle has not changed.

The emphasis is put on the electric vehicle charging hub. In this application there are two drive thru’s, a petrol station and a shop. The presence of electric charge hubs is only a very minor part of the development. This bullet point also continues with the point that it is “to support the wider function of the Showground”. It is unclear how two drive thrus and a shop does meet this aim. Most functions on the Showground include catering facilities which are all part of the “entertainment”. When entering an event, especially a major one, it is almost impossible to exit it to get food from an outside supplier and re-enter. On site catering is part of the event attraction and presumably provides revenue to The Showground.

The application states that “The expansion and improvements to the buildings has led to the Showground to attract and hold many events enabling two or three to be held at the same time, particularly during the peak summer “outdoor” season. Such events require 2 more areas for vehicular parking and when two or three events are being held at the same time, each one requires its own separate vehicular parking to enable each event to be managed safely.” The applicant in their planning statement in support of this development at paragraph 2.2 states as a main reason for this area to be developed :- “The application site is very occasionally used for informal parking – linked to showground events – but this occurs on less than 5 days of the year and the site is, therefore, currently underutilised.” Comparison of these two statements brings the natural conclusion that if extra parking is required the application site is perfectly placed for extra parking being positioned next to the main exit on flat land which is ideal for a parking and access and egress.

Further, Riseholme Parish Council are aware that the application site is not just used for “informal parking less than 5 times a year”. It is used for equestrian events as the jumps are set out in this area, tents have been regularly set up on this area for variety of events over the recent years. (Covid have prevented some recent events having taken place but they are now back.) The circus sets up in this area, as well as the Steam Rally

events and it is the regular parking area for the large events that have taken place. This is to name a few of the occasions when it is directly used by The Showground. However, what is striking that despite this full response from the Lincolnshire Agricultural Society these amendments were not included for good reason by Central Lincolnshire Local Planning Team who are experts in this field and work to ensure the successful development of the area within the context of Central Lincolnshire. In comparing the Policy LP8 with Policy S44 there have been no changes to the wording.

Any development has to accord with these overarching principles:

- This is a key agricultural show venue in the UK. It is incomprehensible that this farming county which proudly champions good food from vegetables to the south from Spalding, local Lincolnshire Red Beef and fresh fish from the south of the Humber considers that putting fast processed food, synonymous with drive thru's, is compatible with sustaining the Lincolnshire Showground as a show case venue for Lincolnshire Agriculture.
- The concept of a petrol station and fast food by its nature means that the customers are not looking to "increase overnight stays" but rather just continue driving through Lincolnshire
- Fast processed food does not meet any of the visions of the GLLEP for increasing the agri food sector in greater Lincolnshire. It would not show case local produce or evidence the fact that we " have more Grade 1 agricultural land than any other LEP in the UK" nor " support the ambitious programme of investment in productive capacity skills and knowledge to drive an increase in high -value- added sales to UK and export markets." (Greater Lincolnshire Local Enterprise Partnership statement)

In considering the bullet points and using the applicant's submitted plan prepared by Jennings Design Limited ref No 210642_PLG_111A the development site area is 1.5 hectares or approximately 15000 square metres. The applicant's planning statement at paragraph 5.15 states that the "application scheme" is 862 square metres. This figure is arrived at by combining the shop of 500 square metres, drive thru 1 which is 200 square meters and drive thru 2 which is 162 square metres. This is to bring the site within the policy requirement:- Employment related development (B1) (up to 3,500 sqm); This does not include the following:-

- petrol station, with 8 petrol pumps, 4 HGV high speed filling pumps and 8 electric vehicle charging points,
- the 85 parking bays, • the patio area and
- all other areas which are part of the development site which are needed to support the facilities from waste refuse to sanitary stations. In accordance with the actual plans submitted by the applicant, the development site is approximately 15,000 square metres.

This application is clearly not a Conference Facility, expansion of the Agricultural College or a hotel. It is not employment related development up to 3,500 square metres for reasons set out above. It is not a facility which is at all directly related to the functioning of shows on the showground itself.

The applicant sets out clearly in his planning statement paragraph 3.2 the purpose of this facility - This roadside services facility would deliver important new local transport infrastructure that will address a significant under-provision of vehicle refuelling/recharging facilities within the area and along this particular section of the A15. It will also increase local choice and competition for fuelling facilities. By their own admission the purpose is not to support shows on The Showground. Riseholme Parish Council fully agree with the applicant, the nature of this development has little or no relevance to the function of the Showground. It is also clearly not a "minor ancillary development linked to any of the above" Therefore, it meets none of the required policy criteria of Policy LP8 (Policy S44). In terms of the ancillary requirements listed in a)-c) of Policy LP8 (Policy S44) the following points are considered relevant:- Drive thru facilities are renowned to have a detrimental impact on infrastructure. The development will only be accessed by vehicles. This will either be by way of destination of choice or by passing traffic. Drive thrus are synonymous with tail backs and traffic queues. Only a handful of people live in the locality within walking distance. Lincolnshire Showground, on busy show days, has an impact on traffic in the area with the current road network unable to currently manage traffic flows. This additional extra facility will add a further unacceptable strain on the road network.

The applicant at paragraph 3.23 of the planning statement states it will create 68 jobs. They are making provision for 10 staff parking bays see paragraph 3.12 of their planning statement. Bearing in mind 5 the majority of staff will be part time and shift work, this is a clear acknowledgment by the applicant that staff will have to use car travel to get to work. Riseholme Parish Council agree with this analysis. Litter becomes a major problem with drive thrus not only the site but also in the surrounding area up to a 3/5-mile radius when people eat their food and chose to deposit their rubbish on the roadside. The design of any petrol station and drive thru, however, careful will not blend into the rural setting of The Showground and its surrounding area. The current Epic Centre and Eco Housing on site were most carefully designed to be sympathetic to their surroundings. Great pride and care were taken to ensure they did not jar. Many eco features have been installed. The urban design of fast-food restaurants and a petrol station do not lend themselves to this location. The light pollution which will inevitably happen will damage wildlife. This area is next to an important green wedge to the north of the City of Lincoln. This green wedge has been carefully maintained so that the views into the City of Lincoln when arriving from the north with the Cathedral in the distance have been preserved. The A15 is the old roman road and of historic significance. This is not the "gateway design " to Lincoln that is in character with the rural location. This site will only be accessible by vehicles. The planning application references a bus service and cycle way. The cycle way into Lincoln has been made to be difficult to use due to there being no safe crossing facility at the Riseholme Roundabout since its extension. Six lanes of traffic are now not safe to cross. This has been raised by The University of Lincoln as well as Riseholme Parish Council as it is unsafe for students as well as local people. The bus service is very infrequent, it is doubtful that service runs more than twice a day. This is not used by students or local people. Students have to be separately bussed to the colleges by The University several times a day. This

development will not enhance sustainable linkages. The applicant in his 20 page planning statement plus appendices refers to Policy LP8 at paragraph 4.2 and 4.3 but only tries to relate the application to Policy LP8 requirements at paragraphs 5.4, 5.5 and 5.6. The applicant at 5.7 continues by referencing why this application would not prevent the further functioning of The Showground and prevent further development in line with Policy LP8. This is an unusual method of promoting an application as it is this application itself (not future applications) which is being considered as to whether it is Policy LP8 (policy S44) compliant. The only other detailed reference is at paragraph 5.15 of the planning statement and that incorrectly references the size of the development. Riseholme Parish Council are of the view that Policy LP8 (Policy S44) is barely mentioned, albeit the primary policy, as this application is not all compatible with it. Rather emphasis is put on other policies within the Central Lincolnshire Local Plan. It is accepted in some part these other policies are relevant but only if the requirements of the primary Policy LP8 (PolicyS44) are met. The applicant however, fails to deal with Policy LP9 apart from identifying it the planning statement at paragraph 4.10. This policy specifically mentions at paragraph 4.2.2 the problems relating to rising obesity. Paragraph 4.2.5 states developers are to design out “negative health impacts”. The medical evidence is now unequivocal. Fast food is detrimental to health and main cause of obesity. Therefore, building 2 fast food restaurants only accessible by vehicles is contrary to this policy. Part of the arguments put forward are, if anything, contrary to Policy LP8. Outside catering will be contrary to the interests of events on the Showground with their own catering. It takes up valuable 6 parking space as well as event space for the ever expanding show diary.

Policy LP8 (Policy S44) supports the expansion of The Agricultural College, Conference Facilities and a hotel. If space were taken up on the Showground for this development less land will be available for the required and welcomed development. Reference is made to other similar facilities being too disparate in the area and the need for a facility such as this at this location. However, Lincoln is well served already. As the map supplied by the applicant evidences, if you approach the Riseholme roundabout from the A15 and turn south there is a petrol station at Doddington Road and at least two eating facilities. At the following roundabout there is a new takeaway facility as you travel toward Lincoln. At the “Bentley Hotel” roundabout there is a petrol station and overall at least four different eating options from fast food to sit down restaurants covering all budgets and needs. If you approach the Riseholme roundabout and turn east, there is within yards a petrol facility, 3 drive thru fast food options together with a parade of shops offering a greater selection of takeaway food. If you drove from the Riseholme Roundabout straight towards Lincoln there is immediately a petrol and a shop facility. If you continue going into Lincoln you very quickly find all the town amenities. Therefore, there is no shortage of fast food and petrol station options. Much is made by the applicant of the electric vehicle charging. The existing petrol stations will inevitably include this option within their offer as well as some takeaway restaurants. Therefore, for all these reasons Riseholme Parish Council are of the view this application is not supported by the policies and is not sustainable development.

Local residents: Support –

38 Beckhall, Welton - This would be a positive improvement to the area which currently lacks easily accessible coffee shops. I would expect this to be a popular spot for cyclists to get refreshments so would like to see more cycle parking provided than that shown in the overview plan. Perhaps on the other side of the carpark near the crossing if space is not available immediately outside. I would also like to see the coffee shop open until 10pm if possible. Should this go ahead I would expect to be amongst its regular customers.

Arthur Swallow Antique & Home Shows – We are long standing users of the showground and were pleased to read that they are applying to provide more services on site. This is great for our customers who come from all over the country to take part in our antique fairs and markets.

We moved to the Showground about 15 years ago from a site at Swinderby to get much better facilities for our traders. At present we hold 5 antique fairs and 8 vintage flea markets each year. In total we use the showground 33 days a year. Held over 5 days, the antique fairs start with set up, then 2 days trading and then 1 day breakdown. Some of our people and quite a few of the traders stay overnight on the site, others arrive very early in the morning and having a shop, some fast-food places to eat, cash withdrawal facility and fuel on site will be a big help to them.

Each fair attracts over 500 traders and each vintage market about 50 traders, plus the general public attending on trading days. Our company relies on the support of all these small businesses. It is quite competitive and lockdown didn't help them or us; but things are improving.

We are always looking at ways to help our traders and their customers have a better experience; and definitely having access to good food, a shop and fuel is welcomed by us.

We support what the show society are trying to achieve through this planning application.

Awaken Event – I have been told about the above planning application on the Lincolnshire Showground where we regularly held our annual Christian Festival – Awaken, previously the ONE Event up to the pandemic. We are back there for August Bank Holiday in 2023.

I think we are one of the largest camping events that the showground host with 4 event days, 5 nights of camping and over 6000 campers and visitors.

We do provide entertainment and some of this has catering but having access from within the Showground to a convenience store and some fast food would be very much welcomed by our visitors.

Our festival is a national event, and our visitors travel from all parts of the UK. As electric cars become more popular it will be a big plus to have charging points on site as well as petrol etc.

The pandemic made it difficult for us, but we are keen to get this important faith festival back on track but aware that our visitors are increasingly asking us to provide better facilities, so this project if it passes planning will certainly be a benefit for us.

Warners Shows – Warner Group Publications first launched at the Lincolnshire Showground in 2001. Firmly established as one of our largest Motorhome Shows with over 2500 motorhomes on site, plus trade exhibitors, over 9 days, including set up and breakdown. This major event involves in the region of 50 contractors and marshals working on site during the set up and breakdown.

The availability of fuel including the electric charging points on site is a real bonus for our visitors, most of whom camp overnight but we also attract large numbers of day visitors.

The addition of particularly a shop but also food services will be a real advantage to the event, as currently our visitors have to travel off site to access these amenities.

The shop and food are particularly useful to the contractors and marshals who work long hours during set up and breakdown.

We are pleased to support the Society's plans to improve both the Showground itself and as with this planning application new services on site.

Warner's host events across the countries showgrounds. Lincolnshire Showground being one of the premier sites with regards to size and quality. This development will add to and enhance the customer experience on site.

We would welcome and are pleased to support this planning application.

General Observations –

10 Woodland's Edge - I would hope as part of the approval, consideration is given to extending the footpath further down the A1500 to allow pedestrian access from the local college and the houses located at Woodlands Edge. Will there be a time limit on opening hours to respect residential housing located nearby.

16 Dunholme Road, Welton - Nothing wrong with proposed development except that it is in the wrong place. The proposed site is essential car parking space on show days and other major events, at this years show car parks were full and overspilled into neighbouring farmers land which may not be available in the future. The A15 is completely closed to non-show traffic on show days. Traffic is chaotic on show days and does not need the further complication of a petrol station and coffee shop. I live 3 miles from showground and it took me 45 minutes to get into this years Show on the first day. This development should proceed at the Riseholme Road roundabout A15/A46 junction as part of a large multipurpose development embracing park and ride, (also accessible from Burton Road), visitor reception facilities for the city and coast bound traffic with good access and facilities for HGV's. A large block of land is currently on the market which would allow a mix of commercial, leisure and residential property to be developed for years to come. The site bounded by A46/A15/ Burton Coach Road and Burton Road is on good free draining land and with a little screening would have little visible impact and far preferable to the proposed developments on the western growth corridor flood plain.

Lincolnshire Agricultural Society (LAS) (in brief): It is hoped that with the expanded facilities that this application offers then LAS may be able to attract a hotel operator to the site. In our discussions with hotel operators, the lack of additional facilities has been a deterrent to them coming. A direct footpath link from the development to the

Showground and to the area between the application site and Bishop Burton College further enhances this.

As you know there are many events held on the Showground over a year. We are aware of three letters of support from some of the larger event organisers. The additional facilities proposed will enable the showground to remain a premier location for these events which bring much needed economic benefits to the district.

I note the comments received and particularly those from Riseholme PC. Throughout our discussion with the joint applicant, Brookfield, we have been mindful of the need to protect the history and rural nature of the Showground. This, whilst recognising that it is an important venue for our own charity's work and that of other charities and commercial businesses, is why to be a modern Showground we need to move with the times.

Visitors and event organisers increasingly demand better facilities; the Society is fully aware that it needs to facilitate the improvement of what it offers on the Showground through investment by its own members, or as with this planning application, investment by a commercial supporter. We cannot stand still and expect to survive as a charity with a large Showground unless it can be maintained to the high standard required by our present and future customers.

LCC Highways and Lead Local Flood Authority: 02/09/22 - Highways - Can the applicant confirm the following transport information:

- The annual average daily traffic (AADT) flow of the A1500 Tillbridge Lane at the site.
- The daily total number of trips the development proposal is likely to generate.

If the proposed access is to remain as designed, there will be a requirement to incorporate a pedestrian refuge between the lanes due to the width shown.

Drainage - The proposed drainage strategy is based on assumed infiltration rates, it is recommended that site specific ground investigation is carried to determine infiltration rates and the ground water table level (WTL). A buffer of 1m is required from the underside of the construction of any soakaway and the WTL.

08/11/22 – No objections subject to a surface water drainage condition and two informatives.

Environmental Protection: 06/09/22 - Hours of operation have not been provided for this application. In order to protect nearby residential properties I would recommend that the drive-thru coffee shop is open no later than 10pm. I would also recommend that a noise impact assessment is provided for the additional drive-thru facility at the reserved matters stage.

Two conditions requested for contamination and a construction management plan.

29/09/22 - I will support the drive-thru coffee shop opening later, if reassurances can be given that it will not impact on any residents. My main concern here is the noise from

amplified voice through the drive-thru speaker as I am aware of issues with this for other developments.

Anglian Water: 15/08/22 – The foul drainage from this development is in the catchment of Scampton RAF Water Recycling Centre that will have available capacity for these flows.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

20/08/22 - We have reviewed the submitted documents and we can confirm we have no additional comments to add to our previous response PLN-0152369.

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

Environment Agency: No objections, one condition regarding underground tanks and one informative.

Archaeology: Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by appropriate conditions to enable heritage assets within the site to be recorded prior to their destruction.

Idox checked: 08/11/22

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
- LP5: Delivering Prosperity and Jobs
- LP6: Retail and Town Centres in Central Lincolnshire
- LP7: A Sustainable Visitor Economy
- LP8: Lincolnshire Showground
- LP9: Health and Wellbeing
- LP13: Accessibility and Transport
- LP14: Managing Water Resources and Flood Risk
- LP17: Landscape, Townscape and Views
- LP18: Climate Change and Low Carbon Living
- LP21: Biodiversity and Geodiversity
- LP25: The Historic Environment
- LP26: Design and Amenity

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

- **Neighbourhood Plan (NP)**

The Parish Council are not currently preparing a neighbourhood plan.

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

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

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

National policy & guidance (Material Consideration)

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

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

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

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

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

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

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

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

- **Draft Central Lincolnshire Local Plan**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (“Reg 18”) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft (“Reg 19”) of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination. The Examination commences on 15th November 2022.

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.

Relevant policies include:

- S8: Reducing Energy Consumption – Non-residential Buildings
- S11: Embodied Carbon
- S12: Water Efficiency and Sustainable Water Management
- S14: Renewable Energy

NS18: Electric Vehicle Charging
S20: Resilient and Adaptable Design
S21: Flood Risk and Water Resources
S44: Lincolnshire Showground
S47: Accessibility and Transport
S48: Walking and Cycling Infrastructure
S49: Parking Provision
S53: Design and Amenity
S54: Health and Wellbeing
S57: The Historic Environment
S60: Protecting Biodiversity and Geodiversity
S61: Biodiversity Opportunity and Delivering Measurable Net Gains
S66: Trees, Woodland and Hedgerows

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

Main issues

- Principle
- Job Creation
- Health and Wellbeing
- Impact on the Character of the Area
- Highways
- Flood Risk and Drainage
- Residential Amenity
- Ecology
- Minerals
- Archaeology

Assessment:

Principle

The site is part of the Lincolnshire Showground, and is allocated as a Strategic Employment Site (E7) in the Central Lincolnshire Local Plan (2017). Accordingly, policies LP5: Delivering Prosperity and Jobs, and LP8: Lincolnshire Showground fall to be considered.

The site is part of the Lincolnshire showground and therefore policy LP8 is applicable which specifically relates to the showground.

Policy LP8 states that unless otherwise automatically permitted by virtue of a Local Development Order, the following development within the Lincolnshire Showground area, as defined on the Policies Map, will be supported in principle:

- Facilities directly related to the functioning of shows on the showground itself;
- Conference facilities (D1 and D2) (up to 4,000 sqm);
- Expansion of Agricultural College functions (C2) (up to 8,000 sqm);

- Employment related development (B1) (up to 3,500 sqm);
- A hotel (C1) (up to 100 beds);

Other minor ancillary development linked to the above uses.

All such proposals should demonstrate their compatibility to the main showground use. Proposals which would negatively impact on the scale of shows which could be accommodated on the showground will be refused.

Particular attention should be given to:

- ensuring the proposals have no detrimental impact on the functioning of infrastructure;
- the careful design, layout, scale and height of buildings, taking account of the otherwise rural character in which the showground area is located; and
- improving linkages, by sustainable means, to the Lincoln urban area.

The application proposes a petrol filling station and two drive thru facilities. These are considered to be sui generis (i.e. unclassified) and class E (Commercial, Service, Business) uses. It does not therefore benefit from the direct support of policy LP8. Nor could it be considered as “minor ancillary development” linked to such a use.

Nonetheless – the policy does not state that other uses will be refused, rather that *“Proposals which would negatively impact on the scale of shows which could be accommodated on the showground will be refused.”*

The Lincolnshire Showground - both as a charity and events venue - attracts hundreds of thousands of visitors each year to its own charitable events including the Lincolnshire Show; and other local and national charities’ events. Many of these events are open to the public and, in any one year, there are over 70 days where visitors stay overnight at the showground, either camping or caravanning.

The Planning Statement states that

“At present, campers and visitors are obliged to travel by car to Lincoln or Welton to buy fuel, food & drink and other essentials. The offer of these on the showground will help reduce the need for visitors to travel further afield for these goods and services and, by improving the existing offer, will help the Charity attract more visitors and particularly more overnight stays. For this reason, the Lincolnshire Agricultural Society has made written representations to the emerging Local Plan in order to actively promote the type of development included within this application, explaining how it would help support the existing showground use

Importantly, the proposed scheme would not compromise the wider functioning of the showground, nor the ability to the deliver further types of development under Policy LP8 and emerging Policy 44. Indeed, the proposed uses would help support any further employment or leisure development (e.g. a hotel) that may come forward in the future and provide a more commercially scheme overall. At a practical level, the representations referenced above also 1 In the year 2018/19, the Lincolnshire Agricultural Society reported the Showground having received

over 300,000 visitors confirm that the site is not actively used for shows and whilst it is used, very occasionally, for informal car parking, this occurs on less than 5 days of the year and is capable of being provided elsewhere on other land owned by the charity”

Riseholme Parish Council allege that the proposed development would not support the wider function of the Showground. However, it is noted that the Lincolnshire Agricultural Society consider that it would – It would bring the convenience of electric charging, fuel and roadside services to site users – as well as food and convenience items.

However, the site is enclosed and not accessible by vehicles directly from the Showground – they would need to leave the Showground and enter the site via the A1500.

The layout does however make direct pedestrian provision to the college and showground. This will be conditioned for access to be made available at all times.

It is noted that the LAS comments consider that the development would (indirectly) support the showground, by bringing facilities in proximity of site users. It is further noted that a number of site users have also written in support of the application for this reason. These are matters that can be attached some weight.

Riseholme Parish Council allege that this area is currently used for events. Upon the officer passing the site it was seen that this part of the site was being used for equestrian activities. However, it is noted that other land within the showground is available and can be provided within the site for parking and the site area proposed does not compromise the showgrounds predominant use. The LAS has confirmed that activities that have taken place in this area can be accommodated elsewhere on the site. It is noted that the LAS consider this to be an underutilised area and that it is not essential for operations at the showground. This is a matter that may be given weight.

It can also be noted that the site is within an area designated as a Strategic Employment land in the Central Lincolnshire Local Plan. The Development Plan therefore marks this area of the Showground, as an area for development.

It is overall considered that the development is likely to bring indirect benefits to the Showground through access to convenience services and food provision, and would not be expected to negatively impact on the scale of shows that it can currently accommodate.

Whilst uses are proposed that are not directly supported by policy LP8 – it nonetheless meets the criteria in regard to its relationship with the Showground.

The statements from the planning statement and additional information submitted have shown accordance with policy LP7.

Policy LP7 states that development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and accommodation, including proposals for temporary permission in support of the promotion of events and festivals, will be supported. Such development and activities should be designed so that they:

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

The proposal would improve the offer of the showground, the college campus and is considered to meet criteria a-d above (c and d detailed further in the Impact on the Character of Area). The offer of the shop, drive thru units and filling station would contribute to the local economy and would be for the benefit of the local communities and visitors. Support has been received from large event organisers that use the showground.

The proposals location would also attract passing trade from customers on the A15 not visiting the showground.

In addition to providing food and drink and other essentials, fuelling facilities for cars and HGVs and the delivery of a rapid EV charging hub has been proposed. It is agreed that there is a lack of charging infrastructure at a local and national level and this need is recognised by Central Government to accelerate the roll-out of good quality new charging facilities that include rapid charging points. By fronting onto the A15, not only would the proposed charging hub help address the deficit of electric vehicle charging provision within the local area, it would also directly assist with the roll-out of new rapid charging infrastructure capable of serving the wider strategic road network.

The local plan is silent on roadside service stations and should be assessed in accordance with policy LP1: A Presumption in Favour of Sustainable Development.

Policy LP1 states that the districts will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in Central Lincolnshire.....Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the appropriate Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

Paragraph 152 of the NPPF states that the planning system should support the **transition** (emphasis added) to a low carbon future in a changing climate.

It is noted that the proposal provides fossil fuels. However, as there is the transition from combustion engines to electric vehicles, the need for fossil fuels has not disappeared and the right infrastructure needs to be in place for fossil fuels to be phased out.

In that regard, the proposal will initially comprise 8 rapid charging points, with associated parking bays. Five waiting bays are also to be provided, with passive infrastructure provided to allow these to become future charging points as demand for EV charging increases.

The NPPF encourages the provision of transport infrastructure necessary to support new development and major generators of travel demand.

It is therefore considered that the application would be in accordance with policy LP1 of the CLLP and with the provisions of the NPPF.

It is noted the objection from Riseholme Parish Council regarding the level of petrol station provision. However, this is predominantly around the Lincoln City area.

Within a 5km radius of the site, the only two other facilities are both located within the northern built up area of Lincoln, comprising Gulf on Riseholme Road and Shell on Searby Road. Neither of these are on main road corridors and effectively serve a localised market, with Shell being functionally linked to the neighbouring Waitrose store. These existing facilities also do not offer EV charging or a drive-thru offer.

The plan at appendix 2 of the Planning Statement demonstrates the lack of roadside services on the main road corridors in the area. In particular, there is no roadside petrol filling stations along the A15 out of Lincoln until Caenby Corner and, beyond that, nothing until the outskirts of Scunthorpe. Westwards, there is also currently no provision between the A15 and A156 along the route of the A1500.

It is therefore considered that the development will provide service facilities to road users, that are currently absent in the District, as well as the aforementioned indirect benefits to users of the Showground.

As the proposal includes a retail offer policy LP6 is applicable.

Policy LP6 states that development proposals for retail and/ or other town centre uses will be directed to the Tier 1 to 4 centres defined in this policy, and will be appropriate in scale and nature to the size and function of the relevant centre and to the maintenance of the retail hierarchy as a whole. Within the Rural Settlements, other than Market

Rasen and Caistor, the scale of provision should be proportionate and strengthen their roles in providing mainly convenience shopping and local services to meet local needs.

Development proposals for main town centre uses in out-of-centre and edge-of-centre locations will be required to demonstrate their suitability through a sequential site test in line with the NPPF.

Policy LP6 also states that in addition, a robust assessment of impact on nearby centres will be required for any edge-of-centre or out-of-centre retail, leisure or office proposal that is located:

- a. within 1km of Lincoln primary shopping area and is greater than 2,500m²; or
- b. within 500m of the boundary of a District Centre and is greater than 300m² gross;
- c. within 500m of the boundary of a Local Centre and is greater than 200m² gross; or
- d. in any other location not covered by a-c above and is greater than 500m².

Section D is engaged and the agent, whilst not specifically submitting an assessment, has addressed this matter below –

“The retail kiosk within the proposed filling station and two drive-thru units represent Class E / ‘sui generis’ uses. Whilst these would fall within the definition of town centre uses, these facilities have specific operational requirements centred around serving the motorist – including showground visitors - and capturing passing trade on the highway network such that it would not be able to perform this function if it were to be located in Lincoln City Centre, or indeed any other centre.

Whilst the proposed shop element of the Petrol Filling Station will provide a convenience offer, its scale is comparable to other similar modern facilities and would be highly unlikely to draw trade away from existing stores in Lincoln, or any other centre. It is anticipated that the retail offer, would largely be incidental to the main fuel offer, with any dedicated non-fuel purchase trips are likely to be of a much localised nature serving visitors to the showground, or by passing motorists seeking refreshment as part of a journey.”

The officer would agree with the above statement and that the retail offer would be incidental to the main fuel offer with any dedicated non-fuel purchase trips likely to be of a localised nature.

The NPPF requires that a sequential approach to site selection be applied to all proposals for main town centre uses (which, in this case, comprises the retail kiosk and drive-thru units), on sites which are not within an existing centre or allocated in an up-to-date Local Plan. Paragraph 87 of the NPPF makes clear that, in adopting a sequential approach, sites should be considered in the following order:

“Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are no available (or expected to become available within a reasonable period) should out of centre sites be considered.”

Annex 2 of the NPPF indicates that, for retail purposes, the term ‘edge-of-centre’ applies to a location that is both well connected to, and within 300m of, the Primary Shopping Area (PSA). The application site lies around 6.5km to the north of the PSA in Lincoln City Centre and therefore occupies an out-of-centre location in the context of national planning policy. On this basis, it is necessary to consider the suitability and availability of potential alternative sites located within or on the edge of existing centres to accommodate the petrol filling station, retail kiosk and drive-thru units, albeit in the context of the specific locational requirements and associated benefits of the scheme.

Of particular relevance in this instance - given the specific locational requirements of the proposal – Planning Practice Guidance also makes clear that such assessments should consider the suitability, availability and viability of the site to meet the need that is to be addressed by the application proposals.

The planning statement states that:

“In this context, the proposed development would meet the need for a new roadside facility on this particular stretch of the A15 and which can also serve visitors to/from Lincolnshire Showground who would otherwise need to travel to alternative facilities 12km to the north at Caenby Corner or to the south within the urban area of Lincoln. In this regard, it is considered necessary that the petrol filling station, retail kiosk and drive-thru units are considered together as an integral roadside services facility, which, for operational and viability reasons, cannot be separated into different components. The NPPF states that applicants and local authorities should demonstrate flexibility on issues such as format and scale (paragraph 88). In this context, where alternative sites are to be considered, their suitability will be assessed in terms of their physical capability to accommodate the form of development proposed in the application – and not whether it can be altered or reduced so that it can be made to fit an alternative site.

The accessibility and visibility of the application site from the A15 is key to the proposal scheme’s commercial viability, along with the provision of the drive-thru units and supporting facilities such as the car wash and jet wash bays. Even allowing for flexibility in terms of format and scale, we are not aware of any sites within or on the edge of the nearest centres (namely Nettleham Road District Centre and Lincoln City Centre) which are suitable and available to accommodate the proposed roadside services scheme. Even if such sites were available, these would not provide a suitable location to address the need identified (i.e. serving the needs of travellers along the A15 and visitors to/from the showground). Accordingly, the development is considered to comply with the

sequential approach for new retail development as set out in Policy LP6 of the Local Plan.”

The sequential approach, and statement by the applicant to address part D of LP6, is considered acceptable and the findings considered appropriate.

In conclusion, it is considered that the proposed development is not directly supported by policy LP8 of the Local Plan. However, it would be expected to bring direct and indirect benefits through provision of roadside services along the A15, and indirectly to users of the Lincolnshire Showground, due to convenient access to food and convenience good facilities.

Job Creation

Policy LP5 states that the Central Lincolnshire authorities will, in principle, support proposals which assist in the delivery of economic prosperity and job growth to the area.

The proposals are anticipated to generate up to 68 jobs in total, comprising a mixture of part time and full time roles. The Brookfield Group seeks to employ local people wherever possible and are flexible in creating roles for a range of people of differing ages.

The proposal site is within an allocated Strategic Employment Site (E7) within the Central Lincolnshire Local Plan.

Policy LP5 states that the site should be used for B uses (including light industrial, general industry / storage and distribution) which are to be defined in a Local Development Order (LDO). The Lincolnshire Showground (together with the Hemswell Cliff Business Park) was identified in 2015 as a strategic site to support the development of a food and farming Enterprise Zone. However, to date an LDO is not in place for this allocated Strategic Employment site, nor is one being prepared.

Had an LDO been in place, this could have meant a range of B uses permitted on the site from office to light industrial to storage and distribution to general industry which possibly would have had no link to the showground.

This allocation is not proposed to be carried across into the Central Lincolnshire Local Plan Review, which is due to begin its examination.

The mixed uses of sui generis and class E are considered to bring a range of part time and full time roles. However, it is likely to be a departure from LP5.

Nonetheless, weight is given to the removal of the employment allocation in the proposed draft Local Plan, the absence of a Local Development Order, and that the proposed development would have indirect benefits that would support the Showground. These are all material considerations that are given weight, and may justify a departure in this instance.

Paragraph 20(a) of the NPPF states that strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:

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

Policy LP5 is consistent with the NPPF and is attached full weight.

Health and Wellbeing

Policy LP9 states that the potential for achieving positive mental and physical health outcomes will be taken into account when considering all development proposals. Where any potential adverse health impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated.

Concerns have been raised by Riseholme Parish Council (RPC) regarding the drive thru units and that they would be detrimental to health and are the main cause of obesity.

It is acknowledged the level of provision within Lincoln and the immediate surrounding areas.

However, there is not a proliferation of such fast food units within this particular area with no comparable uses in the immediate vicinity.

It is not the role of the planning system to regularise the food industry and healthy eating – but to consider the land use planning implications of such a use within this location.

There is no evidence before the officer why this particular location would be unacceptable for a drive thru use.

Whilst it is accepted that fast food outlets could be a contributory factor towards obesity, amongst many other factors, there has been no convincing evidence provided that the proposal would represent a clear conflict with the aim of policy LP9, namely, to create an environment which supports healthy and active communities.

It is therefore considered that the proposal would not have an unacceptable effect on public health and would not conflict with policy LP9. There is also considered to be no conflict with the aims of Chapter 8 of the NPPF which seeks to ensure planning decisions achieve healthy, inclusive and safe places which, amongst other things, enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, including through improving access to healthier foods.

Impact on the Character of the Area

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.

Furthermore it states that all development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible.

Particular consideration should be given to views of significant buildings and views within landscapes which are more sensitive to change due to their open, exposed nature and extensive intervisibility from various viewpoints.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application and summarises –

- The study site is located approximately 3 miles north of Lincoln just off the A15
- 9.2 The site is located towards the south of the National Landscape Character Area 45 – Northern Lincolnshire Edge with Coversands
- Located approximately 3 miles north of Lincoln just off the A15, the site is presently open grassland with buffer planting to the north and east. Beyond this planting lies the A1500 to the north and A15 to the east. To the west lies Riseholme College and to the south, land associated with The Lincoln Showground can be seen. A tarmac paths travels along the northern boundary of the site that links into the paths adjacent to the A15.
- Within the Central Lincolnshire Local Plan Interactive Policies Map, the site is identified as a Strategic Employment Site (E7) and as a Showground under Policy LP8
- A total of 9 individual receptors have been identified as being potentially subject to some form of visual impact from development on the Site. The majority of these are road users, visitors to Chris Sharp Kitchen Showroom, Rhino Van Hire and Lincoln Showground and two residential properties. These receptors would be subject to a 'Moderate', 'Minor-moderate' and 'Negligible' level of visual impact during the construction phase. It is however assessed that this would reduce to 'Minor moderate', 'Minor' and 'Negligible' on completion and as the new planting on site matures.
- The local landscape is assessed to have a high sensitivity to change since. Upon completion of development on site it is therefore assessed that the level of impact would be 'Moderate'.
- In conclusion, the proposals on this site are seen as acceptable and would not have a detrimental impact on the surrounding landscape and visual receptors. Obviously in locations close to the site, clear views would be afforded that would be significantly different from the current situation. However, these would be viewed in conjunction with the very busy A1500 and A15 roads that travel along the northern and eastern site boundaries, along with various signage associated

with the roundabout, Riseholme College and Lincoln Showground. Mitigation planting in the form of trees, hedges and wildflower grass seeding would provide some screening to the development and would also link existing habitat corridors and provide valuable foraging habitats for local wildlife.

The site falls within the Limestone Dip Slope Character Area in the West Lindsey Landscape Character Assessment and part of the character is described as follows:

The Limestone Dip Slope falls gently to the east from the "Cliff". This is a large scale arable landscape, crossed by a number of straight roads and trackways. Many have wide verges and enclosing hedgerows typical of the ancient enclosure roads. The Roman road, Ermine Street (A15) is the most prominent route and runs due north-south across the area, linking Lincoln with the Humber crossing to the north. Lincoln Cathedral is centred on the line of Ermine Street, and there is an impressive sequence of views to the cathedral when travelling south along this road.

The landscape feels very exposed and open, particularly in the west. The large redundant air bases in the area contribute to the large scale pattern and featureless character of the landscape. For instance the bases at Hemswell Cliff and Scampton are both in visually prominent positions. Other large scale sites include an agricultural showground between the A1500 and Ermine Street and a large grain store and warehouse style antiques centre at Hemswell Cliff.

