

AGENDA

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

**Planning Committee
Wednesday, 1st February, 2023 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 - 23)
 - i) Meeting of the Planning Committee held on 4 January 2023.
4. **Declarations of Interest**
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

5. Update on Government/Local Changes in Planning Policy

Note – the status of Neighbourhood Plans in the District may be found via this link

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

6. Planning Applications for Determination

a) 145868 - Land off Private Lane, Normanby-By-Spital (PAGES 24 - 39)

b) 145617 - "The Spinney", 12 Scothern Lane, Sudbrooke (PAGES 40 - 50)

c) 145857 - 10 & 12 Chapel Street, Caistor (PAGES 51 - 63)

7. Determination of Appeals (PAGES 64 - 71)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 24 January 2023

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 4 January 2023 commencing at 6.30 pm.

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

Councillor Matthew Boles
Councillor Michael Devine
Councillor David Dobbie
Councillor Cherie Hill
Councillor Mrs 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
Rachel Gordon Development Management Team Leader
Martha Rees Legal Advisor
Sally Grindrod-Smith Director Planning, Regeneration & Communities
Ian Elliott Senior Development Management Officer
Andrew Warnes Democratic and Civic Officer

Also in Attendance: Eighteen members of the public

Apologies: Councillor David Cotton
Councillor Steve England

85 PUBLIC PARTICIPATION PERIOD

The Chairman stated that there was one registered speaker under the Public Participation Scheme, Mr Don Westman, who was invited to address the Committee as follows:-

“This is a summary of my experience in objecting to a recent planning application for a development adjacent to the Ridings in Market Rasen, which was passed at the last planning meeting.

I have recently retired from around 40 years of public service in environmental protection. During that time I have made numerous technical comments on planning applications, including at a public enquiry. I always believed that due diligence would be given to all

comments received by councils in making a decision.

My recent experience with the determination of the Ridings application has dramatically changed that opinion. Despite considerable evidence of a significant flood risk to existing properties, permission was granted. The FRA does not take into account a flooding threat from a nearby spring which has caused flooding in the past.

LCC held a site meeting and reported that there were ‘several matters for which further discussion and clarification were required’ via a multi-agency approach, to include WLDC.

It was announced at the planning meeting that due to LCC concerns a drainage condition was to be imposed, but this did not appear to reference the spring which runs over the site into the Ridings.

I have twice sought clarification of this from West Lindsey but have had no response. I cannot even see any drainage condition in the minutes.

I have had several issues with WLDC including:-

poor customer service, including lack of engagement/response to emails rude and aggressive tones on the phone; and

reading out the wrong statement from me at the last planning meeting, and a failure to attend a site meeting to discuss flood risk, which was arranged by Lincolnshire County Council as Lead Local Flood Authority.

I am shocked, extremely frustrated and very disappointed that West Lindsey planning officers refused to engage regarding the serious flood risk concerns in the Ridings. Market Rasen has enough issues with flooding, as reported on “Look North” in August, without more issues being created by inadequate planning control. I have therefore lost all confidence in the planning system.

I have serious concerns that more people in Market Rasen will now be flooded as a result of this, and other flawed planning decisions. The current surface water flood risk map for this area shows how recent development has not been properly controlled in this respect. I feel existing residents have been let down badly by public servants, whose duty it is to protect their interests, as part of the planning process.

Could WLDC please update concerned residents regarding the position on the drainage issues as referenced above?”

The Chairman stated that he would ask the Development Management Team Manager to look in detail at Mr Westman’s comments and respond accordingly. The Chairman also suggested that Mr Westman could, if he wished, pursue a formal complaint via the Council’s Complaints Procedure, the details of which could be found on the Council’s website.

86 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on

Wednesday, 30 November 2022 be confirmed and signed as an accurate record.

87 DECLARATIONS OF INTEREST

Councillor Mrs J Rainsforth declared a non-pecuniary interest, in relation to agenda item 6c, application number 145770 stating that the Trinity Arts Centre was within her Ward. Councillor Mrs Rainsforth indicated that she had not called the application in and had an open mind. Thus she would remain as a Member of the Planning Committee and vote on the application.

Councillor P Morris declared a non-pecuniary interest, in relation to agenda item 6a, application number 145360, stating that as he had been unable to attend the site meeting he would abstain from speaking and voting on this item.

Councillor Dobbie declared a non-pecuniary interest in agenda item 6c, application number 145770, as a member of Gainsborough Town Council which had previously considered the application, and he would leave the meeting before the vote was taken on this item.

Councillor Dobbie declared a non-pecuniary interest in agenda item 6d, application number 145890, as a member of Gainsborough Town Council which had previously discussed this application and he would leave the meeting before the vote was taken.

88 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Development Management Team Manager reported that the Levelling Up and Regeneration Bill was due its second reading in the House of Lords on the 17 January 2023. Last month, the Secretary of State, had given a written ministerial statement outlining some of the proposed changes to the Bill. If local authorities had an up-to-date Local Plan, it would no longer be necessary to show a deliverable 5 year housing land supply. The statement had also indicated that local authorities would have more freedom to refuse planning applications from developers who had a track record of delaying building and from developers who persistently flouted the planning rules.

Consultation on reforms to the National Planning Policy Framework had started in December 2022 and would run until the beginning of March 2023. This referred to housing delivery becoming a material consideration in the determination of planning applications as well as the need to give sufficient weight to energy efficiency provisions in relation to the construction of new buildings.

In addition local authorities would be able to consider applications for on shore wind farms on sites not designated for such developments in Local Plans.

The Central Lincolnshire Local Plan had now completed its examination in public and was moving ever more closely to formal adoption. It was not expected that the Government planning policy changes referred to above would have any detrimental impact on the emerging Local plan.

With regard to local issues the Development Management Team Manager advised the Committee of the progress of recent Neighbourhood Plans as follows:-

Hemswell and Harpswell NP: Successful examination in public; arrangements in hand for a local referendum.

Hemswell Cliff NP: Successful at examination; responses document available for inspection; process to appoint Inspector underway.

Keelby NP: successful at examination; responses document available for inspection; process to appoint Inspector underway.

89 145360 - LAND TO THE REAR OF MARQUIS OF GRANBY, HIGH STREET, WADDINGHAM

The Chairman introduced the first application of the meeting, application number 145360, for the erection of 7 dwellings and associated infrastructure on land to the rear of the Marquis of Granby, Waddingham. This application had been referred to the Committee following objections from Waddingham Parish Council, the local Ward Member and other third parties. The application had been deferred on 30 November 2022 to enable a site visit to take place. The Planning Officer gave a short presentation on the scheme which included any relevant history relating to the site, brief details of the representations received and consultation with statutory consultees.

Note: Councillor R. Patterson entered the Chamber at 6.48 pm.

The Chairman advised that there were four registered speakers for the application. He invited the Democratic and Civic Officer to read aloud the submitted statement from the first speaker, the Chairman of Waddingham Parish Council, Councillor Laretta Williams. The following statement was read.

“I have watched the live feed of last month’s committee meeting and am concerned about how the comment from Waddingham Parish Council was construed. Cllr. Dobby’s comment indicates that he took the Waddingham Parish Council comment to mean that the Waddingham Parish Council approves of this development.

Can I please make it clear Waddingham Parish Council has always been against this development as evidenced by the comments made previously to 145360 and previous applications 129108 (2012), 130898 (2014), 138660 (2018), 143052 (2021). Please note that 136796 included some apposite internal West Lindsey comments on the trees.

The latest comment sent to the WL Planning Officer last month does not indicate approval of the development by Waddingham Parish Council. Waddingham Parish Council will approve of the amendments, conditions and conclusions noted in the report, that must mitigate against the problems previously identified by Waddingham Parish Council and residents and confirmed in the Planning Officers report. That depends of course on them being valid and sufficiently detailed and carried out comprehensively and properly monitored. It also depends on the conditions and actions being fully effective at removing the problems,

especially with respect to scale, appearance, environmental protection, drainage and flood risk.

On the visit to the site it was observed that even though there had not been much rain the site had many puddles where previous rain had not drained away and the ground was extremely muddy. It was also noted that the proposed storage tank for rainwater is located at almost the highest point of the building site and so would not prevent run off water from running down the slope and into the neighbouring properties without a system of drains, pumps and piping designed to pump the water uphill.

We hope that any specialist reports and suggestions are accurate and offer the best solutions for resolution of the problems identified, especially with respect to drainage and flood risk. The solution being offered by the current developer to store drainage water in a tank which is then pumped into the main drains does not seem to be well thought through and could actually increase the risk of flooding and sewage ingress in other houses lower down in the village due to the reasons stated above. We also hope that Anglian Water have been fully consulted regarding these plans and have given their approval.

We assume and trust that any conditions specified would be adhered to by the developer and closely monitored by the planning department. Following Cllr. Summers' comments it is concerning that this does not appear to always happen".

The Chairman thanked the Officer and requested that he read the next submitted statement, from Mr John Benson (Agent for the developer). The following statement was read aloud.

"Thank you for giving me the opportunity to address the Committee once again and in support of the proposal. I hope that you found the site visit beneficial and it allayed any concerns or fears you may have regarding the proposal.

This Committee has already provided unequivocal support for the first phase of the redevelopment by approving the change of use of the public house to a dwelling and this proposal follows a 2019 outline approval on the site for 7 dwellings. It is hoped that the Planning Committee can continue this support and appreciate the efforts that we have undertaken to ensure that this proposal respects the site and surrounding area. Once again, I feel it is necessary to emphasise that the debate this evening is not about the merits of allowing residential development on this site because this has been agreed with the granting of outline consent, but the merits of the detailed elements of the scheme. I feel that Members need to understand how constructively the Planner and the Design Team have worked together throughout the planning process to ensure that we have a recommendation for approval. Where issues have arisen, the Planner has always sought to work with us in a constructive manner to overcome them.

Objections have been received by some residents but it is considered that all the issues raised have been successfully addressed within the planning application proposal. A Reserved Matters application was refused in 2021 and as a result of this, we were brought on board to assess the reasons for refusal and how they could and should be remedied which would ensure an approval for residential development on the site. Looking at that proposal, it was evident that there was little thought or consideration of how the development would relate to the context of the site and that the refusal was entirely justified. Consequently, it was my professional opinion that no appeal should be forthcoming for that refusal and it would be better to work with the Council to change the scheme entirely. The

first steps were to engage with the Council via the formal pre application process which was extremely beneficial and formed the basis for developing the scheme in front of you today.

Following the initial discussions with the Council, we had a clear brief on what would be acceptable. One of the main issues that the Council raised with the previously refused scheme was that the proposed housing was of a standard typology so the new approach was to provide a mix of house types, styles and designs using materials which would respect the locality. It is the belief of both the Planner and us, that the mix of bungalows and two storey dwellings with traditional design features is wholly appropriate for the site and this is reflected in the updated CGI Visual which has been prepared since the last meeting.

The Council's Conservation also lends full support to the proposal following the reduction in height and massing of some of the dwellings which results in a development which respects the heritage setting of the site.

