

AGENDA

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

**Planning Committee
Wednesday, 29th March, 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 - 17)
 - i) Meeting of the Planning Committee held on 1 March 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) 145688 - Land to the West of Horsley Road, Gainsborough (PAGES 18 - 37)
- b) 145047 - Land at Good's Farm Meadow Lane Reepham (PAGES 38 - 80)
- c) 145735 - Wesley Road, Cherry Willingham (PAGES 81 - 110)
- d) 145788 - Land adjacent to 16 Westgate, Scotton (PAGES 111 - 130)
- e) 145741 - The Old Rectory Residential Home, Sturton Road, Saxilby (PAGES 131 - 155)
- f) 145504 - Willowbanks Stables, Pelham Road, Market Rasen (PAGES 156 - 173)
- g) 146066 - Land adjacent to 12-14 High Street, Scotter (PAGES 174 - 194)

7. **Determination of Appeals** (PAGES 195 - 203)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 21 March 2023

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 1 March 2023 commencing at 6.30 pm.

Present: Councillor Ian Fleetwood (Chairman)

Councillor Matthew Boles
Councillor Michael Devine
Councillor Mrs Jessie Milne
Councillor Peter Morris
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Mrs Angela White

In Attendance:

| | |
|-----------------|------------------------------------|
| George Backovic | Development Management Team Leader |
| Rachel Gordon | Development Management Team Leader |
| Martha Rees | Legal Advisor |
| Andrew Warnes | Democratic and Civic Officer |

Also In Attendance: Two members of the public

Apologies: Councillor Robert Waller (Vice Chairman)
Councillor David Cotton
Councillor Steve England
Councillor Cherie Hill
Councillor Jeff Summers

102 PUBLIC PARTICIPATION PERIOD

The Chairman made the following statement in connection with comments made by Mr Chris Thomas at the last meeting during the public participation period:-

“At the last Planning Committee held on 1 February 2023 during the Public Participation session, a speech was made by Mr Thomas in relation to the Central Lincolnshire Local Plan and specifically an allocation in the village of Welton, site reference WL/WELT/008A. During the speech Mr Thomas made a number of claims, including that the Prosperous Communities Committee, in May 2022 had previously been misadvised in relation to phasing requirements set out in Policy S80, when considering WLDC’s formal response to the Regulation 19 consultation.

It is correct that the phasing requirements of the site were highlighted as incorrect during this meeting, however this was on the basis that the phasing requirements were incomplete and as well as being phased back by WL/WELT/001 and 007, the site also needed to be phased back from WL/WELT/003 which is the adjacent site.

In Mr Thomas's statement, he had interpreted this as West Lindsey being against the phasing of sites in Welton, a position which is claimed to be without evidence. In fact, the requirement for site 008A to be phased back from the adjacent site was as a result of the assessment of a premature planning application and was to prevent the two-sites coming forward in isolation of one another.

A meeting has since taken place between Mr Thomas and two other members of the Ryland Residents Group and Sally Grindrod-Smith, Rachael Hughes & Russell Clarkson where Mr Thomas has acknowledged that his statement was incorrect and that the Committee had not been misled during the meeting held on 3 May 2022.

As such, for the purposes of the public record, it is confirmed that on 3 May 2022, the Prosperous Communities' Committee was not misled and that the resolution to submit comments to the Central Lincolnshire Local Plan consultation was appropriate and based on sound evidence. The written response to Mr Thomas will also be shared with Committee Members".

There were no new statements, and no further public participation at this point in the meeting.

103 TO APPROVE THE MINUTES OF PREVIOUS MEETINGS

The Chairman made the following statement:-

"Members will see that we have two sets of minutes for approval this evening. It was brought to our attention that the minutes for the 30 November 2022 Planning Committee meeting contained an error in relation to the planning application 145314, Land South of The Ridings.

This was regarding the additional condition that related to drainage, and the S106 agreement. Since the Committee had already approved the minutes of the meeting on 30 November 2022 at the subsequent meeting on 4 January 2023, the Committee needed to reconsider and approve the accuracy of the minutes in order to correct this omission".

RESOLVED that:-

- a) Having regard to the above statement by the Chairman, the minutes of the meeting of the Planning Committee held on 30 November 2022 be confirmed and signed as an accurate record.
- b) The minutes of the meeting of the Planning Committee held on 1 February 2023 be confirmed and signed as an accurate record.

104 DECLARATIONS OF INTEREST

At this point in the meeting, the Chairman and several Committee Members took this opportunity to extend their best wishes to Councillor David Cotton who was recovering from surgery and thanked him for his past contribution to the work of the Planning Committee.

There were no declarations made at this stage in the meeting. Members were reminded that they could at any time make a declaration in relation to any item should they feel it necessary to do so.

105 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee was advised that good progress was being made towards the adoption of the new Central Lincolnshire Local Plan. The Modifications consultation had closed on 24 February; approximately 40 responses had been received. The Joint Strategic Planning Committee was currently finalising a response to these before sending all of them to the Local Plan Inspectors. A full schedule of consultation responses would be available to view on the Central Lincolnshire Local Plans website, under the examination pages.

It was anticipated that following receipt and consideration of the consultation responses the Inspectors would be in a position to issue their final report on the Central Lincolnshire Local Plan. It was still anticipated that the Central Lincolnshire Local Plan would go before the Joint Strategic Planning Committee on 13 April for adoption.