Having considered the character landscape and the LVIA, the officer would agree with the conclusions made in the Landscape and Visual Impact Assessment.

A landscaping plan accompanies the submission which shows the extent of new planting to be provided as part of the proposed scheme. It shows existing vegetation on the northern and eastern perimeter of the site to be retained, with new trees, grassed areas, shrubs and hedges to be planted within the site. These will not only help soften the appearance of the proposed development, it will also provide new habitats for wildlife. The landscaping plan is recommended to be conditioned.

The proposal, subject to conditions, is considered to be acceptable and would not have a detrimental impact on the landscape. The proposal is therefore considered to be in accordance with policy LP17.

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

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change

Policy LP17 is consistent with the NPPF and is attached full weight.

Highways

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

A Transport Assessment has been submitted with the application and concludes –

- The site is located approximately 8.5km to the north of Lincoln and abuts the A15 on land to the south of the A1500. The site is bounded by the A1500 to the north, to the east by the A15 and to the south and west by Riseholme College and Lincoln Showground.
- An assessment of how the development site accords with the various levels of transport planning policy has been undertaken. The proposals put forward for this site accord with the different levels of policy guidance in terms of sustainable development and transport issues.
- Vehicular and pedestrian access to the site will be taken by means of a formalised priority Tjunction. The priority junction will comprise 15 metre junction radii and a 9.2 metre wide access road into the site.
- The internal access roads will be designed to achieve low vehicle speeds within the site, incorporating appropriate changes in the road alignment which assist in providing a safe environment for pedestrians and cyclists within the site. The site layout proposals will include a network of footways and footpaths across the site to ensure a good level of permeability.
- The personal injury collision data for the most recently available five-year period in the vicinity of the site has been reviewed and does not represent a material concern in the context of the proposed development.
- Due to the nature of the application, vehicular traffic will form the majority of movements to / from the site. Notwithstanding this, the overall accessibility of the site has been assessed in detail with respect to pedestrian, cycle and public transport access to demonstrate that the site offers opportunities for the small number of staff to travel to the site by modes other than private car.
- A TRICS assessment has been undertaken to understand the anticipated vehicular impact of the proposed uses, inclusive of the Full and Outline applications, on the site.
- Overall, this is a proposal which causes a redistribution rather than significant new generation of traffic. It is therefore concluded that there are no material transport impacts associated with these proposals.
- In light of the above, it is concluded that the proposals are acceptable from a traffic and transport perspective and there should be no reasons to resist the grant of planning permission on these grounds.

LCC Highways have been consulted on the application and asked that the applicant confirm the following transport information:

- The annual average daily traffic (AADT) flow of the A1500 Tillbridge Lane at the site.
- The daily total number of trips the development proposal is likely to generate.

Furthermore, consideration is required with regards to the design of the entrance and should be amended as it has been considered to be too wide.

Updated plans have been received which show a pedestrian refuge island added to the site access. The requested details were also sent through.

LCC Highways have been re-consulted on the information and have no objections subject to a condition on surface water drainage and two informatives.

The pedestrian refuge will allow for safer access to the site for pedestrian users.

The amended plans and information is considered acceptable and the proposal is considered to be in accordance with LP13.

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

Flood Risk and Drainage

Flood Risk

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

Through appropriate consultation and option appraisal, development proposals should demonstrate:

- a. that they are informed by and take account of the best available information from all sources of flood risk and by site specific flood risk assessments where appropriate;*
- b. that there is no unacceptable increased risk of flooding to the development site or to existing properties;*
- c. that the development will be safe during its lifetime, does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies;*
- d. that the adoption, ongoing maintenance and management of any mitigation measures have been considered and any necessary agreements are in place;*
- e. how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area; and*

f. that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical.

A Flood Risk Assessment (FRA) has been submitted with the application. This concludes –

- The site is located within a Flood Zone 1, which comprises land assessed as having less than a 1 in 1,000-year annual probability of flooding.
- The site has a 'very Low' chance of flooding from surface water indicating a probability of flooding is less than 1 in 1000 and flood risk has been managed within the design of the development. The design of the development will manage surface water to ensure that buildings and sites are not impacted in the event of blockage of drains.
- The effects of ground water and reservoirs flooding on site are low. This is based on the requirement that the development is above ground level and that the risk to the site is low.

Drainage

Policy LP14 states that development proposals should demonstrate:

- g. that water is available to support the development proposed;*
- h. that development contributes positively to the water environment and its ecology where possible and does not adversely affect surface and ground water quality in line with the requirements of the Water Framework Directive;*
- i. that development with the potential to pose a risk to groundwater resources is not located in sensitive locations to meet the requirements of the Water Framework Directive;*
- j. they meet the Building Regulation water efficiency standard of 110 litres per occupier per day;*
- k. how Sustainable Drainage Systems (SuDS) to deliver improvements to water quality, the water environment and where possible to improve amenity and biodiversity have been incorporated into the proposal unless they can be shown to be impractical;*
- l. that relevant site investigations, risk assessments and necessary mitigation measures for source protection zones around boreholes, wells, springs and water courses have been agreed with the relevant bodies (e.g. the Environment Agency and relevant water companies);*
- m. that adequate foul water treatment and disposal already exists or can be provided in time to serve the development;*
- n. that no surface water connections are made to the foul system;*
- o. that surface water connections to the combined or surface water system are only made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments) and where there is no detriment to existing users;*
- p. that no combined sewer overflows are created in areas served by combined sewers, and that foul and surface water flows are separated;*

- q. that suitable access is safeguarded for the maintenance of water resources, flood defences and drainage infrastructure; and*
- r. that adequate provision is made to safeguard the future maintenance of water bodies to which surface water is discharged, preferably by an Agency, Internal Drainage Board, Water Company, the Canal and River Trust or local council).*

The drainage strategy proposes the foul water drainage system to connect into the existing foul water sewers. This is only possible using a foul pump station which is proposed to be located at the bottom of this site. This will run across 3rd party land into the foul water pump at Riseholme college.

For the surface water system, the drainage strategy proposes the discharge into soakaways which are positioned across the site mainly over car parking bays. A downstream defender was also placed on both sides of the pond to capture any sediment and debris. Adequate storage is provided to limit surface water discharge in all storm events and to contain water underground or in the basin and manage flooding within the site.

However, the drainage strategy includes the below which states that soakaways may not be appropriate –

4.7 Hydrogeology.

Soakaway tests were carried out in four of the trial pits, SA1 to SA4. The results indicate infiltration rates shown below.

Trial Pit	Infiltration Rate (m/s)
SA1	8.6 x 10 ⁻⁴
SA2	3.2 x 10 ⁻⁴
SA3	1.4 x 10 ⁻⁴
SA4	7.2 x 10 ⁻⁵

The soakaway test data show rapid drainage, which in itself is indicative of highly permeable ground. However, visual inspection of the shallow ground conditions and geological logging indicate that below rockhead (encountered during the investigation at between 1.1 m and 1.55 m bgl) there is a change of material properties. This indicates that while the tests carried out appear to demonstrate suitable ground conditions for soakaways there is actually limited capacity to discharge water during a storm event. The soakaway tests give a representation of the behaviour of the ground above rockhead. At the time of site works this portion of the ground was unsaturated and able to accept water discharging from the test pits. Under storm conditions the ground would rapidly become saturated and therefore may be unable to accept discharge from a soakaway system. The limited thickness of permeable material within the weathered bedrock of the site means that soakaways may not be appropriate for the management of surface water run-off from the site. This assessment should be confirmed, or otherwise, by a suitably experienced drainage engineer.

The agent responded with the following –

“The report refers to the potential for the material overlying the rock to become saturated during prolonged rainfall periods and this is generally accepted. The limestone within the site has been reported within this document as being highly fractured and like with any site located on underlying bedrock, the opportunity for

drainage into the underlying rockhead depends on the spacing of these fractures. In these circumstances, it is normal practice to provide large area soakaways, such as shallow geocellular tanks spread over a large area, or long French drains or permeable pavements which are shallow but cover a large area. Under permeable pavements, a deeper trench can be provided which extends to the underlying rock to direct water to the deeper sections.

The design of these types of features is so that the probability of locating a fracture in the rockhead, through which water can percolate, can be maximised as this would ensure water would not sit in the sub-soil. At the construction stage, it is normal that the contractor would undertake a site strip in the areas of the tank / permeable pavement, and we would request a long trial hole in these areas to identify fractures in the rockhead. If an area without fractures was identified, then the design will be assessed with a factor of safety to provide additional storage as required. As it currently stands, there is currently a built-in factor of safety on the planning proposed attenuation / soakaway designs.”

The Lead Local Flood Authority were consulted on the above information and were satisfied subject to a final drainage strategy being conditioned on the application.

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

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

Residential Amenity

Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Environmental Protection have been consulted and stated that in order to protect nearby residential properties they would recommend that the drive-thru coffee shop is open no later than 10pm. They would also recommend that a noise impact assessment is provided for the additional drive-thru facility at the reserved matters stage.

However, the drive thru applied for with full permission is 192m away from the nearest residential dwelling and is separated by the A15. Therefore, it is not considered necessary or reasonable to limit the opening hours.

The drive thru applied for in outline is measured at 101m away from the boundary to the nearest residential dwelling and is also separated by the A15.

Given that the site is situated in a remote location, adjacent a main ‘A’ route, it is considered that there is sufficient justification for longer opening hours for the drive-thru.

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

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

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy LP26 is consistent with the NPPF and is attached full weight.

Ecology

Policy LP21 states that all development should:

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

The accompanying Preliminary Ecological Appraisal confirms that the application site is occupied entirely by modified grassland which is species poor and of low ecological value. It also confirms that the proposed development will not adversely impact on any designated sites or protected species. Some recommendations have been made which include –

- production of a biodiversity management plan
- nesting bird management;
- pre-construction ecology checks
- final biodiversity net gain calculations

Biodiversity Net Gain

Biodiversity net gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand.

Paragraph 180 of the NPPF sets out a clear hierarchy for proposals affecting biodiversity. The hierarchy is to: firstly, avoid harm; secondly, where this is not possible, to mitigate any harm on-site; thirdly, as a last resort, to compensate for any residual harm.

Outline Biodiversity Net Gain implications at this Site have been calculated below. This is based on the Site Plan (210642-SK16B) which shows the entire Site to be developed with hard surfaces which will all fall into the category 'developed land sealed surface'. Figures are provided for habitat area units only.

Pre-development Baseline Units	Post Development Units *	Units required to achieve No Net Loss	Units required to achieve 10% Net Gain
5.76	0	5.76	6.34

This is not the final calculation but provides an illustration to work forward from. The ecological appraisal recommends final calculations be produced.

The recommendations of the ecological appraisal can be conditioned.

The proposal, subject to conditions, is considered to be in accordance with policy LP21.

Paragraph 174(d) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Policy LP21 is in accordance with the NPPF and is attached full weight.

Minerals

The site sits within a Minerals Safeguarding Area and therefore policy M11 of the Lincolnshire Minerals and Waste Local Plan Core Strategy is applicable.

This requires applications for non-minerals development to assess the implications of the development on the Minerals Safeguarding Area allocation to ensure that the granting of permission would not sterilise mineral resources within the Minerals Safeguarding Area or prevent the future minerals extraction on neighbouring land.

Whilst the Minerals Safeguarding Area allocation does not mean that extraction will take place, an assessment of the impact of the proposed development on the designation is required.

Policy M11 lists criteria that should be considered in the preparation of a planning application in order to demonstrate policy compliance.

The justification and need for the development proposed have therefore been assessed against the policy objectives set out in policy M11 of the Lincolnshire Minerals and Waste Local Plan Core Strategy, and in reference to the British Geological Survey document '*Mineral Safeguarding in England: Good Practice Advice*'

Whilst a minerals assessment has not been submitted with the application, the potential for the recovery of mineral from within the site is limited by a range of pre-existing constraints, notably the presence of commercial properties to the north, the college to the west and the wider Lincolnshire Showground that bounds the site to the west and south.

Taking into account these constraints, it is considered that the prior extraction of any significant volume of mineral from within the site would be unfeasible.

In accordance with the criteria set out in policy M11 prior extraction of the mineral would be impracticable and would have a negligible impact with respect to sterilising the mineral resource.

Overall it is concluded that the Development will not result in the sterilisation of a mineral resource worthy of safeguarding and will not prejudice the effective working of any currently permitted or proposed mineral extraction or minerals infrastructure.

The presence of limestone within the surrounding area should not therefore be viewed as a constraint on the Development.

Archaeology

Policy LP25 states that development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance.

Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.

If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site.

The site has previously been subject to a geophysical survey in 2000, as part of an evaluation associated with a County Highways development related to junction improvements in this area. This revealed a number of probable archaeological features of linear form and unknown date. The site is adjacent to the major Roman road of Ermine Street, and close to its junction with the Roman road to the Trent crossing at Marton/Littleborough. Although the Roman junction lay to the south of the present junction, at the main entrance to the current Showground. Roman pottery has also been found nearby in the field northeast of the modern roundabout. There is thus a high potential for archaeological remains of Roman date to survive here and which could be impacted during development.

It is therefore recommended that prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority.

This can be secured by planning condition.

The proposal, subject to conditions, is considered to be in accordance with policy LP25.

Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected.... Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

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

Conclusion

The proposal has been considered against the Development Plan namely policies, LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP5: Delivering Prosperity and Jobs, LP6: Retail and Town Centres in Central Lincolnshire, LP7: A Sustainable Visitor Economy, LP8: Lincolnshire Showground, LP9: Health and Wellbeing, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP18: Climate Change and Low Carbon Living, LP21: Biodiversity and Geodiversity, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance.

It is considered that the proposal would not have a detrimental impact on the character of the area, amenity, and highways and does not conflict with neighbouring land uses.

The proposal does not benefit from the direct support of policy LP8. Nor could it be considered as “minor ancillary development” linked to such a use.

However, overall it is considered that the development is likely to bring indirect benefits to the Showground through access to convenience services and food provision, and would not be expected to negatively impact on the scale of shows that it can currently accommodate.

The mixed uses of sui generis and class E are considered to bring a range of part time and full time roles. However, it is likely to be a departure from LP5 and the Strategic Employment land allocation.

Nonetheless, weight is given to the removal of the employment allocation in the proposed draft Local Plan, the absence of a Local Development Order in order to engage LP5, and that the proposed development would have indirect benefits that would support the Showground. These are all material considerations that are given weight, and may justify a departure.

Therefore, the application is recommended for approval subject to the following conditions:

Outline Planning Permission

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 **access, appearance, layout** and **scale** of the drive thru unit (Use Class E / Sui Generis) located within the outline area of the site (as shown on plans 210642_PLG_104E and 210642_PLG_110B) 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 hybrid form (i.e. seeking part full planning permission and part outline planning permission) and the Local Planning Authority wishes to ensure that the 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. The development hereby permitted may not commence until such time as a scheme to install underground tanks has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

Reason: To ensure that the underground storage tanks do not harm the water environment in line with paragraph 174 of the National Planning Policy Framework and Position Statements D1 – D4 of the ‘The Environment Agency’s approach to groundwater protection’.

5. 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:

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 agreed with the Internal Drainage Board;

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.

The development shall be carried out in accordance with the approved drainage scheme and shall not 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.

6. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

(xi) Measures for the protection of any existing trees and hedgerows;

Reason: In the interests of amenity and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

7. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

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

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

8. 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 7 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

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

9. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 7. Following the archaeological site work 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.

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

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

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

Reason: In order to safeguard human health and the water environment and to accord with the National Planning Policy.

11. The development shall be carried out in strict accordance with the mitigation measures recommended within the Preliminary Ecological Appraisal Report reference ER-6084-01A dated 15/06/2022 by Brooks Ecological.

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

12. No development, other than to foundation levels, shall take place until details of a scheme for the disposal of foul sewage from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and maintained thereafter.

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

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

None

Full Planning Permission

Conditions relating to the phasing of the development:

13. No development shall take place until a Phasing Plan, detailing the different phases of development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Phasing Plan thereafter.

Reason: To enable the delivery of a phased development.

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

14. 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:

15. Each of the approved phases of development may not commence until such time as a scheme to install underground tanks has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

Reason: To ensure that the underground storage tanks do not harm the water environment in line with paragraph 174 of the National Planning Policy Framework and Position Statements D1 – D4 of the ‘The Environment Agency’s approach to groundwater protection’.

16. No development within any approved phase of 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:

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 agreed with the Internal Drainage Board;

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.

The development shall be carried out in accordance with the approved drainage scheme and shall not 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.

17. No development within any approved phase of development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

Reason: In the interests of amenity and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

18. No development within any approved phase of development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

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

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

19. 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 18 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

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

20. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 18. Following the archaeological site work 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.

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

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

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

Reason: In order to safeguard human health and the water environment and to accord with the National Planning Policy.

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

210642_PLG_104E

210642_PLG_105 (elevations only)

210642_PLG_106

210642_PLG_107

210642_PLG_112

210642_PLG_110B

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

Reason: To ensure the development proceeds in accordance with the approved plans.

23. Each of the approved phases of development shall be carried out in strict accordance with the mitigation measures recommended within the Preliminary Ecological Appraisal Report reference ER-6084-01A dated 15/06/2022 by Brooks Ecological.

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

24. No development within any approved phase of development, other than to foundation levels, shall take place until details of a scheme for the disposal of foul sewage from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and maintained thereafter.

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

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

25. The pedestrian route to the college and showground shown on plan 210642_PLG_104E shall remain open and accessible, without obstruction, at all times.

Reason: To allow permeability through the site for pedestrians and users of the Showground in accordance with policy LP13 of the Central Lincolnshire Local Plan.

Human Rights Implications:

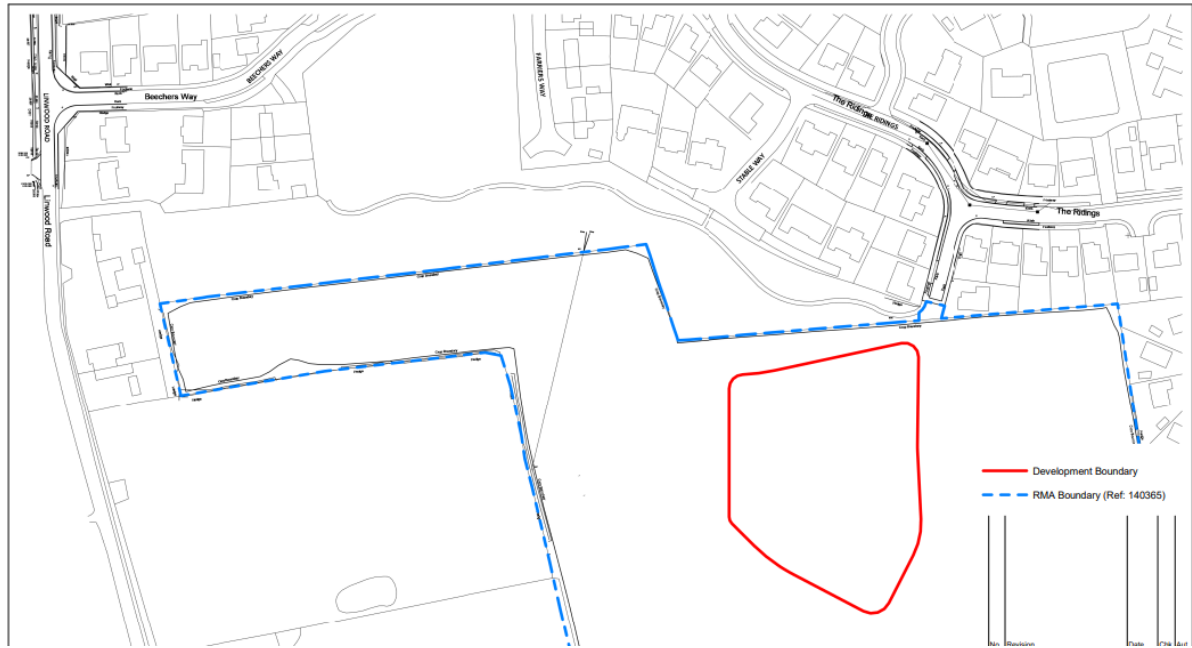
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Legal Implications:

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

Agenda Item 6c

SITE LOCATION PLAN 145314 LAND SOUTH OF RIDINGS



Officers Report

Planning Application No: 145314

PROPOSAL: Planning application for the construction of 22no. apartments and 11no. bungalows; including associated gardens, vehicle access and parking.

LOCATION: Land South of The Ridings Market Rasen Lincolnshire LN8 3EE

WARD: Market Rasen

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

APPLICANT NAME: Lace Housing

TARGET DECISION DATE: Extension of Time to 1st December 2022

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: George Backovic

RECOMMENDED DECISION: To resolve to grant planning permission subject to conditions, and to defer back to officers for completion of a S106 Planning Obligation that provides a contribution of £20,872.50 towards expansion of existing medical facilities, and, ensures occupancy by over 55s.

This application has been referred to the planning committee, following objections by 3rd parties including the Town Council, on planning matters.

Description:

The site is located to the south of Market Rasen and forms part of a larger housing site with construction works currently underway. The site is allocated for residential development in the Central Lincolnshire Local Plan (site ref. CL1359). It is located at the north of this larger housing site where in total 150 dwellings were granted outline planning permission. On this part of the site 33 dwellings were granted approval by the Reserved Matters permission. It is proposed to erect 22 two-bedroom apartments and 11 two-bedroom bungalows. All the units are to be affordable for occupation by over 55s. The bungalows would have a shared ownership arrangement whilst the apartments would be for rent.

The main site access into the application site is taken from the east via a new junction onto the main access road serving the larger site, which is an extension of The Ridings. A 2m wide footpath around the perimeter of the site is proposed with a centrally located east west pedestrian link running through the site.

The apartments face north onto an area of public open space, and are in two staggered blocks linked by a projecting cube with a parapet roof and curtain walling. The bungalows comprise 4 pairs of semidetached dwellings and a

terraced block of 3 facing the road frontage with a parking court located to the rear.

Relevant history:

133156: Outline planning application for proposed residential development of up to 150 dwellings with associated amenity space, estate roads and surface water attenuation. Permission granted with conditions 20.12.2017.

140365: Approval of Reserved Matters considering access, appearance, landscaping, layout and scale following outline permission 133156. Approval given 05.11.2020.

Representations:

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

Market Rasen Town Council:

The Town Council note residents' concerns regarding this application and the contrast with the previously granted permission for application 140365 on this site. It is felt that the large apartment building is not in keeping with the rural landscape, and that the residents of the bungalows on The Ridings and Stable Way will suffer from loss of privacy as the majority of the living accommodation on the 1st floor overlooks the neighbouring bungalows. Residents are concerned that this will be exacerbated as the ground level is currently being raised on which the foundations of the apartments will be built. The Town Council have also been made aware that following extreme heavy rainfall on the evening of the 16th August 2022, the existing attenuation pond, which would be shared with this new development, overflowed and caused surface flooding to nearby roads and properties. The Town Council recognise that good quality housing schemes are needed to support the elderly and vulnerable in Market Rasen. If West Lindsey District Council are minded to approve this application the Town Council would suggest that to minimise construction traffic on Beecher's Way a one-way system is introduced for construction traffic – approach from Linwood Road/ Beecher's Way and depart via The Ridings/ Legsby Road.

Sir Edward Leigh MP: I fully support my constituent's objections to the Planning Application.

Local residents: Objections have been received from; 5, 6 and 7 Stable Way; 3, 30, 32, 37, 43, 45 and 47 The Ridings and 27 Beechers Way:

Summary of objections

- Change from previous approval with a monolithic block is disrespectful to existing residents which will look like a city environment rather than a rural landscape.
- We were promised a single storey development
- Will lead to overlooking of dwellings on Stable Way and The Ridings
- Out of character
- More suited to a commercial site
- Will increase the risk of flooding to existing residents

- The final height of the apartment block is not clear because ground levels are being raised by importation of lorry loads of earth to the site due to the high ground water table and will also lead to more flooding
- A lower age limit should be required because one can retire at any age should circumstances allow;
- 2 bungalows flooded when the holding lagoon on the Ridings overflowed
- An additional 33 dwellings will increase vehicle use and flow on an already overused road which is subject to traffic calming.
- Impact on wildlife with the removal of hedgerows and natural vegetation.
- To my knowledge not a single house has been built yet, but a roadway constructed has caused considerable flooding on the Ridings. So when houses and driveways etc. are complete that situation is going to be exacerbated.
- I think that all the concerns and fears expressed by the residents about the existing development have already been far exceeded and we have endured months of disruption of noise, convoys of HGVs and continual dirt and dust both outside and inside our properties.
- Anglian Water's comments that 'The sewerage system at present has available capacity for these flows. Perhaps they could explain why in that case our lavatories were unable to be flushed and water was not draining from sinks etc. during the heavy rain on 16th August.
- The sump ponds for both Fox Hollows and The Ridings were both overflowing on Tuesday night and there was considerable flooding at several places along The Ridings as the drainage system could not cope.
- Even after moderate rainfall the redirection from this site has caused blocking and backflow, but after the very heavy rainfall overnight, (16th August 2022 pictures enclosed) less than 12 hours, the sump lagoon on Fox Hollows has reached its capacity and the culvert has caused run off on to the Ridings.
- Our home is now a living nightmare to live in and we are frightened every time it rains but when you grant planning permission to this developer you do not take into consideration the impact it has on existing homeowners.
- Having survived 12 months of disruption, with as yet no properties apparently built, the prospect of this extending a further 12 months does not bear thinking about. We therefore look with horror at another Planning Application, 145314, being considered.
- Despite previous objections, there remains but one access/egress, immediately in front of our property and those of our close neighbours, & this remains one of the main points of contention
- The Lace development has some landscaping, but there is insufficient new screening shown on the application for a new public space in front of Lace properties, and any proposed screening has not been addressed.
- Since the development started the existing residents have been caused untold upset and distress by a developer with a general

disregard to any planning restrictions and directives. Even with a proposed new developer there will still be noise, dust and increased logistics to and from the site. Therefore, such planning directives for disturbance to existing residents and road users must be enforced when reported back to planning.

39 The Ridings: General Observation

Although I have no objection to such properties being built I would hope that they will be a sufficient distance from my bungalow (which I have recently purchased) and that there will be adequate screening.

LCC Highways: The County Council as Local Highway and Lead Local Flood Authority does not wish to restrict the grant of permission.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. The drainage for this application has been agreed under RM application 140365 therefore the previously agreed surface water strategy is still suitable for this new application. Therefore, the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

Informatives recommended

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

Highway Informative 03 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

LCC (Historic Services): This site has been subject to a programme of archaeological evaluation as part of a previous proposal (application 133156), which did not reveal anything of archaeological interest. This evaluation has sufficiently demonstrated that there would be no archaeological impact from the proposed development.

Anglian Water:

Section 1 - Assets Affected. Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Section 2 - Wastewater Treatment The foul drainage from this development is in the catchment of Market Rasen Water Recycling Centre that will have available capacity for these flows.

Section 4 - Surface Water Disposal The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

Environment Agency: The Environment Agency does not wish to comment on this application.

NHS Lincolnshire Integrated Care Board:

The above development is proposing 33 dwellings which, based on the average of 2.3 people per dwelling for the West Lindsey District Council area, would result in an increase in patient population of 76.

Due to the fact that patients can choose to register at any practice that covers the area of the development, and there are no waiting lists for patients, all practices that provide care for the region that the development falls within are obliged to take on patients, regardless of capacity. The development will impact Market Rasen Surgery, The Wragby Surgery and Binbrook Surgery as the development is within their catchment area.

This development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands. Lincolnshire Integrated Care Board (LICB) wishes for the Section 106 contribution from the development of 33 dwellings on Land South of The Ridings, Market Rasen to contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the East Lindsey Primary Care Network (PCN) at Market Rasen Surgery. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

	Average list size per GP	Required m2	£ per m2	Total cost	£per person
GP team	1,800	170	2,300	£391,000	217
GP furnishings	1,800			£20,000	12
					229
Contingency requirements @ 20%					46
Total per resident					275
Total per dwelling (resident x 2.3)					632.50

The table above shows the contribution formula which is based on the needs of a Primary Care Health Team and associated administration support. By applying average national list sizes to these groups and identifying the required area and furnishings, a total cost of £275 per patient is determined. This figure is multiplied by 2.3 (the average number of persons per dwelling for West Lindsey District Council) to provide a funding per dwelling of £632.50.

The contribution requested for the development is £20,872.50 (£632.50 x 33 dwellings). Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified above.

After reviewing the practice response regarding their capacity to accommodate the increase in patient numbers arising from this development, it's requested that the trigger point for the release for funds for health care be set at payment of all monies upon completion of 50 percent of the dwellings for each phase of the development. This will ensure the practices are not placed under undue pressure. To ensure that there is sufficient time carry out the works and allow the s106 funds to be spent in the most appropriate way, a repayment period of 10 years from receipt of the final payment transfer (for the entire development) to the relevant NHS body will

Lincolnshire Police: (Summary) This application indicates a well-designed and considered development that appears to make use of a cul-de-sac layout which has been proven to help reduce crime and disorder and enhance community cohesion.

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)**

LP2: The spatial strategy and settlement hierarchy

LP10: Meeting accommodation needs
LP12: Infrastructure to Support Growth
LP13: Accessibility & transport
LP14: Managing water resources and flood risk
LP17: Landscape, townscape and views
LP26: Design and amenity
LP51: Residential allocations – Market Towns

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

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

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

The site is not within a designated Neighbourhood Area. There is currently no neighbourhood plan for Market Rasen that may otherwise be taken into consideration.

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. Examination of the Local Plan commenced on 15th November 2022.

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

- Impacts from overlooking and loss of privacy to the closest dwellings (bungalows) from the apartments which are the closest and other impacts on existing residents
- Design and character and appearance of the site and wider area
- Drainage and Flooding
- Infrastructure requirements
- Highway Safety including parking provision
- Biodiversity

Assessment:

The site is within an area allocated for residential development within the Local Plan (site CL1359). Planning law requires that planning decisions are made in accordance with the development plan, unless there are material considerations that indicate otherwise.

The site already benefits from planning permission for residential development. The wider development, under construction, proposed 33 dwellings within the confines of the specific application site. Consequently, there is a realistic fallback of residential development taking place on the site irrespective of this application. This is a very realistic fallback position that can be given considerable weight.

The principle of residential development for 33 units on an allocated site with an extant consent is therefore considered to be established. It is important to note that additional development is not being proposed, rather a new type of development on a site with planning permission for 33 dwellings. A consideration of the details is set out below.

Impacts from overlooking and loss of privacy to the closest dwellings (bungalows) from the apartments which are the closest and other impacts on existing residents.

Policy LP26 requires that amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development. This is consistent with section 12 of the NPPF Achieving well-designed places and in particular paragraph 130 f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime,

do not undermine the quality of life or community cohesion and resilience.
(2021)

Distances to existing dwellings - These are set out below and are approximate measured to the elevations (closest) specified:

- 30 metres to the side elevation of 39 The Ridings;
- 35 metres to the side elevation of 37 The Ridings;
- 48 metres to the front of 7 Stable Way;
- 60 metres to the front of 6 Stable Way;
- 70 metres to the front of 5 Stable Way;

At these distances, overlooking and attendant loss of privacy from a two storey building, whilst alleged by the existing residents, is unlikely and does not represent a reason to withhold permission. Objections are raised that no screening of the development is proposed. This is noted but not considered necessary given the design discussed below and the existing distance separation set out above. Concerns have been raised that the final height of the apartments cannot be known because of alleged importation of material onto the site. Whilst site sections have been submitted as part of the application these do not contain site levels and this can be resolved by requiring submission of existing and proposed floor levels. Given distance separation to existing dwellings this is not considered a serious issue.

As a self-contained application it will also be necessary to impose a requirement for a Construction Method Statement to be submitted to and approved in writing by the local planning authority to minimise impacts caused by construction works on existing residents. Subject to this impacts on amenities of existing residents are not considered to represent a reason to withhold consent. It would be in accordance with LP26.

Amenities of occupants

The apartments and bungalows have been designed in accordance with the LACE Housing Design Guide, and to meet the requirements of Lifetime Homes Standards, HAPPI (Housing our Aged Population: Panel for Innovation) recommendations and Building Regulations M4(2). The bungalows are all two bed 3 person ones, each with a rear garden area, set slightly back into their plots, with a small front garden, which will look out onto housing previously approved across the road that runs around the site. The level of privacy and amenity is appropriate with no adverse impacts expected on the occupants of the proposed development in accordance with LP26.

Design and character and appearance of the site and wider area

Policy LP26 requires high quality design that that contributes positively to local character, landscape and townscape. This is consistent with section 12 of the NPPF Achieving well-designed places.

Objections have been raised to the appearance of the apartments which have been described as a “*monolithic 2 storey block of 22 apartments*”. Monolithic can be taken to mean huge, excessively high, colossal, and a single uniform block constructed of a single material.

This is noted. However it is not accepted. It provides visual interest at the main entrance to the wider site. As the submitted design and access statement sets out:

“The elevations propose a contemporary architectural language and variety of interest through the use of projecting bays, changes in material, and breaks in the solid form. To emphasise the main entrance and signify the central circulation zone a break in the roof line has been introduced, with a projecting cube form inserted which would have a parapet roof and curtain walling. The apartment wings are also broken down visually by the incorporation of curtain walling breaks to the front and rear of the building where the two end wings are located.”



This is considered a successful design approach with the elevation that faces the entrance to the wider site (above) assisting in the creation of a suitable “gateway building”. It is not “excessively high” with an eaves height of 5.6m rising to a maximum height of 9.5m to the highest ridge with the roof sloping away from the front . It is a two storey building. The design of the apartment block is considered acceptable and appropriate in its context in accordance with policy LP26.

The semi-detached and terraced bungalows have a simple and cohesive design with a small palette of materials and projecting brick clad gables used to add visual interest.



Overall the design and scale is considered to be appropriate and therefore acceptable in this location and does not represent a reason to withhold consent. Conditions will be imposed to ensure specific details of materials will need to be submitted to and approved in writing by the local planning authority with subsequent implementation in accordance with the details approved.

Whilst indicative plans have been submitted showing areas of landscaping conditions will be imposed to requiring submission of details to be approved in writing and subsequently implemented.

Drainage and Flooding

Applying Environment Agency mapping, the site is located in flood zone 1 (being at low risk of coastal and fluvial flooding), and follows the Government policy of a sequential approach to locating new developments to those areas identified at a lower risk of flooding). National policy is clear (NPPF paragraph 166) that “Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again.”

A large number of objections refer to recent flooding events in the vicinity which it is alleged point to the inadequacy of the drainage arrangements for the wider site which must now be revisited. The site is currently under construction, it is not complete and the drainage system is not yet fully installed. Hence all proposed water storage areas such as the cellular storage areas and swales are not yet in place – on-site water storage is not yet built to full capacity. However, despite being incomplete, it is noted that the attenuation pond is in situ and did hold surface water, which would have run off an otherwise undeveloped site. The drainage details were approved under the reserved matters application which is noted by the Lead Local Flood Authority who raise no objections on drainage or flood risk grounds. It must be noted that the development proposed is not an addition to the previously approved wider development but a replacement of the 33 dwellings approved on this part of the larger application site, and will tie into the approved drainage scheme. On this basis drainage and flood risk does not represent a reason to withhold consent and would be in accordance with LP 14.

Infrastructure requirements

Policy LP12 indicates all development should be supported by and have good access to, all necessary infrastructure and permission will only be granted if it can be demonstrated that there is or will be sufficient infrastructure capacity for the proposal. Similarly developers are expected to contribute towards the delivery of infrastructure required by the development or cumulatively with other developments.

In this application, health providers have indicated that contributions will be required to mitigate the impact of the development on local health facilities. The NHS has requested a contribution of £20,872.50 (£632.50 x 33 dwellings) which has been agreed and delivery will be secured by a Section 106 Legal agreement. The education authority initially requested a contribution towards education facilities which was subsequently withdrawn once the nature of the scheme with provision for over 55s was recognised. On this basis the section 106 will also control the occupancy of the proposed development ensuring it is restricted to persons aged over 55.