Some concerns raised do relate to highways and drainage matters. All parking levels for each dwelling exceed the requirements of the Local Plan and the County Council Highways Department are happy that the proposal does not adversely affect highway or pedestrian safety on or near to the site. With regards to drainage, we have worked with engineers and Condition 8 further ensures further protection for residents as a full Drainage Strategy is required to be submitted and assessed.

The objector who spoke at the previous meeting referenced the previously refused scheme and we are in agreement that this was unacceptable but by taking all steps within this planning application, matters such as design, massing, typology and impact on the historic setting have all been addressed. I fully appreciate that any form of development can be unsettling for local residents and more so in rural areas where development can be less frequent but residents need to fully appreciate that this site will be developed in the future as the principle of residential development has already been granted on the site. This detailed application has not been submitted on a whim and we believe, that working constructively with the Council, that this site can be developed in a manner that sets a precedent for high quality residential development within Waddingham”.

The Chairman again thanked the Democratic and Civic Officer and invited the first of the objectors, Karen Grafton, to address the Committee, noting that she was speaking on behalf of herself and Tony Grafton. The following statement was made.

“In March 2019, the developer was granted outline planning permission for 7 dwellings, but not these ones. On the 30th of September 2021, the seven proposed dwellings were refused by you on the grounds of everything, scale and density, out of keeping with surroundings and appearance, inappropriate design layout, lack of detailing and harming of the street scene, inappropriate as a backdrop to an historic village centre.

The setting of the old school, a heritage asset, will be harmed to an unacceptable degree was also mentioned and the design was not of a high quality. Designs have been tweaked, but really nothing's changed. At the last meeting here the developer did our job for us by showing the semi aerial projection which has again been shown. At the last meeting there were audible gasps from yourselves when you saw the sheer size of the buildings.

At the site visit recently, some misinformation surfaced about the height of the houses. One of your number claimed that the apex of the roof would be in line with the top of the large rubble pile currently near to plot 5. This is very wrong. The top of the pile does not even reach the bottom of the second floor windows, a height pole was mentioned by ourselves, but no one bought one onto the site again at the site visit. There were concerns that the heritage asset, the oldest school, would be obscured by the proposed dwellings. It could be seen that the giant fence alone obscures the view from the public footpath. The buildings of Plots 2 3 4 and 5 would completely obliterate any such views of Waddingham's, finest building.

If Waddingham does have to have new housing, could you please tonight ensure that such housing meets the local needs? We don't need these houses thank you”.

The Chairman thanked Mrs Grafton for her comments and invited Mr Metcalfe, the second registered objector, to address the Committee. He made the following statement.

“Good evening and thanks to Karen.

There's a lot being said about this development, so I thought I'd go back to a few single, simple basics the Central Lincolnshire Local Plan (CLLP) puts forward, albeit, likely to be changed.

So I picked out a couple of statements - couple of vision statements, the first one being growth in homes and jobs will be closely linked with new infrastructure such as schools, roads, health facilities and open space provision planned and provided for at the same time as the new buildings.

This development is one of the largest, in fact is the largest in Waddingham for over a decade. and is the latest, as Karen mentioned, a succession of applications at the site which bar the outline one were all refused, including on appeal, fundamentally on the grounds that Karen mentioned – scale, ecology and water management.

None of the infrastructure issues have been addressed and this application is eroding the open space set aside in the previous applications by encroaching on these open areas or including them within the curtilage of the Gardens, thereby putting them at risk, as well as affecting the ecology of the wildlife on the site.

The main B1205 through the village has become increasingly busy, and the junction between it and High Street to the access road is blind to both pedestrians and vehicles.

Another vision statement - growth will be focused at Lincoln Sleaford and Gainsborough, that villages will not be left behind with appropriate and sensitive development to ensure they remain sustainable, thriving communities.

The natural and historic environment will be protected with new development, taking into account the surroundings of the area.

As Karen has already mentioned, this scale and appearance does not reflect the

surrounding area. The site is surrounded by historic buildings stretching back to the 1830s, or even earlier. These buildings in some cases, have relatively low level elevations, and as the site rises from east to west the new houses will tend to be dominant.

The key thing, looking at the CLLP objectives, is that the housing stock will meet the housing needs of Central Lincolnshire. It is unclear how the development will really meet the needs of the local community. There has been little change in the profile of Waddingham since the publication of the Community Links report in 2013.

At the moment there are around 252 detached and semi-detached houses in Waddingham, with just 19 terraced. This means that many pensioners have difficulty downsizing whilst wanting to stay in the village with friends and family. The terraced houses are largely unsuitable because of stairs.

In order to support a sustainable community, development needs to include more single storey houses. The net effect of this is that there has been a net increase in migration out of the village and this has led to the closure of several key services, e.g. book shop, post office primary healthcare etc”.

The Chairman thanked Mr Metcalfe for his comments and invited Councillor J. Summers to address the Committee in his role as Ward Member. He made the following comments.

“Thank you, Chairman, there have been a couple of pertinent points raised tonight, in particular the reference to people wishing to downsize.

When you stand on the village green in the central point of the village and look up in that direction, then it is a fact that those properties will tower above everything else and will give the impression that it's the most outstanding, important, part of the village. There is some doubt about the accuracy of the measurement of the apex of the new properties and how that does actually relate to those next to next to the site, it would be useful if, if that could be clarified.

Due to the very serious threat of flooding in the centre of the village, any future development within the village of Waddingham, must have appropriate levels of mitigation in order that the situation is not made worse.

There are some very important facts which should be taken into account. One millimetre of rainfall equals one litre per square metre. The proposed tank holds 92,000 litres which doesn't take long to amass in a thunderstorm.

The site is approximately 8,000 square metres, which means a 25 millimetre or one inch rainfall event will deliver 75,000 litres of water on that site within 24 hours and that means that the tank will be almost full.

In the last year, at Glenthams we have experienced 50 millimetres of rain in 24 to 36 hours and that equates to 150 litres on a similar sized site. The tank will have a maximum discharge rate of 2 litres per second and I would like to propose that the discharge rate

should be reduced to 0.7 litres per second, which would give approximately three days for the tank to empty, allowing three days for any future floodwaters to subside without this facility development impacting upon any future flooding.

I'd also like to be assured that the future maintenance and replacement costs of the associated equipment does not fall upon the Parish, itself or the future residents of the development, simply because this application is being imposed upon them, assuming that it is approved this evening.

As the site falls away to the east, one also wonders how the surface water will run uphill as opposed to running onto neighbouring properties, as the site falls quite dramatically down to the east, as everyone would have seen at the site visit”.

Note: Councillor J. Summers left the Chamber at 7.05 pm.

The Chairman invited a response from the Planning Officer who indicated that drainage to the site had been discussed at length at the site meeting and that it was considered that the risk of flooding was low. It was confirmed that the ridge height measurements were accurate. As this was not a “major development” it was not necessary to consult Anglian Water but they would need to be approached in relation to connection to the drainage system. A material consideration when considering applications was that the development should not increase flooding elsewhere and in this context, it was felt that the development complied with planning policy.

Members voiced their concerns regarding management of the flood risk and drainage system, however it was noted that the conditions in place with the application would address those concerns raised. It was also noted that there were no objections from, for example, the Conservation Officer. Members were understanding of the concerns raised by the objectors, however, it was commented that there had been measures put in place to alleviate those concerns.

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

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

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

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

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

2. No 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 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 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order

revoking and re-enacting that Order with or without modification) the dwelling (plot 7) hereby permitted must not be extended, altered and no buildings or structures 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 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 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the 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: Councillor Summers returned to the Chamber at 7.26 pm.

90 145096 - HYBRID PLANNING APPLICATION FOR PROPOSED 57KM PIPELINE SCHEME BETWEEN ELSHAM AND LINCOLN

The Chairman introduced the next application of the meeting, application number 145096, a hybrid planning application by Anglian Water Services for a 57km Potable (drinking water) pipeline between Elsham and Lincoln. The proposed scheme covered an area of 368.56 hectares with the pipeline running in a north-south alignment from Elsham to the north of Lincoln. At the northern extent of the proposed pipeline route, the pipeline would run south from a proposed new covered reservoir and pumping station at Elsham to an existing pumping station at Waddington.

The development would include a new 1.5km pipeline to the north of Welton, connecting the proposed Elsham to Lincoln pipeline to the existing Welton water treatment works site. This was a full planning application. The outline application was for additional above ground infrastructure at the Welton treatment works, with all matters reserved apart from access.

The planning application boundary crossed the four local planning authority administrative areas of North Lincolnshire Council, West Lindsey District Council, the City of Lincoln and North Kesteven District Council. The largest area of the proposed scheme fell within the administrative boundary of West Lindsey District Council (230.78 hectares). 81.46 hectares fell within North Lincolnshire, 54.19 hectares within North Kesteven District Council and 2.13 hectares within the City of Lincoln.

The Planning Officer reported that condition 2 as printed in the report, was no longer

necessary. The condition had been imposed because the Highway Authority had wanted visibility displays. However the Highway Authority had subsequently indicated that these were no longer necessary. The additional drawing referred to in condition two would be included in the list of drawings contained within the report.

Discussion ensued, during which Members raised multiple points, which included other similar projects in adjacent authorities, the vital importance of infrastructure, and the support that it would provide to Lincoln and Lincolnshire villages.

It was proposed and seconded that permission for the full and outline applications 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:

Figure 2.1 Scheme Overview

Drawing No. 07640-100005-ELSINTM-XXX-MAP-T-0001

Scheme Location Plan Sheet 1 of 2

Drawing No. 07640-100005-ELSINTM-TWT-MAP-T1-0001

Scheme Location Plan Sheet 2 of 2

Drawing No. 07640-100005-ELSINTM-TWT-MAP-T1-0002

ELW – Welton New Connection

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0009

Proposed Site Layout Plan Sheet 3 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0012

Proposed Site Layout Plan Sheet 4 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0013

Proposed Site Layout Plan Sheet 5 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0014

Proposed Site Layout Plan Sheet 6 of 21 Rev P01
Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0015

Proposed Site Layout Plan Sheet 7 of 21 Rev P01
Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0016

Proposed Site Layout Plan Sheet 8 of 21 Rev P01
Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0017

Proposed Site Layout Plan Sheet 9 of 21 Rev P01
Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0018

Proposed Site Layout Plan Sheet 10 of 21 Rev P01
Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0019

Proposed Site Layout Plan Sheet 11 of 21 Rev P01
Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0020

Proposed Site Layout Plan Sheet 12 of 21 Rev P01
Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0021

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0031REV

Proposed Site Layout Plan Sheet 13 of 21 Rev P01
Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0022

Proposed Site Layout Plan Sheet 14 of 21 Rev P01
Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0023

Proposed Site Layout Plan Sheet 15 of 21 Rev P01
Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0024

Proposed Site Layout Plan Sheet 16 of 21 Rev P01
Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0025

Proposed Site Layout Plan Sheet 17 of 21 Rev P01
Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0026

Proposed Site Layout Plan Sheet 18 of 21 Rev P01
Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0027

Figure T & T 1: Scheme Layout 2 of 20

Figure T & T 1: Scheme Layout 3 of 20

Figure T & T 1: Scheme Layout 4 of 20

Figure T & T 1: Scheme Layout 5 of 20

Figure T & T 1: Scheme Layout 6 of 20

Figure T & T 1: Scheme Layout 7 of 20

Figure T & T 1: Scheme Layout 8 of 20

Figure T & T 1: Scheme Layout 9 of 20

Figure T & T 1: Scheme Layout 10 of 20
Figure T & T 1: Scheme Layout 11 of 20
Figure T & T 1: Scheme Layout 13 of 20
Figure T & T 1: Scheme Layout 14 of 20
Figure T & T 1: Scheme Layout 15 of 20
Figure T & T 1: Scheme Layout 16 of 20
Figure T & T 1: Scheme Layout 17 of 20

Figure T&T 2: Compounds 2 of 8
Figure T&T 2: Compounds 3 of 8
Figure T&T.2: Compounds 4 of 8
Figure T&T.2: Compounds 5 of 8
Figure T&T.2: Compounds 6 of 8
Figure T&T.2: Compounds 7 of 8

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. All works on the site must be undertaken in full accordance with the Construction Environment Management Plan at Appendix 14.1.

Reason: To provide the necessary mitigation measures identified in the Environmental Statement (ES) to prevent or reduce any potentially significant environmental impacts from the construction or operation of the development in accordance with policies LP13, LP14, LP16, LP21, LP25 and LP26 of the Central Lincolnshire Local Plan.

4. Work shall be in full accordance with the “Archaeological Strategy for further Archaeological Investigation dated 14.11.22 as amended by an exchange of emails between Ian George (LCC Historic Services) and Helen Oakes (Anglian Water) and available to view on the website of the Local Planning Authority.

Reason: In the interests of heritage assets including archaeological remains in accordance with policy LP 25 of the Central Lincolnshire Local Plan.

5. The recommendations within the submitted Pre Entry Soil Assessment must be adopted and implemented within the Soils Management Plan (SMP). A soil specialist should be present during soil handling to determine the suitability of soil conditions using the field tests set out in the SMP .

Reason: To prevent degradation of the land leading to the permanent loss of Best and Most Versatile agricultural land in accordance with policy LP55 of the Central Lincolnshire Local Plan

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this

contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policy LP16 of the Central Lincolnshire Local Plan.

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

7. Following completion of the construction works the reinstatement of the land utilised as set out in the Outline Reinstatement Strategy must be completed before first use of the approved development.

Reason: In the interests of biodiversity and the character and appearance of the countryside in accordance with policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

That permission be **GRANTED** for the outline planning application for above ground infrastructure at Welton, (site shown on location plan 07640-10005-ELSINTM ZZZ PLNT 0002) with access to be considered and not reserved for subsequent applications, subject to the following conditions:-

Approve subject to the following conditions:

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

1. Application for approval of the reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

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

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

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

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

4. The reserved matters application required under condition 2 above must include an acoustic report outlining proposed mitigation measures to avoid noise and disturbance identified by the Noise Report to Red Bungalow, Grange Farm. The findings of the noise report and proposed mitigation must be approved in writing by the Local Planning Authority prior to commencement of development. The approved mitigation measures must be implemented in full prior to bringing the development hereby approved into operation.

Reason: In accordance with the recommendations of the Noise Report to avoid noise and disturbance impacts in accordance with policy LP26 of the Central Lincolnshire Local Plan.

5. No development shall take place until a scheme of ecological enhancements that will deliver a 10% Biodiversity Net Gain have been submitted to and approved in writing by the Local Planning Authority.

Reason: As set out in Section 8.3 of the Design and Access Statement to protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and LP21 of the Central Lincolnshire Local Plan.

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

Reason: To ensure adequate drainage facilities are provided 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.

91 145770 - TRINITY ARTS CENTRE, GAINSBOROUGH

The Chairman introduced the next application of the meeting, application number 145770 which sought Listed Building Consent for the alteration and refurbishment of an existing external door to include the renewal of ironmongery, including a door closer, replacement of the fire door seals, redecoration and the re-fixing of existing signage, in order to meet the fire safety requirements for the building.

Note: Councillor D. Dobbie left the Chamber at 7.35 pm.

It was proposed and seconded that Listed Building Consent 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 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:

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:
 - a. RD:5029-01 Rev D dated 25/07/2022.
 - b. RD:5029-03 Rev A dated 28/03/2022.
 - c. RD:5029-04 dated 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 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).

3. The ironmongery shall match those stated on 'Ironmongery details email' received 14th December 2022.

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. All new internal works and finishes and works of making good to the retained fabric, shall match the existing original work in respect of detailed execution and finished appearance 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.

Note: Councillor D. Dobbie returned to the Chamber at 7.35 pm.

92 145890 - GAINSBOROUGH TOWN CENTRE, GAINSBOROUGH

The Chairman introduced the next application of the meeting, planning application 145890 seeking Advertisement Consent for new wayfinding signage in Gainsborough. The application proposed two new freestanding aluminium map monoliths of approximately 2.2 metres in height, 0.65 metres in width and 0.14 metres in depth. The signs would contain white text on a blue and black background.

Note: Councillor D. Dobbie left the Chamber at 7.36 pm.

Having received a report from the Development Management Manager, it was proposed and seconded that Advertisement Consent be **GRANTED** subject to the following conditions:

1. The grant of express consent expires five years from the date of the grant of consent.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

3. No advertisement shall be sited or displayed so as to—

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

7. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Proposed Sign Details received 22/11/2022 and Map of Proposed Sign Locations received 22/11/2022. 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.

Note: Councillor D. Dobbie returned to the Chamber at 7.38 pm.

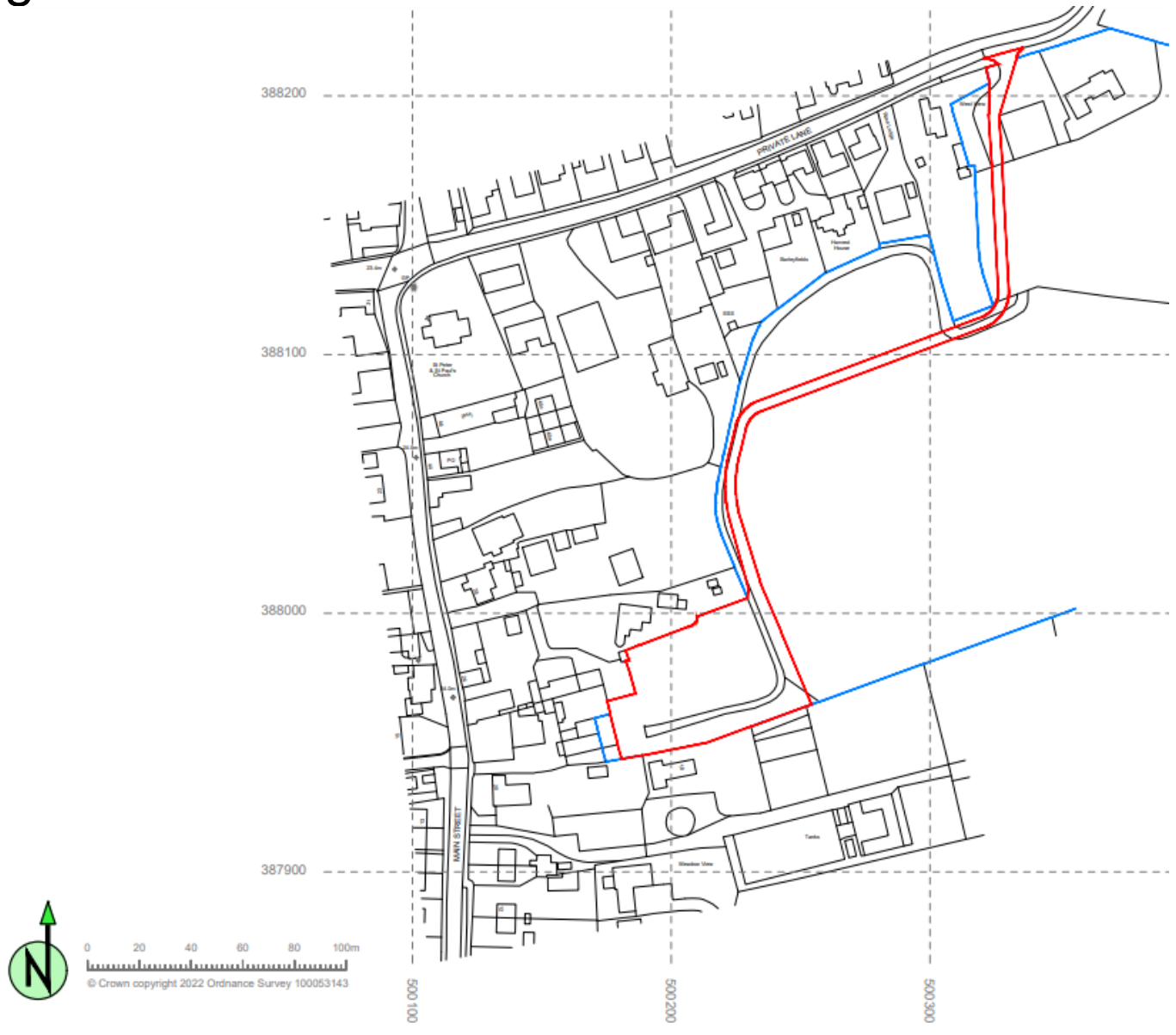
93 DETERMINATION OF APPEALS

The determination of appeals was **NOTED**.

The meeting concluded at 7.38 pm.

Chairman

Agenda Item 6a



Officers Report

Planning Application No: 145868

PROPOSAL: Planning application for proposed erection of 2no. dwellings, construction of vehicular access road and change of use of agricultural land to a paddock.

LOCATION: Land off Private Lane Normanby-By-Spital Market Rasen LN8 2HF

WARD: Waddingham and Spital

WARD MEMBER(S): Cllr J J Summers

APPLICANT NAME: Mr John Coles

TARGET DECISION DATE: 03/02/2023

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 third parties on balanced planning matters.

Description:

The site is located within the developed footprint of Normanby-By-Spital and is thought to have been used for agriculture in the past with agricultural buildings having now been removed with the concrete bases of the said buildings remaining. To the north of the site is a two storey detached dwelling (No.32 Oaklands, Main Street), to the south is a two storey detached dwelling (No.18 Keepers Cottage, Main Street) and to the west is a two storey detached dwelling (No.22 The Poplars, Main Street) and No.30 Threshers Cottage, Main Street which is a two storey attached dwelling. To the east is an agricultural field.

The site is accessed off Private Lane via an existing access to the east of 'West View' and the proposed access goes to the side (west) of a modern portal framed agricultural building to the field to the south (via an unmade track, then grass and an existing opening into the field to the south). The access then goes along the back of the rear garden of 'West View' and across the field to join an existing track on the west boundary of the field (to the rear of properties off Main Street) that leads to the site. The nearest Listed Building (School and School House, Main Street) to the site is located approximately 87 metres to the north west and the nearest Listed Buildings to the access are located approximately 72 metres to the north west (High House, Private Lane) and 106 metres to the north west (Church of St Peter).