The development would meet all of the infrastructure requirements in accordance with policy LP12.

Highway Safety including parking provision

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

The new junction serving the application site will have a 5.5m wide highway with 2m footpaths to both sides. A 2m wide footpath would also continue around the whole perimeter of the application site to facilitate safe pedestrian movement to the front of all properties. The apartment block has 26 parking spaces, with 22 designated for residents and 4 visitor/staff parking bays. Out of the 26, four will be designed as accessible parking bays. The 2 bed bungalows will have 1 designated parking space each, with an additional 3 visitor parking bays in the central parking area. No objections are raised by Highways to the new access or level of parking provision. On this basis Highway Safety does not provide a reason to withhold permission as the development would be in accordance with LP13.

Biodiversity

Policy LP 21: Seeks to protect and enhance biodiversity. This is in accordance with section 15 of the NPPF “Conserving and enhancing the natural environment” and is therefore afforded full weight in the determination of this application. The applicants have indicated their willingness to provide ecological enhancements on the site including the provision of bird and bat boxes. Subject to the imposition of a condition requiring details to be submitted for written approval and subsequent implementation the development would be in accordance with LP21.

Conclusion and planning balance

This is an application to provide 33 units of affordable accommodation for over 55s on a site which has planning permission for 33 dwellings. Notwithstanding the objections received it is considered that subject to the imposition of the conditions discussed above and the completion of a section 106 agreement that provides a contribution of £20,872.50 towards expansion of existing medical facilities, and, ensures occupancy by over 55s, no significant adverse impacts will arise, and a grant of conditional planning permission is recommended.

Recommendation To resolve to grant planning permission subject to conditions, and to defer back to officers for completion of a S106 Planning Obligation that provides a contribution of £20,872.50 towards expansion of existing medical facilities, and, ensures occupancy by over 55s.

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 details of the existing and proposed finished ground levels have been submitted to and approved in writing by the local planning authority with subsequent implementation in accordance with the approved details.

Reason: In the interests of the character and appearance of the site and wider area and the amenities of existing residents and in accordance with policy LP26 of the Central Lincolnshire Local Plan.

3. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

4. No development shall take place above ground level until details of all external materials have been submitted to and approved in writing by the Local Planning Authority and shall be accompanied by written details of the materials including source and manufacturer. The details of the external

materials shall be approved in writing by the local planning authority before their use in the development

Reason: In the interests of securing a satisfactory visual appearance in the interests of the character and appearance of the site and wider area in accordance with policy LP26 of the Central Lincolnshire Local Plan

5. No development shall take place, above ground level, until details of hard landscape works have been submitted to and approved in writing by the local planning authority. The details shall include:

- Car parking areas;
- Surface materials for pedestrian and vehicular access

Reason: In the interests of securing a satisfactory visual appearance in the interests of the character and appearance of the site and wider area in accordance with policy LP26 of the Central Lincolnshire Local Plan

6. No development shall take place, above ground level, until details of soft landscape works have been submitted to and approved in writing by the local planning authority. The details shall include:

- planting plans;
- Written specifications including cultivation and other operations associated with plant and grass establishment;
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- Tree pits including root protection details;

Reason: To ensure a satisfactory landscape scheme is provided that complements the character and appearance of the site and wider area in accordance with policy LP 26 of the Central Lincolnshire Local Plan.

7. No development shall take place above ground level until details of biodiversity enhancements, including bat and bird nesting boxes and native planting, have been submitted to and approved in writing by the local planning authority. The scheme be implemented prior to occupation.

Reason: In the interests of biodiversity in accordance with policy LP21 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:

Drainage Layout 10-5830 500;

LACE Site - 1683-SBA -XX -XX-DR -A -0506;
Apartment Ground Floor Plan: 1683-SBA -XX -00 -DR -A -010;
Apartment First Floor Plan: 1683-SBA -XX -01 -DR -A -011;
Apartment Plans: 1683-SBA -XX -ZZ -DR -A -0020;
Apartment Block – Elevations; 1683 –SBA-XX-XX-DR-A -0202;
Bungalow Plans & Elevations (Semi); 1683 –SBA-XX -XX-DR-A -0203
Bungalow Plans & Elevation (Terrace): 1683 –SBA-XX -XX-DR-A -205
Parking Plan; 1683-SBA -XX -XX-DR -A -0507;
Boundary Treatment Plan; 1683-SBA -XX -XX-DR -A -0508;
Materials Plan; 1683-SBA -XX -XX-DR -A -0510;

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:

9. No occupation of the units shall take place until the approved surface water and foul water drainage is in place which shall be retained and maintained thereafter.

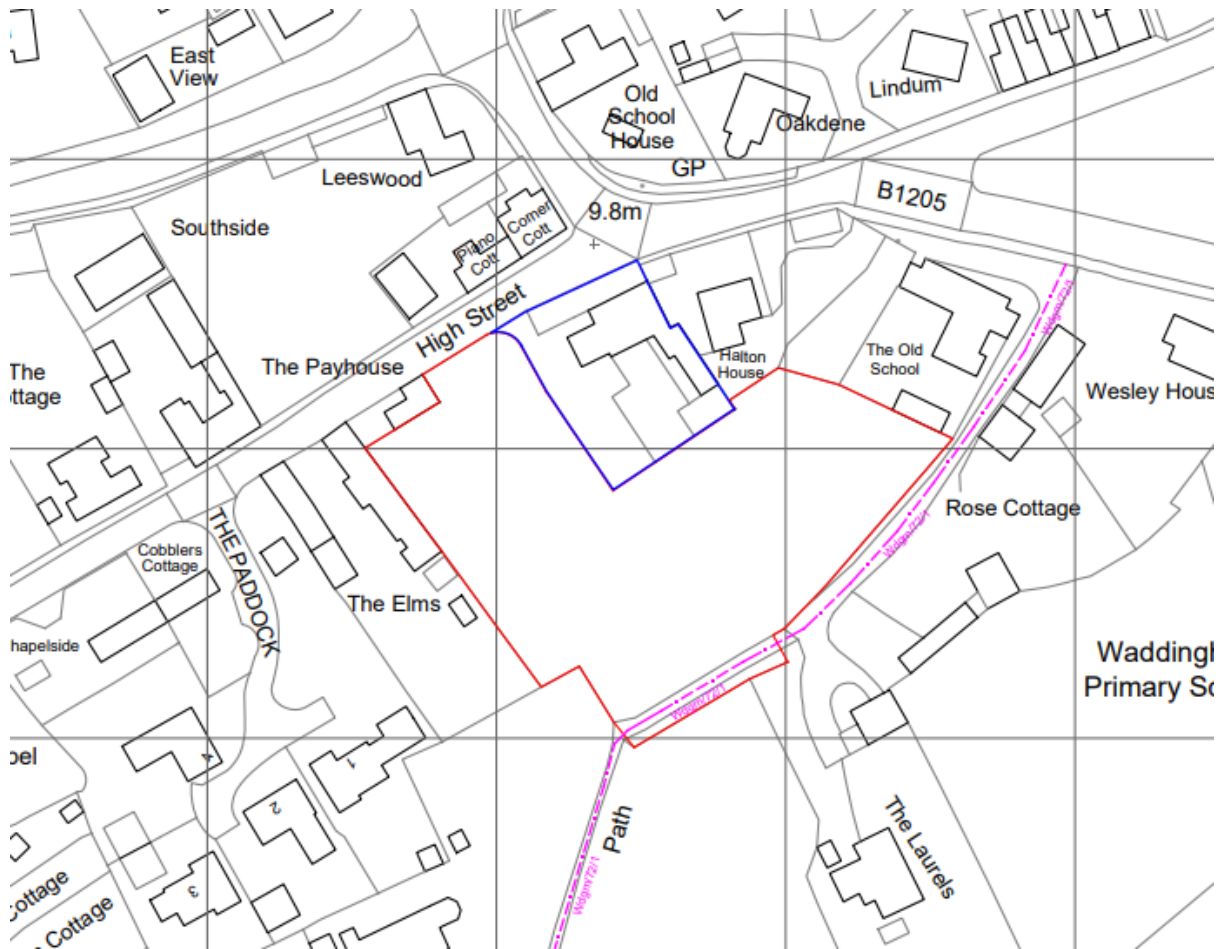
Reason: To ensure a satisfactory scheme of drainage is provided in accordance with policy LP14 of the Central Lincolnshire Local Plan

10. All hard landscape works shall be carried out prior to the occupation of the development.

Reason: In the interests of securing a satisfactory visual appearance in the interests of the character and appearance of the site and wider area in accordance with policy LP26 of the Central Lincolnshire Local Plan

11. All soft landscape works shall be carried out in the first planting season following completion of development or occupation, whichever is the sooner. Any trees or plants which within a period of five 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, to ensure that a satisfactory landscape scheme is provided that complements the character and appearance of the site and wider area in accordance with policy LP 26 of the Central Lincolnshire Local Plan.



Officers Report

Planning Application No: 145360

PROPOSAL: Planning application to erect 7no. dwellings and associated infrastructure

LOCATION: Land to the rear of Marquis Of Granby High Street
Waddingham Gainsborough DN21 4SW

WARD: Waddingham and Spital

WARD MEMBER(S): Cllr J Summers

APPLICANT NAME: Mr Daniel Williams

TARGET DECISION DATE: 30/09/2022 (Extension agreed until 2nd December 2022)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Planning Committee:

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

Description:

The application is an area of land (0.36 hectares) to the rear of the former Marquis of Granby Public House (converted to residential). The application site is set back from the highway and slopes downwards from south west to north east. Vehicular access to the site is off High Street to the west of the Marquis of Granby and has been partly laid to tarmac. Some ground clearance works have been completed with mounds of earth in the south east/south west corner. The north east and south west boundary to the site is screened by high fencing and hedging. The south east boundary is screened by high fencing. The north west boundary is screened by high fencing and a brick wall.

The site is within a Limestone Minerals Safeguarding Area and in the setting of the following Listed Buildings:

- Grade 2 Listed Old School House, Redbourne Road, Waddingham approximately 38 metres from the vehicular access of the site and 73 metres from the centre of site.
- Grade 2 Listed Cottages (6 in total), The Green, Waddingham approximately 60 metres from the north east boundary of the site.

The 6 Listed Cottages are Wagtail Cottage, Skylark Cottage, ChiffChaff Cottage, Kestrel Cottage, Lapwing Cottage and Nightingdale Cottage.

The application seeks permission to erect 7 dwellings and associated infrastructure.

The application has been amended through the application process to:

- Reduce the scale of plot 1 from a 6 bedroom to a 4 bedroom dwelling and re-positioned 2 metres away from the shared boundary with Marquis House.
- Reduce the scale and change the appearance of plot 5 from a 6 bedroom to a 4 bedroom dwelling.
- Set back plot 7 around 4 metres further back into the plot.

Due to these amendments a 14 day re-consultation was instructed on 8th November 2022 and will end on the 22nd November 2022.

Relevant history:

The site has a substantial planning history, the most relevant of which is detailed below:

138660 - Outline planning application for the erection of 7no. dwellings with all matters reserved – 21/03/19 - Granted time limit and other conditions

143218 - Planning application for change of use of public house into 1no. dwelling including removal and replacement of existing extension, update front and rear windows, and install patio doors (resubmission of 142444) - 12/08/21 - Granted time limit and other conditions

143052 - Application for approval of reserved matters for the erection of 7no. dwellings, considering access, appearance, landscaping, layout and scale following outline permission 138660 granted 21 March 2019 – 30/09/21 - Refused

Reason:

“The access and landscaping matters are considered acceptable. However, the scale, appearance and layout reserved matters do not have due regard to the site context and the character of the village resulting in inappropriate design with rectangular building forms, little articulation or variation in roof form or elevational treatment and a lack of appropriate detailing. The scale and massing of the dwellings and layout are not in keeping with the surroundings and would actively harm the street scene in a manner that is inappropriate as the backdrop to a historic village centre. The setting of The Old School, a non-designated heritage asset on the HER, would be harmed to an unacceptable degree. This harm significantly outweighs the acceptable access and landscaping matters. The design is not high quality and would harm the street scene. The proposal is contrary to Policies LP17, LP25 and LP26 the Central Lincolnshire Local Plan, Section 12 and paragraph 203 of the National Planning Policy Framework, the National Design Guide and Policy 8 of the draft Waddingham and Brandy Wharf Neighbourhood Plan”.

144071 - Pre-application enquiry to erect 7no. dwellings – 02//02/22

Conclusion:

It is therefore considered that the submitted layout, scale and appearance of the development is unlikely to overcome the reason for refusal set out in refusal decision notice 143052. The development would be considered:

- Unlikely to have not had due regard to the site context and the character of the village resulting in inappropriate design with rectangular building forms, little articulation or variation in roof form or elevational treatment and a lack of appropriate detailing.
- Unlikely to be in keeping with the surroundings.
- Likely to actively harm the street scene in a manner that is inappropriate as the backdrop to a historic village centre.
- Likely to unacceptably harm the setting of The Old School, a non-designated heritage asset on the HER.
- Likely that the design is not high quality and would harm the street scene.

Therefore, the development is likely to be contrary to Policies LP17, LP25 and LP26 the Central Lincolnshire Local Plan, Section 12 and paragraph 203 of the National Planning Policy Framework, the National Design Guide and Policy 8 of the draft Waddingham and Brandy Wharf Neighbourhood Plan”.

Representations

Cllr J Summers: Objections

- Increased flooding
- Density and size of dwellings including overwhelming ridge heights
- Lack of services
- Lack of permeable surfaces
- Overload of original sewage system and man hole covers blowing off during heavy rainfall
- Insufficient parking on site

Policies LP1, LP4, LP10, LP17 and LP26.

The main issue is the desperate attempt to make as much capital as possible out of this site. (ie) height and density - creating an inappropriate intrusion into the village scene, overloading drainage and service systems in a village which has a history of severe flooding (one property I have been in at the junction is below street level).

LP1; At the heart of the strategy for Central Lincolnshire is a desire to deliver sustainable growth; growth that is not for its own sake, but brings benefits for all sectors of the community for existing residents as much as for new ones.

Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

LP4; In settlement categories 5-6 of the settlement hierarchy, a settlement sequential test will be applied with priority given as follows.

1. Brown field land or infill sites, in appropriate locations. These must not create increased harm to existing property. (ie) flooding.
LP10; MEETING ACCOMMODATION NEEDS. Latest housing market assessment, meeting community needs. In medium villages the proposal must deliver housing which meets the higher access standards of part M Building Regulations by delivering 30% of dwelling to M4(2) of the building regulations. LP17; CHARACTER OF SETTING. To protect the intrinsic value of a setting at the centre of a medium village. CUMULATIVE impacts must be considered. LP26; DESIGN AND AMENITY. In relation to siting, height, scale and massing. Overlooking, overshadowing

Cllr S Bunney: Objects

Waddingham is in the Market Rasen Division of Lincolnshire County Council - for which I am the sitting member.

I support the Parish Council in their objection to this planning proposal.

This development, if it goes ahead, greatly increases the amount of hard surfaces and water run off. This increases the risk of flooding in the area of the village at the crossroads of Stainton Avenue, Redbourne Road, Kirton Road and B1205. The Geological report for a previous application on this site, which was rejected, states "Use of soakaways for disposal of surface water from the site will not be feasible. In addition a comparatively high water table was evidenced potentially indicating that natural ground drainage was poor." This adds to the general flooding concern.

Local knowledge indicates that the current sewage infrastructure is already insufficient for the village, often backflowing in times of heavy rainfall as surplus run off enters the system. These extra houses certainly will not help the situation. I believe that the size of the properties [in particular the 2 six bedroom three storey houses] are not in keeping with the site or the scale of the village. The houses are crammed in with insufficient car parking and bin storage for a modern household.

I also believe that the landscaping proposals do not adequately compensate for the loss of the trees in the old orchard.

Waddingham Parish Council: Objects

- The Geological report states "Use of soakaways for disposal of surface water from the site will not be feasible. In addition a comparatively high water table was evidenced potentially indicating that natural ground drainage was poor." This alongside all of the hard surfaces on the plan will certainly cause flooding in the village as the surface water will run down the High Street to the low point at the junction where there has been flooding in the past.
- The two 6 bedroom, three storey houses are really not suitable for this site nor needed in this small village. As for the previous application "the scale, appearance and layout ...do not have due regard to the site context and the character of the village"

- There is not enough parking space within the development for the number of bedrooms suggested. Even though the aerial view shows the numbers that are required there is not actually enough space and the excess cars will end up parking on the narrow roads within the village, adding to problems that already exist.
- The developers are failing to show any care of the old orchard. The plans show Plot 7 overtaking some of the trees. Already the developers have removed some of the trees which were supposed to be kept and have undercut the roots of some of the trees in the name of “landscaping” which is jeopardising them.
- The comments on the previous application advise that the size of the dwellings on the site should be reduced. They have not done that, just shuffled the existing buildings around leading to the overtaking of the old orchard by plot 7.
- There is also no indication where any bins will be sited. Refuse collections will be difficult as the lorries will have to reverse to exit onto the High Street.
- The same goes for delivery vehicles.
- The village’s sewage system is already at breaking point, as far as we are aware.

Local residents: Objections (summarised) received from:

Rose Cottage, Silver Street, Waddingham
 Archway, Joshua Way, Waddingham
 Field View Cottage, Joshua Way, Waddingham
 Rosemund Cottage, Joshua Way, Waddingham
 The Old School, The Green, Waddingham
 The Laurels, The Green, Waddingham
 Summer Beck, The Green, Waddingham
 Wesley House, The Green, Waddingham
 Summer Beck, The Green, Waddingham
 Stonecroft, Stainton Avenue, Waddingham
 1 Redbourne Road, Waddingham
 Wee Holme, Redbourne Road, Waddingham
 Wingar, Kirton Road, Waddingham
 The Old Cottage, High Street, Waddingham
 The Payhouse, High Street, Waddingham
 The Elms, High Street, Waddingham

Visual Impact/Character

- Creates an urban estate in the countryside.
- Out of character with village.
- No character to dwellings, bland and architecturally poor.
- The looked and feel of the old village will be unreparably harmed.
- Appearance of all dwellings not in keeping with surrounding dwellings more resembling a modern urban environment not a rural village one.
- Density not capable of successfully blending in with surroundings.
- Properties are too large.

- Size of houses is completely out of keeping with surrounding area.
- Proposed properties will dwarf long standing buildings and ground level is higher.
- Overdevelopment.
- No need for 5 bed dwellings
- The sample materials still do not seem to include any coursed rubble work which is the way that stone work in the village is historically completed.

Drainage

- Existing drainage is not sufficient/adequate.
- The junction floods in adverse weather.
- Where is extra rainwater run-off supposed to go?
- Main drain frequently overflows.
- Foul sewer system cannot cope now.

Flooding

- Soakaway test failed.
- Heavy rain the surface water from High Street, Common Road and Redbourne Road accumulates in Stainton Avenue resulting in water bubbling out from manholes and running down the road.
- Makes flash flooding a certainty.
- Hardstanding on site will make risk of flooding worse.
- Two flash floods in last two months as drains unable to contain fast flowing water.
- More water from the roofs would cause more flooding.

Highway Safety

- Entrance is near a busy junction.
- Increase of vehicles (10+) onto High Street plus delivery vehicles would be unwise as Redbourne Road is becoming a dangerous part of the village.
- Additional traffic would cause concern for safety of other vehicles, pedestrians and school children at drop off and pick up times.
- Insufficient parking allocation.

Residential Amenity

- Additional height of land would overlook on surrounding properties.

Heritage

- Too near Listed Buildings and out of proportion with surroundings.

Sustainability

- No amenities in the area – No pub, post office and village shop closing soon.

Ecology

- Site off ecological value e.g. newts, hedgehogs and birds.
- Impact on wildlife.

Other

- All comments on 144071 are still relevant.
- Thought the orchard was protected.
- Will destroy old apple trees.
- Impact on power lines.

LCC Highways/Lead Local Flood Authority: No objection subject to conditions and advice

Representation received 15th September 2022

Footpath condition:

The development hereby permitted shall not be occupied before a 1.8 metre wide footway to the East of the access, 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.

Public Right of Way:

No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of improving the headland section of Waddingham Public Footpath 72 to a stone specification and providing a connection to the footway from within the site) have been certified complete by the Local Planning Authority.

Representation received 6th September 2022:

- Please request the applicant confirm if the site is proposed for adoption by LCC.
- If the site is proposed for adoption a turning head will be required to enable a white goods vehicle to manoeuvre on site.
- A drainage strategy will also need to be provided detailing plans of how the site will drain

WLDC Conservation Officer: No objection

Representation received 7th November 2022:

The proposal is within the historic core of Waddingham for 7no. dwelling located behind the previous public house known as the Marquis of Granby. The site is to the south of the Grade II listed Old School House and south-west of the Grade II listed 1-5 and Attached Shop, The Green.

The amended plans have reduced plot 5 from a 2.5 storey house to a 2-storey house. The design and layout of the property is now altered to be different from the remainder of the development site.

Within the Waddingham Neighbourhood Plan, the historic core is characterised as “generally two-storeys and detached”. The height of Plot 5 now fits this character which would be viewable within the setting of the listed buildings and the design retains the traditional vernacular of the historic core.

This design is now considered to preserve the historic core of Waddingham, support by LP25.

Under paragraph 202 of the NPPF, there will still be some harm to the setting of the listed buildings which is mitigated by design and this will be mitigated further through the approval of high-quality materials, outweighing the harm against the public benefit.

For that reason, I wish to condition the following;

- 1) Before work begins, all external facing materials including roof, walls, all joinery, rainwater goods, or any addition external features are submitted for approval to the LPA.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the setting under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) Prior to the installation, drawings to a scale of 1:20, fully detailing the following new windows, doors, sills and headers (or any other surrounds) shall be approved in writing by the Local Planning Authority and installed completely in accordance with the approval.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the setting under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 3) Prior to any above ground works, sample panels of all new facing brickwork and stonework shall be provided for approval on site showing the proposed -
 - i. Brick and stone types, sizes, colour, texture face-bond; (and)
 - ii. pointing mortar mix, joint thickness and finish profile.

These samples will remain on site throughout the development.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the setting under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Representation received 31st October 2022:

I have regarded the whole site and the amendments to the designs to plot 1 is acceptable by reducing the height to fit with the historic core. However, I still have issue with plot 5 retaining the additional height. Within the site plot 5 is proposed to be 2.5 storeys. This would be out of character within the historic core and have an impact upon the setting of the listed buildings. This impact would be exacerbated by the property being built on already raised ground making the property stand out in the historic core and upon the views from the listed buildings.

The deviation of the character of the historic core being so visible within the setting of the listed buildings would cause harm to the setting of the two listed buildings. This would not be supported by LP25 of the Central Lincolnshire Local Plan (2017) which would only support the preservation or enhancement of the setting.

Representation received 22nd September 2022:

The design still needs some alteration before I can be happy with the proposal.

The historic character of Waddingham and the common design is of two storey vernacular buildings. This is also noted in the Draft Neighbourhood Plan. Plot 1 & 5 have a second floor in the loft space making them visually taller than the rest of the site and likely the surrounding area. This would stand out in the setting of the listed building "1- 5 and attached shop, the green" while looking from the property. These two plots should be reduced in height to retain the historic character of the settlement which allows for the modern development to balance with the important heritage assets.

LCC Archaeology: No objections subject to a condition
The written scheme of archaeological investigation (WSI) submitted with this application meets the requirements we have previously recommended regarding earlier proposals for this site.

If permission is forthcoming this WSI could form part of the approved plans to avoid the need for a pre-commencement condition. We would, however, still recommend that conditions are applied to require notification of the intention to commence the archaeological work, and the submission of the final report, and deposition on the paper and material archive at a suitable museum.

WLDC Building Control: Comment
The Applicant has procured an Engineer design to meet the needs of the site for the FW & SW, this appears acceptable.

Ramblers Association: No representations received to date

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development
LP2 The Spatial Strategy and Settlement Hierarchy
LP3 Level and Distribution of Growth
LP4 Growth in Villages
LP10 Meeting Accommodation Needs
LP13 Accessibility and Transport
LP14 Managing Water Resources and Flood Risk
LP17 Landscape, Townscape and Views
LP25 The Historic Environment
LP26 Design and Amenity

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

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

The site is in a 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)

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

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

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

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

- ***National Planning Practice Guidance***

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

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

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

- ***National Design 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
- S2 Growth Levels and Distribution
- S4 Housing Development in or Adjacent to Villages
- S6 Design Principles for Efficient Buildings
- S7 Reducing Energy Consumption –Residential Development
- S20 Resilient and Adaptable Design
- S21 Flood Risk and Water Resources
- S23 Meeting Accommodation Needs
- S47 Accessibility and Transport
- S49 Parking Provision
- S53 Design and Amenity
- S57 The Historic Environment
- S65 Important Open Space

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/>

Draft Waddingham and Brandy Wharf Neighbourhood Plan:

The draft version (Regulation 14) of the Waddingham and Brandy Wharf Neighbourhood Plan was published for consultation purposes between 31 March 2019 and 31 May 2019.

The Plan has now reached Regulation 16 stage. This involves the final version of the Plan being produced for submission to the District Council for examination purposes. However, at the time of writing, the Reg16 Submission Version of the Neighbourhood Plan is yet to be published.

The relevant policies are:

Policy 3 Additional Residential Development
Policy 8 General Design and Development Principles
Policy 9 Parking Standards

Character Area CA1 – Waddingham Historic Village Core

The Draft Waddingham and Brandy Wharf Neighbourhood Plan therefore carries some, limited weight in the decision making process.

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

Other:

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

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

Section 38 of the Planning and Compulsory Purchase Act 2004

<https://www.legislation.gov.uk/ukpga/2004/5/section/38>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan
Draft Waddingham and Brandy Wharf Neighbourhood Plan
Community Consultation Conflict
Concluding Statement
- Minerals Resource
- Heritage
- Important Open Space
- Visual Impact
- Flood Risk
- Residential Amenity
- Highways
- Archaeology
- Foul and Surface Water Drainage

Assessment:

Principle of Development

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

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Local policy LP2 identifies Waddingham as a medium village and development proposals would:

“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’.*

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

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

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

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

Glossary D (page 137) of the CLLP defines infill as “*Development of a site between existing buildings*”.

The principle of 7 dwellings on the site was previously accepted and established in approved outline planning application (all matters reserved) 138660 determined on 21st March 2019. Whilst this application has expired it is considered a material consideration as it considered 7 dwellings on the site to be principally acceptable in accordance with the Central Lincolnshire Local Plan 2012-2036.

Local policy LP4 goes on to say that Waddingham has a growth level of 15%. An updated table of remaining growth for housing (dated 30th September 2022) in medium and small village’s states that Waddingham has 293 dwellings with a remaining growth of 26 dwellings.

Draft Waddingham and Brandy Wharf Neighbourhood Plan (DWBWNP): Policy 3 sets out criteria for small scale and larger scale residential developments. Criteria 2 and 3 state in summary (larger schemes) that developments of more than one dwelling must complete a community consultation exercise and submit with the application. Any application which does not comply with part 2 to the satisfaction of the Parish Council and West Lindsey District Council will not be supported.

Policy 8 sets out criteria for the design and character of developments.

Policy 9 sets out parking standards for dwellings based on the numbers of bedrooms.

Extract from Map 5 (page 32): Waddingham Developed Footprint and proposed Housing Allocations



Extract from Map 9: Character Areas in Waddingham



Character Area 1 covers Waddingham's historic village core.

Community Consultation Conflict:

Policy 3 of the DWBWNP states that any housing developments of more than one dwelling would be required to complete a community consultation exercise for submission with an application. Local policy LP2 of the CLLP requires a community consultation exercise to be completed for submission with an application for small and medium villages when the settlement no longer has any remaining housing growth. This is a clear conflict between the DWBWNP and the CLLP.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004 states that *'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document'*.

The DWBWNP has only completed its regulation 14 stage, with initial consultation on its first draft. The published draft plan has yet to be updated following its regulation 14 consultation, and submitted to WLDC for formal consultation to take place. It is at a relatively early stage and therefore only carries some limited weight as a draft document. It has not been subject to examination, public referendum, and is not currently part of the statutory development plan. The Central Lincolnshire Plan was adopted on 24th April 2017 therefore is part of the development plan and carries full weight. Therefore the most recent plan and last document is the Central Lincolnshire Local Plan. It is not therefore considered that a community consultation exercise is required on submission of the application due to the 26 dwellings remaining in Waddingham's housing growth.

Concluding Statement:

The development would be within the 9 dwelling limit of local policy LP2 and would be an infill development in accordance with the infill definition of the CLLP (between existing buildings). Map 5 of the DWBWNP identifies the site as being outside the developed footprint of Waddingham. Whilst some weight

is given to Map 5 of the DWBWNP it is considered that the site is adjacent to the built form of Waddingham to a number of its boundary either fully or at some point.

As in expired outline planning permission 138660 the site is considered to be in an appropriate location for housing development and as an infill site has the highest priority for housing development in accordance with the land availability sequential test of local policy LP4. The development does not trigger the requirement for a community consultation exercise due to the CLLP being the most up to date plan/document.

Whilst the development would not accord with policy 3 of the DWBWNP the principle of the development is acceptable and accords to local policies LP1, LP2, LP3 and LP4 of the CLLP and the provisions of the NPPF.

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

Minerals Resource

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

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

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

The application has included the submission of a Minerals Assessment. The Minerals and Waste team at Lincolnshire County Council have not commented on the development. The site has had outline planning permission for 7 houses where the principle of the development was

accepted. This recently expired. Therefore the proposal would not be expected to 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.

Heritage

An objection has been received in relation to the impact of the development on heritage assets.

The site is located in the setting of Listed Buildings with the closest being the Grade 2 Listed Old School House.

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

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

Guidance contained within Paragraph 194 of the NPPF states that *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'*.

Paragraph 199 states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*.

The impact of a development of the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a

setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’.

Paragraph 13 (Conserving and Enhancing the Historic Environment) of the NPPG (Reference ID: 18a-013-20140306) further supports this definition declaring that ‘*Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage*’ and ‘*although views of or from an asset will play an important part, the way in which we experience.*’

Criteria a) of Policy 8 of the DWBNP states that:
“development should respect existing plot boundaries, ratios, orientation and the historic buildings or traditional forms and grain of development”

The Local Authority’s Conservation Officer (CO) had not objected to the development in principle but made some recommended amendments in relation to the scale of plot 1 and plot 5. The CO recommended:

“Plot 1 & 5 have a second floor in the loft space making them visually taller than the rest of the site and likely the surrounding area. These two plots should be reduced in height to retain the historic character of the settlement which allows for the modern development to balance with the important heritage assets.”



Plot 1

Plot 5

In response to this the dwelling on plot 1 and 5 have been reduced in scale from a 6 bedroom to a 4 bedroom dwelling. The amended dwelling on plot 1 would match plot 4 and 6 and amended dwelling on plot 5 would be a new design. The comments of the Conservation Officer have therefore been acknowledged by the agent and the amendments have removed the objection subject to external material conditions.

The reduction in the scale of both plots would remove the original dominant appearance of plot 1 and 5 on the nearby Listed Buildings.

The proposed development would be considered to preserve the setting of the nearby listed buildings and accord to Local Policy LP25 of the CLLP, the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, draft policy 8 of the DWBWNP and the provisions of the NPPF.

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

Visual Impact

Objections have been received in relation to the visual impact of the development on the site and the surrounding character of the area.

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) states *'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;'

Draft policy 8 of the DWBWNP sets out criteria for the design of new development including sub-criteria a-f of criteria 1.

The site is not within an area identified for its special landscape and scenic quality.

The development would introduce the following dwellings on the site (All measurements are approximated from the submitted plans):

					Dimensions (metres)			
Plot	Storey	Beds	Parking	Garage	Height	Eaves	Width	Length
1	2	4	3	No	8.2	5.3	9.5	10.6

2	1	4	3	No	5.4	2.6	14	9.8
3	1	2	2	No	4.8	2.5	10.9	8.3
4	2	4	3	No	8.2	5.3	9.5	10.6
5	2	4	3	No	8.2	5.3	11.4	7.0
6	2	4	3	No	8.2	5.3	9.5	10.6
7	2	4	3	No	8.3	5.3	10.2	6.8

Each dwelling would be constructed from:

Plot	Materials
1, 4 and 6	Brick with red double pantile
2 and 3	Stone with brick detailing with red double pantile
5 and 7	Stone front with brick sides and rear with red double pantile

The application form proposes cream UPVC heritage style windows.

Character area 1 of the DWBWNP covers the historic village core of Waddingham. On walking around the historic village core it is clear that the area comprises a mix of material finishes to the dwellings. These include stone, brick (various colours), stone with brick detailing and render (cream and off white).

The proposed use of brick and stone would therefore appear acceptable but would need to be approved through a condition due to the sensitive nature of the site within the draft historic village core character area.

As confirmed in the draft character assessment the dwellings within the historic village core are generally two storeys in height and detached but there are some bungalows as well. The proposed development would introduce 5 two storey dwellings with two bungalows.

The principle elevation of plot 7 would face the developments access private road and its north west elevation would from a set-back position face High Street. Plot 7 has been designed with this in mind by including a number of openings on its north west side elevation. The inclusion of these openings would create a more attractive entrance into the site and contribute towards the well-designed street scene on High Street.

To the south west of the site is The Paddocks which includes two storey dwellings which are higher than the other dwellings on The Paddocks due to having rooflights which are presumed to serve living accommodation. Whilst The Paddocks is not within the draft Historic Village Core character area its dwellings particularly 4 The Paddocks (with rooflights) is in view from the village green looking back towards the site.

It is considered that the development overall would not have an unacceptable harmful visual impact on the site and the surrounding area and accords to local policies LP17 and LP26 of the CLLP, draft policy 8 of the DWBWNP and the provisions of the NPPF subject to a comprehensive materials condition.

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

Flood Risk

An objection has been received in relation to flood risk but primarily from drainage which is discussed later in the report.

The application site sits within flood zone 1 therefore is sequentially preferable for housing development in accordance with LP14 of the CLLP and the provisions of the NPPF.

As a non-major development to be located in flood zone 1 (low probability), the application does not require to be supported by a site-specific flood risk assessment (FRA), under NPPF paragraph 167.

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

It is a policy requirement that when determining any planning application, the local planning authority should ensure that flood risk is not increased elsewhere (NPPF paragraph 167). This is addressed separately under drainage.

Residential Amenity

Objections have been received from neighbouring residents in relation to overlooking from the scale of the dwellings.

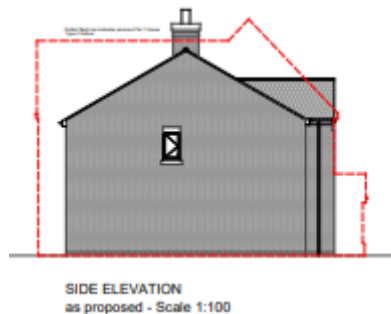
The application site has neighbouring dwellings adjacent or opposite to most boundaries of the site (all measurements are taken from the submitted plans). These are:

- Marquis House, High Street (converted Marquis of Granby) adjacent to the north east and south east boundaries
- Halton House, High Street adjacent to the north east and south east boundaries
- The Old School House, The Green adjacent to the north east boundary.
- Rose Cottage, The Green opposite to the south east boundary.
- The Laurels, The Green opposite to the south east boundary.
- Archway, Joshua Way adjacent to the south east and south west boundary.
- The Elms, High Street adjacent the south west boundary
- The Payhouse, High Street adjacent the south west and north west boundaries.
- Corner Cottage and Piano Cottage, High Street opposite to the north west boundary.

Marquis House:

Proposed plot 1 would share its north west boundary with Marquis House and would sit 2 metre from the shared boundary and 21 metres from the rear

elevation of Marquis House. Plot 1 would have one first floor window serving an ensuite so can be conditioned to be obscurely glazed. The proposed dwelling on plot 1 has been significantly reduced in height and overall scale (see plan below) and set slightly further back from the shared boundary with the Marquis House.