The application seeks permission to construct two, 3 bed detached dwellings with Plot 1 at the eastern end of the site and Plot 2 at the western end. The application also seeks to construct a vehicular access road as described

above and change the use of agricultural land to a paddock (approximately 0.27 Hectares in size) to the north of the vehicular access and to the south of dwellings off Private Lane. The paddock will be in the ownership of the applicant/owner.

Plot 1 is a 2 storey detached dwelling with off road car parking and turning areas located to the north and west of the dwelling and garden areas mainly to the east and to the south. Plot 1 has a maximum ridge height of approximately 7.2 metres and a maximum eaves height of 5 metres

Plot 2 is a single storey detached dwelling with off road car parking and turning areas to the east and north east and garden areas mainly to the south and west. Plot 2 has a maximum height of approximately 5.2 metres.

The dwellings are of a modern design and feature brick and timber cladding for the external walls and profile sheeting for the roofs.

Amended plans have been received and re-consulted upon.

Relevant history:

144910 - Pre-application enquiry to erect 2no. dwellings. Advice given 24/06/2022 *'In conclusion, it is considered that the principle of development for two dwellings on this site could be supported, subject to an appropriate design which addresses residential amenity, visual impact, highway safety issues and other matters.'*

None.

Land to the south:

134381 - Planning application for change of use of land to domestic garden area [No.18 Main Street]. Granted 22/06/2016.

Representations:

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

Parish Council: Normanby by Spital Parish Council have no objections to the amended plans.

Local residents: Barleyfields, Harvest House, Rase Lodge and West View, Private Lane, Normanby By Spital have made a joint representation objecting to the application for the following reasons:

- We do not object to the principle of development (on the two plots) or the proposed design.
- We do have significant concerns regarding the proposed vehicular access route and the paddock.

- The vehicular access road and the paddock are clearly development and an intrinsic part of the proposal and therefore must be considered against policies LP2, LP4, LP17, LP26 and LP55 of the Central Lincolnshire local Plan.
- The vehicular access road is approximately 350 metres in length and runs around the rear of seven existing properties and across the middle and along the side of an agricultural field. It is considered that the access is contrived and incongruous, would be outside of the established built footprint of the village, is out of keeping with the character of the village, would have a harmful impact on the countryside setting of the village and is not in accordance with relevant Central Lincolnshire local Plan policies.
- The vehicular access will have a significant negative impact on residential amenity as it will overlook private rear gardens and will cause a loss of privacy, noise and disturbance and there will be an increase in artificial light and glare from car headlights.
- The proposed paddock is also considered contrary to policy and will have a significant negative impact on residential amenity as it adjoins neighbouring properties and will lead to odour and noise.

High House Farm, Private Lane, Normanby By Spital support the application: As our boundary joins Mr Coles plot (Bellamy Repairs) is in full support of his plans. We think it is a good use of a piece of waste land.

LCC Highways and Lead Local Flood Authority: The existing access from the adopted highway is currently non metalled and made of unbound material, please request the applicant demonstrate access improvements in line with current LCC spec. A footway link to connect to the existing footway to the west of the site will be required.

Further comments received: This proposal is for the erection of 2 dwellings and access road, the access meets the guidelines set out in Manual for Streets, adequate parking provision is proposed within the limits of the site and the proposal will not impact flood risk. Therefore, it is considered that the proposals would not result in an unacceptable impact of highway safety and flood risk. One condition and 3 informatives are suggested.

Archaeology: 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).

Development Plan:

The following policies are particularly relevant:

*Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development
LP2: The Settlement Hierarchy
LP3: Level and Distribution of Growth
LP4: Growth in Villages.
LP13: Accessibility and Transport
LP14: Managing Water Resources and Flood Risk
LP17: Landscape, Townscape and Views
LP21: Biodiversity and Geodiversity
LP25: The Historic Environment
LP26: Design and Amenity
LP55: Development in the Countryside

**With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2, LP3 & LP4 are consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity. LP25 is consistent with chapter 16 of the NPPF as they both seek to conserve and enhance the historic environment. LP26 is consistent with section 12 of the NPPF in requiring well designed places and LP55 is consistent with paragraph 80 and paragraph 174 of the NPPF as they both seek to avoid isolated new homes in the countryside and both recognise the intrinsic character and beauty of the countryside. The above policies are therefore attributed full weight.*

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

Submitted 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 on 15th November 2022 and closed on 16th December 2022.

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 Submitted 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). Some weight may be given to the policies contained within the Submitted Plan.

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

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

Neighbourhood Plan

West Lindsey District Council has approved the application by Normanby by Spital Parish Council to have their parish designated as a neighbourhood area for the purposes of producing a neighbourhood plan. The Parish Council are now working towards the production of their neighbourhood plan.

The previous joint Normanby by Spital and Owmbly by Spital Neighbourhood Plan was withdrawn.

National policy & guidance (Material Consideration)

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

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

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

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

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

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

Listed Building Legal Duty

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

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

Main issues:

- Principle of Development
- Residential Amenity
- Visual Impact
- Access and Highway Safety
- Foul and Surface Water Drainage
- Garden Space and Landscaping
- Other matters

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.

The settlement of Normanby by Spital is designated as a small village under Policy LP2 of the Central Lincolnshire Local Plan. The site is located within the developed footprint of Normanby by Spital and is surrounded by residential dwellings on three sides (apart from to the east) and is therefore within the first category of land to be developed under the sequential test in Policy LP4.

In the Central Lincolnshire Local Plan, it is acknowledged there can be up to 10% growth with small scale development of a limited nature (around 4 dwellings per site) being accommodated within Normanby by Spital. As of the 06/01/2023, the following table shows that there is a remaining growth of 13 dwellings left to be accommodated at Normanby by Spital:

<https://www.west-lindsey.gov.uk/planning-building-control/planning/planning-policy/evidence-base-monitoring/housing-growth-medium-small-villages-policy-lp4>

This proposal is for two dwellings which is in line with the limited nature of development promoted through Policy LP2 for small villages such as Normanby by Spital and there is growth remaining in this settlement. The site is also considered to be an appropriate location for growth. The principle of development can therefore be supported.

In regards to the proposed vehicular access the route follows an existing track tight to the western boundary of the wider agricultural field over the majority of the proposed route. There is one section of the route (approximately 88 metres in length) which does not follow the boundary of the agricultural field and instead will follow the southern boundary of the proposed paddock. One of the main reasons for this part of the access route is to take it away from the small rear gardens of three dwellings located to the north (Barleyfields, Harvest House and Rase Lodge Private Lane). The proposed access route is considered to be acceptable and will not have a detrimental impact on the open countryside or conflict with neighbouring properties (as considered below).

In regards to the paddock, the site is located in the countryside. Policy LP55 of the Central Lincolnshire Local Plan sets out the considerations for development in the open countryside. Part E specifies that proposals for non-residential developments will be supported provided that the rural location is justifiable by means of proximity to existing established businesses or natural features, the location is suitable in terms of accessibility, the location would not result in conflict with neighbouring uses and that the development is of a scale commensurate with the proposed use and with the rural character of the location.

The proposal is for a change of use of part of an agricultural field to a paddock. It is considered to be an appropriate proposal under Policy LP55 of the Central Lincolnshire Local Plan as it is a recreational use that needs such a countryside location and it is unlikely to have an unacceptable impact upon the character of the rural landscape or conflict with neighbouring properties (as considered below).

Furthermore, Policy LP55 seeks to protect the best and most versatile agricultural land. The High-Level Natural England maps indicate the site is in Agricultural Land Classification (ALC) 3 – Good to moderate, with some land around Normanby By Spital classed as Grade 2 - Very Good.

Policy LP55 part G seeks to protect the best and most versatile agricultural. The site is not located on the best agricultural land but is instead sited on good to moderate and the site is small at only 0.27 Hectares and it is considered that it could easily revert back to agricultural use if the paddock use was to cease.

It is therefore considered that the proposed paddock is acceptable in principle.

Visual Impact

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

field patterns and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

Local Plan Policy LP26 states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing and form. The policy also states that the proposal should respect the existing topography, landscape character, 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.

The site is considered to be located within the developed foot print of Normanby By Spital as it is surrounded by other dwellings on all sides apart from to the east. There are a variety of house designs and materials in the immediate vicinity of the site and therefore it is considered that the modern design of the two proposed dwellings and the proposed palette of materials (brick and timber cladding for the external walls and profile sheeting for the roofs) is acceptable.

The proposed vehicular access will follow an existing track for the majority of its route apart from an 88 metre section immediately to the south of the proposed paddock. The location of the paddock with gardens of dwellings to the west, north and to the east provides a logical rounding off from the wider agricultural field which does not allow the aforementioned 88 metre section of the vehicular access to jut out into the wider agricultural field.

It is therefore considered that the proposal would not have an unacceptable harmful visual impact on the street scene or the countryside subject to appropriate landscaping conditions (see below).

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.

Plot 1 is a 2 storey detached dwelling with off road car parking and turning areas located to the north and west of the dwelling and garden areas mainly to the east and to the south. Plot 1 has a maximum ridge height of approximately 7.2 metres and a maximum eaves height of 5 metres. The main two storey element of the dwelling (there is a single storey porch off the north (front) elevation and a single storey lean to element off the rear (south) elevation) is located approximately 13.9 from the northern boundary/rear garden of 'Oaklands, Main Street' and 23 metres from the southern

boundary/rear garden of 'Keepers Cottage, Main Street' and 10 metres to the east of Plot 2. There are no over dominance or loss of light issues with Plot 1.

In terms of overlooking, Plot 1 will have no openings in its west elevation and three windows at ground floor level and a set of bi-fold doors onto a balcony at first floor level in the east elevation which will overlook part of the garden afforded the host dwelling with an agricultural field beyond. The north (front) elevation will have a solid entrance door with two flanking windows and 3 further windows at ground floor level and three windows at first floor level and the side (north) elevation of the aforementioned balcony. The first floor windows are located approximately 13.9 to 15 metres from the northern boundary/rear garden of 'Oaklands, Main Street' which is considered to be an adequate separation distance with trees within the garden of Oaklands in this location giving screening. The balcony is located approximately 16 metres from the very end of this neighbouring rear garden with an agricultural field to the east and will not lead to overlooking issues. The south (rear) elevation will have three windows and a set of bi-fold doors at ground floor level and a set of bi-fold doors and the side (south) elevation of the aforementioned balcony. The first floor window and balcony are located approximately 23.5 metres from the southern boundary and the rear part of the large rear garden of 'Keepers Cottage, Main Street' which is considered to be an adequate separation distance with a large tree on this southern boundary in this location giving some screening.

Plot 2 is a single storey detached dwelling with off road car parking and turning areas to the east and north east and garden areas mainly to the south and west. Plot 2 has a maximum height of approximately 5.2 metres. In terms of overlooking the west (side) elevation will have a window and a door at ground floor level overlooking the garden to the west afforded the host dwelling. The east (side) elevation will have two windows (with a further window set further back) which will overlook the boundary treatments between the two plots, with the blank side (west) elevation of Plot 1 further beyond. The front (north) elevation will have a solid entrance door with flanking windows with two further large windows at ground floor level which overlook landscaping/garden to the north with the northern boundary approximately 11.7 metres away. The south (rear) elevation will have three sets of bi-fold doors at ground floor level overlooking the rear garden afforded the host dwelling with the southern boundary approximately 17.4 metres away.

There are no residential amenity concerns with the proposed paddock as it is currently part of an agricultural field and animals could be placed on this land currently without planning permission. It is also considered that the proposed vehicular access will not lead to residential amenity concerns as the access only serves two dwellings and has been deliberately sited away from the small rear gardens of dwellings to the north of the proposed paddock and as the route passes to the south of the paddock there are no dwellings which could be affected from the glare of vehicle lights as is the case for the rest of the route.

It is therefore considered that the proposed dwellings, paddock and vehicular access route will not have an unacceptable harmful impact on the living conditions of neighbouring dwellings or that of the occupants of the proposed dwellings.

Access and Highway Safety

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

The planning application seeks full planning permission to erect two dwellings and construct a vehicular access and change the use of agricultural land to a paddock. The site is accessed off Private Lane via an existing access to the east of 'West View' and the proposed access goes to the side (west) of a modern portal framed agricultural building to the field to the south (via an unmade track, then grass and an existing opening into the field to the south). The access then goes along the back of the rear garden of 'West View' and across the field to join an existing track on the west boundary of the field (to the rear of properties off Main Street) that leads to the site. Each dwelling will have off road car parking and turning areas.

Following the submission of amended plans Lincolnshire County Council's Highways Team have no objections to the scheme and the proposal is considered to be acceptable in terms of access and parking arrangements, traffic generation and highway safety.

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

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

The proposed car parking and access arrangements detailed above are considered to be sufficient for two detached 3 bedroomed dwellings. The proposal is considered to accord with Policy LP13 of the Central Lincolnshire Local Plan and the NPPF. If it is minded to grant permission the condition and informatives suggested by Highways will be attached to the decision notice.

Foul and Surface Water Drainage

The application form states that foul sewerage will be dealt with via package treatment plants and states that soakaways will be used for the disposal of

surface. The appropriateness of the intended method(s) cannot be assessed at this stage; if permission was to be granted a planning condition to secure full foul and surface water drainage details would be recommended including percolation tests.

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

Garden Space and Landscaping

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

Other matters:

Listed Building

The nearest Listed Building (School and School House, Main Street) to the site is located approximately 87 metres to the north west and the nearest Listed Buildings to the access are located approximately 72 metres to the north west (High House, Private Lane) and 106 metres to the north west (Church of St Peter). Owing to these large separation distances and the fact that there are other buildings in between the proposal site/access route and these listed buildings it is considered that the proposal will preserve the setting of these nearby listed buildings. The proposal therefore accords with the NPPF, Policy LP25 of the Central Lincolnshire Local Plan, Policy 6 of the Great Limber Neighbourhood Plan and the statutory duty in S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ecology

The site has been cleared and the concrete bases of former buildings have been revealed. Therefore it is not considered that the site requires an Ecological Appraisal.

Waste Disposal

Amended plans have been received and re-consulted upon showing a bin collection point on a concrete base immediately to the south west of the access off Private Lane.

Emergency Vehicles

The minimum road width for a fire appliance is 3.7metres and the access road on the submitted plans is 4.1metres in width. Amended plans have been received and re-consulted upon which show a 16.8 metre turning circle for a fire appliance to the north east of Plot 1.

Conclusion and Reasons for Decision

The decision has been considered against Policy LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and

Settlement Hierarchy, LP3: Level and Distribution of Growth, LP4: Growth in Villages, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP25: The Historic Environment, LP26: Design and Amenity and LP55: Development in the Countryside of the Central Lincolnshire Local Plan and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In light of this assessment the principle of development can be supported as the proposal for two dwellings which is in line with the limited nature of development promoted through Policy LP2 for small villages such as Normanby by Spital and there is growth remaining in this settlement. The site is also considered to be an appropriate location for growth.

In regards to the proposed vehicular access the route follows an existing track tight to the western boundary of the wider agricultural field over the majority of the proposed route. There is one section of the route (approximately 88 metres in length) which does not follow the boundary of the agricultural field and instead will follow the southern boundary of the proposed paddock. One of the main reasons for this part of the access route is to take it away from the small rear gardens of three dwellings located to the north (Barleyfields, Harvest House and Rase Lodge Private Lane). The proposed access route is considered to be acceptable and will not have a detrimental impact on the open countryside or conflict with neighbouring properties.

In regards to the paddock it is considered to be an appropriate proposal under Policy LP55 of the Central Lincolnshire Local Plan as it is a recreational use that needs such a countryside location and it is unlikely to have an unacceptable impact upon the character of the rural landscape or conflict with neighbouring properties.

Furthermore, the proposal would not unacceptably harm the character and appearance of the street scene or countryside, nor the living conditions of the neighbouring occupiers or the proposed dwellings and it is considered that the proposal will not affect the setting of nearby Listed Buildings.

Recommendation: Grant planning permission subject to the conditions below:

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

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

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

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

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: 30922-105 dated 11/02/2022, 30922-106 dated 11/02/2022, 30922-107 dated 11/02/2022, 30922-103 A dated 19/01/2023, 30922-101 A dated 19/01/2023 and 30922-104_REV C dated 19/01/2023. 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. The development hereby permitted shall not be occupied before a footway to match the existing width, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

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

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

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

5. No development, other than to foundations level shall take place until the proposed new walling, roofing, windows, doors and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details. The details submitted shall include; the proposed colour finish, rainwater goods and type of pointing to be used.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the locality in accordance with the National Planning Policy Framework and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

6. 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.

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

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

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

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

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

Notes to the Applicant

Highways

The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority. For further guidance please visit our website; www.lincolnshire.gov.uk/highways-planning/works-existing-highway

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. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on our website, accessible via the following link:

<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences 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 link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

The private track may be subject to amendments by the Local Planning Authority to ensure the track is fit for purpose.

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 6b

Site Location Plan 145617 The Spinney 12 Scothern Lane Sudbrooke



Officer's Report

Planning Application No: 145617

PROPOSAL: Planning application for first floor extension and garage alterations.

LOCATION: The Spinney 12 Scothern Lane Sudbrooke Lincoln LN2 2QT

WARD: Sudbrooke

WARD MEMBER(S): Cllr Waller

APPLICANT NAME: Mr & Mrs Chirag Ahir

TARGET DECISION DATE: 25/11/2022

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Grant permission

This application has been referred to the Planning Committee following objections from the Parish Council which state that the proposals are in conflict with the policies within the Sudbrooke NP.

Description:

The application site comprises a dormer bungalow with detached garage located within Sudbrooke. The property is set back from the road behind a mature tree band which is subject to a Tree Preservation Order.

The site is surrounded by other residential dwellings to the north, with a large replacement dwelling currently under construction (145111), south, a detached dormer bungalow and east and open countryside to the west.

The application seeks permission for alterations and extension to the existing dwelling and a replacement detached garage.

Relevant history:

None on application site.

Site directly to north west (no.14 Scothern Lane):

145111 - Planning application for 1no. replacement dwelling and detached garage being variation of condition 2 of planning permission 144370 granted 30 March 2022 - amended roof tile materials, bin store added, amendment to windows & addition of velux windows, GC, 16/9/22.

145010 – Non material amendment to planning permission 144370 granted 30 March 2022 - rear gable roof changed to hipped roof, change of windows in bedroom, garden room roof changed to orangery design, additional velux windows to garage, additional velux windows over games room and form bedroom in roof space, erect bin store and change in roof materials. – Refused – Planning permission required 17/06/2022.

144370 - Planning application for 1no. replacement dwelling and detached garage
Granted – 30/03/2022

143660 - Outline planning application for residential development of 3no. self-build plots, including removal of annexe, summerhouse and timber garage and store - with access to be considered and not reserved for subsequent applications. Resubmission of 142338. Refused 27/10/2021.

142338 - Outline planning application for residential development of 3no. dwellings, including removal of annexe, summerhouse and timber garage and store - with access to be considered and not reserved for subsequent applications. Refused 08/04/2021.

Representations:

Chairman/Ward member(s):	None received
Parish/Town Council/Meeting:	<p><i>'Sudbrooke Parish Council discussed this application at its meeting earlier this evening. It requests that the comments previously submitted on 23rd October 2022 be disregarded and the following taken into consideration when determining the application.</i></p> <ul style="list-style-type: none"> <i>· The Council objects to the garage in that it has an overbearing nature, overlooking and loss of privacy to neighbours from the accommodation in the roof.</i> <i>· The overall alterations to both the house and garage conflict to Part (a) of Policy 2 of the Sudbrooke Neighbourhood Plan in that size and height are not in keeping with the original dwelling and Part (b) the extensions and alterations should be designed so that there shall be no significant reduction in the private amenity of the occupiers of neighbouring properties, through overlooking, overshadowing, loss of light or an overbearing appearance.'</i>
Local residents:	<p>11 letters of support received from Nelson House, Nelson Rd, Fiskerton; Stonebrook House, 46 Scother Lane, Sudbrooke; 4 Saxon Fields, Scothern; 6 Shepherds Way, Sudbrooke; 9 Greetwell Road, Greetwell; Egmont, 23 Wragby Rd, Sudbrooke; Four Seasons, 4 Sudbrooke Place, Sudbrooke; Parklands, West Drive, Sudbrooke; Vespasian Way, North Hykeham.</p> <p>6 letters of objection received from The Coppers, 10 Scothern Lane, Sudbrooke; Badgers End, 6 Scothern Lane Sudbrooke; Five Mile House, High Street, Fiskerton; Pine Cottage, 8 Scothern Lane, Sudbrooke; Robins Oak, 36 Scothern Lane, Sudbrooke; 2 The Croft Nettleham.</p> <p>Objections are summarised below:</p> <ul style="list-style-type: none"> • Significant impact, overbearing and overshadowing of neighbouring properties;

	<ul style="list-style-type: none"> • Change look and feel of rear garden and dominate landscape • Remove current views of greenbelt and open sky • Garage overbearing in size and rooflights will overlook neighbouring property • Impact on value of property • Impact on surrounding area • Not in accordance with Sudbrooke Neighbourhood Plan • Will set a precedent • Not in keeping with height and style of surrounding dwellings
LCC Highways/Lead Local Flood Authority:	No objections
Archaeology:	None received
Tree Officer:	<i>'Conclusion I have no objections to T20 and T22 being removed due to their low quality, positions close to the proposed garage, and their potential for future issues if they are retained. I have no objections to the proposals providing the tree protection fencing as detailed in the 'General Recommendation' of the tree report, and as shown on Figure 4 plan in the same report are implemented prior to any works commencing (demolition, clearance and development), and are retained in position until completion. Any new driveway blocks over Tree RPAs should not involve excavations or compaction of bed for new blocks within the tree RPAs. Any new base within tree RPAs should be carried out by hand, and no compaction over RPAs.'</i>
IDOX:	Checked 4/1/23

Relevant Planning Policies:	
National guidance	National Planning Policy Framework https://www.gov.uk/government/publications/national-planning-policy-framework--2 National Planning Practice Guidance https://www.gov.uk/government/collections/planning-practice-guidance
Local Guidance	Central Lincolnshire Local Plan (2012 -2036): LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP26: Design and Amenity <i>*With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP17 is consistent</i>

	<p><i>with NPPF paragraph 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.</i></p> <p>https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</p>
Neighbourhood Plan:	<p>Sudbrooke Neighbourhood Plan Made March 2020:</p> <p>Policy 2: Extensions and alterations to existing dwellings</p>
Draft Central Lincolnshire Local Plan:	<p>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:</p> <p>(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</p> <p>(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</p> <p>(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).”</p> <p>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 on 15th November 2022 and the examination ended 16th December 2022.</p> <p>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)</p> <p>Consultation responses can be found in document STA022 Reg 19 Consultation Responses by policy / STA023 Reg 19 Consultation Responses by respondent.</p>

	https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/
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POLICY LP26 – Design and Amenity

Is the proposal well designed in relation to its siting, height, scale, massing and form?