(Originally submitted dwelling outlined in red)

The position of plot 1 would have a modest impact on light received to the end of the garden to Marquis House. The reduction in the scale of the dwelling has sufficiently reduced the massing impact of the plot 1 on Marquis House.

Plot 6 would be a two storey dwelling with first floor front elevation bedroom windows facing towards the rear garden of Marquis House. The front elevation of plot 6 would be 13.8 metres from the south west boundary of Marquis House which is an acceptable separation distance.

Plot 7 would be a two storey dwelling with first floor front elevation bedroom windows facing towards the rear garden of Marquis House. The front elevation of plot 6 would be 12 metres from the south west boundary of Marquis House. This separation distance would be sufficient and would not unacceptably overlook rear garden of the Marquis House.

Halton House:

Proposed plot 1 would share its north west boundary with Halton House and would sit 5 metres from the shared boundary and 13.1 metres from the rear elevation of Halton House. Plot 1 would have first floor window bedroom windows on the rear elevations but the angle and separation distance would limit any potential overlooking.

The Old School House:

Proposed plot 1 and 2 would share its north east boundary with The Old School House. Plot 1 would sit 19 metres from the shared boundary and plot 2 would sit 7.5 metres from the shared boundary with The Old School House. Plot 2 would be a bungalow. Plot 1 and 2 would be sufficiently separated from the boundary of The Old School House.

Rose Cottage:

The south west boundary of proposed plot 2 (bungalow) would be opposite the north west boundary of Rose Cottage. Plot 2 and Rose Cottage would be separated by public rights of way Wdgm/72/1. The proposed dwelling would be sufficiently separated from Rose Cottage.

The Laurels:

The south west boundary of proposed plot 3 (bungalow) and plot 4 would be opposite the north west boundary of The Laurels. Plot 3/4 and The Laurels would be separated by public rights of way Wdgm/72/1. The rear elevation of Plot 4 is orientated to the south west therefore facing away from The Laurels. The proposed dwellings would be sufficiently separated from The Laurels.

Archway:

Proposed plot 4 would share its south west boundary and proposed plot 5 would share its south east and south west boundary with Archway. Plot 4 would be 11.5 metres from the shared boundary and the rear elevation would not directly face the rear garden of Archway.

Plot 5 would have first floor bedroom windows. The rear elevation of plot 5 would be 6 to 13 metres from the shared boundary and over 90 metres from the nearest elevation to Archway. Whilst the bedroom windows would overlook the end of the rear garden to Archway the scale of the garden to Archway and the separation distance would mean sufficient privacy would be retained for the residents of Archway.

The Elms:

Proposed plot 5, 6 and 7 would share their south west boundary with The Elms. The varied built form of The Elms sits adjacent this shared boundary. All or most of The Elms is single storey adjacent the boundary. The rear elevation of The Elms only has one first floor window but this is much nearer to High Street.

The rear elevation of plot 5, 6 and 7 would be between 10-17.6 metres from the shared boundary with the Elms. The separation distance and position of the built form at The Elms would mean the privacy of the Elms would be retained.

The Payhouse:

None of the plots would share a boundary with The Payhouse. Plot 7 would be the nearest plot and would be 9.4 metres from the rear elevation of The Payhouse and 15 metres from its private external amenity space which sits to the south west side of The Payhouse.

Corner Cottage and Piano Cottage:

Both of these dwellings sit the other side of High Street therefore are significantly separated from any of the proposed plots.

It is additionally important to assess the impact of the proposed dwellings on each other although there would be a certain amount of 'buyer beware'. It is considered that the position of the dwellings and their openings will not harm the living conditions of the site's future residents. Each dwelling is considered to have sufficient private external garden space.

Therefore the development would not be expected to have an unacceptable harmful impact on the living conditions of neighbouring dwellings or future

residents and accords to local policies LP26 of the CLLP, draft policy 8 of the DWBWNP and the provisions of the NPPF.

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

Highway Safety

Objections have been received in relation to highway safety grounds.

Each proposed dwelling would be accessed from the vehicular access off High Street (30mph). Draft policy 9 of the DWBWNP sets out minimum parking standards for dwellings based on the amount of bedrooms. The draft policy proposes:

1. Off-street car parking for new residential developments should be provided to the following minimum standards:

1 bedroom	1 parking space (per dwelling)
2 bedrooms	2 parking spaces (per dwelling)
3+ bedrooms	3 parking spaces (per dwelling)

The proposed development proposes the following amount of parking spaces:

Plot	Bedrooms	Parking Spaces
1	4	At Least 3
2	4	At Least 3
3	2	2
4	4	3
5	4	3
6	4	3
7	4	3

Each dwelling would have sufficient off street parking to serve the occupants and would not lead to street parking.

The Highways Authority at Lincolnshire County Council have no objections to the proposed development on highway safety grounds but have recommended a condition to introduce a footpath to the east of the vehicular access to connect the development to the existing pedestrian footpath network. This would include appropriate arrangements for the management of surface water run-off from the highway.

The submitted site plan indicates the introduction of a footpath to meet this recommendation.

The Highways Authority have additionally recommended improvements works to the public right of way and access to the public right of way directly from the site. Whilst direct access to the public right of way from the site would be of modest benefit to the potential future occupants it is not considered as fundamental or necessary to the acceptability of the development. The proposed footpath to the east of the vehicular access would provide a short and safe walk to the north east entrance to the public right of way.

It is also considered that the recommended improvements to the public right of way are not relevant, necessary or reasonable to the acceptability of the development.

The development would therefore not have an unacceptable harmful impact on highway safety therefore accords to local policies LP13 of the CLLP, draft policy 8 of the DWBWNP and the provisions of the NPPF.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 111) of the NPPF and can be attached full weight.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the development or the submitted Specification for a Scheme of Archaeological Monitoring and Recording dated May 2021 by PCAS Archaeology. This is subject to a condition to ensure the development is completed in accordance with the submitted specification and to require notification of the intention to commence the archaeological work, the submission of the final report, and deposition on the paper and material archive at a suitable museum.

The development would not be expected to have an unacceptable harmful impact on archaeology therefore accords to local policies LP25 of the CLLP and the provisions of the NPPF.

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

Foul and Surface Water Drainage

Objections have been received from a number of third parties based on foul and surface water drainage.

The application has included a preliminary drainage plan 20451-3000 Rev P01 dated 29th June 2022, drainage details, CCTV investigations and drainage calculations. The Authority's Building Control department has assessed the plans and considered them as acceptable. Given the amendments to the scheme the drainage plan is however, now out of date.

Foul Water:

Paragraph: 020 (Reference ID: 34-020-20140306) of the water supply, wastewater and water quality section of the NPPG states:

“When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This will need to be done in consultation with the sewerage company of the area.”

The application form states that foul drainage will be disposed of to the mains sewer which is the preferred option. The developer will be responsible for getting consent from the relevant authority prior to connecting to the existing mains sewer. This will include acceptance from the relevant authority that the existing mains sewer has the capability of dealing with the additional intake.

Surface Water:

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

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

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

The application form states that surface water is proposed to be disposed of to the mains sewer. This method is the lowest on the hierarchy listed above. The application has included drainage investigations, calculations and percolation tests including an Intrusive Site Investigation Report by GEO Investigate dated April 2021. Section 3.3 (infiltration Testing Borehole – BH5 and BH6) of the Intrusive Site Investigation Report sets out the results of percolation tests taken on the site. The results of the percolation tests identified a negligible drop of 35mm in a 60 minute period in borehole BH5 with similar results at borehole BH6. Section 3.3 concludes that:

“Given these results, and as expected from the general ground conditions encountered at the site, the clay soils at the site are essentially impermeable and the use of soakaways for disposal of surface water from the site will not be feasible. In addition, a comparatively high water table was evidenced by way of standing water at depths of circa 1.20m, potentially indicating that natural ground drainage was poor.”

These results demonstrates that the use of an infiltration method such as soakaways would not be feasible on the site. There are also no surface water bodies to connect to near to the site.

The application has included a proposed general arrangement drainage plan 20451-3000 Rev P01 dated 29th June 2022 by Woodside Consulting Engineers Ltd. This identifies all drainage connections and the position of the attenuation tank, surface water pumping station and the ACO channel. The attenuation tank would discharge surface water at 2 litres per second into the mains sewer via a surface package pumping station. Surface water would additionally be pumped and drained into an ACO drain along the front of the vehicular access.

The application has therefore demonstrated through borehole testing on the site that infiltration is not feasible and there is no surface water body which can be utilised. Given the evidence it is accepted that the site is not suitable for a sustainable urban drainage system and surface water would have to be disposed of to the mains sewer in a controlled manner as described previously.

The indicative attenuation tank would have a volume of be 92.34m³. The drainage plan states that *“the attenuation tank has been designed to store all storms up to and including the 1 in 100 year + 40% climate change events.”* The design of the attenuation tank has been created from the drainage calculations received 5th August 2022 by Woodside Consulting Engineering Ltd and includes results for a 100 year +40% Climate Change Critical Storm Duration.

The submitted drainage plan is currently out of date as the scheme has been amended to alter the position and scale of dwellings on plot 1, 5 and 7. It is therefore considered that drainage can be fully addressed through a condition.

Therefore subject to a condition the development would be expected to accord to local policy LP14 of the CLLP and the provisions of the NPPF.

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

Contamination

The application has included an Intrusive Site Investigation Report by Geo Investigate dated April 2021. The report concludes that *“soils at the site are generally uncontaminated and fit for purpose in the proposed residential end use of the site. No remedial works are considered necessary at the site prior to redevelopment”*.

Given the results of the intrusive site report it is considered that the site would not be expected to have an unacceptable harmful contamination impact. It is considered relevant and necessary that a precautionary contamination is attach to a permission to ensure that any contamination found during the construction phase is remediate before works continue in the interests of human health.

Therefore subject to a condition the development would be expected to accord to local policy LP16 of the CLLP and the provisions of the NPPF.

It is considered that policy LP16 is consistent with the contamination guidance of the NPPF and can be attached full weight.

Biodiversity

Objections have been received in relation to protected species and wildlife on the site.

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

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

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

Protected Species:

The application has included a Preliminary Ecological Appraisal (PEA) Report by Crow Ecology dated 20th September 2022. Section 7 of the PEA sets out the ecologist recommendations for the site. These are:

Birds

- The clearing of the orchard, dense and scattered scrubs should take place outside the bird breeding season (1st September to 28th February).
- Any works during the bird breeding season requires an ecologist to check the site first.

Birds and Bats

- The orchard, newly planted trees and shrubs should not be illuminated by artificial light.
- Any external lighting should follow the lighting specifications and details on page 25-27.

Mammals and Amphibians

- The precautionary working method statement listed on page 27-28 should be followed.

Trees:

Objections have been received in relation to the orchard and its potential loss.

The application has not included a tree survey but the PEA recommends tree protection measures are installed to protect the Orchard trees to the front of the site during construction.

There are no protected trees on or adjacent the site. The trees to the front of the site close to the Payhouse appear to be retained on the site plan and are part of the street scene along the High Street. As discussed later in the report details of retained, removed and new trees can be conditioned on a permission.

Biodiversity Enhancements:

Section 8 of the PEA provides biodiversity enhancement recommendations including:

- Fruit Tree Planting
- Hedgerow Planting and maintenance
- Understory Hedgerow Sowing
- Wildflower and Grass Sowing
- Shrub Planting
- Integrated Bat Boxes and Locations
- Integrated Bird Boxes and Locations
- Hedgehog highways and commuting

The proposal would not be expected have a harmful impact on biodiversity and the recommendations have the potential to overall provide a modest positive biodiversity net gain. Therefore subject to conditions the development accords to local policy LP21 of the CLLP and guidance contained within the NPPF.

It is considered that policy LP21 and EN1 are consistent with the biodiversity guidance of the NPPF and can be attached full weight.

Other considerations:

Landscaping

The submitted site plan provides an indication of landscaping details but not in sufficient enough detail. The plan lacks the detail including:

- Boundary treatments type and height (retained and new)
- Hardstanding and access road material finish
- Retained and removed trees and hedging
- New hedgerow and tree position and species, planting height and planting formation

Therefore it is considered that details of landscaping can be approved through a condition attached to the permission.

Public Rights of Way

The proposed development would not block off the use or unacceptably harm the enjoyment of using public rights of way Wdgm/72/1.

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The development would be located in the Non Lincoln Strategy Area (£15/m²) will be liable to a CIL payment required prior to commencement of the development. An advisory note will be attached to the permission.

Permitted Development

It would be considered relevant and necessary to remove certain permitted development rights from plot 7 to retain adequate private garden space and remove Class AA for all plots to retain the character of the area and mix of dwelling types on the site. The permitted development rights to be removed would be Class A and E of Part 1 (for plot 7) and Class AA of Part 1 (for all plots) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

Pre-commencement condition

The agent has agreed in writing to the proposed pre-commencement conditions.

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP4 Growth in Villages, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, S21 Biodiversity and Geodiversity, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036 in the first instance. Consideration is additionally given to policy S1 The Spatial Strategy and Settlement Hierarchy, S2 Growth Levels and Distribution, S4 Housing Development in or Adjacent to Villages, S7 Reducing Energy Consumption – Residential Development, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S23 Meeting Accommodation Needs, S47 Accessibility and Transport, S49 Parking Provision, S53 Design and Amenity, S56 Development on Land Affected by Contamination, S57 The Historic Environment, S60 Protecting Biodiversity and Geodiversity, S65 Important Open Space and S66 Trees, Woodland and Hedgerows of the Submitted Central Lincolnshire Local Plan Review and draft policy 3 Additional Residential Development, policy 8 General Design and Development Principles and policy 9 Parking Standards of the Draft Waddingham and Brandy Wharf Neighbourhood Plan. Furthermore consideration is given to the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Model Code.

In light of this assessment and expired outline permission 138660 it is considered that the site is in an appropriate location for housing development

and the principle for seven dwellings is acceptable. The proposal would not have an unacceptable harmful visual impact on the site or the surrounding area and would preserve the setting of the nearby Listed Buildings. It would not have an unacceptable harmful impact on the living conditions of neighbouring dwellings, highway safety, archaeology, contamination, a minerals resource and drainage. The development is therefore acceptable subject to conditions.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

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

Prepared by: Ian Elliott

Date: 15th November 2022

Recommended conditions

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

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

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

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

2. No development must take place until full details to protect the existing trees and their root protection areas to the north west of the site adjacent to plot 7 and The Payhouse, High Street have been submitted to and approved in writing by the Local Planning Authority. The approved protection measures must be installed prior to the commencement of development and retained in place until the development has been fully completed.

Reason: To safeguard the existing trees on or adjacent the site during construction works, in the interest of visual amenity to accord with the

National Planning Policy Framework and local policy LP17 and LP21 of the Central Lincolnshire Local Plan 2012-2036.

3. No development must take place until details of the type and position of two integrated bat boxes and two integrated bird boxes, as per the recommendations of the Preliminary Ecological Appraisal (PEA) Report by Crow Ecology dated 20th September 2022 has been submitted to and approved by the Local Planning Authority. The approved boxes must be installed prior to occupation of the dwelling the box is attached to and must be retained as such thereafter.

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

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

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

- 9_101 Rev 05 dated 8th November 2022 – Site Plan
- 9_004 Rev 02 dated 20th October 2022 – Plot 1, 4 and 6 Elevation and Floor Plans
- 9-005 Rev 03 dated 3rd November 2022 – Plot 5 Elevation and Floor Plans
- 9_006 Rev 00 dated 8th June 2022 – Plot 3 Elevation and Floor Plans
- 9_003 Rev 01 dated 8th November 2022 – Plot 7 Elevation and Floor Plans
- 9_002 Rev 00 dated 8th June 2022 – Plot 2 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, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 8 and 9 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. No development above ground level must take place until the following external materials for the proposed dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority:
 - Sample panel of stonework and mortar with mortar finish and specification.

- Sample panel of brickwork and mortar with mortar finish and specification.
- Roof material sample and colour finish.
- Windows and doors including colour finish.
- All rainwater goods including the colour finish.

The development must be completed in strict accordance with the approved details and retained as such thereafter.

Reason: To ensure the use of appropriate materials in the interests of visual amenity, the character and appearance of the site and the area including preserving the setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 8 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. The development hereby approved must be completed in strict accordance with the Specification for a Scheme of Archaeological Monitoring and Recording dated May 2021 by PCAS Archaeology.

Reason: To ensure implementation of an appropriate scheme of archaeological mitigation to accord with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan.

7. 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 5 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

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

8. No development above ground level must take place until full details of a scheme for the disposal of foul and surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. The Drainage Strategy will need to identify how run-off from the completed development will be prevented from causing an impact elsewhere. No occupation of each individual dwelling must take place until its individual foul and surface water drainage connection has been fully installed in strict accordance with the approved details. The approved drainage scheme must be retained as such thereafter.

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

9. No development above ground level must take place until full details and specification for the installation of a 1.8 metre wide footway to the east of the vehicular access, to connect the development to the existing footway network, has 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. No occupation of the development must take place until the approved footway has been fully completed in strict accordance with the approved scheme.

To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

10. No occupation of the development must take place until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:

- Type, height and position of all retained and new boundary treatments.
- Material finish of all hardstanding (driveways, patios and paths).
- Species, planting height, formation and position of new trees and hedging.
- Retained and removed trees and hedging.

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

Reason: To ensure that appropriate landscaping is introduced and would not unacceptably harm the character and appearance of the site and preserve the setting of the nearby listed buildings to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 8 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. No occupation of each individual dwelling must take place until the vehicular access, private access road and its individual parking spaces have been fully completed in strict accordance with site plan 9_101 Rev 05 dated 8th November 2022 and retained for that use thereafter.

Reason: To ensure safe access to the site and available adequate off street parking to accord with the National Planning Policy Framework, local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-

2036 and Policy 8 and 9 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan

12. Apart from the bat, bird and owl boxes described in condition 3 of this permission the development hereby approved must only be carried out in accordance with the recommendations set out in section 7 and 8 of the Preliminary Ecological Appraisal (PEA) Report by Crow Ecology dated 20th September 2022.

Reason: To respond to the enhancement recommendations of the Preliminary Ecological Appraisal (PEA) Report by Crow Ecology dated 20th September 2022 to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

13. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) must be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the local planning authority. The contamination must then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and to accord with the National Planning Policy Framework and local policy LP16 of the Central Lincolnshire Local Plan 2012-2036.

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

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

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

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

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

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and local 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:

17. All planting or turfing comprised in the approved details of landscaping (see condition 10 above) must be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure that all planting is provided within a timely manner and has the best opportunity to establish to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

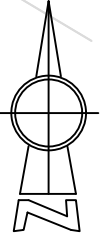
18. Notwithstanding the provisions of Classes A and E of Schedule Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling (plot 7) hereby permitted must not be extended, altered and no buildings or structures shall be erected within the curtilage of the dwellings unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the external private amenity space of the occupiers in accordance with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

19. Notwithstanding the provisions of Classes AA of Schedule Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwellings (plot 1-7) hereby permitted must not be extended by an additional floor for the bungalows or up to two floors for the two storey dwellings unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the character and appearance of the site and surrounding area and the setting of nearby Listed Buildings in accordance with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Note:
Do not scale from this drawing. All discrepancies should be reported to the drawing office. This drawing should be read in conjunction with the standard construction specification and standard details. All intellectual property rights are the copyright of Truelove Property & Construction Ltd ©.



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Truelove Property & Construction Ltd 4A Eastgate, Lincoln, LN2 1QA www.trueloveproperty.co.uk Tel: 01522 526979 Fax: 01522 527599	 Truelove Property & Construction Ltd - established 1968 -	Project: Scothorn Road Nettleham	Drawing No: TL016-SL-04	Revision: F
		Title: Site Location Plan	Scale: 1:2000 @ A3	Date: 10.11.22

Officers Report

Planning Application No: 144480

PROPOSAL: Planning application to erect 7no. dwellings.

LOCATION: Land off 72 Scothern Road Nettleham Lincoln LN2 2TX

WARD: Nettleham

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

APPLICANT NAME: Miss Emma Truelove

TARGET DECISION DATE: 07/07/2022

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Daniel Evans

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to Officer's upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

1. A capital contribution of £6,052.50 (£4,427.50 + £1,625.00) to the Council towards capital infrastructure for health services necessary to serve the development.
2. On-site delivery of 2no. Affordable Housing Units for affordable rented accommodation.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

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

Description:

The application site is located within the development site now known as Cricketers' Walk, off Scothern Road, Nettleham.

The site is currently under construction with permission granted for 71no. (68+3) dwellings and associated infrastructure. To the north-west and west of the site are existing residential properties with houses to Scothern Road and bungalows to High Leas and Highfields. Properties to High Leas in particular have short gardens. A public footpath also exists to the boundary of the rear gardens of 23 – 34 High Leas. To the east and south are agricultural fields.

The application seeks permission to erect 7no. dwellings. The 7no. dwellings proposed would be visually and functionally incorporated into the wider development site. For clarity, this application is not an amendment to the

previous permission, and is in addition to, which would result in 78 dwellings total.

It is noted that simultaneously to this assessment there is a further application for two dwellings (WLDC Ref: 145076), as such, where necessary this assessment considers both applications cumulatively.

Amended plans were received on 09/11/2022 and 10/11/2022, a re-consultation is currently being undertaken and this determination is based on the amended drawings.

Relevant history:

Application Site History

W65/33/80 – Residential Development. Permission refused 15/02/80.

W65/1191/89 – Outline application for residential development. Permission refused 27/04/90 Appeal dismissed 01/03/91.

131975 – Outline planning application to erect 68 dwellings – 10 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. Permission granted 14/03/17

136312 – Planning to erect 68 dwellings with associated garages and infrastructure and footpath/cycleway link to Sudbrooke. Permission refused 12/08/17

136900 – Application for a non-material amendment to previously approved outline application 131975 granted 14 March 2017 – amendments to layout. Granted 31/10/17

137106 – Application for approval of reserved matters (appearance and landscaping) to erect 68 dwellings – following outline planning permission 131975 granted 14 March 2017. Permission granted 22/03/18

139085 – Application for non-material amendment to planning permission 131975 and 137106 granted 14 March 2017 – Amendment to plots 1, 2, 3, 4, 11, 12, 13 and 14 and changes to the site plan. Granted 29/03/19

139351 – Application for non-material amendment to planning permission 131975 granted 14 March 2017 – amendment to plots 19-23 inclusive and site plan. Planning permission required 14/05/19

140292 – Planning application to vary condition 1 of reserved matters approval 137106 (erect 68 dwellings considering appearance and landscaping granted 22 March 2018) – variation of plots (4, 5, 10, 19, 23, 26 & 68) to include alterations to housing designs, relocation of houses and garages on plots together with provision of substation at plot 19. Permission granted 08/07/2020

140640 – Planning application to vary condition 19 of outline planning permission ref. 131975 granted 14 March 2017 (as amended by 139998 approved on 7 November 2019) (erect 68no. dwellings-10no. affordable including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke considering layout and scale) – variation of plots (4, 5, 10, 19, 23, 26 & 68) to include alterations to housing designs, relocation of houses and garages on plots together with provision of substation at plot 19. Permission granted 08/07/2020

141487 – Application for non-material amendment to planning permission 131975 granted 14 March 2017 – amendment to boundary locations. Part granted-part refused 04/09/20.

141843 – Outline planning application to erect 68no. dwellings-10no. 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 - being variation of condition 19 of planning permission 131975 granted 14 March 2017 (as amended by 140640 granted 8th July 2020) - amended plans to change position of plots 15, 16, 17, 18 and 26, change house types of plots 5, 10, 15, 16 and 17 and include conservatories on plots 20-23. Granted January 2021.

142448 – Application for non-material amendment to planning permission 141843. Granted 10/03/2021.

142609 – Application for non-material amendment to planning permission 141843 – Granted 08/04/2021.

142542 – Planning application to erect 3no. dwellings. Granted 11 November 2021.

143657 – Planning application to erect 4no. dwellings, including 1no. affordable bungalow. Refused 30/11/2021.

143824 - Planning application to erect 2no. dwellings. Refused 23/12/2021.

144115 - Planning application to erect 5no. dwelling, including 2no. social housing dwellings. Refused 24/03/2022.

144264 - Planning application to vary condition 5 of outline planning permission ref. 131975 granted 14 March 2017 (as amended by 140640 approved 8 July 2020 and 141843 approved 12 February 2021) (erect 68no. dwellings-10no. affordable- including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke considering layout and scale) - amended construction method statement. Refused 14/04/2022 – Appeal APP/N2535/W/22/3300608 allowed 06/10/2022.

144569 - Request for confirmation of compliance with condition 13 of planning permission 131975 granted 14 March 2017. Discharged 19/04/2022.

144614 - Application for non-material amendment to planning permission 131975 granted 14 March 2017 - adding orangeries to plots 35, 38, 40, 41, 60,62, 63, 64, 66 and 67. Granted 29/04/2022.

144725 - Application for non-material amendment to planning application 131975 granted 14 March 2017 - addition of conservatory to plot 5a. Granted 04/05/2022.

144807 - Application for non-material amendment to planning permission 131975 granted 14 March 2017 - amend location of plot 43 and 52. Granted 17/05/2022.

145058 - Application for non-material amendment to planning permission 131975 granted 14 March 2017 - amend the position of plot no.48. Refused 06/07/2022.

145048 - Planning application to vary condition 5 of outline planning permission ref. 131975 granted 14 March 2017 (as amended by 140640 approved 8 July 2020 and 141843 approved 12 February 2021) (erect 68no. dwellings-10no. affordable- including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke considering layout and scale) - amended construction method statement - resubmission of 144264 – Refused 07/09/2022.

145076 - Planning application for 2no. dwellings, including landscaped area. Currently undetermined.

Other Relevant History

Neighbourhood Plan Site C - 138494 and Appeal ref APP/N2535/W/19/3233948 - Outline planning application for erection of up to 63no. dwellings with garages, access roads, footpaths and open space- access to be considered and not reserved for subsequent applications. Granted subject to condition restricting development to max 50no. dwellings. Appeal allowed – in summary the inspector found that the condition limiting development to 50no dwellings was both unreasonable and unnecessary. **A copy of this appeal decision is provided at Appendix A.**

Representations:

Ward Member:

No representations received to date.

Nettleham Parish Council:

- The Neighbourhood plan and Local plan originally called for 50 homes on this site and 68 were finally approved. Since then there have been numerous attempts to increase this number. The Parish council objects to this continuous creep in housing numbers for this site which will change the whole character of the originally approved and supported

development from a spacious open development to one which is more appropriate for an urban area.

- The proposed development to provide 9no. additional dwellings would fail to assimilate satisfactorily with the surrounding character, topography and landscape setting and would cause lasting harm to the spacious and rural character of the wider development site. Contrary to the NNP and CLLP.
- If permission for these houses is granted we would request a condition mandating the developer to build a cycle track along Sudbrooke Lane - this was originally outlined in planning application 131975 but was not made a condition of the permission.

Local residents:

Objections received from the following properties:

- 4 Crickets Drive, Nettleham
- 8 Crickets Drive, Nettleham
- 10 Crickets Drive, Nettleham
- 16 Scothern Lane, Subbrooke.
- 58 Scothern Road, Nettleham

Comments summarised as follows:

- The open spaces within the development site are important to keeping Nettleham as a green community.
- Matters in relation to access and lack of information for construction works and boundaries.
- Comments raised in relation to lack of consultation with regards to any party wall agreement.
- The proposed development will lead to an overdevelopment of plots on the site.
- Plot 11A in particular appears too large for the site and does not accord with National Space Standards.
- 80 houses equates to 22-25dph, exceeding the NNP density.
- The densification of Phase 1 contravenes the principle of retaining the open, rural character of the site, tending more towards an urban feel.
- Concerns in relation to extra noise and disturbance.
- Plots 11A, 10A and 10B appear to have inadequate parking.
- The incremental infill of plots will create an overcrowded development.
- The construction management plan is unacceptable and will cause extra noise and disturbance to the detriment of existing residents and neighbouring properties.
- The original planning application has been already subverted this has allowed the developer to chance a further attempt at expansion on a site designated for a restricted number of dwellings. This developer has no consideration for the inter-structure of Nettleham.

General observations received from the following properties:

- 58 Scothern Road, Nettleham

Comments summarised as follows:

- Why are no boundary treatments shown.

LCC Highways & Lead Local Flood Authority:

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

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to surface water risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water risk for this planning application.

Environment Agency:

No comments.

WLDC Growth and Projects:

No comments.

Anglian Water:

No Comments.

LCC Education (Corporate Property Team):

11/11/2022 (in summary)

Requests financial contribution towards primary education only.

Planning Officer Comments – Additional clarity is sought from the Education authority relating to the disparity in their consultation responses. No financial contribution was requested at the original consultation stage, despite the original application proposing 4no. more dwellings than now proposed.

21/04/2022 (in summary)

No financial contribution requested to mitigate the impact of the development at local level.

Planning Officer Comments - The development will create 1no secondary school place to be mitigated but these monies are collected through CIL as opposed to a s.106 agreement in line with Central Lincolnshire Developer Contributions Supplementary Planning Document Adopted June 2018.

Lincs Police:

Lincolnshire Police do not have any objections to this application

NHS:

(in summary)

The development (cumulatively) is proposing 82 dwellings which based on 2.3 per dwelling for the West Lindsey District Local Authority (WLDC) Area may

result in an increased patient population of 189. The practice that is most likely to be affected by any increase in population is the local Nettleham Medical Practice in Lodge Lane, Nettleham, LN2 2RS.

The financial contribution requested to mitigate the impacts of the development is £632.50 x 11 (dwellings) = £6,957.50

The S106 contribution would provide capital to improve their car parking facilities and fund internal room reconfiguration to accommodate the extra consulting space requirements.

LCC Archaeology:

(in summary)

We have commented on earlier proposals for this site and would recommend that the same conditions as added to previous permissions (131975, 137084) also apply to the present application.

WLDC Environmental Protection:

15/11/2022 (in summary)

I have reviewed the information and have no further comments to add to those originally made by Jeanette Reith's attached for your information.

30/06/2022 (in summary)

Requests a construction management plan and contamination condition.

WLDC Strategic Housing:

15/11/2022 (in summary)

Looking at the above applications as cumulative applications, there are 9 additional units being provided on the site, as this is part of the wider site, it will trigger an affordable housing contribution as per LP11 of the Central Lincolnshire Local Plan. The site is within the Lincoln Strategy area and so will require a 25% contribution, for these applications of 9 units, that equates to 2.25 units of affordable housing.

The amended proposal at application 144480 includes 2 units of affordable rented housing which is an acceptable proposal based on the requirement. These will need securing through a S106. The trigger for delivery will need to be negotiated with the developer based on the site progress so far. The S106 will need to detail that these units are to be transferred to a Registered Provider but also give the opportunity for an off-site contribution in lieu of onsite delivery should an RP not be willing to take such a small number of units on a site.

The Commuted sum for the Lincoln Strategy area is currently £105,796 per unit which on this site where two units of affordable housing are to be delivered would equate to £211,592. Again, this will need securing in the S106 as a figure with indexation applied.

30/08/2022 (in summary)

As the above application is linked to the wider site at that location, it will trigger an affordable housing contribution under policy LP11 which states “If a development scheme comes forward which is below these thresholds and thus does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then, if the combined total of dwellings (or floorspace) provided by the first scheme and the subsequent scheme/s provide 11 or more dwellings (or 1,000 sqm or more floorspace), then Policy LP11 as a whole will be applied, with the precise level of affordable housing to be provided being ‘back dated’ to include the earlier scheme(s).

Three options provided relevant to the outcomes of applications 144480 and 145076.

In summary, the applications should be dealt with cumulatively (if both are to be recommended for approval). The developer should provide the required units on site as part of the development.

There are two options here for delivery of the affordable housing on site –

- The tenure is split to deliver 1 unit of First Homes and 2 units of Affordable Rented – this could have a trigger that should an RP not be secured, then a contribution could be paid in lieu of affordable housing, this would be secured as a per unit cost of £105,796 equating to £211,592.
- The affordable housing is all delivered as First Homes.

A S106 will need to be in place to secure the affordable housing contribution on whichever option is to be taken forward.

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth
LP10: Meeting Accommodation Needs
LP11: Affordable Housing
LP12: Infrastructure to Support Growth
LP13: Accessibility and Transport
LP14: Managing Water Resources and Flood Risk
LP17: Landscape, Townscape and Views
LP21: Biodiversity and Geodiversity
LP26: Design and Amenity
LP52: Residential Allocations - Large Villages

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

Relevant policies of the NP include:

Policy D-3 Parking Provision (New Housing)
Policy D-4 Water Resources and Flood Risk
Policy D-6 Design of new development
Policy H-1 Managed Housing Growth
Policy H-4 The provision of Affordable Housing
Policy H-6 Site B Land off Scothern Road

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

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

National policy & guidance (Material Consideration)

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

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

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

National Planning Practice Guidance -

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

- **Central Lincolnshire Local Plan Review Consultation Draft June 2021**

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

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

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

- **Nettleham Neighbourhood Plan Review**

A review of the Nettleham Neighbourhood Plan is in progress. Nettleham Parish Council has completed Regulation 14 consultation on its Draft Plan Review July 2022.

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).

At this time, the extent to which there are unresolved objections is unknown and the emerging neighbourhood plan can only be attributed limited weight.

Relevant policies of the emerging Neighbourhood Plan include:
Policy D1 – Parking Standards for New Residential Development
Policy D3 – Water Resources and Flood Risk
Policy D4 – Design of New Development and Parish Design Code Principles
Policy D5 – Climate Change Mitigation and Adaption
Policy D6 – Housing Development within Nettleham
Policy D7 – Housing Mix and Affordable or Specialist Housing

Main issues

- Principle of Development
- Affordable Housing
- Infrastructure
- Character and Visual Impact
- Residential Amenity
- Highway Safety and Parking and Public Right of Way
- Other matters

Principle of Development

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

The application site falls within the wider development site which is allocated under Policy LP52 under reference CL4661 (4.42 hectares) for an indicative 68 dwellings.

The site has planning permission for 68 dwellings and more recently has been subject to a further application (WLDC Ref: 142542) for an additional 3no dwellings. This was subsequently granted by WLDC Planning Committee in July 2021.

The 9no. additional dwellings proposed (7no. within 144480 & 2no. within 145076) would be visually and functionally assimilated into the wider development site. Therefore, for the purposes of this assessment, the development is considered cumulatively with the permission for the wider site of 71 dwellings (68+3). In total, allocated sites in Nettleham are identified to deliver an indicative 237 dwellings.

Policy H-1 of the NNP states, in reference to the four allocated sites in the plan area, that they will each be restricted to a yield of 50 homes ***“unless it can be demonstrated that their proposed numbers can be satisfactorily incorporated into the community and also that their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings”***. Policy H-6 of the NNP is specific to the application site (Site B in the NP). It states an allocation of

'approximately 50 dwellings' subject to the retention and strengthening of the existing footpath (FP149), creation of a 15m planting buffer along the south eastern and eastern boundary, retention of a minimum of 50% of the mature trees and hedgerow that runs in a south-easterly direction from the eastern end of High Leas, appropriate safeguarding of the archaeological features, the formation of safe and convenient cycle and vehicular access and allotment provision.

The indicative capacity within the NP allocation (50no.) differs from the CLLP allocation (68no.). The CLLP was adopted on 24th April 2017, this plan consequently postdates the NP which was formally 'made' in March 2016. As part of the development plan its policies post-date and can take precedence over the NP, where there is any conflict within the policies (s38(5) of the Planning & Compulsory Purchase Act 2004).

The supporting text of the CLLP at Paragraph 10.2.1 states that the indicative numbers of dwellings for each site are used to demonstrate how the overall housing requirement can be met, and it is emphasised that these numbers are only 'indicative' and do not represent a fixed policy target for each individual site.

In addition, Paragraph 10.2.2 states that developers are encouraged to produce the most appropriate design-led solution, taking all national policies and other CLLP policies into account, in arriving at a total dwelling figure for their site, and they need not be constrained by the figure that appears in the column headed 'indicative dwelling figure' in the relevant table of, in this case, Policy LP52.