The existing dwelling is a detached dormer bungalow of no historical or architectural merit set in a generously sized garden. The proposal seeks various alterations and extensions which will raise the eaves and ridge of the existing property and increase the overall size and scale of the existing dwelling along with the use of modern materials including render, timber cladding, grey fascia's and fenestration. It is considered, even though larger than the existing property and modern in appearance, the design, siting, scale and massing of the proposed extensions, alterations and garage is acceptable and will not harm the streetscene or surrounding landscape.

Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?

Concerns have been raised regarding the impact the proposal would have on the surrounding area.

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

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

Criterion a) of Policy 2 of the Sudbrooke Neighbourhood Plan states '*Extensions and alterations to existing dwellings within the Parish where planning permission is required, will be supported where the following criteria are met:*

a) the size, scale, height and materials of the development are in keeping with the original dwelling and the surrounding area as described in the Sudbrooke Character Assessment (Appendix 3)....'

The site lies in Character 3 which states '*Given the degree of screening and difficulty in viewing the full form and appearance of individual properties, it is tricky to provide*

a definitive overview of the architectural styles that are present. However, much like Character Area 2, building materials, scale and design seem to vary considerably from property to property, with no particular architectural language dominating. Rather, variety is the order of the day when it comes to building forms and architectural styles, and it is the mature planting to the front of these properties and the similar plot sizes and dwelling positioning that tie them together and give them a common character.”

Character Area 3 specifically states that *‘building materials, scale and design seem to vary considerably from property to property, with no particular architectural language dominating.’*

The site is surrounded by mature trees, with a Tree Belt, subject to a TPO, across the front of the site and there is varied architectural styles of properties in the area.

No.14 is located directly to the north west of the site and a replacement dwelling is currently under construction, application ref. 145111. The approved dwelling on the adjacent site has a ridge height of 9.1m and eaves height of 5.5m. The proposed extensions and alterations on the application site have a maximum ridge height of 8.5m and 4.5m to eaves. Although the proposed dwelling and the garage are large it is considered that the plot is large enough to accommodate such a proposal and with its protected screening to the front there are no visual amenity concerns in regards to this proposal.

Does the proposal harm any important local views into, out of or through the site?

No.

Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?

Yes. As stated above due to the varied architectural styles in the area the proposed alterations and extensions would not be harmful to the streetscene or character area.

Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?

Concerns have been raised with regards to impact the proposed extension and alterations and garage will have on the living conditions of neighbouring properties in terms of overlooking and being overbearing.

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.

Policy 2 of the Sudbrooke Neighbourhood Plan states *‘the extensions and alterations are designed so that there shall be no significant reduction in the private amenity of the occupiers of neighbouring properties, through overlooking; overshadowing; loss of light or an overbearing appearance;’*

The application site is generous in size and is surrounded by mature trees. The closest property to the site is no. 10 Scothern Lane, a detached dormer bungalow,

located to the south east of the application site. No.12 is set 3.7m from the shared boundary and no.10 is set approx. 2m from the boundary with a blank elevation facing the application site.

The proposal sees an increase in height of the existing dwelling. However it has varying ridge heights which help to break up the overall massing and scale of the dwelling. The highest ridge line is 8.5m and 4.5m to eaves, reducing to 5.9m to ridge and 2.7m to eaves.

There will be limited views of the extensions, alterations and garage from the streetscene and although it is accepted they will be visible from the immediate neighbour's gardens and properties, owing to the location of the extensions there are no concerns with loss of light and over dominance in regards to No.10 to the south of the application site. It is considered that the alterations and extensions would not result in significant harm, in terms of overlooking, overbearing or overshadowing, on the residential amenities of neighbouring properties.

The proposed detached garage, located to the front of the dwelling, measures 2.6m to eaves and 5.9m to ridge. It will provide garaging on the ground floor and storage/office accommodation within the roofspace and be served by 2 rooflights in each roofsope. Due to the positioning of the rooflights they will offer limited views of no.10. It is also considered that due to its size, scale and location it would not result in significant harm, in terms of overlooking, overbearing or overshadowing, on the residential amenities of neighbouring properties.

The south east (side) elevation has an existing dormer window serving an en-suite which will remain as is, and a rooflight, to serve a new en-suite, is proposed in the extension.

The amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy would not be unduly harmed by or as a result of development, and it is considered the proposal complies with policy LP26 of the CLLP and policy 2 of the Neighbourhood Plan in this respect.

Does the proposal adversely impact any existing natural or historic features?

No.

Other considerations:

Does the proposal enable an adequate amount of private garden space to remain?

Yes.

Does the proposal enable an adequate level of off street parking to remain?

Yes.

TPO's:

Trees in the tree belt across the property frontage are protected by two TPOs: the original Sudbrooke 1950 TPO, and also Sudbrooke No1 2022 which is a 'woodland' designation, W1, that protects all trees regardless of species or size, including anything capable of growing into a tree such as small self-sets and seedlings.

Trees across the frontage of this property are part of a larger important tree belt along Scothern Lane. The tree belt was originally the mixed woodland edge of the old parkland of Sudbrooke Holme, and runs along part of Scothern Lane continuing

around the corner and along Wragby Road. The tree belt along Scothern Lane forms a feature of structural greenery along the property frontages, giving the street scene its distinctive tree-lined character which is also important to the overall character and amenity of Sudbrooke.

A Tree Report has been submitted with the application. The Tree Officer has no objections to the scheme as long as the tree protection measures are adhered to along with a condition restricting any new driveway being excavated, all works should be by hand.

Concerns have been raised with regards to de-valuation of property, impact on view and setting a precedent. These are not material planning considerations.

Conclusion and reasons for decision:

The decision has been considered against policy LP1: A Presumption in Favour of Sustainable Development, LP17: Landscape, Townscape and Views and LP26: Design and Amenity of the Central Lincolnshire Local Plan and Policy 2 of the Sudbrooke Neighbourhood Plan in the first instance and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide. In light of this assessment it is considered that the proposal will not harm the character and appearance of the street-scene or the dwelling, nor the living conditions of neighbouring occupiers.

Recommendation: Grant planning permission subject to the conditions below:

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

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

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

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

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: L-ADD-130-01A, L-ADD-130-02A and L-ADD-130-03B dated 13/10/22, L-ADD-130-07C dated 13/10/2022, L-ADD-130-08B, L-ADD-130-09B dated 29/9/22 and L-ADD-130-10B dated 13/10/22. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

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

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, full details of any new hardstanding and installation has been submitted to and approved in writing by the Local Planning Authority.

- Any new driveway blocks over Tree Root Protection Areas (RPAs) should not involve excavations or compaction of bed for new blocks within the tree RPAs.
- Any new base within tree RPAs should be carried out by hand, and no compaction over RPAs.
- Any 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 and LP17 of the Central Lincolnshire Local Plan.

5. The development shall be carried out in full accordance with the Tree Protection Fencing as detailed in 'General Recommendations' and Figure 4 of The Tree Survey produced by CBE Consulting dated 1 December 2022. The 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.

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

None

Human Rights Implications:

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

objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

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

Site Location Plan 145857- 10 & 12 Chapel Street, Caistor



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SITE LOCATION PLAN

scale 1:1250

Officers Report

Planning Application No: 145857

PROPOSAL: Planning application for two storey rear extensions.

LOCATION: 10 & 12 Chapel Street Caistor Market Rasen LN7 6UF

WARD: Caistor and Yarborough

WARD MEMBER(S): Cllr O Bierley and Cllrs Mrs A Lawrence

APPLICANT NAME: Mr O Lawrence & Mr S Neave

TARGET DECISION DATE: 23/01/2023 (Extension of time agreed until 3 February 2023)

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant permission with conditions

The application is referred to the planning committee for determination as one of the applicants is from the immediate family of an elected member of the Council.

Description: The application site comprises of two, mid terraced residential dwellings on the western side of Chapel Street, within Caistor. Other residential dwellings adjoin the north and south, a parking area is located to the west and the Methodist chapel is located to the east, opposite the highway. The application dwellings are noted as being important buildings within the Caistor Town Conservation Area, part of the nationally important Caistor Roman Town Scheduled Monument is also within the application site. The site is also within an Area of Great Landscape Value and is within close proximity to a number of Listed Buildings, namely; Grade II Listed Caistor Methodist Chapel, opposite the site and no. 2 Hestcroft House, to the south.

The application seeks planning permission to erect two storey extensions to the rear of no.s 10 and 12 Chapel Street. The proposals will also include the removal of the existing flat roof additions at the rear of both properties.

The extensions will adjoin to the existing two storey rear extensions and would measure approximately 2.8m in depth, 6.7m in total width. The new pitched, double gable end roof will also be erected over the existing two storey extensions, incorporating the proposed extensions and in total would measure c. 6m from the existing rear roof slope, with an eaves height of c. 4.8m and a total height of c.6.1m.

Relevant history:

CR/14/74- EXTENSION.

CR/75/65- CARRY OUT EXTENSION TO PROVIDE BATHROOM WITH W.C. AND IMPROVEMENTS.

Representations:

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

Caistor Town Council: No objections.

Local residents:

8 Chapel Street, Caistor, General Comments: Whilst we completely understand the desire to carry out the improvements to the property we have concerns about how the construction would be carried out given the shared access arrangement to the rear of No. 10, which is through our rear garden. This leads to other concerns about the storage of materials and equipment, and the general disruption it could cause not only to our property but also the properties situated in Varlow's Yard. It is a little disappointing that the first time we were made aware of this application was via a letter from the council and not from the applicant themselves, as the disruption it could cause is clearly evident.

We have concerns about how the extensions could affect our surroundings, particularly with any windows overlooking our garden but would be open to discussing these further with the applicant.

LCC Highways/Lead Local Flood Authority: No objections. 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: Part of the nationally important Caistor Roman Town Scheduled Monument lies within the red line boundary of this development. Although it appears the development will not have a direct impact on the designated area, there is potential for an impact on archaeological remains of the same monument which are non-designated heritage assets.