Although an indicative 237 dwellings are planned for in Nettleham, the development plan is clear that this figure is not a maximum. Policy LP2 is clear that other windfall sites such as appropriate infill, intensification or renewal within the existing developed footprint are permitted together with development in appropriate locations outside of, but immediately adjacent to, the developed footprint where exceptional circumstances can be demonstrated. Whilst this part of the policy relates to non-allocated sites, it indicates that additional growth in a village beyond that indicated for allocated sites would potentially accord with the overall spatial strategy.

Overall, it is evident that the housing figures outlined for each of the allocated sites are not rigid maximums, and the policies of the NP in particular clearly set out circumstances where more than the indicative number may be acceptable. These are:

- Where it can be demonstrated that their proposed numbers can be satisfactorily incorporated into the community; and,
- Where their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings.

Given the incorporation of the 9no. additional dwelling within the site layout, it would not be readily discernible whether there were 71 or 80 dwellings on the site. The dwellings would be viewed in the context of the wider development

scheme, making more efficient use of the site, which consequently would be satisfactorily incorporated into the surrounding topography and landscape, in accordance with Policy H-1. The proposed dwellings would utilise the house types already proposed on site and there would be no harm the character and appearance of the area.

The Parish council have objected to both applications (144480 & 145076) stating that the *“continuous creep in housing numbers for this site will change the whole character of the originally approved and supported development from a spacious open development to one which is more appropriate for an urban area”*.

The supporting text for Policy D-6 of the NP advises that a figure of 20dph was used to set a bench mark for maximum density for future development. The site area stated in the application form is c.5.2ha. A total of 80 dwellings located on a site of 5.2ha would result in a density of 15.4 dwellings per hectare (dph). Consequently, the proposed density falls within the bench mark maximum density advised within the NP and would indicate that the proposed layout is more effective use of the land available.

It is therefore considered that the proposed additional 9no. dwellings (7no. within 144480 & 2no. within 145076) would not lead to an overly dense or cramped arrangement on site, when considering the advice contained within the NP.

The Parish Council objection states *“The Neighbourhood plan and Local plan originally called for 50 homes on this site and 68 were finally approved”*. However, the development plan does not place a maximum restriction of 50 dwellings. Paragraph 10.2.2 of the CLLP is clear that:

“Developers are encouraged to produce the most appropriate design-led solution, taking all national policies and other Local Plan policies into account, in arriving at a total dwelling figure for their site, and they need not be constrained by the figure that appears in the column headed ‘indicative dwelling figure’.

And policy H-1 of the NP is clear that the sites will each be restricted to a yield of 50 homes *“unless it can be demonstrated that their numbers can be satisfactorily incorporated...”*

This policy interpretation was tested thoroughly at appeal by a Government Inspector, when planning permission was granted for ‘site C’ The Hawthorns. The applicant sought to appeal the imposition of a condition that restricted the number of dwellings to 50 (WLDC ref 138494; appeal ref APP/N2535/W/19/3233948) (See Appendix A). The Inspector allowed the appeal and found the condition to be both unreasonable and unnecessary. The Inspector was clear:

“it is my judgement that the stated allocations within Policies LP52, H-1 and H-7 are not to be treated as absolute maximums and that there is

flexibility built into the relevant policies, including those of the NNP, that set out circumstances where delivery of more dwellings than indicated would nevertheless accord with the overall spatial strategy, provided relevant criteria are met, in particular those of Policies H-1 and H-7.”

Finally, it is noted that the site is located within the developed footprint as shown on Map 3 of the Nettleham Neighbourhood Plan review (NNPR). The site is not allocated in the NNPR but is identified as a site with planning permission. Policy D6 of the NNPR states:

“proposals for new residential development will only be supported if it is filling a gap within the existing developed footprint of Nettleham, as identified on Map 3”.*

This proposal is effectively a series of infill developments within an approved development. Although only limited weight can be applied at this stage of the plans preparation, it is considered that the development proposal is in accordance with the aims of policy D6 of the NNPR.

To conclude, it is considered that the proposal has demonstrated that the proposed additional 9no. dwellings (7no. within 144480 & 2no. within 145076) can be satisfactorily incorporated into the community and also that the proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings. The proposal is therefore deemed to accord with policy LP2 and LP52 of the CLLP and policies H1 and H7 of the NP and is acceptable in principle.

It is considered that policies LP1, LP2, LP52, H-1 and H7 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

Affordable Housing

This section is considered cumulatively with application 145076.

Policy LP11 of the CLLP seeks to deliver 17,400 affordable dwellings across Central Lincolnshire. Policy H4 of the NP also seeks to deliver the provision of affordable housing.

These proposals are being assessed cumulatively with the wider development site against policy LP11. In this regard, policy LP11 advises that where a scheme is followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, then Policy LP11 as a whole will be applied. This developments are visually and functionally connected to the wider development site and therefore is subject to the cumulative requirements of LP11.

Affordable housing shall be provided on-site, unless it can be demonstrated that exceptional circumstances exist which necessitate provision on another site, or the payment of a financial contribution to the relevant local planning

authority (equivalent in value to it being provided on-site), to enable the housing need to be met elsewhere.

The site lies within the Lincoln Strategy Area and therefore the site qualifies for 25% affordable housing requirement. 25% affordable housing would equate to 2.25 units. This figure is rounded down to the nearest figure and as such two affordable housing units would meet the required provision.

Plots 52a and 52b are to be delivered as on site affordable rented accommodation. This will be secured by a Section 106 Agreement.

It is considered that, subject to such a S106 planning obligation, the development meets the required provision of affordable housing and will accord with policy LP11.

It is considered that policy LP11 is consistent with the chapter 5 of the NPPF and can be attached full weight.

Infrastructure

This section is considered cumulatively with application 145076.

Policy LP12 of the CLLP requires there to be sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development.

The Local Education Authority (LEA) has confirmed that there is no financial contribution requested to mitigate the impact of the development at local level. The development will create 1no secondary school place to be mitigated but these monies are collected through CIL as opposed to a s.106 agreement in line with Central Lincolnshire Developer Contributions Supplementary Planning Document Adopted June 2018.

NHS England seek a capital contribution of £632.50 per dwelling, to create additional capacity for the 184 patients expected to be generated by these developments (cumulatively with the wider development site). The surgery most likely to be affected is Nettleham Medical Practice. The applicant has agreed to meet this contribution, which will need to be secured through a S106 planning obligation.

It is considered that, subject to such a S106 planning obligation, development will accord with policy LP12.

Character and Visual Impact

Policy LP26 seeks to ensure development respects the existing topography, landscape character and identity, and relates well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths. Policy LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape.

Policy D-6 of the NP sets out a number of design criteria aimed to preserve and enhance the village. In meeting the requirements of policy D-6, proposals should reflect existing residential densities in the locality and reinforce the local character of the village. The Village Design Statement advises that, amongst other local criteria, buildings should reflect design styles and features such as walls, doors, windows and roofs of other nearby houses.

The dwellings proposed will reflect housing types already used on the site.

Plot 10a/10b – 3 bedroom two-storey detached dwelling with an integral garage. 'Taylor B' house type.

Plot 15a – 5 bedroom two-storey detached dwelling with a detached garage. 'Snitterby' house type.

Plot 32a – 5 bedroom two-storey detached dwelling with a detached garage. 'Highgrove' house type.

Plot 41a – 4 bedroom two-storey detached dwelling with a detached garage. 'Pembrey' house type.

Plot 52a/52b – 3 bedroom two-storey semi-detached dwellings.

Materials for the development will match those used throughout the wider site. The design of these properties has been found to be acceptable by virtue of the granting of permission for the wider development site. Accordingly, the use of similar house types would accord with the established character of the development site. The dwellings would be viewed in the context of the wider development scheme, making more efficient use of the site and would not harm the character and appearance of the area.

An area of open landscaping will be created as a result of this application, to the benefit of the character of the area.

Comments have been raised in the consultation period relating to the development on open spaces within the site. The applicant has provided an 'open space statement' which advises that the gaps between dwellings have been introduced as a result of changes to the layout, the spaces have never formally been considered as public open space for the wider development site. The original development proposal for 68 dwellings included provision of open space which was to be delivered on site through a large allotment space with public parking and a circular field walk to the south with a dedicated footway. As such, the development would not lead to the loss of public open space within the development site.

Overall, the design is appropriate and the proposed dwellings will integrate into the streetscape. The proposal therefore complies with policy LP26 and LP17 of the CLLP and policy D-6 of the NP.

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

Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance. The application site is adjoined by residential properties to the west, east and south, as such, the impact on neighbouring dwellings is an important consideration.

Plot 4a is located to the rear of plot 4 and will be located nearby to the side boundary with the rear garden space of plot 4. Whilst it is located nearby to the side boundary, the separation to the rear elevation of plot 4 is c.15m.

Plot 4a is a bungalow with a ridge height of c.4.8m. Whilst the side gable end will be visible in the garden space of Plot 4, it is considered that the relationship is acceptable and the proposed dwelling will not lead to unacceptable loss of light or over dominance to plot 4.

Plot 4b is suitably sited so as to prevent overlooking towards neighbouring dwellings. Overall, plots 4a/4b will not contribute to undue loss of privacy, over and above the levels experienced on site.

Within the site itself, the house designs and proposed window positions avoid significant overlooking issues and the proposal offers an adequate amount of outside amenity space for modern standards of living for all of the proposed dwellings.

Overall, it is concluded that the development would not have an unduly adverse impact upon the amenities of neighbouring properties, and would accord with the Local Plan, particularly policy LP26, in this regard.

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

Highway Safety, Parking and Public Right of Way

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

Plots 4a/4b will utilise a new access point which connects to the existing 'Private Drive 1'. Both dwellings contain a garage and parking area, which is consistent with the approach adopted across the wider development site. The parking arrangements accord with policy D-3 of the NP.

It is noted that there are concerns regarding highway capacity raised by third parties however, it is considered that a cumulative development of 80 (7no. within 144480 & 2no. within 145076) dwellings would not suddenly be harmful in comparison to the approved development of 71 dwellings. The addition of 9no. (7no. within 144480 & 2no. within 145076) further dwellings would not be expected to result in a severe residual cumulative effect on the road network (severe being the test under NPPF paragraph 109). The Highway Authority

have not raised concerns relating to highway capacity or any other safety matters. The NPPF indicates that permission 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. It is considered that there would not be an unacceptable effect on highway safety by virtue of the 9no. dwellings proposed (7no. within 144480 & 2no. within 145076) and the proposals accord with policy LP13.

In addition to this, the proposed development would not impact on the provision or functions of the public right of way network.

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

Other matters

Drainage – The application has confirmed that the proposed dwellings will utilise the proposed drainage system which is being implemented for the wider development site. This approach is considered to be both reasonable and acceptable.

Conclusion

The proposal has been considered in light of relevant development plan policies namely LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP10: Meeting Accommodation Needs, LP11: Affordable Housing, LP12: Infrastructure to Support Growth, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP26: Design and Amenity and LP52: Residential Allocations - Large Villages of the Central Lincolnshire Local Plan and policies D-3 Parking Provision (New Housing), D-4 Water Resources and Flood Risk, D-6 Design of new development, H-1 Managed Housing Growth, H-4 The provision of Affordable Housing and H-6 Site B Land off Scothern Road of the Nettleham Neighbourhood Plan in the first instance as well as the National Planning Policy Framework and National Planning Practice Guidance.

In light of this assessment it is considered that the proposed development will satisfactorily incorporate into the wider development site and is an appropriate location for housing within an allocated housing site. The design is appropriate and the development would not detrimentally impact the character of the area nor the living conditions of neighbouring residents. The proposal will not result in an adverse impact on flood risk in the wider area or for future occupants. No harm would arise to highway safety or the provision of the right of way network.

Therefore, it is recommended that the application be delegated back to Officer's, to determine the application in accordance with the given resolution, following completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

1. A capital contribution of £6,052.50 (£4,427.50 + £1,625.00) to the Council towards capital infrastructure for health services necessary to serve the development.
2. On-site delivery of 2no. Affordable Housing Units for affordable rented accommodation.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

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 Plan: TL016-SL-04 Rev F
Plot 10a/10b: TL016-TA-10AB REV A
Plot 15a: TL016-SN-15A-07
Plot 32a: TL016-HI-06 REV F
Plot 41a: TL016-PE-41A-10
Plot 52a/52b: TL016-SP-52A REV B
Garages: TL-SGD-01, TL-SGD-03.

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

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

3. The proposed foul and surface water drainage to serve the hereby approved dwellings shall connect to the foul and surface water drainage infrastructure approved under condition discharge approval 137462.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with policy LP14 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

4. The development shall proceed in accordance with the approved Construction Method Statement (Received 04 Jul 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.

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

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

None.

Appendix A – Appeal decision (APP/N2535/W/19/3233948) relating to Neighbourhood Plan ‘Site C’ The Hawthorns.



The Planning Inspectorate

Appeal Decision

Site visit made on 8 October 2019 by **K Savage BA MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/N2535/W/19/3233948 Land off the Hawthorns, Nettleham, Lincoln

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by J Dixon, J Gauke, J Pickwell and J Pickwell against the decision of West Lindsey District Council.
 - The application Ref 138494, dated 17 October 2018, was approved on 5 July 2019 and planning permission was granted subject to conditions.
 - The development permitted is outline planning application for erection of up to 63 no. dwellings with garages, access roads, footpaths and open space-access to be considered and not reserved for subsequent applications.
 - The condition in dispute is No 12 which states that: The development shall comprise of a maximum of fifty dwellings.
 - The reason given for the condition is: To preserve the character of the area and to integrate with the adjoining built residential form and to protect residential amenity to accord with the National Planning Policy Framework, local policies LP2, LP10, LP17, LP26 and LP52 of the Central Lincolnshire Local Plan 2012-2036 and policies H-1 and H-7 of the Nettleham Neighbourhood Plan.
-

Decision

1. The appeal is allowed and the outline planning permission Ref 138494, for



FW_ Planning

Inspectorate APP_P02 erection of up to 63 no. dwellings with garages, access roads, footpaths and open space-access to be considered and not reserved for subsequent applications, at Land off the Hawthorns, Nettleham, Lincoln, granted on 5 July 2019 by West

Lindsey District Council, is varied by deleting Condition No 12 and its replacement with the following condition:

- 12) The development shall comprise of a maximum of sixty three dwellings.

Application for costs

2. An application for costs was made by J Dixon, J Gauke, J Pickwell and J Pickwell against West Lindsey District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appeal site address above is taken from the appeal form, as the address given on the application form was insufficient to identify the site without resorting to grid references.

Background and Main Issue

4. Planning permission was granted by the Council in July 2019 for the residential development of the site, following consideration of the proposal by the Council's Planning Committee. The officer's report recommended approval of the proposal, which sought up to 63 dwellings on the site, with recommended Condition No 12 limiting the number of dwellings to 63. The Planning Committee voted to approve the application with this condition amended to limit the development to 50 dwellings. That condition is now under appeal.
5. The reason given for the imposition of the condition on the Council's decision notice is 'to preserve the character of the area and to integrate with the adjoining built residential form and to protect residential amenity.' The appellants object to the imposition of the condition on the grounds that it unreasonably restricts the development of an allocated site, contrary to the principles of sustainable development and which reduces the benefits that can be delivered.
6. Taking this background into account, I consider that the **main issue** is whether the condition is necessary and reasonable, having regard to relevant development plan policies relating to the delivery and location of housing, the effect on the character and appearance of the area and the effect on living conditions of neighbouring occupants.

Reasons

Policy Context

7. The appeal site is located to the northern side of the settlement of Nettleham, near Lincoln, comprising parts of two agricultural fields accessed from the end of the cul-de-sac of the Hawthorns, a residential street.
8. The relevant development plan documents for the area are the Central Lincolnshire Local Plan 2012-2036 (April 2017) (the CLLP) and the Nettleham Neighbourhood Plan 2014-2031 (2016) (the NNP). The CLLP sets out a spatial strategy for the District. Policy LP1 sets out the desire to deliver sustainable growth that brings benefits for all sectors of the community. Policy LP2 sets out the settlement hierarchy for the district. Policy LP3 sets out a housing target to deliver some 36,960 dwellings between 2012 and 2036, an average annual target of 1,540 dwellings. The supporting text at paragraph 3.3.3 states that the housing target should not be seen as a ceiling, but rather the level of growth which is both needed and anticipated to take place in the plan period.
9. Under Policy LP2, Nettleham is listed under Category 4 – Large Villages, in which most growth will be via sites allocated in the CLLP, or appropriate infill, intensification or renewal within the existing developed footprint. The appeal site is allocated under Policy LP52 under reference CL4662 (2.79 hectares) for an indicative 50 dwellings. In total, allocated sites in Nettleham are identified to deliver an indicative 237 dwellings.
10. The supporting text of the CLLP at Paragraph 10.2.1 states that the indicative numbers of dwellings for each site are used to demonstrate how the overall housing requirement can be met, and it is emphasised that these numbers are only 'indicative' and do not represent a fixed policy target for each individual site. It is well-established that a development plan allocation sets out the principle of the specific land-use, with exact details to be determined through development management processes. It is no different in this case and it is clear to me that the allocation number is intended to set general parameters for development which would accord with the overall spatial strategy, rather than setting rigid targets.
11. In addition, Paragraph 10.2.2 states that developers are encouraged to produce the most appropriate design-led solution, taking all national policies and other CLLP policies into account, in arriving at a total dwelling figure for their site, and they need not be constrained by the figure that appears in the column

headed 'indicative dwelling figure' in the relevant table of, in this case, Policy LP52. The minutes of the Planning Committee meeting on 9 January 2019 where the application was considered make it clear that this explanatory text was referred to by both the appellant's representative and the planning officers present.

12. Policy LP2, under Large Villages, also sets out that in exceptional circumstances (which are a matter for the decision maker), additional growth on nonallocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably, provided they are at a scale of less than 25 dwellings per hectare. Whilst this part of the policy relates to non-allocated sites, it indicates that additional growth in a village beyond that indicated for allocated sites would potentially accord with the overall spatial strategy.
13. Policy H-1 of the NNP states, in reference to the four allocated sites in the plan area, that they will each be restricted to a yield of 50 homes unless it can be demonstrated that their proposed numbers can be satisfactorily incorporated into the community and also that their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings. Policy H-7 of the NNP is specific to the appeal site (Site C in the NNP). It states an allocation of 'approximately 50 dwellings' subject to achieving satisfactory vehicular access, a design and layout which safeguards residential amenities of existing properties, and provision of a footpath across the site. I note that the site is identified in the NNP as being approximately 3.5 hectares rather than 2.79 hectares in the CLLP, but with the same indicative number of dwellings. The appellant states that the actual area is 3.09 hectares.
14. On my reading of these policies and the supporting text, it is evident that the housing figures outlined for each of the allocated sites are not rigid maximums, and the policies of the NNP in particular clearly set out circumstances where more than the indicative number may be acceptable. Moreover, there is flexibility in the policies of both the CLLP and NNP, and notwithstanding the differences in site area, they are largely consistent in their approach. These policies are recently adopted, have been formulated in light of the guidance of the Framework and found to be sound. They are consistent with the Framework in planning positively for a significant boost in housing.

15. The Council argues that developing the site for 50 dwellings would result in 273 additional dwellings in Nettleham when permissions already granted and other allocations in the CLLP are taken into account, which exceeds the 237 set out in the CLLP allocations. This would also be more than the circa 250 dwellings which would equate to the anticipated 12-15% growth for Nettleham outlined by the CLLP and NNP. However, the number of dwellings already granted demonstrates that the Council is prepared to countenance delivery of housing beyond the numbers expressed in the CLLP and NNP, in line with the flexibility of the relevant policies. This is borne out by the fact that permissions have been granted on allocated sites A and B¹ in NNP which are similarly indicated to deliver approximately 50 dwellings, but which were granted for schemes of 86 and 68 units respectively.
16. Whilst I do not have full particulars of the permissions on sites A and B, both have been approved with more than the 26% uplift on the indicative figure which the Council now argues is a 'substantial over supply' of housing on the appeal site. The Council does not explain why its stance has differed between the applications for Sites A and B and the appeal site, but these other permissions demonstrate that the indicative dwelling numbers have been treated flexibly as allowed for by the aforementioned policies and a higher quantum of development on a site can be permitted without undermining the overall spatial strategy.
17. In this case, layout is a reserved matter and the details presented with the application are indicative; however, they show that 63 dwellings could be delivered on the site at a density of 20 dwellings per hectare (dph), which would accord with the maximum permissible density set out in the NNP, and the size of the site given in the CLLP. Moreover, the Officer's report set out that 20 dph would be comparable with surrounding development, whereas 50 dwellings would either deliver some 16.2 dph based on the appellant's measurement or as low as 14.28 dph based on the site area in Policy H-7. Regardless, the development proposed in this case would be compliant with the Council's own density parameters, and I am not persuaded that there is any justification for limiting the development to 50 dwellings on the basis of density.

¹ Council Ref 135567 – Land off Deepdale Lane, Nettleham Lincoln LN2 2LT – Granted 8 November 2017

Council Ref 131975 – Land rear of 72 Scothern Road, Nettleham, Lincolnshire LN2 2TX – Granted 14 March 2017

18. I have considered the wider concerns raised by the Council in respect of the total number of dwellings being granted in Nettleham. However, the figures provided by the Council suggest the CLLP allocation number of 237 would be surpassed by the 50 dwelling scheme in any event. Moreover, there is little cogent evidence submitted to demonstrate that the impact of 63 dwellings at the appeal site would be harmful in comparison to that of 50 dwellings. Even accounting for the additional dwellings approved on sites A and B, the total delivery of housing in Nettleham would not be significantly out of step with the village's anticipated growth of the spatial strategy, and an additional 13 dwellings would be limited in the context of the overall delivery of housing in Nettleham. The appellants refer to the annual target of 1,540 dwellings representing a significant increase on the average of 934 dwellings completed between 2012 and 2016 and even the average of 1199 completed between 2008 and 2012. As such, the additional dwellings would assist in achieving the ambitious overall housing targets in place.
19. The Council also cites a potential precedent for increased development across Central Lincolnshire which may lack the necessary infrastructure to support it. I have little evidence before me that such concerns are warranted. Any future applications in other locations will fall to be considered on their own merits against the development plan policies in place at the time. As such, I give limited weight to the Council's concerns in this respect.
20. Taking these considerations together, therefore, it is my judgement that the stated allocations within Policies LP52, H-1 and H-7 are not to be treated as absolute maximums and that there is flexibility built into the relevant policies, including those of the NNP, that set out circumstances where delivery of more dwellings than indicated would nevertheless accord with the overall spatial strategy, provided relevant criteria are met, in particular those of Policies H-1 and H-7. It is to these that I now turn.

Character and appearance

21. As set out above, the 63 dwellings could be laid out at a density of 20 per hectare and would incorporate public open space. Based on the indicative plans, the layout and density of the development would be similar to that of adjacent residential development and I see no reason why it could not integrate with it. Although the northern boundary is presently undefined and would have to be created by dividing the existing fields, the site

would be largely contained in the landscape by residential development to two sides and an existing field boundary to a third. The dwellings would not be seen from the south or west due to the intervening built form, except from the properties immediately adjoining the site, whilst from the north and east, the site would be seen against a backdrop of existing residential development.

22. Given these physical characteristics, it would not be readily discernible whether there were 50 or 63 dwellings on the site and the higher quantum of development could be satisfactorily incorporated into the surrounding topography and landscape, in accordance with Policy H-1, and would not harm the character and appearance of the area. There would be not conflict with Policies LP17 and LP26 of the CLLP, which seek high quality sustainable design that contributes positively to local character, landscape and townscape

Living conditions

23. Policy H-7 includes further requirements relating to vehicular access, design and layout which safeguards residential amenities of existing properties, and provision of a footpath across the site. In terms of residential amenities of existing properties, the layout of the dwellings is a reserved matter. However, based on the indicative site plan, it would be possible to provide sufficient separation distances and screening between the proposed dwellings and those adjoining the site, such that there would not be harmful effects on existing occupants in terms of overlooking, outlook, enclosure or noise.

Other considerations

24. The indicative plans show a footpath could be provided as required by Policy H-7. Access was considered under the application and has been approved, to be taken from the end of the cul-de-sac of The Hawthorns. I have had regard to the evidence relating to access and other highway safety matters, including concerns raised by members of the Planning Committee and the representations of interested parties.
25. I note the Local Highway Authority did not raise objection to the proposal on the basis of a 63 dwelling scheme. There is nothing I have seen in evidence to suggest the Council limited the number of dwellings due to specific concern over the capacity of the proposed access or levels of proposed traffic. Though I recognise the local concerns regarding these matters, the Framework indicates

that permission should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The evidence before me does not demonstrate that a development of 63 dwellings would be harmful in comparison to the approved development of 50 dwellings and based on all I have seen and read, I find that there would not be an unacceptable effect on highway safety.

Conclusions on Main Issue

26. Having regard to the above, and taking into account my observations on site, there is no persuasive evidence before me to demonstrate why 63 dwellings would be harmful when 50 dwellings were found to be acceptable. For the reasons set out, I am satisfied that the proposal would represent an acceptable quantum of development which would accord with the overall spatial strategy set out in the CLLP and the site-specific policies of the NNP. Consequently, I find no conflict with Policies LP2 and LP52 of the CLLP or Policies H-1 and H-7 of the NNP.
27. As such, I find that the disputed condition limiting development to 50 dwellings is both unreasonable and unnecessary and so does not meet the tests of conditions set out at Paragraph 55 of the Framework. It should therefore be removed. However, a 63 dwelling scheme would represent the maximum density of development set out in the NNP, and represents the quantum of development which the Council considered. In order to ensure the development is undertaken as proposed and additional dwellings are not sought which may have unanticipated impacts, it is necessary to replace the disputed condition with one defining the maximum development permitted as being 63 dwellings. There is no evidence before me of any need to amend or delete any other conditions of the permission.

Conclusion

28. For the reasons given above, I conclude that the appeal should be allowed and the planning permission should be varied as set out in the formal decision.

K. Savage
INSPECTOR

Note:
Do not scale from this drawing. All discrepancies should be reported to the drawing office. This drawing should be read in conjunction with the standard construction specification and standard details. All intellectual property rights are the copyright of Truelove Property & Construction Ltd ©.



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Project:
Scothern Road
Nettleham
Title:
Site Location Plan
Plots 4A & B

Drawing No: TL016-SLP-10	Revision: D
Scale: 1:2000 @ A3	Date: 14.06.22

Officers Report

Planning Application No: 145076

PROPOSAL: Planning application for 2no. dwellings, including landscaped area.

LOCATION: 72 Scothern Road Nettleham Lincoln LN2 2TX

WARD: Nettleham

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

APPLICANT NAME: Miss Emma Truelove

TARGET DECISION DATE: 29/08/2022

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Daniel Evans

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to Officer's upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

1. A capital contribution of £6,052.50 (£4,427.50 + £1,625.00) to the Council towards capital infrastructure for health services necessary to serve the development.
2. On-site delivery of 2no. Affordable Housing Units for affordable rented accommodation.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

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

Description:

The application site is located within the development site now known as Cricketers' Walk, off Scothern Road, Nettleham.

The site is currently under construction with permission granted for 71no. (68+3) dwellings and associated infrastructure. To the north-west and west of the site are existing residential properties with houses to Scothern Road and bungalows to High Leas and Highfields. Properties to High Leas in particular have short gardens. A public footpath also exists to the boundary of the rear gardens of 23 – 34 High Leas. To the east and south are agricultural fields.

The application seeks permission to erect 2no. dwellings. The 2no. dwellings proposed would be visually and functionally incorporated into the wider development site. For clarity, this application is not an amendment to the

previous permission, and is in addition to, which would result in 73 dwellings total.

It is noted that simultaneously to this assessment there is a further application for two dwellings (WLDC Ref: 144480), as such, where necessary this assessment considers both applications cumulatively.

Amended site plans were received on 08/09/2022 which corrected some errors on the original submitted drawings. This determination is based on the amended drawings.

Relevant history:

Application Site History

W65/33/80 – Residential Development. Permission refused 15/02/80.

W65/1191/89 – Outline application for residential development. Permission refused 27/04/90 Appeal dismissed 01/03/91.

131975 – Outline planning application to erect 68 dwellings – 10 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. Permission granted 14/03/17

136312 – Planning to erect 68 dwellings with associated garages and infrastructure and footpath/cycleway link to Sudbrooke. Permission refused 12/08/17

136900 – Application for a non-material amendment to previously approved outline application 131975 granted 14 March 2017 – amendments to layout. Granted 31/10/17

137106 – Application for approval of reserved matters (appearance and landscaping) to erect 68 dwellings – following outline planning permission 131975 granted 14 March 2017. Permission granted 22/03/18

139085 – Application for non-material amendment to planning permission 131975 and 137106 granted 14 March 2017 – Amendment to plots 1, 2, 3, 4, 11, 12, 13 and 14 and changes to the site plan. Granted 29/03/19

139351 – Application for non-material amendment to planning permission 131975 granted 14 March 2017 – amendment to plots 19-23 inclusive and site plan. Planning permission required 14/05/19

140292 – Planning application to vary condition 1 of reserved matters approval 137106 (erect 68 dwellings considering appearance and landscaping granted 22 March 2018) – variation of plots (4, 5, 10, 19, 23, 26 & 68) to include alterations to housing designs, relocation of houses and garages on plots together with provision of substation at plot 19. Permission granted 08/07/2020

140640 – Planning application to vary condition 19 of outline planning permission ref. 131975 granted 14 March 2017 (as amended by 139998 approved on 7 November 2019) (erect 68no. dwellings-10no. affordable including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke considering layout and scale) – variation of plots (4, 5, 10, 19, 23, 26 & 68) to include alterations to housing designs, relocation of houses and garages on plots together with provision of substation at plot 19. Permission granted 08/07/2020

141487 – Application for non-material amendment to planning permission 131975 granted 14 March 2017 – amendment to boundary locations. Part granted-part refused 04/09/20.

141843 – Outline planning application to erect 68no. dwellings-10no. 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 - being variation of condition 19 of planning permission 131975 granted 14 March 2017 (as amended by 140640 granted 8th July 2020) - amended plans to change position of plots 15, 16, 17, 18 and 26, change house types of plots 5, 10, 15, 16 and 17 and include conservatories on plots 20-23. Granted January 2021.

142448 – Application for non-material amendment to planning permission 141843. Granted 10/03/2021.

142609 – Application for non-material amendment to planning permission 141843 – Granted 08/04/2021.

142542 – Planning application to erect 3no. dwellings. Granted 11 November 2021.

143657 – Planning application to erect 4no. dwellings, including 1no. affordable bungalow. Refused 30/11/2021.

143824 - Planning application to erect 2no. dwellings. Refused 23/12/2021.

144115 - Planning application to erect 5no. dwelling, including 2no. social housing dwellings. Refused 24/03/2022.

144264 - Planning application to vary condition 5 of outline planning permission ref. 131975 granted 14 March 2017 (as amended by 140640 approved 8 July 2020 and 141843 approved 12 February 2021) (erect 68no. dwellings-10no. affordable- including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke considering layout and scale) - amended construction method statement. Refused 14/04/2022 – Appeal APP/N2535/W/22/3300608 allowed 06/10/2022.

144569 - Request for confirmation of compliance with condition 13 of planning permission 131975 granted 14 March 2017. Discharged 19/04/2022.

144614 - Application for non-material amendment to planning permission 131975 granted 14 March 2017 - adding orangeries to plots 35, 38, 40, 41, 60,62, 63, 64, 66 and 67. Granted 29/04/2022.

144725 - Application for non-material amendment to planning application 131975 granted 14 March 2017 - addition of conservatory to plot 5a. Granted 04/05/2022.

144807 - Application for non-material amendment to planning permission 131975 granted 14 March 2017 - amend location of plot 43 and 52. Granted 17/05/2022.

145058 - Application for non-material amendment to planning permission 131975 granted 14 March 2017 - amend the position of plot no.48. Refused 06/07/2022.

145048 - Planning application to vary condition 5 of outline planning permission ref. 131975 granted 14 March 2017 (as amended by 140640 approved 8 July 2020 and 141843 approved 12 February 2021) (erect 68no. dwellings-10no. affordable- including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke considering layout and scale) - amended construction method statement - resubmission of 144264 – Refused 07/09/2022.

145076 - Planning application for 2no. dwellings, including landscaped area. Currently undetermined.

144480 – Planning application to erect 7no dwellings. Currently undetermined.

Other Relevant History

Neighbourhood Plan Site C - 138494 and Appeal ref APP/N2535/W/19/3233948 - Outline planning application for erection of up to 63no. dwellings with garages, access roads, footpaths and open space- access to be considered and not reserved for subsequent applications. Granted subject to condition restricting development to max 50no. dwellings. Appeal allowed – in summary the inspector found that the condition limiting development to 50no dwellings was both unreasonable and unnecessary. **A copy of this appeal decision is provided at Appendix A.**

Representations:

Nettleham Parish Council –

The Parish Council STONGLY object to this proposal. This is the latest of multiple amendments, resulting in a significant increase in the number of properties from the original scheme. Previous applications for additional housing in this location have been refused as should this one. The increase in

housing density in this part of the development will have a negative impact on the character of this otherwise well designed and attractive development.

Neighbouring Residents –

Objections received from the following properties:

7 Crickets Drive, 24 Highfields Nettleham.

Comments summarised as follows:

- Building 4A is right next to my fence line all the way through completely blocking the light and the views.
- Was provided assurances from the builder that countryside views would be retained.
- We agree with the Parish Council's comments.
- We feel there are already too many houses squeezed into this site.

Environment Agency –

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

NHS England –

Additional NHS contribution requested is £632.50 x 2 (dwellings) = £1.625.00

Lincs Police –

Lincolnshire Police do not have any objections to this application.

LCC Highways and LLFA –

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.

WLDC Environmental Protection –

I have no objection to this application, however I note that the working hours stated in the Construction Method Statement are not in line with the approved hours for the rest of the site and this should be amended.

WLDC Strategic Housing –

15/11/2022 (in summary)

Looking at the above applications as cumulative applications, there are 9 additional units being provided on the site, as this is part of the wider site, it will trigger an affordable housing contribution as per LP11 of the Central Lincolnshire Local Plan. The site is within the Lincoln Strategy area and so will require a 25% contribution, for these applications of 9 units, that equates to 2.25 units of affordable housing.

The amended proposal at application 144480 includes 2 units of affordable rented housing which is an acceptable proposal based on the requirement.

These will need securing through a S106. The trigger for delivery will need to be negotiated with the developer based on the site progress so far. The S106 will need to detail that these units are to be transferred to a Registered Provider but also give the opportunity for an off-site contribution in lieu of onsite delivery should an RP not be willing to take such a small number of units on a site.

The Commuted sum for the Lincoln Strategy area is currently £105,796 per unit which on this site where two units of affordable housing are to be delivered would equate to £211,592. Again, this will need securing in the S106 as a figure with indexation applied.

30/08/2022 (in summary)

As the above application is linked to the wider site at that location, it will trigger an affordable housing contribution under policy LP11 which states “If a development scheme comes forward which is below these thresholds and thus does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then, if the combined total of dwellings (or floorspace) provided by the first scheme and the subsequent scheme/s provide 11 or more dwellings (or 1,000 sqm or more floorspace), then Policy LP11 as a whole will be applied, with the precise level of affordable housing to be provided being ‘back dated’ to include the earlier scheme(s).

Three options provided relevant to the outcomes of applications 144480 and 145076.

In summary, the applications should be dealt with cumulatively (if both are to be recommended for approval). The developer should provide the required units on site as part of the development.

There are two options here for delivery of the affordable housing on site –

- The tenure is split to deliver 1 unit of First Homes and 2 units of Affordable Rented – this could have a trigger that should an RP not be secured, then a contribution could be paid in lieu of affordable housing, this would be secured as a per unit cost of £105,796 equating to £211,592.
- The affordable housing is all delivered as First Homes.

A S106 will need to be in place to secure the affordable housing contribution on whichever option is to be taken forward.

Relevant Planning Policies:

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

Nettleham Neighbourhood Plan (made March 2016); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP10: Meeting Accommodation Needs

LP11: Affordable Housing

LP12: Infrastructure to Support Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

LP52: Residential Allocations - Large Villages

- **Nettleham Neighbourhood Plan (NP)**

Relevant policies of the NP include:

Policy D-3 Parking Provision (New Housing)

Policy D-4 Water Resources and Flood Risk

Policy D-6 Design of new development

Policy H-1 Managed Housing Growth

Policy H-4 The provision of Affordable Housing

Policy H-6 Site B Land off Scothern Road

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

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

National policy & guidance (Material Consideration)

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

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

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

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

in the plan to the policies in the Framework, the greater the weight that may be given)."

National Planning Practice Guidance -

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

- **Central Lincolnshire Local Plan Review Consultation Draft June 2021**

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

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

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

- **Nettleham Neighbourhood Plan Review**

A review of the Nettleham Neighbourhood Plan is in progress. Nettleham Parish Council has completed Regulation 14 consultation on its Draft Plan Review July 2022.

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).

At this time, the extent to which there are unresolved objections is unknown and the emerging neighbourhood plan can only be attributed limited weight.

Relevant policies of the emerging Neighbourhood Plan include:

Policy D1 – Parking Standards for New Residential Development

Policy D3 – Water Resources and Flood Risk

Policy D4 – Design of New Development and Parish Design Code Principles

Policy D5 – Climate Change Mitigation and Adaption

Policy D6 – Housing Development within Nettleham

Policy D7 – Housing Mix and Affordable or Specialist Housing

Main issues

- Principle of Development
- Affordable Housing
- Infrastructure
- Character and Visual Impact
- Residential Amenity
- Highway Safety and Parking and Public Right of Way
- Other matters

Principle of Development

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

The application site falls within the wider development site which is allocated under Policy LP52 under reference CL4661 (4.42 hectares) for an indicative 68 dwellings.

The site has planning permission for 68 dwellings and more recently has been subject to a further application (WLDC Ref: 142542) for an additional 3no dwellings. This was subsequently granted by WLDC Planning Committee in July 2021.

The 9no. additional dwellings proposed (7no. within 144480 & 2no. within 145076) would be visually and functionally assimilated into the wider development site. Therefore, for the purposes of this assessment, the development is considered cumulatively with the permission for the wider site

of 71 dwellings (68+3). In total, allocated sites in Nettleham are identified to deliver an indicative 237 dwellings.

Policy H-1 of the NNP states, in reference to the four allocated sites in the plan area, that they will each be restricted to a yield of 50 homes ***“unless it can be demonstrated that their proposed numbers can be satisfactorily incorporated into the community and also that their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings”***. Policy H-6 of the NNP is specific to the application site (Site B in the NP). It states an allocation of ‘approximately 50 dwellings’ subject to the retention and strengthening of the existing footpath (FP149), creation of a 15m planting buffer along the south eastern and eastern boundary, retention of a minimum of 50% of the mature trees and hedgerow that runs in a south-easterly direction from the eastern end of High Leas, appropriate safeguarding of the archaeological features, the formation of safe and convenient cycle and vehicular access and allotment provision.

The indicative capacity within the NP allocation (50no.) differs from the CLLP allocation (68no.). The CLLP was adopted on 24th April 2017, this plan consequently postdates the NP which was formally ‘made’ in March 2016. As part of the development plan its policies post-date and can take precedence over the NP, where there is any conflict within the policies (s38(5) of the Planning & Compulsory Purchase Act 2004).

The supporting text of the CLLP at Paragraph 10.2.1 states that the indicative numbers of dwellings for each site are used to demonstrate how the overall housing requirement can be met, and it is emphasised that these numbers are only ‘indicative’ and do not represent a fixed policy target for each individual site.

In addition, Paragraph 10.2.2 states that developers are encouraged to produce the most appropriate design-led solution, taking all national policies and other CLLP policies into account, in arriving at a total dwelling figure for their site, and they need not be constrained by the figure that appears in the column headed ‘indicative dwelling figure’ in the relevant table of, in this case, Policy LP52.

Although an indicative 237 dwellings are planned for in Nettleham, the development plan is clear that this figure is not a maximum. Policy LP2 is clear that other windfall sites such as appropriate infill, intensification or renewal within the existing developed footprint are permitted together with development in appropriate locations outside of, but immediately adjacent to, the developed footprint where exceptional circumstances can be demonstrated. Whilst this part of the policy relates to non-allocated sites, it indicates that additional growth in a village beyond that indicated for allocated sites would potentially accord with the overall spatial strategy.

Overall, it is evident that the housing figures outlined for each of the allocated sites are not rigid maximums, and the policies of the NP in particular clearly

set out circumstances where more than the indicative number may be acceptable. These are:

- Where it can be demonstrated that their proposed numbers can be satisfactorily incorporated into the community; and,
- Where their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings.

Given the incorporation of the 9no. additional dwelling within the site layout, it would not be readily discernible whether there were 71 or 80 dwellings on the site. The dwellings would be viewed in the context of the wider development scheme, making more efficient use of the site, which consequently would be satisfactorily incorporated into the surrounding topography and landscape, in accordance with Policy H-1. The proposed dwellings would utilise the house types already proposed on site and there would be no harm the character and appearance of the area.

The Parish council have objected to both applications (144480 & 145076) stating that the *“continuous creep in housing numbers for this site will change the whole character of the originally approved and supported development from a spacious open development to one which is more appropriate for an urban area”*.

The supporting text for Policy D-6 of the NP advises that a figure of 20dph was used to set a bench mark for maximum density for future development. The site area stated in the application form is c.5.2ha. A total of 80 dwellings located on a site of 5.2ha would result in a density of 15.4 dwellings per hectare (dph). Consequently, the proposed density falls within the bench mark maximum density advised within the NP and would indicate that the proposed layout is more effective use of the land available.

It is therefore considered that the proposed additional 9no. dwellings (7no. within 144480 & 2no. within 145076) would not lead to an overly dense or cramped arrangement on site, when considering the advice contained within the NP.

The Parish Council objection for 144480 states *“The Neighbourhood plan and Local plan originally called for 50 homes on this site and 68 were finally approved”*. However, the development plan does not place a maximum restriction of 50 dwellings. Paragraph 10.2.2 of the CLLP is clear that:

“Developers are encouraged to produce the most appropriate design-led solution, taking all national policies and other Local Plan policies into account, in arriving at a total dwelling figure for their site, and they need not be constrained by the figure that appears in the column headed ‘indicative dwelling figure’.

And policy H-1 of the NP is clear that the sites will each be restricted to a yield of 50 homes *“unless it can be demonstrated that their numbers can be satisfactorily incorporated...”*

This policy interpretation was tested thoroughly at appeal by a Government Inspector, when planning permission was granted for 'site C' The Hawthorns. The applicant sought to appeal the imposition of a condition that restricted the number of dwellings to 50 (WLDC ref 138494; appeal ref APP/N2535/W/19/3233948) (See Appendix A). The Inspector allowed the appeal and found the condition to be both unreasonable and unnecessary. The Inspector was clear:

“it is my judgement that the stated allocations within Policies LP52, H-1 and H-7 are not to be treated as absolute maximums and that there is flexibility built into the relevant policies, including those of the NNP, that set out circumstances where delivery of more dwellings than indicated would nevertheless accord with the overall spatial strategy, provided relevant criteria are met, in particular those of Policies H-1 and H-7.”

Finally, it is noted that the site is located within the developed footprint as shown on Map 3 of the Nettleham Neighbourhood Plan review (NNPR). The site is not allocated in the NNPR but is identified as a site with planning permission. Policy D6 of the NNPR states:

“proposals for new residential development will only be supported if it is filling a gap within the existing developed footprint of Nettleham, as identified on Map 3”.*

This proposal is effectively a series of infill developments within an approved development. Although only limited weight can be applied at this stage of the plans preparation, it is considered that the development proposal is in accordance with the aims of policy D6 of the NNPR.

To conclude, it is considered that the proposal has demonstrated that the proposed additional 9no. dwellings (7no. within 144480 & 2no. within 145076) can be satisfactorily incorporated into the community and also that the proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings. The proposal is therefore deemed to accord with policy LP2 and LP52 of the CLLP and policies H1 and H7 of the NP and is acceptable in principle.

It is considered that policies LP1, LP2, LP52, H-1 and H7 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

Affordable Housing

This section is considered cumulatively with application 144480.

Policy LP11 of the CLLP seeks to deliver 17,400 affordable dwellings across Central Lincolnshire. Policy H4 of the NP also seeks to deliver the provision of affordable housing.

These proposals are being assessed cumulatively with the wider development site against policy LP11. In this regard, policy LP11 advises that where a

scheme is followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, then Policy LP11 as a whole will be applied. This developments are visually and functionally connected to the wider development site and therefore is subject to the cumulative requirements of LP11.

Affordable housing shall be provided on-site, unless it can be demonstrated that exceptional circumstances exist which necessitate provision on another site, or the payment of a financial contribution to the relevant local planning authority (equivalent in value to it being provided on-site), to enable the housing need to be met elsewhere.

The site lies within the Lincoln Strategy Area and therefore the site qualifies for 25% affordable housing requirement. 25% affordable housing for a development of 9no. dwellings would equate to 2.25 units. This figure is rounded down to the nearest figure and as such two affordable housing units would meet the required provision.

Plots 52a and 52b of 144480 are to be delivered as on site affordable rented accommodation. This will be secured by a Section 106 Agreement which will be linked to both applications.

It is considered that, subject to such a S106 planning obligation, the development meets the required provision of affordable housing and will accord with policy LP11.

It is considered that policy LP11 is consistent with the chapter 5 of the NPPF and can be attached full weight.

Infrastructure

This section is considered cumulatively with application 144480.

Policy LP12 of the CLLP requires there to be sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development.

The Local Education Authority (LEA) has confirmed that there is no financial contribution requested to mitigate the impact of the development at local level. The development will create 1no secondary school place to be mitigated but these monies are collected through CIL as opposed to a s.106 agreement in line with Central Lincolnshire Developer Contributions Supplementary Planning Document Adopted June 2018.

NHS England seek a capital contribution of £632.50 per dwelling, to create additional capacity for the 184 patients expected to be generated by these developments (cumulatively with the wider development site). The surgery most likely to be affected is Nettleham Medical Practice. The applicant has

agreed to meet this contribution, which will need to be secured through a S106 planning obligation.

It is considered that, subject to such a S106 planning obligation, development will accord with policy LP12.

Character and Visual Impact

Policy LP26 seeks to ensure development respects the existing topography, landscape character and identity, and relates well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths. Policy LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape.

Policy D-6 of the NP sets out a number of design criteria aimed to preserve and enhance the village. In meeting the requirements of policy D-6, proposals should reflect existing residential densities in the locality and reinforce the local character of the village. The Village Design Statement advises that, amongst other local criteria, buildings should reflect design styles and features such as walls, doors, windows and roofs of other nearby houses.

The dwellings proposed are as follows:

Plot 4a – 2 bedroom bungalow with an attached garage. ‘Taylor’ house type.

Plot 4b – 4 bedroom two-storey detached dwelling with a detached garage. ‘Pembrey’ house type.

Materials for the development will match those used throughout the wider site. The design of these properties has been found to be acceptable by virtue of the granting of permission for the wider development site. Accordingly, the use of similar house types would accord with the established character of the development site. The dwellings would be viewed in the context of the wider development scheme, making more efficient use of the site and would not harm the character and appearance of the area.

Comments have been raised in the consultation period relating to the development on open spaces within the site. The applicant has provided an ‘open space statement’ which advises that the gaps between dwellings have been introduced as a result of changes to the layout, the spaces have never formally been considered as public open space for the wider development site. The original development proposal for 68 dwellings included provision of open space which was to be delivered on site through a large allotment space with public parking and a circular field walk to the south with a dedicated footway. As such, the development would not lead to the loss of public open space within the development site.

Overall, the design is appropriate and the proposed dwellings will integrate into the streetscape. The proposal therefore complies with policy LP26 and LP17 of the CLLP and policy D-6 of the NP.

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

Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance. The application site is adjoined by residential properties to the north, east and south, as such, the impact on neighbouring dwellings is an important consideration.

The proposed dwellings would retain similar separation distances to the neighbouring properties which surround the site. Overall, the additional 7no dwellings will not contribute to undue loss of privacy, over and above the levels experienced on site.

Within the site itself, the house designs and proposed window positions avoid significant overlooking issues and the proposal offers an adequate amount of outside amenity space for modern standards of living for all of the proposed dwellings.

Overall, it is concluded that the development would not have an unduly adverse impact upon the amenities of neighbouring properties, and would accord with the Local Plan, particularly policy LP26, in this regard.

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

Highway Safety, Parking and Public Right of Way

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

The 7no proposed dwellings will utilise access points to the existing highway network which is proposed for the site.

Plot 10a/10b, Plot 15a, Plot 32a and Plot 41a contain a detached garage and parking area, which is consistent with the approach adopted across the wider development site. Plots 52a/52b each have an individual driveway which runs to the side of the dwelling. The parking arrangements accord with policy D-3 of the NP.

It is noted that there are concerns regarding highway capacity raised by third parties however, it is considered that a cumulative development of 78 dwellings would not suddenly be harmful in comparison to the approved development of 68 dwellings. The addition of 7 further dwellings would not be expected to result in a severe residual cumulative effect on the road network (severe being the test under NPPF paragraph 109). The Highway Authority have not raised concerns relating to highway capacity or any other safety

matters. The NPPF indicates that permission 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. It is considered that there would not be an unacceptable effect on highway safety by virtue of the 7no. dwellings proposed and the proposal accords with policy LP13.

In addition to this, the proposed development would not impact on the provision or functions of the public right of way network.

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

Other matters

Drainage – The application has confirmed that the proposed dwellings will utilise the proposed drainage system which is being implemented for the wider development site. This approach is considered to be both reasonable and acceptable.

Conclusion

The proposal has been considered in light of relevant development plan policies namely LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP10: Meeting Accommodation Needs, LP11: Affordable Housing, LP12: Infrastructure to Support Growth, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP26: Design and Amenity and LP52: Residential Allocations - Large Villages of the Central Lincolnshire Local Plan and policies D-3 Parking Provision (New Housing), D-4 Water Resources and Flood Risk, D-6 Design of new development, H-1 Managed Housing Growth, H-4 The provision of Affordable Housing and H-6 Site B Land off Scothern Road of the Nettleham Neighbourhood Plan in the first instance as well as the National Planning Policy Framework and National Planning Practice Guidance.

In light of this assessment it is considered that the proposed development will satisfactorily incorporate into the wider development site and is an appropriate location for housing within an allocated housing site. The design is appropriate and the development would not detrimentally impact the character of the area nor the living conditions of neighbouring residents. The proposal will not result in an adverse impact on flood risk in the wider area or for future occupants. No harm would arise to highway safety or the provision of the right of way network.

Therefore, it is recommended that the application be delegated back to Officer's, to determine the application in accordance with the given resolution, following completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

1. A capital contribution of £6,052.50 (£4,427.50 + £1,625.00) to the Council towards capital infrastructure for health services necessary to serve the development.
2. On-site delivery of 2no. Affordable Housing Units for affordable rented accommodation.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

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 Plan: TL016-SP-10 Rev D;
Plot 4a: TL016-4a-01 Rev C;
Plot 4b: TL016-PE-4b-09 Rev A;
Garages: TL-SGD-01, TL-SGD-03; and,
'MATERIAL SCHEDULE' received 04 July 2022.

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

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

3. No development above damp-proof course level shall take place until a comprehensive landscaping scheme for the 'Landscaped Area' shown on drawing TL016-SP-10 Rev D including details of the:
 - The position, size, species and density of all trees, hedging and shrubbery to be planted;

- The position, type and height of boundary treatments to be erected; and,
- Details for the future maintenance and management of the 'Landscaped Area', has been submitted to and approved in writing by the Local Planning Authority.

All planting, seeding or turfing comprised in the approved landscaping scheme 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, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site and the surrounding area to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan

4. The proposed foul and surface water drainage to serve the hereby approved dwellings shall connect to the foul and surface water drainage infrastructure approved under condition discharge approval 137462.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with policy LP14 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

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

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

6. The development shall proceed in accordance with the approved Construction Method Statement (Received 21 Jun 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.

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

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

None.

Appendix A – Appeal decision (APP/N2535/W/19/3233948) relating to Neighbourhood Plan ‘Site C’ The Hawthorns.



The Planning Inspectorate

Appeal Decision

Site visit made on 8 October 2019 by **K Savage BA MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/N2535/W/19/3233948 Land off the Hawthorns, Nettleham, Lincoln

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by J Dixon, J Gauke, J Pickwell and J Pickwell against the decision of West Lindsey District Council.
 - The application Ref 138494, dated 17 October 2018, was approved on 5 July 2019 and planning permission was granted subject to conditions.
 - The development permitted is outline planning application for erection of up to 63 no. dwellings with garages, access roads, footpaths and open space-access to be considered and not reserved for subsequent applications.
 - The condition in dispute is No 12 which states that: The development shall comprise of a maximum of fifty dwellings.
 - The reason given for the condition is: To preserve the character of the area and to integrate with the adjoining built residential form and to protect residential amenity to accord with the National Planning Policy Framework, local policies LP2, LP10, LP17, LP26 and LP52 of the Central Lincolnshire Local Plan 2012-2036 and policies H-1 and H-7 of the Nettleham Neighbourhood Plan.
-

Decision

1. The appeal is allowed and the outline planning permission Ref 138494, for



FW_Planning

Inspectorate APP_P02 erection of up to 63 no. dwellings with garages, access roads, footpaths and open space-access to be considered and not reserved for subsequent applications, at Land off the Hawthorns, Nettleham, Lincoln, granted on 5 July 2019 by West

Lindsey District Council, is varied by deleting Condition No 12 and its replacement with the following condition:
12) The development shall comprise of a maximum of sixty three dwellings.

Application for costs

2. An application for costs was made by J Dixon, J Gauke, J Pickwell and J Pickwell against West Lindsey District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appeal site address above is taken from the appeal form, as the address given on the application form was insufficient to identify the site without resorting to grid references.

Background and Main Issue

4. Planning permission was granted by the Council in July 2019 for the residential development of the site, following consideration of the proposal by the Council's Planning Committee. The officer's report recommended approval of the proposal, which sought up to 63 dwellings on the site, with recommended Condition No 12 limiting the number of dwellings to 63. The Planning Committee voted to approve the application with this condition amended to limit the development to 50 dwellings. That condition is now under appeal.
5. The reason given for the imposition of the condition on the Council's decision notice is 'to preserve the character of the area and to integrate with the adjoining built residential form and to protect residential amenity.' The appellants object to the imposition of the condition on the grounds that it unreasonably restricts the development of an allocated site, contrary to the principles of sustainable development and which reduces the benefits that can be delivered.
6. Taking this background into account, I consider that the **main issue** is whether the condition is necessary and reasonable, having regard to relevant development plan policies relating to the delivery and location of housing, the effect on the character and appearance of the area and the effect on living conditions of neighbouring occupants.

Reasons

Policy Context

7. The appeal site is located to the northern side of the settlement of Nettleham, near Lincoln, comprising parts of two agricultural fields accessed from the end of the cul-de-sac of the Hawthorns, a residential street.
8. The relevant development plan documents for the area are the Central Lincolnshire Local Plan 2012-2036 (April 2017) (the CLLP) and the Nettleham Neighbourhood Plan 2014-2031 (2016) (the NNP). The CLLP sets out a spatial strategy for the District. Policy LP1 sets out the desire to deliver sustainable growth that brings benefits for all sectors of the community. Policy LP2 sets out the settlement hierarchy for the district. Policy LP3 sets out a housing target to deliver some 36,960 dwellings between 2012 and 2036, an average annual target of 1,540 dwellings. The supporting text at paragraph 3.3.3 states that the housing target should not be seen as a ceiling, but rather the level of growth which is both needed and anticipated to take place in the plan period.
9. Under Policy LP2, Nettleham is listed under Category 4 – Large Villages, in which most growth will be via sites allocated in the CLLP, or appropriate infill, intensification or renewal within the existing developed footprint. The appeal site is allocated under Policy LP52 under reference CL4662 (2.79 hectares) for an indicative 50 dwellings. In total, allocated sites in Nettleham are identified to deliver an indicative 237 dwellings.
10. The supporting text of the CLLP at Paragraph 10.2.1 states that the indicative numbers of dwellings for each site are used to demonstrate how the overall housing requirement can be met, and it is emphasised that these numbers are only 'indicative' and do not represent a fixed policy target for each individual site. It is well-established that a development plan allocation sets out the principle of the specific land-use, with exact details to be determined through development management processes. It is no different in this case and it is clear to me that the allocation number is intended to set general parameters for development which would accord with the overall spatial strategy, rather than setting rigid targets.
11. In addition, Paragraph 10.2.2 states that developers are encouraged to produce the most appropriate design-led solution, taking all national policies and other CLLP policies into account, in arriving at a total dwelling figure for their site, and they need not be constrained by the figure that appears in the column

headed 'indicative dwelling figure' in the relevant table of, in this case, Policy LP52. The minutes of the Planning Committee meeting on 9 January 2019 where the application was considered make it clear that this explanatory text was referred to by both the appellant's representative and the planning officers present.

12. Policy LP2, under Large Villages, also sets out that in exceptional circumstances (which are a matter for the decision maker), additional growth on nonallocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably, provided they are at a scale of less than 25 dwellings per hectare. Whilst this part of the policy relates to non-allocated sites, it indicates that additional growth in a village beyond that indicated for allocated sites would potentially accord with the overall spatial strategy.
13. Policy H-1 of the NNP states, in reference to the four allocated sites in the plan area, that they will each be restricted to a yield of 50 homes unless it can be demonstrated that their proposed numbers can be satisfactorily incorporated into the community and also that their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings. Policy H-7 of the NNP is specific to the appeal site (Site C in the NNP). It states an allocation of 'approximately 50 dwellings' subject to achieving satisfactory vehicular access, a design and layout which safeguards residential amenities of existing properties, and provision of a footpath across the site. I note that the site is identified in the NNP as being approximately 3.5 hectares rather than 2.79 hectares in the CLLP, but with the same indicative number of dwellings. The appellant states that the actual area is 3.09 hectares.
14. On my reading of these policies and the supporting text, it is evident that the housing figures outlined for each of the allocated sites are not rigid maximums, and the policies of the NNP in particular clearly set out circumstances where more than the indicative number may be acceptable. Moreover, there is flexibility in the policies of both the CLLP and NNP, and notwithstanding the differences in site area, they are largely consistent in their approach. These policies are recently adopted, have been formulated in light of the guidance of the Framework and found to be sound. They are consistent with the Framework in planning positively for a significant boost in housing.

15. The Council argues that developing the site for 50 dwellings would result in 273 additional dwellings in Nettleham when permissions already granted and other allocations in the CLLP are taken into account, which exceeds the 237 set out in the CLLP allocations. This would also be more than the circa 250 dwellings which would equate to the anticipated 12-15% growth for Nettleham outlined by the CLLP and NNP. However, the number of dwellings already granted demonstrates that the Council is prepared to countenance delivery of housing beyond the numbers expressed in the CLLP and NNP, in line with the flexibility of the relevant policies. This is borne out by the fact that permissions have been granted on allocated sites A and B¹ in NNP which are similarly indicated to deliver approximately 50 dwellings, but which were granted for schemes of 86 and 68 units respectively.
16. Whilst I do not have full particulars of the permissions on sites A and B, both have been approved with more than the 26% uplift on the indicative figure which the Council now argues is a 'substantial over supply' of housing on the appeal site. The Council does not explain why its stance has differed between the applications for Sites A and B and the appeal site, but these other permissions demonstrate that the indicative dwelling numbers have been treated flexibly as allowed for by the aforementioned policies and a higher quantum of development on a site can be permitted without undermining the overall spatial strategy.
17. In this case, layout is a reserved matter and the details presented with the application are indicative; however, they show that 63 dwellings could be delivered on the site at a density of 20 dwellings per hectare (dph), which would accord with the maximum permissible density set out in the NNP, and the size of the site given in the CLLP. Moreover, the Officer's report set out that 20 dph would be comparable with surrounding development, whereas 50 dwellings would either deliver some 16.2 dph based on the appellant's measurement or as low as 14.28 dph based on the site area in Policy H-7. Regardless, the development proposed in this case would be compliant with the Council's own density parameters, and I am not persuaded that there is any justification for limiting the development to 50 dwellings on the basis of density.

¹ Council Ref 135567 – Land off Deepdale Lane, Nettleham Lincoln LN2 2LT – Granted 8 November 2017

Council Ref 131975 – Land rear of 72 Scothern Road, Nettleham, Lincolnshire LN2 2TX – Granted 14 March 2017

18. I have considered the wider concerns raised by the Council in respect of the total number of dwellings being granted in Nettleham. However, the figures provided by the Council suggest the CLLP allocation number of 237 would be surpassed by the 50 dwelling scheme in any event. Moreover, there is little cogent evidence submitted to demonstrate that the impact of 63 dwellings at the appeal site would be harmful in comparison to that of 50 dwellings. Even accounting for the additional dwellings approved on sites A and B, the total delivery of housing in Nettleham would not be significantly out of step with the village's anticipated growth of the spatial strategy, and an additional 13 dwellings would be limited in the context of the overall delivery of housing in Nettleham. The appellants refer to the annual target of 1,540 dwellings representing a significant increase on the average of 934 dwellings completed between 2012 and 2016 and even the average of 1199 completed between 2008 and 2012. As such, the additional dwellings would assist in achieving the ambitious overall housing targets in place.
19. The Council also cites a potential precedent for increased development across Central Lincolnshire which may lack the necessary infrastructure to support it. I have little evidence before me that such concerns are warranted. Any future applications in other locations will fall to be considered on their own merits against the development plan policies in place at the time. As such, I give limited weight to the Council's concerns in this respect.
20. Taking these considerations together, therefore, it is my judgement that the stated allocations within Policies LP52, H-1 and H-7 are not to be treated as absolute maximums and that there is flexibility built into the relevant policies, including those of the NNP, that set out circumstances where delivery of more dwellings than indicated would nevertheless accord with the overall spatial strategy, provided relevant criteria are met, in particular those of Policies H-1 and H-7. It is to these that I now turn.

Character and appearance

21. As set out above, the 63 dwellings could be laid out at a density of 20 per hectare and would incorporate public open space. Based on the indicative plans, the layout and density of the development would be similar to that of adjacent residential development and I see no reason why it could not integrate with it. Although the northern boundary is presently undefined and would have to be created by dividing the existing fields, the site

would be largely contained in the landscape by residential development to two sides and an existing field boundary to a third. The dwellings would not be seen from the south or west due to the intervening built form, except from the properties immediately adjoining the site, whilst from the north and east, the site would be seen against a backdrop of existing residential development.

22. Given these physical characteristics, it would not be readily discernible whether there were 50 or 63 dwellings on the site and the higher quantum of development could be satisfactorily incorporated into the surrounding topography and landscape, in accordance with Policy H-1, and would not harm the character and appearance of the area. There would be not conflict with Policies LP17 and LP26 of the CLLP, which seek high quality sustainable design that contributes positively to local character, landscape and townscape

Living conditions

23. Policy H-7 includes further requirements relating to vehicular access, design and layout which safeguards residential amenities of existing properties, and provision of a footpath across the site. In terms of residential amenities of existing properties, the layout of the dwellings is a reserved matter. However, based on the indicative site plan, it would be possible to provide sufficient separation distances and screening between the proposed dwellings and those adjoining the site, such that there would not be harmful effects on existing occupants in terms of overlooking, outlook, enclosure or noise.

Other considerations

24. The indicative plans show a footpath could be provided as required by Policy H-7. Access was considered under the application and has been approved, to be taken from the end of the cul-de-sac of The Hawthorns. I have had regard to the evidence relating to access and other highway safety matters, including concerns raised by members of the Planning Committee and the representations of interested parties.
25. I note the Local Highway Authority did not raise objection to the proposal on the basis of a 63 dwelling scheme. There is nothing I have seen in evidence to suggest the Council limited the number of dwellings due to specific concern over the capacity of the proposed access or levels of proposed traffic. Though I recognise the local concerns regarding these matters, the Framework indicates

that permission should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The evidence before me does not demonstrate that a development of 63 dwellings would be harmful in comparison to the approved development of 50 dwellings and based on all I have seen and read, I find that there would not be an unacceptable effect on highway safety.

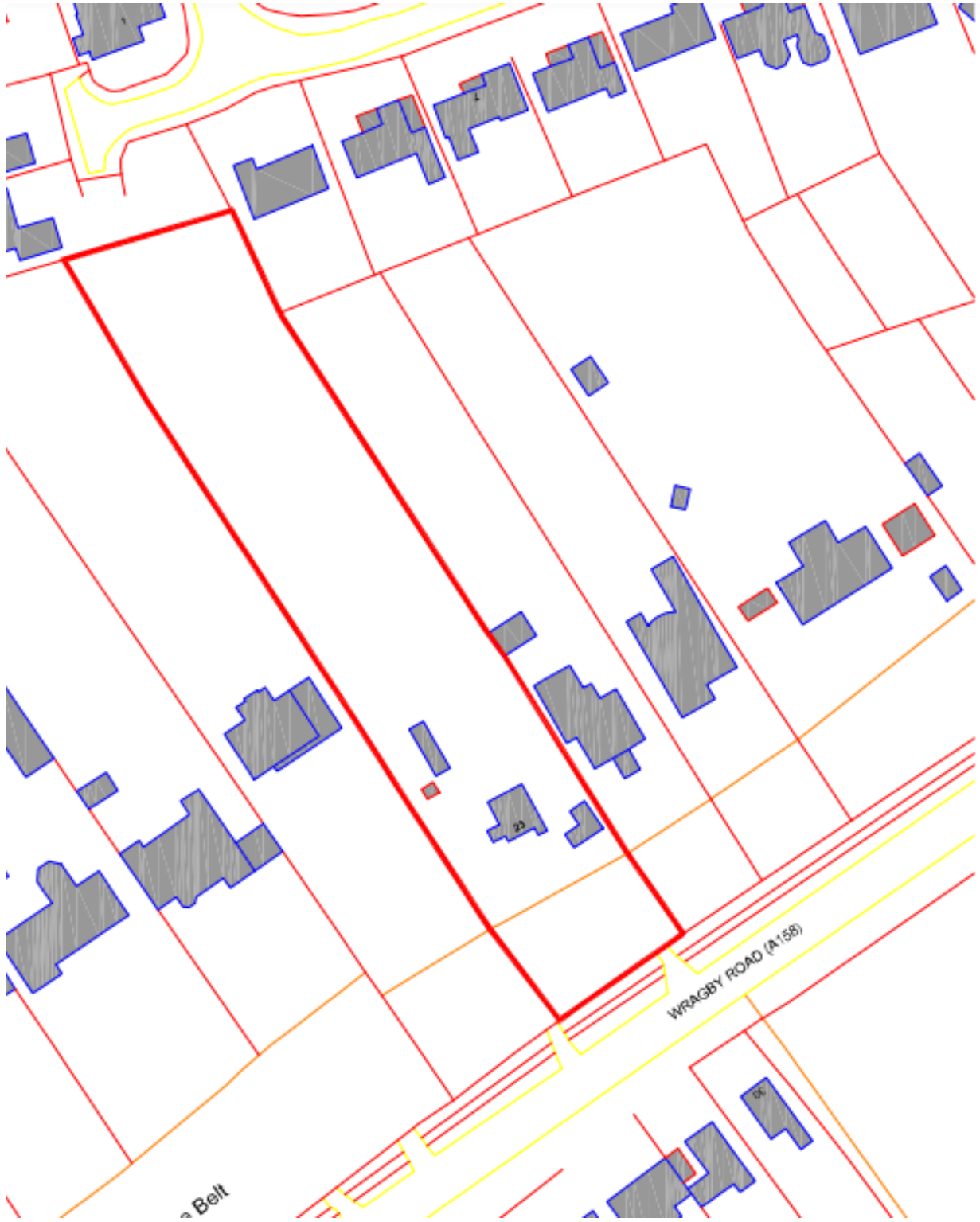
Conclusions on Main Issue

26. Having regard to the above, and taking into account my observations on site, there is no persuasive evidence before me to demonstrate why 63 dwellings would be harmful when 50 dwellings were found to be acceptable. For the reasons set out, I am satisfied that the proposal would represent an acceptable quantum of development which would accord with the overall spatial strategy set out in the CLLP and the site-specific policies of the NNP. Consequently, I find no conflict with Policies LP2 and LP52 of the CLLP or Policies H-1 and H-7 of the NNP.
27. As such, I find that the disputed condition limiting development to 50 dwellings is both unreasonable and unnecessary and so does not meet the tests of conditions set out at Paragraph 55 of the Framework. It should therefore be removed. However, a 63 dwelling scheme would represent the maximum density of development set out in the NNP, and represents the quantum of development which the Council considered. In order to ensure the development is undertaken as proposed and additional dwellings are not sought which may have unanticipated impacts, it is necessary to replace the disputed condition with one defining the maximum development permitted as being 63 dwellings. There is no evidence before me of any need to amend or delete any other conditions of the permission.

Conclusion

28. For the reasons given above, I conclude that the appeal should be allowed and the planning permission should be varied as set out in the formal decision.

K. Savage
INSPECTOR



Officers Report

Planning Application No: 145619

PROPOSAL: Planning application for demolition of existing house and construction of a new self-build replacement two and a half storey dwelling and detached garage with accommodation at first floor level - being variation of condition 3 of planning permission 139843 granted 24 October 2019, amended drawings to alter the carport off the east elevation of the dwelling.

LOCATION: Egmont 23 Wragby Road Sudbrooke Lincoln LN2 2QU

WARD: Sudbrooke

WARD MEMBER(S): Cllr R Waller

APPLICANT NAME: Mr Sath Vaddaram

TARGET DECISION DATE: 02/12/2022

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

This application has been referred to the Planning Committee, following objections from the Parish Council, and the planning history of the site.

Description:

The site comprised a detached bungalow with two storey elements set back from Wragby Road (A158). The property is accessed off Wragby Road via an access located towards the south eastern corner of the site which leads to off road parking in front (south east) of the dwelling. The dwelling is set back approximately 32 metres from the road and sits in a very large plot approximately 152 metres in length, with the property enjoying the benefit of a very large rear garden to the north west of the property. To the north east sits a detached bungalow (No.25 Wragby Road which also has a first floor/accommodation in the roof space) on approximately the same building line and to the north west sits a two storey detached property (No.21 Wragby Road) which is located approximately 25 metres further back from Wragby Road than No.23 Wragby Road. Both of these neighbouring dwellings also sit in very large plots and are accessed off Wragby Road. To the rear of the site are two storey detached properties off 'The Paddock'. There is a Group Tree Preservation Order (TPO) fronting Wragby Road for approximately the first 17 metres of the site and there is also a Group TPO at the rear of the site which is approximately 21 metres in depth from the back of the site towards the house. There is a Public Right of Way (Sudb/129/1) on the opposite side of Wragby Road.

In 2019, planning permission was granted *“for demolition of existing house and construction of a new self-build replacement two and a half storey dwelling and detached garage with accommodation at first floor level.”*

This application (145619) seeks to vary condition 3 (plans) of planning permission 139843 which has commenced construction. The following changes are proposed:

- Increase the ridge height of the proposed carport off the east elevation of the dwelling from approximately 5.75 metres to 6.3 metres (eaves the same as approved under 139843).
- Angle of the roof of the proposed carport is changed from that approved under 139843 and a flat roof is proposed.
- Introducing two velux roof lights into the said car port roof on the front (south) elevation and three roof lights within the flat roof of the car port.
- Storage space is then created on the first floor level of the car port linked to an existing bedroom.

Relevant history:

139843 - Planning application for demolition of existing house and construction of a new self-build replacement two and a half storey dwelling and detached garage with accommodation at first floor level. Granted 24/10/2019.

141658 - Request for confirmation of compliance with conditions 1-10 inclusive of planning permission 139843. Conditions discharged 27/11/2020.