The only reason that the area of the proposed extension has not been scheduled is because of the presence of existing buildings, but the line of Caistor's Roman defences continues beneath the current buildings and remains of this may still survive. Elsewhere remains of the Roman wall has been uncovered during development on a number of occasions and could reasonably be anticipated here.

Therefore, we would recommend that all groundworks associated with the proposed development are required to be monitored by an archaeologist, with

the ability to stop and fully record archaeological features. To ensure that any remains disturbed can be recorded.

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 with appropriate conditions to enable heritage assets within the site to be recorded prior to any impact.

Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features, including the grubbing out of any existing foundations following demolition.

WLDC Conservation Officer: The proposal is to demolish the existing rear extensions and erect two two-storey extensions – one to each of the properties.

The proposal is to two properties on Chapel Street, Caistor. Caistor is a rural historic market town which dates back to the Roman period. The properties are located within the Caistor conservation area and are considered important buildings within the conservation area appraisal.

The conservation area appraisal highlights the street frontage as the key features to these being important. The red brick fronts offer architectural examples of terraced brick townhouses with private front gardens being key features.

The proposals will not affect the frontage of these properties and so they will not impact upon the significance of the non-designated heritage assets as identified within the conservation area appraisal.

The rear extensions to be demolished are late 20th century flat roof additions with no architectural or historic merit. These are considered to have a negative impact to the character of the conservation area and the non-designated heritage assets; their removal will be supported.

The newly proposed extensions are two-storey but the roofline is mostly concealed and the areas that would be visible will appear more appropriate in design with the twin gabled rooftop. The design of the rear extension should still offer high quality materials and design appropriate to the age of the buildings as the development will be visible from the publicly accessed Varlows Yard.

That being said, the rear of the properties still hold significance for their positioning as they are located over the Ancient Scheduled Monument designated in the centre of Caistor. The advice from the Historic Environment Officer should be followed.

Suggests conditions in the event that permission is granted.

Historic England: In summary-

The proposed scheme sits over the remains of Caistor Roman Town, parts of the defences of which (lying adjacent to the proposed works are designated as a Scheduled Monument). The area in which works are proposed is currently occupied by modern extensions which it is proposed to replace in more sympathetic form (this is a desirable aim). We refer you to the detailed expert advice already provided by your conservation and archaeological advisors which we commend to you both in respect of the design and detailing of the new work, and the recording and conservation of any archaeological remains which may be revealed.

Historic England has concerns regarding the application on heritage grounds but considers these can be addressed if you follow the advice submitted by your own conservation and archaeological advisors.

Joint Committee of the National Amenity Societies: No representations received to date.

IDOX Checked: 24/01/2023

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 Caistor Neighbourhood Plan (made March 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

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP25: The Historic Environment

LP26: Design and Amenity

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

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

Caistor Neighbourhood Plan was formally adopted by West Lindsey District Council at a Full Council Committee meeting on the 3rd March 2016. The Caistor Neighbourhood Plan forms part of the development plan for its area.

A review of the existing Caistor Neighbourhood Plan is currently being prepared by Caistor Town Council.

Relevant policies of the NP include:

Policy no. 1 Growth and the presumption in favour of sustainable development

Policy no.3 Design quality

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

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

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

National policy & guidance (Material Consideration)

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

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

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

- **National Planning Practice Guidance**

<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-designcode>

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 15th November 2022, the Local Plan Review commenced its examination and the examination finished 16th December 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.

Other

- Statutory Duties contained within Sections 66 and 72 of the Town and Country Planning (Listed Buildings & Conservation Areas) Act 1990 (The ‘Act’); <https://www.legislation.gov.uk/ukpga/1990/9/contents>
- Caistor Conservation Area Appraisal: <https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Caistor%20conservation%20area%20appraisal.pdf>

Main issues

- Principle of Development;
- Impact upon Designated Heritage Assets and Visual Amenity;
Archaeology
- Impact upon Residential Amenity;
- Other Matters.

Assessment:

Principle of Development

The application site comprises of 2no. existing residential properties within the built footprint of Caistor, therefore, in principle, works to the dwellings is considered to be acceptable. This is subject to further consideration of other material considerations as discussed in the following report.

Impact upon Designated Heritage Assets and Visual Amenity

The site is located within Caistor Conservation Area and is within close proximity to a number of listed buildings as well as adjoining the boundary of a Scheduled Monument (Caistor Roman Town). Policy LP25 states that; *Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting.* With regard to listed buildings 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.* Policy 3 of the Caistor NP states that: *The natural environment and historic built environment should be respected in all developments in order to retain Caistor's character and links with the past.*

Under Section 66 of the 'Act' the local planning authority (LPA) is required to have 'special regard' for the preservation of the setting of a listed building. Setting is more than views, it is how the building is experienced. With regard to the Burton Conservation Area, Section 72 of the 'Act' states that the LPA shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The application proposes two storey rear extensions at two terraced properties on Chapel Street within Caistor. The extensions would be identical in their size, scale and appearance. They would have new pitched roofs with twin gable ends and would be no higher than the main ridge of the host dwellings, thus appearing as subordinate additions to the main properties. The proposals also include the removal of existing, flat roof, rear extensions, which is welcomed. Views of the extensions would be visible from Varlows Yard to the west/north west, however these views are not considered to be harmful. In terms of proposed materials, no details have been provided, it is therefore considered reasonable to request that full material information is secured by means of condition.

The proposals have been reviewed by the Council's Conservation Officer, whom has stated the following: *"The newly proposed extensions are two-storey but the roofline is mostly concealed and the areas that would be visible will appear more appropriate in design with the twingabled rooftop. I have no objections to the proposals subject to conditions."*

With consideration to the above discussion and the comments from the Conservation Officer, the proposals would preserve the character of the Caistor

Conservation Area and would not have a harmful impact upon the setting of the nearby listed buildings nor the Scheduled Monument, subject to conditions to secure further details of proposed materials. The proposals therefore accord to the aims of Policies LP17, LP25, LP26, the policies within the Caistor NP and the statutory duties contained within the 'Act'.

Archaeology

In relation to 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: *“Part of the nationally important Caistor Roman Town Scheduled Monument lies within the red line boundary of this development. Although it appears the development will not have a direct impact on the designated area, there is potential for an impact on archaeological remains of the same monument which are non-designated heritage assets.”*

The Officer has recommended that *“all groundworks associated with the proposed development are required to be monitored by an archaeologist, with the ability to stop and fully record archaeological features. To ensure that any remains disturbed can be recorded.”* Agreement to the inclusion of a pre-commencement condition to secure such details has been confirmed with the agent for the application by email dated 30 December 2022.

The comments from Historic England are noted, however it is considered that the concerns that they are referring to can be controlled by condition to ensure appropriate materials are used and that prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works is submitted to the Local Planning Authority.

Impact upon 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 site is adjoined by other residential dwellings to the north and south. The extensions would directly adjoin these neighbouring boundaries, therefore particular consideration needs to be given to the impacts on these neighbouring occupiers.

The proposed extensions will extend from the rear elevations by c. 2.8m in footprint and they would not protrude any further forward than the existing single storey extensions. It is acknowledged that there will be an increase in the scale of the built form here, directly adjacent to the boundary of no.8, to the north. However, considering the existing orientation of the site and that there will be a

degree of separation in the form of the existing single storey WC/storage room, it is not considered that the proposal would be over dominating to an unacceptable level.

The first floor side window of no. 14 Chapel Street that faces into the site is noted, the proposed extension would be within very close proximity (c.0.4m) to this window. Upon visiting the site it was observed that this window is obscurely glazed. The agent for the application states that this window serves a bathroom, albeit this has not been formally confirmed by the occupiers of no.14. Given its obscurity and that it faces into the application site I do not consider it is likely that this window is an opening that serves a principal habitable room. It is acknowledged that the extension would cover this window and lead to a loss of light, it is also noted that no comments or objections have been received from the occupiers of no.14. Taking the above into consideration, it is not considered that the loss of light to this window warrants a recommendation of refusal on these grounds alone.

There are no new openings proposed on either side elevation, new openings are proposed in the rear elevations at ground and first floor level, however these would overlook the rear amenity areas of the host dwellings and is not too dissimilar to the existing arrangement at the site.

Overall, no unacceptable residential amenity impacts have been identified and the proposals therefore accord to the aims of Policy LP26 of the CLLP and Policy 3 of the Caistor Neighbourhood Plan as well as national guidance.

Other Matters- Comments from no. 8 Chapel Street

The comments from the adjoining neighbour to the north with regard to construction access are noted. Access to the rear of the dwellings would be a private matter to be agreed between the parties involved. The comments regarding the disruption from the construction of the extensions is also noted, however it is not anticipated that the construction of householder extensions would be carried out for prolonged periods of time, it is therefore not considered necessary or reasonable to request further information or indeed condition a construction management plan to be provided.

Planning Balance and Conclusion: The proposal has been assessed against LP1: Presumption in Favour of Sustainable Development, LP2: Spatial Strategy and Settlement Hierarchy, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan, Policies 1 and 3 of the adopted Caistor Neighbourhood Plan and the Statutory Duties contained within Sections 66 and 72 of the 'Act' in the first instance as well as guidance contained within the National Planning Practice Guidance and the National Planning Policy Framework.

In light of this assessment the proposals are considered to be appropriate in terms of their design and appearance, subject to conditions. No unacceptable

residential amenity impacts have been identified and the proposals would not harm highway safety. The application is therefore recommended for approval.

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 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 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 policy LP25 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

3. 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 2 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 LP25 of the CLLP and the National Planning Policy Framework.

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 permission, the development hereby approved shall be carried out in accordance with the following drawings: LDC3958-PL-01 and LDC3958-PL-02 both received 28 November 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.

5. No development shall take place above foundation level until details of the external materials listed below have been submitted to and inspected on site and agreed in writing by the Local Planning Authority. This shall include:

- a. Roof tile, which shall be matching to that used in the host dwellings;
- b. Roof detailing, including gables, cappings and verges. Any new flues or vents.
- c. Rainwater goods.
- d. Brick sample panel, showing the brick type, coursing, mortar colour and texture.
- e. All new windows and doors.

Reason: To safeguard the character and appearance of the Caistor Conservation Area and the building of importance to accord with the National Planning Policy Framework and Policy LP25 of the Central Lincolnshire Local Plan and the Policies within the Caistor Neighbourhood Plan.

6. The development shall proceed wholly in accordance with the approved scheme of archaeological works approved by condition 2 of this permission.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with LP25 of the CLLP and the National Planning Policy Framework.

7. Following the archaeological site work referred to in condition 6, the written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with LP25 of the CLLP and the National Planning Policy Framework.

8. The external materials as agreed in condition 5 of this permission shall be used to complete the development and retained thereafter.

Reason: To safeguard the character and appearance of the Caistor Conservation Area and the building of importance to accord with the National Planning Policy Framework and Policy LP25 of the Central Lincolnshire Local Plan and the Policies within the Caistor Neighbourhood Plan.