145191 - Application for non-material amendment to planning permission 139843 granted 24 October 2019 - amendments to car port roof. Refused 12/07/2022 *'The Local Planning authority is not satisfied that the changes proposed are not material. It is considered that the proposed amendments are a material change to the development from that previously granted planning permission under application 139843. It is therefore considered that the changes described will be a material change and this application for a non-material amendment is hereby refused.'*

145226 - Planning application for demolition of existing house and construction of a new self-build replacement two and a half storey dwelling and detached garage with accommodation at first floor level - being variation of condition 3 of planning permission 139843 granted 24 October 2019, amended drawings to raise ridge height of carport roof and install velux windows. Refused 26/08/2022 *'It is considered that the proposed amendments will have a harmful impact on the living conditions of the neighbouring dwelling (No.25 Wragby Road) contrary to the NPPF, Policy LP26 of the Central Lincolnshire Local Plan and Policy 9 of the Sudbrooke Neighbourhood Plan.'*

Representations:

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

Parish Council: Objects as follows:

- It is considered that the alterations to the garage roof create a habitable space that overlooks the neighbouring property.
- The Parish Council's original objections to this development were that the 3 storey house would cause considerable lack of privacy to the neighbour. The design was changed to the existing one with the garage replacing the three storey end. The higher roof line and provision of roof lights make this unacceptable due to the proximity of the house next door.
- It is considered that the application lacks a site plan showing how close the building is to the neighbouring property [note: a proposed site plan drawn to scale has been submitted with this application].

Local residents/Occupiers: 21 Wragby Road, 46 Windsor Close & Rear of White Gates, White Gates 14 Scothern Lane, Sudbrooke and 21 Station Road, Timberland object for the following reasons:

- This development is extraordinarily large for a residential property in a small village. It seems to be being built very close to the border with Number 21. This has had an overwhelming negative impact on Number 21 from the privacy, lighting perspective.
- There is already a large detached garage with an upper floor so why is this needed?
- The development as exists completely overlooks our garden and amenity space outside. This proposal will make privacy and light detriment even worse.
- The existing development has had a very significant detrimental impact on the neighbouring properties. This additional proposed application is not going to improve that, it is only going to make the impact worse.
- From our side this development already overlooks our outside amenity area and garden. The additional proposal will add to the obtrusive nature of the existing development. Number 25 are also impacted.
- The house is extremely imposing, and it is very different to the average property in Sudbrooke. It is so large that already it impacts the street scene. This additional specific proposal only worsens that impact, and doesn't improve it.
- The applicant claims that the original application concerning the carport to the east of the dwelling was done in haste and not thought through. The applicant also claims that the height and slope of his planned carport roof gives a weird view from his back garden and front drive and should be changed as it is aesthetically unpleasant.
- The refusal [145226] to agree for velux windows was welcomed by the occupants of 25 Wragby Road as the original decision to allow balconies protruding from the north and south of the property is already a severe violation of the privacy of a neighbouring property.
- The applicant has now added more velux windows and raised the roof and changed the slope of the car port which is overbearing and will lead to a loss of light, overshadowing and rainfall run-off issues in regards to No.25 Wragby Road.

- This resubmission is another attempt to change a grossly oversized house which impacts on its neighbours the design statement gives the clue as to why the carport roof is to be raised quote “the carport roof space will be accessed from the main house” or via a loft ladder ask the question why. This must be resisted.
- The comment from the applicant of my not living at 25 Wragby Road is irrelevant as the property is temporarily Let and the effects on the present tenants and our prospective return
- The submitted sunpath studies are irrelevant and incomprehensible using models and not actual photographs.
- The raising of the garage roof will impact from different angles over 25 Wragby Road. The height and slope of the proposed roof will impact on the amount of rainwater runoff, roof windows to the north and south of the proposal must impact and overlook the front and rear gardens of 25 Wragby Road and those to the south will overlook the front portions of the house.

LCC Highways and Lead Local Flood Authority: The proposal is for an amended carport roof and it does not have an impact on the public highway or surface water flood Risk. 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.

Archaeology: No representations received to date.

Tree and Landscape Officer: No representations received to date.

The Ramblers Association: No representations received to date.

WLDC Housing Team: No representations received to date.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (Adopted April 2017) and the Sudbrooke Neighbourhood Plan (Adopted March 2020).

Development Plan:

The following policies are particularly relevant:

*Central Lincolnshire Local plan

LP1: A Presumption in Favour of Sustainable Development

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk
LP17: Landscape, Townscape and Views
LP26: Design and Amenity

**With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.*

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

Sudbrooke Neighbourhood Plan Policy 9: Local Design Principles

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. Examination commenced 15th November 2022, and is scheduled until January 2023.

The NPPF states:

“48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given) 24.”

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

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

National policy & guidance (Material Consideration)

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

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

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

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

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

Main issues

- Principle of Development
- Residential Amenity
- Visual Amenity
- Other Matters

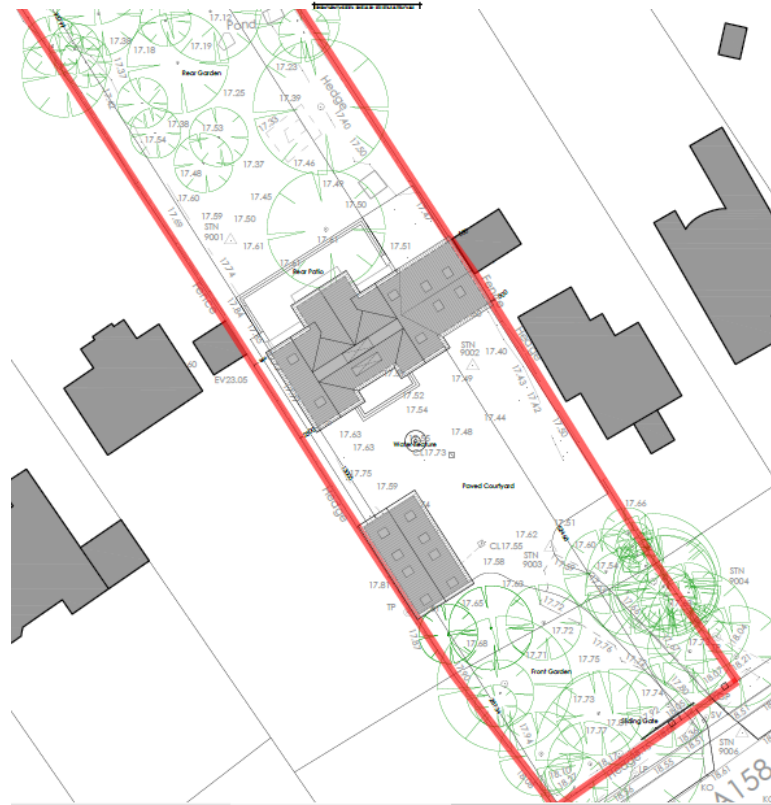
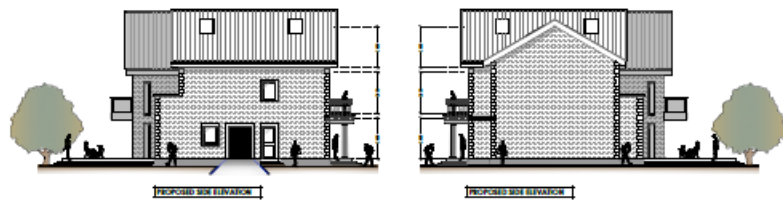
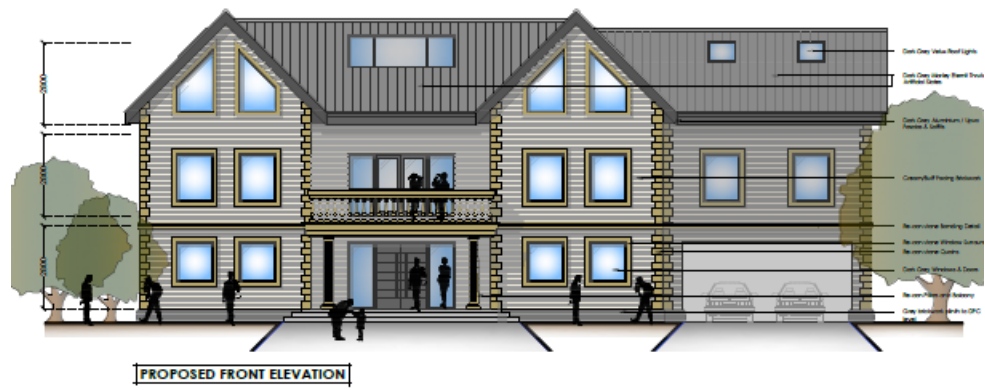
Assessment:

Principle of Development

The principle of development has been established by the grant of Full Planning Permission (139843) to demolish the existing house and construct a replacement 2.5 storey dwelling and detached garage with accommodation at first floor level. The development has commenced.

Under Planning Permission 139843, the application as submitted had proposed a two storey element on this side, with first floor windows. Officers had concerns with this element and its potential effect upon the neighbour's amenity. These concerns were raised with the applicant, who agreed to amend the scheme and reduced this element to a single storey garage with hipped roof. The amended scheme was deemed to overcome officer concerns:

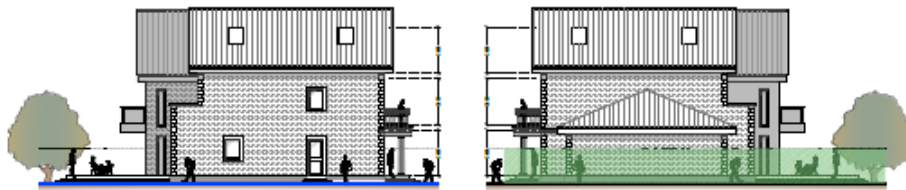
Plans as originally submitted under 139843:



Plans as approved under 139843:



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

PROPOSED SIDE ELEVATION



The applicant subsequently applied (145226) to increase this element of the build (the carport) from 5.75 metres in height to 7.1 metres (an increase of 1.35 metres) and to introduce 'velux' windows on the north and south elevations. Permission was refused in August of this year, because it was considered that the proposal would have had a harmful impact on the living conditions of a neighbouring dwelling (No.25 Wragby Road).

This latest application (145619) now seeks to address previous concerns. It is now proposed to increase the ridge height of the car port by 55 centimetres to 6.3 metres from 5.75 metres previously approved and to introduce two 'velux' skylights in the front (south) elevation and 3 skylights within the flat roof of the car port.

Residential Amenity

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

The following changes are proposed through this application:

- Increase the ridge height of the proposed carport off the east elevation of the dwelling from approximately 5.75 metres to 6.3 metres (eaves the same as approved under 139843).
- Angle of the roof of the proposed carport is changed from that approved under 139843 and a flat roof is proposed.
- Introducing two velux roof lights into the said car port roof on the front (south) elevation and three roof lights within the flat roof of the car port.
- Storage space is then created on the first floor level of the car port linked to an existing bedroom.

The above changes proposed to the attached car port, namely increasing the height from 5.75 metres previously approved to 6.3 metres (an increase of approximately 0.55 metres) will not be expected to impact directly on No.25 Wragby Road to the east or on the rear patio area afforded this neighbouring dwelling which is located immediately to the north of the said neighbouring dwelling.

The car port eaves, and foot print will remain the same as previously approved under 139843 (the car port is set in from the eastern boundary by approximately 1.75 metres). The two proposed roof lights in the south (front) elevation of the proposed car port are located close to the main element of the proposed dwelling away from the eastern boundary and will overlook the driveway and landscaping afforded the host dwelling to the front (south). The three proposed roof lights on the flat roof of the proposed car port will not overlook any neighbouring dwellings.

It is considered that the proposed amendments to the car port will not have a harmful impact on the living conditions of the neighbouring dwelling (No.25

Wragby Road) contrary to the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.

Visual Amenity

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

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

Policy 9 of the Sudbrooke Neighbourhood Plan states that proposals should make a positive contribution to their surroundings through the quality of their design in terms of scale, height, form, massing, style, detailing, landscaping and use of materials.

The site is screened to the south (Wragby Road) and to the north by two belts of trees which are designated as Group Tree Preservation Orders (TPO's). The western boundary is mainly hedging which is patchy or missing in places and the eastern boundary is hedging and close boarded wooden fencing. The proposed changes to the car port attached to the east elevation will not lead to an adverse visual impact as the plot is large enough to accommodate such a proposal and the site has protected screening to the north and the south in the form of tree belts subject to Tree Preservation Orders.

The proposal is therefore considered to accord with the NPPF and Policy LP17 & LP26 of the Central Lincolnshire Local Plan and Policy 9 of the Sudbrooke Neighbourhood Plan.

Other Matters

The following matters have already been considered under application 139863 and are not relevant to the determination of this application, which considers only the matter of the proposed amendments to the scheme:

- Public Right of Way
- Foul and Surface Water Drainage
- Highway Safety
- Trees and Landscaping
- Garden Space

Conditions

As a variation of condition application will create a brand new permission in itself, a review of conditions originally imposed on 139843 needs to be undertaken. Without this any new permission would be unrestricted.

Application 141658 discharged conditions 2 (construction of the driveway and tree protection), 4 (materials), 5 (foul and surface water scheme), 6 (boundary treatments) and 8 (Protective fencing for trees) of 139843. Conditions 1 (timescales), 3 (plans), 7 (hardstanding) and 10 (Removal of certain permitted development rights) are instructional conditions and need to be carried forward to the decision notice for this application (145226) if it is minded to grant permission, except condition 1 (timescales) as the development has already commenced.

Conclusions and reasons for decision:

The decision has been considered against policy LP1: A Presumption in Favour of Sustainable Development, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP17: Landscape, Townscape and Views and LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan in the first instance and policies contained in the Sudbrooke Neighbourhood Plan (Policy 9: Local Design Principles) and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

The principle of development has been established by the grant of Full Planning Permission 139843 for the demolition of an existing house and construction of a new self-build replacement two and a half storey dwelling and detached garage with accommodation at first floor level. In light of this assessment it is considered that the proposal will not have a harmful impact on the living conditions of neighbouring occupiers or have a harmful visual impact on the street scene.

Recommendation: Grant planning permission subject to the conditions below:

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

1. **N/A** - The development has already commenced.

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

2. Development on the site shall proceed wholly in accordance with the details approved under 141658 in terms of full details of the materials and method of construction for the driveway. The driveway shall then be constructed in accordance with the approved details and thereafter retained as approved.

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: L-ADD-025 - 04F dated 28/09/2022, L-ADD-025 - 05C dated 01/10/2019, L-ADD-025 - 06E dated 28/09/2022, L-ADD-025 - 07E dated 28/09/2022, L-ADD-025 - 08E dated 28/09/2022, L-ADD-025 - 09G dated 28/09/2022 and L-ADD-025-10A dated 26/09/2019. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

4. Development on the site shall proceed wholly in accordance with the details approved under 141658 in terms of the proposed new walling, roofing, windows, doors and other external materials. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework, Policy LP26 of the Central Lincolnshire Local Plan and Policy 9 of the Sudbrooke Neighbourhood Plan.

5. Development on the site shall proceed wholly in accordance with the details approved under 141658 in terms of a scheme for the disposal of foul and surface waters. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwelling.

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

6. Development on the site shall proceed wholly in accordance with the details approved under 141658 in terms of all boundary treatments. The agreed details shall be implemented in full prior to the occupation of the hereby approved dwelling and retained thereafter.

Reason: In order to protect residential amenity in accordance with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

7. 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 appropriate drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

8. All existing trees and hedges shown as being retained on the plans hereby approved shall be protected by protective fencing prior to the commencement of development around the retained trees and hedges. The fencing should be positioned at the outer extents of the trees Root Protection Areas, as specified on Drawing No. L-ADD-025 - 04F dated 28/09/2022. Such fencing shall be erected before development commences including ground scraping and shall be retained at all times whilst construction work is taking place. Nothing shall be stored or placed in any root protection area, nor shall the ground levels within those areas be altered, without prior written approval of the Local Planning Authority.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance the National Planning Policy Framework and Policy LP17 of the Central Lincolnshire Local Plan.

9. The dwelling and garage (with first floor living accommodation) hereby permitted shall not be occupied until the first floor window to an en-suite in the side (west) elevation of the proposed new house (Drawing No. L-ADD-025 - 09G dated 28/09/2022 and until the first floor windows to a bedroom in the side (north) elevation of the proposed detached garage (Drawing No. L-ADD-025-10A dated 26/09/2019 have been fitted with obscure glazing and retained as such thereafter.

Reason: To prevent unacceptable levels of overlooking on neighbouring properties, in accordance with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

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

10. Notwithstanding the provisions of Class B and Class C of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the buildings hereby permitted shall not have any additions or alterations to the roof of the dwelling house and garage unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the street scene and on the living conditions of neighbouring dwellings in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

Informative

Conditions

As a variation of condition application will create a brand new permission in itself, a review of conditions originally imposed on 139843 needs to be undertaken. Without this any new permission would be unrestricted.

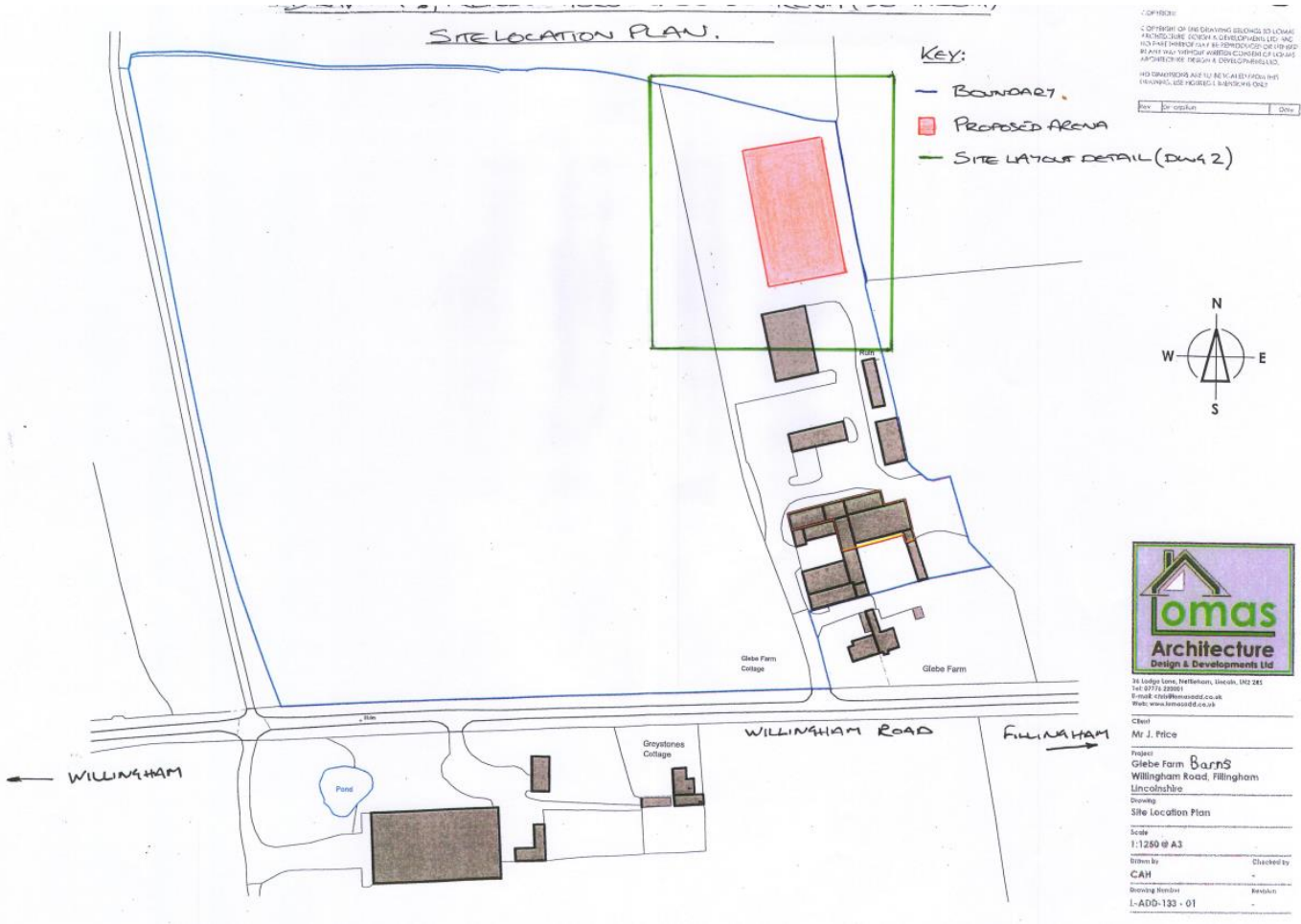
Application 141658 discharged conditions 2,4,5,6 and 8 of 139843. Conditions 1,3,7,9 and 10 are instructional conditions and need to be carried forward to the decision notice for this application (145226) if it is minded to grant permission, except condition 1 (timescales) as the development has already commenced.

Human Rights Implications:

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

Legal Implications:

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



Officers Report

Planning Application No: 145547

PROPOSAL: Planning application for a horse exercise arena.

LOCATION: Glebe Farm Barns Willingham Road Fillingham Gainsborough DN21 5BL

WARD: Scampton

WARD MEMBERS: Cllr R Patterson

APPLICANT NAME: Mr Price

TARGET DECISION DATE: 16/11/2022 (Extension of time agreed until 2 December 2022)

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission with conditions

The application is referred to the planning committee for determination as the applicant is an immediate family member of an officer of the Council.

Site Description and Proposal:

The application site is located in the open countryside approximately 1.3km to the west of Fillingham. The site is accessed directly from the adjacent Willingham Road and the site is set back from the road partly behind another residential house but also behind further agricultural buildings which form the agricultural yard. The existing barns at the site have recently been granted prior approval for the change of use to a dwelling.

The application seeks planning permission for the installation of a horse exercise arena, for private use by the occupiers of Glebe Farm Barns. The riding arena is to measure 50m by 30m and will be bounded by a 1.4m high post and rail fence. Surface materials are to consist of a stone base and a silica sand.

Relevant history:

No relevant planning history.

Representations:

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

Fillingham Parish Council: No representations received to date.

Local residents:

Glebe Farm, Willingham Road- We give our full support for the planning of a horse exercise arena.

LCC Highways/Lead Local Flood Authority: No objections. The proposal for a horse exercise arena to be located at the back of the property away from the Public Highway. Therefore, it does not have an unacceptable impact on the Public Highway Safety.

Archaeology: No representations received to date.

IDOX Checked: 08/11/2022

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 Settlement Hierarchy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape Townscape and Views

LP26: Design and Amenity

LP55: Development in the Open Countryside

**With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2 is consistent with NPPF chapter 2 as they both seek to deliver sustainable growth. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP26 is consistent with section 12 of the NPPF in requiring well designed places and LP55 is consistent with paragraph 80 and paragraph 174 of the NPPF as they both seek to avoid isolated new homes in the countryside and both recognise the intrinsic character and beauty of the countryside. The above policies are therefore attributed full weight.*

- **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)**

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

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

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

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

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

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

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

• **Neighbourhood Plan**

There is currently no neighbourhood plan in preparation in the Fillingham Parish to consider.

Main issues

- Principle of Development;
- Visual Impact;
- Residential Amenity;
- Highway Safety;
- Surface Water.

Assessment:

Principle of Development

The application site is clearly located within the open countryside separated from nearby settlements by open fields and therefore principally falls to be assessed against Policy LP55 of the CLLP.

Policy LP55 sets out the considerations for development within the open countryside. Part E relates to non-residential development and states that Proposals for non-residential developments will be supported provided that:

- a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;

Other criteria are also stated but relate to neighbouring land uses, access and visual amenity which are discussed further within the report. The proposal is for a riding arena to be used by the applicant who resides at Glebe Farm Barns and is for private use only. In the event that permission were to be granted a condition would ensure that the use remained private and not for commercial purposes.

It is acknowledged that the development would serve the existing property and the nature of the proposals are commonly found in countryside locations and the principle of the development is therefore considered to accord with Part E of LP55, subject to an assessment of other material considerations as detailed below.

Visual Impact

Policy LP17 of the CLLP promotes the protection and enhancement of landscape, including having regard to maintaining and responding positively to any natural features within the landscape. All proposals should take into account views, into, out of and through the site. Policy LP26 states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place.

The site is surrounded by well-established hedging to all boundaries which provides a good level of screening which would remain as existing. The surface materials to be used in the arena comprises of a silica sand mix, it is considered that the appearance of the surface is acceptable and would integrate well with the surrounding area. In terms of the post and rail fencing, such means of enclosure are commonly found in countryside locations, it is therefore considered to be appropriate.

It is therefore considered that the proposal would not have a detrimental impact on the character and appearance of the countryside. The proposal is considered to accord with Policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan and the NPPF.

Residential Amenity

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

Considering the countryside location of the site, there are limited neighbouring uses that may be impacted by the proposal. Glebe Farm, a residential property is located a large distance away, to the south of the application site. It is not considered that the private use would attract significant levels of traffic and there is no external lighting proposed. Overall, it is considered that the proposal would not unduly impact upon residential amenity and therefore accords to policy LP26 in this regard.

Highway Safety

Access is to be taken from an existing point to the south of the site. Lincolnshire County Council Highways Team have been consulted on the application and have no objections to the proposals and is therefore considered to be acceptable in highway safety terms and would accord to Policy LP13 of the CLLP.

Surface Water

The site is located within Flood Zone 1 and is at low risk of surface water flooding. The proposed arena will have a porous silica sand. The application form indicates that surface

water is to be discharged into a nearby drainage ditch, separate consent may need to be sought from the relevant drainage board in this respect. The arena is located in a large field away from the nearby associated residential property, it is not considered reasonable or necessary to request further information to be submitted in this respect.

Conclusion

The decision has been considered against Policy LP1: Presumption in Favour of Sustainable Development, LP2: The Settlement Hierarchy, LP13: Accessibility and Transport, Policy LP17: Landscape, Townscape and Views, Policy LP26: Design and Amenity and Policy LP55: Part E Development in the Open Countryside of the adopted Central Lincolnshire Local Plan, and guidance contained within the National Planning Policy Framework.

In light of the above assessment the principle of development is found to be acceptable with the open countryside location. No harm has been identified in terms of visual impact or harm to residential amenity. The proposal would not result in any highway safety concerns. It is therefore recommended that permission is granted, subject to conditions.

RECOMMENDATION: Grant permission subject to 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 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 Plan L- ADD-1330 01, Site layout Plan, drawing no.2, Drainage Plan, drawing no. 3 and proposed fencing details drawing no. 4 all received 21 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 the National Planning Policy Framework.

2. The materials to be used in the development hereby permitted shall match those as stated on the application form and as shown on the surface materials drawing received 18 October 2022.

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

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

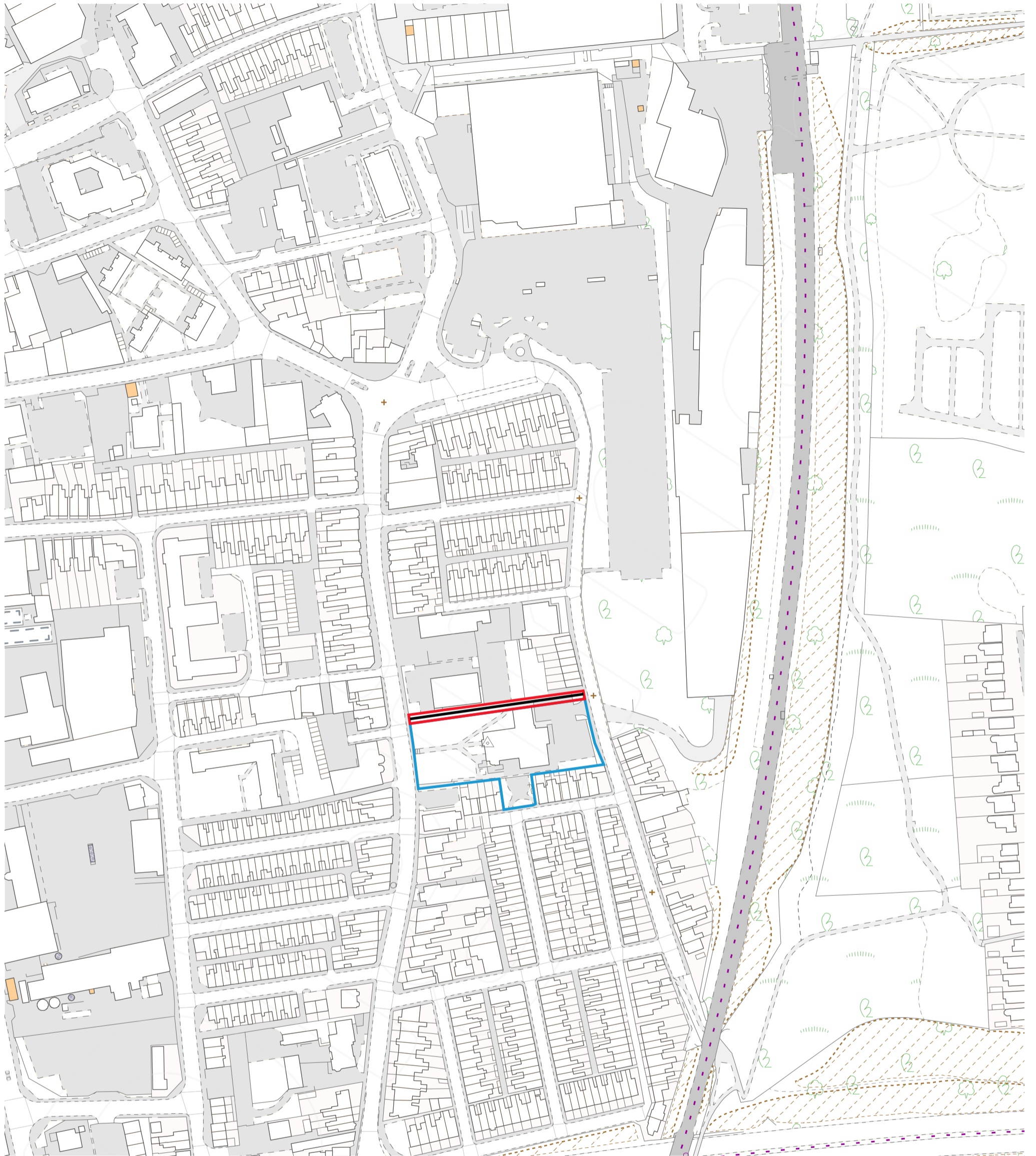
3. The development hereby approved shall only be used for purposes incidental to the enjoyment of the dwellinghouse at Glebe Farm Barns, Willingham Road, Fillingham, DN21 5BL and not for any business or commercial purposes.

Reason: To ensure any future business use and impacts would be adequately considered through the relevant planning application process in connection with policies LP1, LP55, LP17 and LP26 of the Central Lincolnshire Local Plan.

4. No external lighting must be installed on the site outlined in red on the location plan received 21 September 2022 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of nearby properties and dark sky of the open countryside location to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012- 2036.

Agenda Item 6h



- Other land owned by the applicant
- Site boundary
- Location of the Northern boundary wall

Site location

Notes:

Status BIM Status - BIM Status Description

Project Trinity Arts Centre - Northern Boundary Wall

Drawing Title Site location plans

Client West Lindsay District Council

File Name Project-Originator-Zone-Level-Type-Role-DrawingNumber-Status-Revision
7536-LAT-S1-XX-DP-A-1001-S3-A

Derby
1 College Place DE1 3DY
+44 (0)1332 365 777

Nottingham
50 St Mary's Gate NG1 1QA
+44 (0)115 648 5012

Lathams
ARCHITECTURE + URBANISM

A JP Site location plans
Rev Drawn Revision Description

Date Lathams Job Number
Date 7536

Page 236
Scale 1:1250

Date 20.09.22
Revision Current Revision

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Officers Report

Planning Application No: 145640

PROPOSAL: Planning application to rebuild section of boundary wall.

Listed Building Consent No: 145568

PROPOSAL: Listed Building Consent to rebuild section of boundary wall.

LOCATION: Trinity Arts Centre Trinity Street Gainsborough Lincolnshire DN21 2AL

WARD: Gainsborough South West

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

APPLICANT NAME: Mr Luke Matthews on behalf of West Lindsey District Council

TARGET DECISION DATE: 29/11/2022 (Extension to 2nd December 2022)

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Holly Horton

RECOMMENDED DECISION: Grant planning permission and listed building consent subject to conditions.

Description:

This application has been referred to the planning committee as the applicant is an employee of West Lindsey District Council and is applying on behalf of West Lindsey District Council.

The application site is located in the town of Gainsborough, on the eastern side of Trinity Street and the western side of Sandsfield Lane. The boundary wall is curtilage listed in association with the listed Trinity Arts Centre. The site is bounded to the north by residential properties and their garden areas as well as a 'Kwik-Fit' garage and associated parking.

The Historic England record describes the site as follows: *'The (former) church of Holy Trinity, Gainsborough is designated at Grade II for the following principal reasons: * Redundant church of 1841-3 by T Johnson of Lichfield, ashlar faced in a plain, pre-archaeological Gothic style. * Chancel enlarged in 1871, with further work in 1911 and in 1982-4 following conversion to an arts centre. * Tall W tower and spire form an important landmark.'*

The application seeks both planning permission, and listed building consent, to dismantle the unsafe section of walling, construct new foundations for the section, and rebuild the section of walling.

Relevant history:

143385/143386 – Planning application and Listed Building Consent to rebuild section of boundary wall – Withdrawn by applicant – 23/09/2021
Reason for withdrawal – Insufficient information.

Representations:

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

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

Local residents: 81 Sandsfield Lane, Gainsborough – Object to the proposal as below:

- Absolutely shocking more of our money being spent on this building even though streets surrounding it are in a shocking state.

LCC Highways: LCC Highways does not wish to restrict the grant of permission. The proposal is for the rebuild of a boundary wall that does not front the highway and it does not have an impact on the Public Highway or Surface Water Flood Risk.

Conservation Officer: The boundary wall is curtilage listed in association with the listed Trinity Arts Centre. The wall is lined with grave stones that were moved there at or shortly after the de-consecration of the church yard.

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The original build, design and materials of the boundary wall and the grave stones lining the wall are the significant features linking the wall with the listed building. The wall offers architectural and artistic interest and the grave stones offer historic interest reflecting upon the history of the former church and church yard (Historic England, *Statements of Heritage Significance, Advice Note 12*, 2019).

Having viewed the documents and seen the wall in person, it is clear that the wall requires intervention in the near future before it collapses and causes harm to the fabric and the gravestones.

I support the proposal for option 1 (subject to conditions) to carefully remove the wall, allow for foundations, and under pin the retained wall. This would retain the historic character of the boundary, preserve the setting of the listed building and offer the opportunity to enhance the inappropriate modern interventions.

Please see the following conditions:

- 1) The works shall follow the “Preparation”, “Investigation”, “Stabilisation Works”, and “Repair Works” as noted in the plans 7536–LAT–0001 unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that premature demolition does not take place and that an unsightly gap does not detract from the character and appearance of the area.

- 2) The photographic record of the gravestones and their locations shall be approved by the Local Planning Authority prior to the removal of the gravestones.

Reason: To ensure that special regard is paid to the features relating to the special architectural interest and character so that these are reincorporated into the boundary.

- 3) The location for the safe storage of the gravestones will be approved by the Local Planning Authority prior to removal of the gravestones.

Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works.

- 4) The methodology of the exploratory intrusive survey (including propping options) shall be approved by the Local Planning Authority prior to the work.

Reason: In the interests of ensuring that no damage is caused to the part of the building which is to be retained.

- 5) The detailed survey of defective material for the bricks, copings, and mortar shall be approved by the Local Planning Authority prior to dismantling of the wall or any repair work.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6) The mortar sample analysis and proposed mortar for the work shall be approved by the Local Planning Authority prior to the dismantling of the wall or any repair work.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 7) The detailed photographic survey of the wall to be taken down will be approved by the Local Planning Authority prior to the dismantling of the wall

Reason: To ensure that special regard is paid to the features relating to the special architectural interest and character so that these are reincorporated into the building.

- 8) The rebuilt brickwork shall match the existing brickwork noted through the detailed photographic survey within the “Stabilisation Works” in respect of dimensions, colour, texture, face bond, and pointing unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the features relating to the special architectural interest and character so that these are reincorporated into the building.