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

None.

Agenda Item 7



Planning Committee

Wednesday, 1st
February 2023

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 and Mrs W Skelton against the decision of West Lindsey District Council to refuse planning permission for outline planning application to erect 1no. agricultural dwelling - access to be considered and not reserved for subsequent applications at Hall Farm, Church Road, Laughton, Gainsborough, DN21 3PP

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse



Appeal Decision

Site visit made on 29 November 2022

by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 DECEMBER 2022

Appeal Ref: APP/N2535/W/22/3299080

Hall Farm, Church Road, Laughton, Gainsborough, DN21 3PP

- 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 and Mrs W Skelton against the decision of West Lindsey District Council.
 - The application Ref 144185, dated 23 December 2021, was refused by notice dated 11 February 2022.
 - The development proposed is outline planning application to erect 1no. agricultural dwelling - access to be considered and not reserved for subsequent applications.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline, with all matters apart from the means of access to be determined at this stage and I have determined the appeal on that basis. I have taken the proposed site plan (Drawing No. 241-002 Revision 01) into account insofar as it is relevant to my consideration of the principle of the development on the appeal site.
3. The proposal is for a dwelling for a rural worker. However, a condition restricting occupancy was not included within the list of conditions proposed by the Council. In the interests of fairness, the appellants were invited to comment on a proposed condition in the event of the appeal being allowed and confirmed that they would have no objection to this.
4. Following the submission of their appeal documentation, the appellants submitted a letter dated 29 September 2022 from Dr Lowe of Kirton Lindsey and Scotter Surgery containing medical information. The Appeals Procedure Guide states that all available evidence should be submitted with the appellants' full statement of case and documents received after the time limits will normally be returned. I have, exceptionally in this case accepted the additional information and in the interests of fairness, the Council was invited to comment on it. I have taken it into account only insofar as it is relevant to my assessment of the main issue in this case.
5. The Council has referred me to another planning application for an agricultural worker's dwelling on the appeal site (Reference 144498), which was refused on 12 July 2022, and to the officer report for that application. Whilst that is a material consideration in my assessment of the appeal, I have determined the appeal based on the evidence and the information before me in this case.

Main Issue

6. The main issue in this case is whether there is an essential need for an additional dwelling on the farm to accommodate a rural worker, and whether the proposed dwelling is essential to the effective operational running of the enterprise.

Reasons

7. Paragraph 80 of the National Planning Policy Framework (the Framework) states that planning decisions should avoid development of isolated homes in the countryside, unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
8. Policy LP55 of the Central Lincolnshire Local Plan (2017) (LP) allows residential development in the open countryside where it is essential to the effective operation of agriculture. This is, however, subject to evidence being provided on a number of matters, including the details of the rural operation, the need for the dwelling, the submission of business accounts or a detailed business plan, an assessment of whether other suitable accommodation is available on-site or in the area and details of how the size of the dwelling relates to the enterprise.
9. Hall Farm is located to the east of Laughton, separated from the main built-up area of the village by a small parcel of agricultural land. The appeal site comprises the south-west corner of a larger, open agricultural field and is immediately adjacent to the Hall Farm complex. For the purposes of planning policy, the appeal site is in the open countryside.
10. Laughton Hall and four other farm cottages on Church Road, Laughton were formerly part of the farm holding, but were sold off separately from it prior to the appellants' purchase of the farm in 1986. An agricultural workers' dwelling, 'Aspen Garth', was built in the grounds of Laughton Hall prior to the appellants' ownership of the farm. In 2008, that property was granted a Certificate of Lawfulness to continue its use as a dwelling without compliance with the agricultural occupancy condition, and it is no longer within the farm holding.
11. The current farm site consists of multiple farm buildings, including traditional brick-built barns and larger, modern pre-fabricated agricultural buildings. There are two existing bungalows within the farm site. 'The New Bungalow' was constructed in the 1970s, prior to the appellants' purchase of the farm, and 'The Willows' was granted planning permission in 1990. Both dwellings are restricted to occupation by an agricultural worker, or someone last employed in agriculture.
12. The farm holding comprises approximately 850 acres, of which 200 acres are in the appellants' ownership and 650 acres are rented on a short-term tenancy. Approximately 140 acres of grazing land in the appellants' ownership are located around the farm site. It is operated as a mixed dairy, beef and sheep enterprise, with the farming of livestock for dairy production being the principal business. The farm has approximately 150 dairy cows, managed inside from October to June and partly inside during the Summer. The suckler herd (80 cattle) is housed from October to June for calving and the young stock (100

calves) are housed all year round. The sheep herd (1,200 ewes) is housed between December and May for lambing.

13. Based on the method set out in the John Nix Farm Management Pocket Book, the appellants' Statement of Case calculates a labour requirement for 9.72 full time workers, compared with the current employment of 5.5 workers on the farm holding. The functional need for a worker to be present on the Hall Farm site relates to the supervision and management of calving and attending to sick animals, both of which can occur during unsocial hours, the twice daily milking of the dairy herd, night-time work during lambing and general animal welfare duties. These farm-based activities require the on-site presence of a full-time worker, 24 hours a day.
14. Whilst the appellants have referred to security as an additional reason for needing a dwelling on the site, there are existing dwellings on-site and in close proximity to the farm. As such, this is a matter to which I give limited weight in my determination of the appeal.
15. However, the absence of an on-site worker with overall responsibility for management decisions and to deal with emergencies at short notice would create a risk to animal health and welfare and to the productivity of the dairy business. Based on the evidence before me, I conclude that there is a functional need for a farm worker to be present on the farm site, 7 days a week and 24 hours a day and that it is not just a matter of convenience.
16. To date, this functional need has been met by the appellants who occupy 'The Willows', together with two sons who live off site in Laughton. However, due to a combination of approaching retirement age and ongoing health issues, the appellants intend to retire from the business, but will continue to live on-site. The appellants' third son, Mr R Skelton intends to take over the management role and 24 hour on-site presence and will undertake the twice daily milking of the dairy herd. It is proposed that he would occupy the proposed new dwelling, together with his family.
17. The Council considers that this functional need could be met by an overnight presence by one worker and a daytime presence by another. That would not, however, provide satisfactory arrangements for the overall management of the site and animals by someone who is actively managing the farm business. These changing family circumstances are part of the farm succession process, and based on the evidence before me, an additional dwelling would support the transition of the farm's management to the next generation and would ensure the continued viability of the farm business. This is an important and relevant consideration which is set out in the Planning Practice Guidance¹. The timing of the appellants' retirement is a matter for the farm business to manage, and the lack of a specific date is not a matter which would justify withholding permission for the development.
18. The evidence before me does not include details of the current financial circumstances of the business nor any details of the proposed expansion of the dairy herd, other than the headline figure of £190,000 to increase the size of the herd, to improve the milking equipment and to increase productivity. I saw at my site visit that the new milking equipment is in the process of being installed. The Council has not disputed the appellants' proposed expansion

¹ Paragraph: 010 Reference ID: 67-010-20190722

- plans, and, in short, I see no reason to dispute that the business will expand and modernise as anticipated.
19. LP Policy LP55 also requires an assessment of whether other suitable accommodation is available on-site or in the area to meet the need for a rural worker to live at or near their place of work.
 20. At my site visit, I saw that the traditional, brick-built buildings on the farm are used to accommodate livestock and for general purpose storage in connection with the business, and they are not available for conversion to a dwelling. Furthermore, they are cojoined onto other agricultural buildings and would not be easily severable to form a separate dwelling which would provide suitable living conditions in relation to access and amenity space.
 21. The officer report outlines that there were no properties for sale in Laughton, but a number were available for sale in Blyton and Scotter, approximately 2 and 3 miles away from Hall Farm respectively. Whilst that position may well have changed in the intervening period, properties in any of those locations, including Laughton, would not be sufficiently close to Hall Farm to enable a rural worker to be within 'sight and sound' of cattle or other animals on the farm needing attention. As such, they would not meet the functional need advanced in this case.
 22. I have been referred to another appeal decision² and the Keen judgement³ in support of the point that the existing farm dwellings are not available to meet the need advanced in this case. Mr W Skelton's 89 year old mother occupies 'The Bungalow', having retired from the farming business in 2001, and the appellants will continue to live in 'The Willows' on retirement. Both have lived in the dwellings for a considerable period of time, and do not wish to re-locate due to long-standing ties with the farm holding and so that they can continue to provide mutual support within the extended family.
 23. LP Policy LP55 requires an assessment of how the size of any proposed dwelling relates to the needs of the business. Although the application was made in outline with all details of the development reserved for later approval, the proposed indicative site plan together with the appellants' evidence indicates that a detached 5 bedroom dwelling with a separate detached garage is proposed.
 24. The functional need for the accommodation outlined above relates to the needs of the business, rather than the personal circumstances of the individuals. The need for the size of dwelling advanced in this appeal is based on the current personal circumstances of the appellants' son who will be taking over the running of the farm. Those circumstances would be likely to change over time, whereas the proposed dwelling would remain in perpetuity. There is nothing in the evidence before me to confirm the current financial circumstances of the business nor whether it could support the existing dwellings on the site, together with the proposed new dwelling.
 25. Overall, and based on the evidence before me, it has not been demonstrated how the size of the proposed dwelling relates to the enterprise, beyond the personal circumstances of the appellants' son who will take over the running of the business. In these circumstances, I cannot be satisfied that the dwelling as

² Appeal Reference APP/Y2003/W/18/3216854

³ Keen v Secretary of State for the Environment and Aylesbury Vale District Council [1996] JPL 753

proposed in this appeal is essential to ensure the effective operation of the business.

26. The Framework seeks to avoid the development of isolated homes in the countryside, unless there is an essential need for a rural worker to live permanently at or near their place of work. LP Policy LP55 restricts development in the countryside to specific circumstances and sets out the criteria against which such proposals will be assessed. The policy criteria in relation to rural workers dwellings is a closed list, and all criteria must be met to comply with the policy.
27. There are representations in support of the proposed dwelling, some of which outline the functional need in this case, which I have dealt with above. Whilst I note the contribution that the business and family make to the social and economic well-being of this rural area, this does not outweigh my conclusion in relation to the main issue in this case.
28. For the reasons outlined above, I conclude that whilst there is a functional need for an additional dwelling on the site to accommodate a rural worker, the proposal would not comply with the requirements of LP Policy LP55 which requires details of how the proposed size of the dwelling relates to the enterprise. In these circumstances, it has not been demonstrated that the dwelling proposed as part of this appeal is essential to the effective operation of the business.

Other Matters

29. I concur with the Council's conclusion that due to the presence of intervening buildings, the proposed dwelling would not interfere with or harm the setting of Hall Farmhouse to the west, which is a Grade 2 listed building. The requirement of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of the listed building has therefore been met.
30. As the appeal is being dismissed and since it will not affect the overall outcome, I make no further comments in relation to other matters including Flood Risk and Minerals safeguarding.

Conclusion

31. For the reasons outlined above and having had regard to all other matters raised, the appeal is dismissed.

Sarah Housden

INSPECTOR