- 9) The following sound materials/features/fixtures forming part of the boundary shall be carefully taken down, protected and securely stored for later re-erection/ re-use or disposal.

- Bricks
- Coping stones
- Pier cappings
- Gravestones

Where damage has occurred (for example, from unauthorised works, vandalism or fire), it is important to ensure that any loose historic items are identified and retained on site in a secure place pending their reinstatement.

Reason: In order that such materials may be reused at a later date.

- 10) Demolition work shall be carried out by hand or by tools held in the hand other than power-driven tools.

Reason: In order that such materials may be reused at a later date.

- 11) 1m² of the rebuilt brickwork, as a sample, must be approved by the Local Planning Authority prior to the full rebuild of the wall. This must show:

- The wall bond
- pointing mortar mix
- joint thickness
- finish profile

Reason: To ensure that special regard is paid to the features relating to the special architectural interest and character so that these are reincorporated into the building.

- 12) Any new materials to be used for repairs, replacements or as part of the rebuild must be submitted and approved by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 13) No cleaning of masonry, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray is authorised by this consent without the prior approval of the Local Planning Authority. Before work begins, any other cleaning proposals must be approved in writing and carried out strictly in accordance with those details. At the commencement of the cleaning, a test panel shall be undertaken in an inconspicuous position and the method recorded to the approval of the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Archaeology: The proposed development involves the dismantling and reconstruction of a Listed historic boundary wall associated with the nineteenth century former Holy Trinity Church (now Arts Centre).

The information, photographs, and drawings provided in the developer's Heritage Statement will provide an adequate record of the wall and the 19th century gravestones which have been placed against it following clearance of the churchyard. These monuments are also proposed to be removed and reinstated following the work, so we would not recommend any further recording of these or the wall be required.

The proposed excavation and underpinning works has the potential to disturb human remains within the churchyard. However, as this cemetery was laid out relatively recently in the 19th century it would usually be anticipated that graves would be carefully arranged in rows within the cemetery in only one phase, so there is less chance of earlier disturbed remains within the graveyard soil or of graves that might extend up to, beneath or beyond the boundary wall as can occur on older medieval church sites. The church was also constructed in an area that was not previously within the settlement of Gainsborough and where earlier pre-Victorian remains are not anticipated.

Therefore we would not recommend that it was necessary for these works to be continuously monitored by an archaeologist. If, however, during the course of the works human remains are revealed all work should halt as under the Burial Act 1853 it is an offence to disturb a burial without a license from the Ministry of Justice.

It is also recommended that the applicant has ensured that a Faculty from the Diocese of Lincoln is not required for this work. Although the church is closed and the building is no longer subject to the requirement for a Faculty, the burial ground is usually still covered by the requirements for a Faculty in order to protect burials in consecrated ground from disturbance. This will be set out in the legal notices relating to the church's closure. The Lincoln Diocesan Registry may be able to clarify the position if there is any uncertainty.

Idox: Checked on 11th November 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), the Gainsborough Neighbourhood Plan (adopted 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

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP25: The Historic Environment

LP26: Design and Amenity

- ***Gainsborough Neighbourhood Plan (2020-2036)***

The following policies are considered relevant in the determination of this application:

NPP 1 Sustainable Development

NPP 6 Ensuring High Quality Design

NPP 18 Protecting and Enhancing Heritage Assets

Gainsborough Heritage and Character Assessment:

TCA 06 Gainsborough Town Centre

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

Other Guidance:

Section 16 of the Planning (Listed Building & Conservation Areas) act 1990.
Section 66 of the Planning (Listed Building & Conservation Areas) act 1990.

Draft Local Plan / Neighbourhood Plan (Material Consideration)

In line with paragraph 48 of the NPPF, weight may now be given to any relevant policies in the emerging plan according to the criteria set out below:

- (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)."

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. Examination commences on 15th November 2022 and is programmed to run until January 2023.

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

- Design and Heritage Impact
- Other Matters
 - Archaeology

Assessment:

Design and Heritage Impact

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Setting is more than views, it is how the building is experienced.

Section 16 of the NPPF states that when considering the impact of a proposed development in the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of Grade II Listed Buildings, should be exceptional.

With regard to Listed Buildings, Policy LP25 of the CLLP states that *'Permission to change the use of a Listed Building or to alter or extend such a building will be granted where the local planning authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.'*

In relation to design and visual impact, the NPPF makes clear that the creation of high quality places is fundamental to what the planning and development process should achieve. Policies LP17 and LP26 seek to ensure development respects the landscape character and identity, and relates well to the site and surroundings and achieve high quality design.

Policy NPP 18 of the Gainsborough Neighbourhood Plan states that restoration projects will be supported where the proposal better reveals the significance of heritage assets including their settings.

The proposal seeks permission for the partial dismantling and rebuilding of the northern boundary wall to the Trinity Arts Centre. The rebuilt wall would

use retained bricks using the bonder patten, pointing and mortar to match the existing. Underpinning would also be required to both ends of the original wall either side of the opening created by the removal of the failing section of brickwork.

The accompanying documents explain that the wall has been subject to a structural survey. It concludes that *“The wall is inherently unstable, the lean of 100mm (2 degrees) is beyond that which is considered acceptable for a wall of this width and height.”*

The Conservation Officer has been consulted and has commented as follows:

‘Having viewed the documents and seen the wall in person, it is clear that the wall requires intervention in the near future before it collapses and causes harm to the fabric and the gravestones.

I support the proposal for option 1 (subject to conditions) to carefully remove the wall, allow for foundations, and under pin the retained wall. This would retain the historic character of the boundary, preserve the setting of the listed building and offer the opportunity to enhance the inappropriate modern interventions.’

They have recommended thirteen conditions, all in relation to materials and method. In view of the sensitive setting, it is agreed that conditions to ensure appropriate materials and methodology are necessary.

In accordance with paragraph 56 of the NPPF, which requires that conditions are precise and enforceable, the conditions suggested by the Conservation Officer as referenced in the ‘representations’ section of this report have been amended and can be found at the end of this report.

Overall, the proposed works are required to avoid the potential partial collapse of the historic boundary wall. The proposed works would preserve the special character and significance of the listed building and its setting. It is considered that the proposed works are in accordance with policy LP25 of the CLLP, policy NPP 18 of the NP, the guidance contained within the National Planning Policy Framework and the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is considered that policy LP25 and NPP 18 are consistent with the historic environment guidance of the NPPF and can be attached full weight.

Other Matters

Archaeology

Policy LP25 states “Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance”. The Historic Environment Officer at Lincolnshire County Council

has advised that archaeological monitoring should not be necessary during works but that *“If, however, during the course of the works human remains are revealed all work should halt as under the Burial Act 1853 it is an offence to disturb a burial without a license from the Ministry of Justice.”*

It is considered that it is not necessary to include any conditions in regards to archaeology, however an advisory note would be added to the decision notice in regards to the Burial Act 1853 on the occurrence of human remains being revealed during the course of the works. It is therefore considered that the proposal would accord with policy LP25 of the CLLP.

Conclusion and Planning Balance

Planning Application 145640:

The proposal has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP25: The Historic Environment, LP26: Design and Amenity, of the Central Lincolnshire Local Plan, and 66 of the Planning (Listed Building & Conservation Areas) act 1990 as well as the Gainsborough Neighbourhood Plan in the first instance, and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide, National Model Design Code and the Central Lincolnshire Local Plan 2021 Consultation Draft has also been taken into consideration.

In light of this assessment, it is considered that subject to the recommended conditions, the proposal will respect the character and appearance of the historic fabric of the curtilage listed wall as well as Trinity Arts Centre. The proposal will therefore preserve the special character and significance of the listed building, its setting and the special architectural features or historic interest they possesses. It will not harm the character and appearance of the street-scene or have an unacceptable impact on the living conditions of the residents of neighbouring properties.

Listed Building Consent 145568:

The proposed works have been considered against the duty contained within Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), and the advice given in Chapter 16 of the National Planning Policy Framework.

In light of this assessment, it is considered that subject to the recommended conditions, the proposed works will respect the character and appearance of the historic fabric of the Listed Building. The proposal will therefore preserve the special character and significance of the listed building, its setting and the special architectural features or historic interest it possesses. Accordingly a grant of Listed Building Consent is considered acceptable.

Other Matters

Whilst the comments of a 3rd party are noted in regard to WLDC funding, they are not relevant to the determination of the applications under consideration and are afforded no weight.

Human Rights Implications:

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

Legal Implications:

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

Recommended Planning Permission 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. The works shall follow the "Preparation", "Investigation", "Stabilisation Works", and "Repair Works" as noted in the plans 7536-LAT-0001 unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under LP25 of the Central Lincolnshire Local Plan and the provisions of the National planning policy Framework.

3. Prior to the dismantling or any repair work to the wall, a detailed survey of defective material for the bricks, copings, and mortar shall be submitted and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the findings of the survey.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under LP25 of the Central Lincolnshire Local Plan and the provisions of the National planning policy Framework.

4. The rebuilt brickwork shall match the existing brickwork noted through the detailed photographic survey (condition 3) within the “Stabilisation Works” in respect of dimensions, colour, texture, face bond, and pointing unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under LP25 of the Central Lincolnshire Local Plan and the provisions of the National planning policy Framework.

5. Following the partial demolition as shown on drawing 7536–LAT–0001 any new materials to be used for repairs, replacements or as part of the rebuild shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under LP25 of the Central Lincolnshire Local Plan and the provisions of the National planning policy Framework.

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:

- 7536-LAT-S1-XX-DP-A-1002-S3-A dated 20/09/2022.
- 7536-LAT-0001 received 22/09/2022.

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 and Policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

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

None.

Recommended Listed Building Consent 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 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

2. No development shall take place until the methodology of the exploratory intrusive survey (including propping options) has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the findings of the survey.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

3. The works shall follow the "Preparation", "Investigation", "Stabilisation Works", and "Repair Works" as noted in the plans 7536-LAT-0001 unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Prior to the removal of any gravestones, a photographic record of all gravestones, their locations and their condition shall be submitted to and approved in writing to the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to the removal of any gravestones, the location for the safe storage during the duration of the works shall be submitted to and approved in writing to the Local Planning Authority, following the completion of the 'Stabilisation Works' (as stated on drawing 7536-LAT-0001) the gravestones shall be reinstated to their previous recorded positions.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Prior to the dismantling or any repair work to the wall, a detailed survey of defective material for the bricks, copings, and mortar shall be submitted and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the findings of the survey.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Prior to the dismantling or any repair work to the wall, the mortar sample analysis and proposed mortar for the work shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the findings of the analysis and the approved mortar mix.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Prior to the dismantling or any repair work to the wall, a detailed photographic record of the wall to be taken down shall be submitted to and approved in writing to the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. The rebuilt brickwork shall match the existing brickwork noted through the detailed photographic survey (condition 6) within the “Stabilisation Works” in respect of dimensions, colour, texture, face bond, and pointing unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. The following sound materials/features/fixtures forming part of the boundary as shown in the findings of condition 6 shall be carefully taken down, protected and securely stored for later re-erection/ re-use or disposal.

- Bricks
- Coping stones
- Pier cappings
- Gravestones

Where damage has occurred (for example, from unauthorised works, vandalism or fire), it is important to ensure that any loose historic items are identified and retained on site in a secure place pending their reinstatement.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. Demolition work shall be carried out only by hand or by tools held in the hand and not by any power-driven tools.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. Following the partial demolition as shown on drawing 7536-LAT-0001, a 1m² (one square metre) sample panel of brickwork demonstrating the quality, materials, bond, mortar, coursing, colour and texture shall be constructed on site. The Local Planning Authority shall approve the above details of the brickwork prior to the rebuild commencing and the development shall be carried out in accordance with the approved details. The sample panel shall be retained on site until development is completed or removal is approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

13. Following the partial demolition as shown on drawing 7536-LAT-0001 any new materials to be used for repairs, replacements or as part of the rebuild shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

14. No cleaning of masonry, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray is authorised by this consent without the prior approval of the Local Planning Authority. Before work begins, any other cleaning proposals must be approved in writing and carried out strictly in accordance with those details. At the commencement of the cleaning, a test panel shall be undertaken in an inconspicuous position and the method recorded to the approval of the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

15. 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:

- 7536-LAT-S1-XX-DP-A-1002-S3-A dated 20/09/2022.

- 7536-LAT-0001 received 22/09/2022.

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 work proceeds in accordance with the approved plans in accordance with section 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Notes to Applicant

If, during the course of the works, human remains are revealed all work should halt as under the Burial Act 1853 it is an offence to disturb a burial without a license from the Ministry of Justice.



Planning Committee

Wednesday, 30th
November 2022

Subject: Determination of Planning Appeals

Report by:

Assistant Director Planning and
Regeneration

Contact Officer:

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

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 Mr Shiju Thomas against the decision of West Lindsey District Council to refuse planning permission for the erection of a 4 bedroom dwelling within the grounds of the existing property at Northdean, 35 Northolme, Gainsborough DN21 2JB.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse

- ii) Appeal by Mr S Kajeeban against the decision of West Lindsey District Council to refuse planning permission for the change of use from store room (Use Class B8) to 1 bedroom studio flat (Class C3) at Store Rear of Morton Stores, 1 Crooked Billet Street, Morton, Gainsborough, Lincolnshire, DN21 3AG.

Appeal Dismissed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse

- iii) Appeal by Mr Ian Hazledine against the decision of West Lindsey District Council to refuse planning permission for creation of new access, garage, fence and change of use of land to domestic at 4 Fenton Fields, Fenton, Lincoln, LN1 2GE

Appeal Allowed – See copy letter attached as Appendix Biii.

Officer Decision – Refuse



Appeal Decision

Site visit made on 14 October 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31/10/2022

Appeal Ref: APP/N2535/W/22/3294997

Northdean, 35 Northolme, Gainsborough DN21 2JB

- 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 Shiju Thomas against the decision of West Lindsey District Council.
 - The application Ref 143802, dated 27 September 2021, was refused by notice dated 15 November 2021.
 - The development proposed is the erection of a 4 bedroom dwelling within the grounds of the existing property.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposal would be a suitable location for housing, having regard in particular to the character and appearance of the area;
 - ii) the effects of the proposal on the living conditions of neighbouring and future occupants, and;
 - iii) whether the proposal would adequately provide for parking and highway safety.

Reasons

Location, Character and Appearance

3. The appeal site is located within the built-up area of Gainsborough, a main town under the Central Lincolnshire Local Plan (April 2017) (the CLLP). Policy LP2 sets out the spatial strategy for the area and supports development on non-allocated sites in appropriate locations within Gainsborough's developed footprint. 'Appropriate location' in terms of the policy means a location which does not conflict, when taken as a whole, with national policy or policies in the CLLP. The site must also retain the core shape and form of the settlement and not significantly harm its character and appearance. As the site is within the developed footprint, a main consideration for compliance with Policy LP2 is the effect of the proposal on the character and appearance of the area.
4. Northolme is a residential street characterised on its north-eastern side by a strong, linear pattern of large, detached dwellings with a consistent building line set back from the road, and which sit on elevated, verdant plots. Although individual in design, the dwellings are of a similar scale and traditional form,

and there is a consistent rhythm to the built form which adds to the overall coherency of the street scene. A sense of spaciousness is provided by the gaps between dwellings which afford glimpses of the greenery to the rear of the properties. These factors contribute positively to the character of the area.

5. The proposed dwelling would be located within the rear garden of the site, forming a backland type of development. The existing hard surfaced courtyard to the rear, which affords vehicular access to an existing garage, would become a shared space and parking area for both dwellings. There are no other examples of such a tandem arrangement along this side of Northolme. The proposed dwelling would be offset to one side of the site, meaning it would be in direct view up the existing driveway where it would appear extremely close to the existing dwelling in a cramped arrangement. It would also be set much further back than other dwellings. As a result, it would not appear as a consistent part of the street scene, but would interrupt the pattern of development in a conspicuous and jarring manner. The proposed use of the rear courtyard for parking and manoeuvring of multiple vehicles would also detract significantly from the overall quality and utility of this space.
6. The appellant refers to development a short distance to the north at Northolme View where a cul-de-sac development has been created to the rear of dwellings on Northolme. However, these dwellings form an entirely separate street and are set much further back from the dwellings fronting Northolme, which have retained their gardens, the mature landscaping of which provides physical and visual separation between the built form. As such, the dwellings on Northolme View are not read as part of the Northolme street scene. Moreover, I saw no intervisibility between these dwellings and the location of the proposed dwelling. Therefore, contrary to the view of the appellant, there is no discernible building line or visible pattern of development to the rear that the proposed dwelling would read as part of.
7. The Council did not adjudge there to be significant harm in terms of detailed design, although I agree with the Council that the standard, modern design of the front elevation does not reflect the more decorative front elevations of the existing dwellings, in particular their bay windows. However, I concur with the Council that it is primarily the presence of the dwelling itself in this location, rather than its specific design, that is harmful.
8. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with Policy LP26 of the CLLP, which requires development to achieve high quality, sustainable design that contributes positively to local character and townscape, and which relates well to the site and surroundings. Consequently, the proposal would not represent an appropriate location for housing under Policy LP2. There would also be conflict with the similar aims of Policies NPP6 and NPP7 of the Gainsborough Neighbourhood Plan (June 2021) (the GNP) to achieve high quality design.

Living Conditions

9. The Council raises concerns in respect of overlooking and overbearing impact, due to the proximity of the proposed dwelling to the existing. The front elevation of the proposed dwelling would stand between 10 and 12.9 metres from the rear elevation of No 35, which has several windows, including a large ground floor bay window. The distance between the dwellings would allow for clear intervisibility between them. The present privacy of the rear windows of

No 35 would be severely diminished, whilst future occupants of the proposed dwelling would be similarly overlooked and suffer from poor levels of privacy. The proposal to create a shared courtyard would also enable occupants of one property to stand in front of the neighbours' windows and look directly in.

10. Moreover, the proximity of the proposed dwelling means that the existing outlook for occupants of No 35 towards a spacious rear courtyard and verdant rear garden backdrop would be substantially replaced by the imposing massing of the proposed dwelling, and the presence of vehicles parking in the courtyard. The proposal would enclose the rear of the existing property to a significant degree, creating a harmful overbearing effect that would diminish the outlook for existing occupants. In a similar vein, occupants of the proposed dwelling would suffer from an enclosed outlook to the front.
11. The Council also refers to the garden for the existing dwelling, which would be accessed by steps running alongside the side wall of the proposed dwelling, in which there is a bedroom window. However, I am not persuaded that use of this access would necessarily cause disruption to anyone using the bedroom, given use of the garden late into the evening when people are likely to be asleep would be a rare occurrence.
12. The appellant indicates that both dwellings would be occupied by the same extended family. However, no mechanism has been put to me that would formally link the occupation of the two dwellings. In the absence of this, there would be nothing to prevent the proposed dwelling being sold to a separate owner. As such, the fact that the site would be used as one residential complex in the same ownership does not mitigate the harm identified.
13. In addition, the Council points to the potential for noise and vibration for future occupants from passing trains on the railway line immediately to the rear of the appeal site. The appellant has sought for survey work in this matter to be conditioned, citing its expense. However, noise and vibration is a matter to be considered under Policy LP26 of the CLLP, and given the proximity of the dwelling to an operational railway, it is not unreasonable that the potential effects of this are known prior to granting planning permission, particularly as, in the absence of any evidence, it is unclear what form of mitigation may be required, and whether this would have a knock-on effect in terms of the position of the dwelling, its layout, materials or overall appearance. Therefore, I am not satisfied that this matter can reasonably be addressed by condition, and without satisfactory evidence I cannot rule out potentially significant harm to future occupants from noise and vibration.
14. For the reasons set out, therefore I conclude that the proposal would cause significant harm to the living conditions of existing residents, and would fail to provide a suitable standard of accommodation for future occupants. Therefore, the proposal would conflict with Policy LP26 of the CLLP, which requires that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Parking and Highway Safety

15. The Council sets out that the proposed four bedroom dwelling would require three parking spaces, as would the existing. These spaces would not include the proposed garage. It is contended that the proposed parking arrangements

would not provide sufficient room to manoeuvre to allow a vehicle to enter and exit in a forward gear. The supporting text to Policy LP13 states that the CLLP does not propose to set specific parking standards, but rather to allow for each proposal to be considered on a case by case basis. As such, it is unclear as to the basis for the Council's calculation that a total of six spaces would be required, or why these spaces could not include those within a garage.

16. I note the appellant's indication that there would only be two vehicles used by the existing and future occupants of the dwellings. However, as already indicated, my assessment must consider the potential for the dwellings to be separately occupied. Given both dwellings would be of a size capable of family occupation, it is reasonable to consider that they would give rise to demand for at least two vehicles each.
17. The plans show two spaces within the rear courtyard and one to the front of the site. However, the layout of the rear courtyard, and the need to provide a route to the garages, means that the proposed parking spaces would be located in awkward positions. Space 1 would be set tight against the corner of the existing dwelling, which would require precise manoeuvring to reach. Moreover, it would result in a vehicle being parked immediately next to two windows and the back door, restricting outlook.
18. Space 2 would be located towards the top of the drive, where it would leave a very narrow gap between the space and the corner of the existing dwelling for other vehicles to negotiate when entering or exiting the courtyard. Parking a car further back, closer to the front of the proposed dwelling, would in turn impede the indicative turning path for cars leaving the garages. Indeed, the required turning paths are drawn so tightly to the buildings and parking spaces that any car not parked precisely in a proposed space would result in an impediment for other drivers exiting. These factors together illustrate the limitations of the courtyard space in accommodating several vehicles. As a result, there is a risk that vehicles may end up being parked on the street. However, I saw that there was on-street parking available on Northolme, and sufficient space and visibility generally that the addition of one or two vehicles parking on-street would not give rise to demonstrable risk to highway safety.
19. Elsewhere, there would be a further space at the front of the site within a proposed hard surfaced area next to the drive, that would also act as a passing place. The front entrance would be widened as part of this arrangement. It is not certain from the plans that the width of the entrance would be sufficient to allow two cars to pass, but such occurrences are likely to be very infrequent and unlikely to cause significant harm to the flow of traffic on Northolme, which at the time of my visit was low. In addition, there is good visibility in either direction from what is an existing access already used by vehicles. As such, there would not be a significant risk to highway safety in this respect.
20. For these reasons, I conclude that the proposal would not cause significant harm in terms of parking and highway safety, and no conflict would arise with Policy LP13, which supports development proposals which contribute towards an efficient and safe transport network and provides safe access for all.

Other Matters

21. The appellant has set out personal circumstances underpinning the proposal, namely a desire to live close to family members. Whilst I can understand this

intention, this would represent a personal benefit which would attract only modest weight in favour of the proposal.

22. The Council did not identify harm in respect of other matters, including archaeology, landscaping, contamination and drainage, subject to conditions. On the evidence before me, I have no firm reasons to conclude otherwise in these matters. However, the absence of harm means these are neutral considerations in the planning balance.

Planning Balance

23. The proposal would add an additional dwelling to the housing stock in line with the government's desire to boost the supply of housing. The urban location would also enable occupants to access local services by means other than the private car. However, the small scale of the proposal means these would be no more than limited benefits weighing in its favour.
24. There would also be economic benefits associated with the construction of the dwelling and use of local services by future occupants, though again, such benefits would be limited, and in part temporary.
25. Set against these benefits, the proposal would cause significant harm due to the conflict with the settlement strategy, the adverse effect on the character and appearance of the area and harm to the living conditions of neighbours and future occupants. This results in conflict with the development plan, taken as a whole, to which I afford significant weight. The other material considerations in this case, taken together, do not indicate that a decision should be made other than in accordance with the development plan.

Conclusion

26. Therefore, for the reasons given, the appeal should be dismissed.

K. Savage

INSPECTOR



Appeal Decision

Site visit made on 14 October 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2022

Appeal Ref: APP/N2535/W/22/3299118

**Store Rear of Morton Stores, 1 Crooked Billet Street, Morton,
Gainsborough, Lincolnshire DN21 3AG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr S Kajeegan against the decision of West Lindsey District Council.
 - The application Ref 144549, dated 8 March 2022, was refused by notice dated 29 April 2022.
 - The development proposed is 'change of use from store room (Use Class B8) to 1 bedroom studio flat (Class C3).'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be acceptable in respect of the risk of flooding.

Reasons

3. The appeal site is a storage area to the rear of a convenience store in a residential area. The site is located some 75 metres from the River Trent and lies within Flood Zone 3a according to the Environment Agency's (EA) Flood Map for Planning. This is categorised as having a 'high probability' of flooding. Residential development is also categorised as a 'more vulnerable' use under the flood risk vulnerability classification of the Planning Practice Guidance (PPG).¹ However, the site is also within an area benefitting from flood defences.
4. The National Planning Policy Framework (the Framework) indicates that a sequential approach should be used in areas known to be at risk from any form of flooding. The PPG adds that for the purposes of applying the Framework the 'areas at risk of flooding' are principally land within Flood Zones 2 and 3. However, per Paragraph 168 of the Framework, applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments (FRAs).
5. Policy LP14 of the Central Lincolnshire Local Plan (April 2017) (the CLLP) sets out that all development proposals will be considered against the Framework and should, among other things, demonstrate that they are informed by and take account of the best available information from all sources of flood risk and

¹ Paragraph: 079 Reference ID: 7-079-20220825

- by site specific flood risk assessments where appropriate; that they will be safe during their lifetimes; that they do not affect the integrity of existing flood defences and that any necessary flood mitigation measures have been agreed with the relevant bodies.
6. Policy MNP2 of the Morton Neighbourhood Plan 2019-2036 (June 2021) (the MNP) adds that development proposals should take account of the relationship between the neighbourhood area and the River Trent and not increase the risk of flooding and/or exacerbate existing drainage problems. Where it is both necessary and appropriate, individual buildings and spaces should be designed and arranged to facilitate flood resilience and protection.
 7. The application is accompanied by an FRA, to which the EA has objected on the basis that it fails to take into account the impacts of climate change; fails to consider how people will be kept safe from the identified flood hazards; and fails to assess the risk of flooding in case of a flood defence breach. The lack of clarity as to the finished floor levels of the development is also raised.
 8. The appellant's FRA, contrary to the EA, indicates that the site lies outside of Flood Zone 3 and has a 0.1% annual exceedance probability of fluvial flooding, or in other words a medium probability from a 1 in 1000 year event. The FRA points to protection afforded by existing flood defences along the bank of the river as reducing the flood risk in this area.
 9. However, the EA indicates that the FRA has not considered the consequences of the breach in defences occurring, as required by Paragraph 167(d) of the Framework which states that development should only be allowed in areas at risk of flooding where, in light of a site-specific flood risk assessment, it can be demonstrated that any residual risk can be safely managed. The EA points out that where such defences fail, there is a significant risk of a rapid onset of fast flowing and deep water, with little or no warning.
 10. The EA further points out that the most recent modelling² indicates the site is at risk of a 1 in 100 year fluvial flooding event (with a 20% allowance for climate change). This is significantly greater than the level of risk assessed by the appellant in their FRA. I also note the EA points to a standard 100-year protection afforded by the flood defences.
 11. The EA indicates that a site-specific breach analysis is required, applying appropriate climate change and sea level allowances, to derive a 'design event' based on the worst case scenario, which would then be used to ascertain the level and type of mitigation required. The appellant's categorisation of the site lying outside of Flood Zone 3 conflicts with the evidence of the EA, who produce the flood risk mapping. This has led to a reduced level of risk being assessed within the FRA, and a conclusion that the proposal would not be at risk of fluvial or coastal flows. Consequently, the appellant's FRA fails to consider the worst case scenario and design appropriate mitigation measures to address it.
 12. In light of the evidence proffered by the EA, and the importance placed upon addressing flood risk by the Framework and relevant development plan policies, I find that the appellant's FRA fails to adequately assess the level of flood risk for the appeal site, and thus fails to set out suitable forms of

² Tidal Trent Mott MacDonald 2013 model

mitigation to address this risk, beyond a suggestion that flood resistant materials are used and modest increases in the permeable areas of the site. Therefore, the proposal does not demonstrate that the development would be made safe during its lifetime or that, overall, occupants would be safe from flooding.

13. In reaching a view, I have noted the separate conclusions of the FRA with respect to surface water and groundwater flooding, which have not specifically been challenged by the EA or the Council. However, an absence of risk in these respects does not address the concerns set out above in respect of fluvial and tidal flooding.
14. For these reasons, I conclude that the proposal would conflict with the aforementioned aims of Policy LP14 of the CLLP and Policy MNP2 of the MNP, and the relevant guidance of the Framework and the PPG.

Other Matters

15. The Council did not refuse the application in respect of other matters, including the effects on character and appearance, neighbours' living conditions or highway safety. I have no evidence which would lead to different conclusions to the Council in these matters. The absence of harm in these respects means they are neutral considerations in the planning balance.
16. The proposal would add a single residential unit to the borough's housing stock, and would generate some economic activity through its construction and subsequent engagement by residents in the local economy. However, given the small scale of the proposal, these benefits would attract no more than limited weight in favour of the proposal.

Conclusion

17. In providing new housing, the development would simultaneously introduce demonstrable flood risk to that housing. In my judgement, the benefits of the scheme would not amount to material considerations which would outweigh the identified conflict with the development plan and the Framework in terms of flood risk. Consequently, they would not justify a decision being made other than in accordance with the development plan, taken as a whole.
18. Therefore, for the reasons set out, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR



Appeal Decision

Site visit made on 14 October 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/N2535/W/22/3298517

4 Fenton Fields, Fenton, Lincoln LN1 2GE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Hazledine against the decision of West Lindsey District Council.
 - The application Ref 144148, dated 14 December 2021, was refused by notice dated 9 February 2022.
 - The development proposed was originally described as 'creation of new access, garage, fence and change of use of land to domestic.'
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Decision

1. The appeal is allowed and planning permission is granted for creation of new access, garage, fence and change of use of land to residential garden at 4 Fenton Fields, Lincoln LN1 2GE in accordance with the terms of the application, Ref 144148, dated 14 December 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: LIFF 001; LIFF 003; LIFF 004 and LIFF 005.
 - 3) Notwithstanding the provisions of Classes A, E, and F of Schedule 2, Part 1 and Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the additional residential garden hereby permitted shall not be altered through the enlargement, improvement or other alteration of the host dwellinghouse, no buildings or structures shall be erected within the additional curtilage permitted and no new hardstanding and gates, walls or fences shall be erected unless planning permission has first been granted by the Local Planning Authority.

Preliminary Matters

2. The original description of development is vague in its use of the word 'domestic' to describe the proposed use. It is evident that the intention is for the land in question to change to residential use in connection with the dwelling at 4 Fenton Fields. Accordingly, for precision and clarity and with the agreement of the main parties, I have amended the description in the formal decision above to instead refer to 'residential garden.'

3. On site, I saw that the land in question has already been fenced off, but other elements of the proposal have not been undertaken, such as the garage or proposed access. The fence erected differs in height from that proposed on the submitted plans. Therefore, I have not assessed the proposal as being partly retrospective in nature.

Main Issues

4. The main issues are whether the proposed change of use is acceptable, having regard to i) the public amenity value of the land and ii) the effect on the character and appearance of the area.

Reasons

Public Amenity Value

5. The appeal relates to a roughly triangular area of grass to the south of 4 Fenton Fields. The land forms part of the landscaping of the development adjacent to a footpath leading to housing in Addison Place. I understand that the land originally formed part of the planned landscaping for the estate.
6. It is of relevance to the appeal that a Section 106 agreement accompanied the original permission which required Fenton Parish Council to manage and maintain the open space and footpath link "*in perpetuity for the benefit of the residents of the development site and of the Parish of Fenton and for no other purposes*". However, the appellant subsequently purchased the land from the parish council and, in July 2020, a deed of variation was signed which removed the obligation on the parish council to maintain the land. I saw on site that the site has subsequently been enclosed by a timber fence of around 1 metre high. The Council argues that, notwithstanding the change in ownership, the land retains public amenity value in that it helps to soften the built environment.
7. It is also relevant that a proposal was allowed on appeal in July 2022 at 3 Fenton Fields¹, directly opposite the appeal site, where smaller area of land on the opposite side of the footpath was permitted to change from open space to use as a residential garden. In that case, the Inspector identified the main value of the land as being visual, and the proposal was to maintain the open form of the land by enclosing it with low, open railings seen elsewhere in the estate. I saw on site that the space adjacent to No 3 maintains an open character and continues to have public amenity value through its attractive and well-maintained planting.
8. In contrast, the proposal before me seeks to enclose the open space with a 1.8 metre closed boarded timber fence. In addition it is proposed to erect a detached garage structure and create a new vehicular access.
9. I find that the main value of the appeal site lies in its contributing to a sense of space between the built form. However, the appellant indicates anecdotally that the site was primarily used as a dog toilet in recent years. I cannot be certain of its past use, but given its small size, it is not unreasonable to consider that it had limited utility as a space for recreation. I also saw that it was not well lit and likely to form a dark and uninviting space at night. This aside, as it is now in private ownership, the appellant has sought to enclose the

¹ APP/N2535/W/22/3291383

land to prevent unauthorised access, and it is no longer available for public use.

10. In allowing the land to transfer to private ownership, it appears to me that there has been an acceptance that its public amenity value was limited, and was outweighed by the costs of maintaining it. The existing absence of development on the land offers some sense of openness, but it is not of a scale that significantly influences the overall form or density of the estate layout, or how it is experienced walking through the footpath between Fenton Fields and Addison Close.
11. The proposed taller fence would reduce the visibility into the site, and along with the proposed garage would partly reduce the sense of openness which exists. However, even with the garage, the site would still be undeveloped to a large extent, and there would remain a sense of separation amid the built form which would still be appreciable above the fence, where the existing tree cover would continue to form the backdrop to the site in views, both when approaching from the north down Fenton Fields or coming from Addison Close. As such, whilst its public amenity value is limited, it would still contribute to a sense of space within this part of the development.
12. For these reasons, I conclude that the proposed change of use would not result in a harmful loss of public amenity value. No conflict would therefore arise with Policies LP17, LP24 or LP26 of the Central Lincolnshire Local Plan (April 2017) (the CLLP), which together require developments to achieve high quality sustainable design that contributes positively to local character, landscape and townscape; and to provide an appropriate amount of new open space.

Character and Appearance

13. As set out above, the proposed fencing would reduce visibility into the site and enclose the footpath on one side. However, I saw that similar boundary treatments already exist along this side of the footpath which enclose the gardens of 21 Addison Place and an electricity substation. I also saw tall timber fencing elsewhere within the cul-de-sac of Fenton Fields. Given this context, the addition of the proposed timber fence would not be out of character with the surroundings.
14. I accept that the fence would limit the visual permeability of the site, but the footpath would remain open on its other side adjacent to the No 3, and there would remain a general sense of openness to this part of the estate given the land would remain largely undeveloped behind the fence. Having observed the site, I am not persuaded that the surroundings would be significantly harmed by the enclosure of the land. It would be viewed as a contiguous part of the property at No 4 and no different to adjacent domestic garden areas.
15. The proposed access and driveway would reflect a similar arrangement immediately opposite at No 3. The garage would be set into the site, behind the proposed fence. It would appear as a normal, domestic feature, ancillary in scale and function to the main dwelling, that would not appear out of place within the residential surroundings of the site.
16. Therefore, I conclude that the proposal would preserve the character and appearance of the area, in accordance with the aforementioned aims of Policies

LP17 and LP26 of the CLLP to achieve high quality sustainable design that contributes positively to local character, landscape and townscape.

Other Matters

17. The Council did not find harm in respect of other matters, including highway safety, flood risk, drainage, trees, minerals and waste. I have no substantive evidence to reach different conclusions to the Council in these respects.

Conditions

18. A condition specifying the approved plans is necessary, in the interests of certainty.

19. It is also necessary to restrict permitted development rights to construct extensions, outbuildings or hard surfaces within the site or further boundary treatments, beyond the works approved, as this may result in an unanticipated scale of development that would adversely affect the open character of the site or the scale of the host dwelling relative to others in the immediate surroundings.

Conclusion

20. For the reasons set out, I conclude that the appeal should be allowed.

K. Savage

INSPECTOR