In terms of decision making, the further the Plan progressed towards adoption, the greater the weight that could be attributed to it. However, it was only after adoption that the Plan would carry full weight in determining planning applications.

In response to the Government's consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy, following the Member Workshop held on 22 February, West Lindsey District Council's response had now been finalised and submitted.

The final response had been circulated to Members via Email. There was as yet no indication when the Government would publish its response to the consultation, however relevant information would be shared with Members through the usual channels.

The Government had issued its response to the consultation on biodiversity, net gain regulations and implementation. The key points to note were that the introduction of biodiversity net gain on small sites would be delayed until April 2024. The Government proposed to exempt small self-build and custom-build housing sites householder applications, biodiversity gain sites and development which would impact the habitat of an area smaller than 25 square metres. Local authorities would be provided with additional funding for and further guidance on preparing the introduction of biodiversity net gain. The price of statutory biodiversity credits would be set in May and off-site gains would be added to a new national register.

There remained one day left in which to submit a response, with the consultation closing on 2 March at 11:45pm. As such, Members were encouraged to take a look, particularly at areas of the consultation that impacted on Communities and also to encourage any Parish

Council's or Neighbourhood Planning Groups to consider the consultation content too. The consultation documents could be viewed via the following link:-

<https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy#chapter-3--providing-certainty-through-local-and-neighbourhood-plans>

With regard to local issues, the Hemswell and Harpswell Joint Neighbourhood Plan referendum would take place on 2 March. A successful result would be reported to full Council on 6 March.

Members also heard the Keelby Neighbourhood Plan examination was nearing completion and the Hemswell neighbourhood Plan examination had started.

The Chairman acknowledged that there was quite a lot of information to digest and expressed the hope that in order to keep everyone up to date, a summary would be prepared and circulated to all Members of the Committee.

106 145791 - LAND REAR OF KIRTON ROAD, BLYTON

The Chairman introduced the first application of the meeting, application number 145791, for the erection of 5 dwellings and alterations to the existing bungalow to form a new access on land to the rear of Kirton Road, Blyton. The application was presented to the Committee following third party representations on relevant and balanced planning matters.

The Planning Officer took Members through the detail of the application concerning which there were no updates. Particular reference was made to the highways situation having regard to the objections received.

The Chairman welcomed Mr Martin Furnish, Agent for the applicants, who made a statement along the following lines:-

“Good evening Members of the Planning Committee. I am speaking in support of the proposed development. The site is considered suitable and compatible in scale with the existing settlement and its surroundings. This is borne out by the fact that the site already benefits from outline approval for six dwellings and one replacement dwelling under planning reference 141335. Therefore, the principles of the development have already been agreed.

The outline application had considered access issues and it had been thought that due to the number of plots being proposed an existing dwelling, a bungalow, would have to be removed. A reserved matters application had been submitted in conjunction with the outline approval but retaining the on-site bungalow rather than replacing it. In relation to the access, we were asked by the planners to change the application to a full submission.

It is my understanding that the application has been brought before the Committee only on the matter of retaining the existing bungalow. It should be noted that the scheme before you today is for five new units. Because of the reduction in plot numbers, the requirements for

the new driveway access are not so onerous. The outline approval would have resulted in the need for an access road to be constructed in full accordance with current highway standards regardless of it being a private road. For a small-scale scheme like this the infrastructure costs and highway contributions would make the development unviable.

With driveway unit numbers being reduced to five the access can be kept to a private drive standard, meaning less space is required and this is why retention of the existing building has been considered. Therefore, access can now adequately be achieved without knocking down the existing bungalow. The alternative access design proposed is fully supported by the highway authority.

The point of access onto the highway is in exactly the same position as the outline approval. The driveway has been designed to meet all emergency vehicle access requirements. The existing dwelling has its own driveway and therefore does not impact on the new access, so reducing the number of vehicle movements on the new drive. There is already a significant gap to the side of the existing bungalow which is currently used to gain access onto the grassed paddock at the back which forms the bulk of the development site.

We simply propose to alter the side wall of the existing bungalow by reducing the width of the existing dwelling by only 1.3 metres. The extra space is not to get the driveway in but rather to make the site feel more open and support space for planting. It should be noted that it is significantly more sustainable to retain a structure which in this case, is a fully serviced bungalow in a very good condition, rather than replace it. Retaining the bungalow also means that the street scene is retained.

The site is in a built-up settlement where gaps in development would not normally be expected and should be avoided if possible. The new access will have the appearance of a private drive. The design of the driveway has been completed in such a way that vehicles would be kept to low speeds. The scheme has been sensitively designed in all aspects, respecting neighbouring developments and will not be detrimental to any amenity spaces. This is a very good proposal and should be supported. Thank you for your time.”

The Chairman thanked Mr Furnish for his presentation and then invited the Democratic Services Officer to read out a statement on behalf of Lucy Nunn and the Nunn family as follows:-

“My property is next to the proposed site. I simply feel the access for the amount of homes proposed is not adequate for the volume of traffic it will cause and the location in which it is situated. It can be a daily struggle to have a clear view entering the road from my own driveway as a large percentage of the time vehicles are parked all around the proposed access site which makes it a blind spot, especially when vehicles are parked on the pathway which blocks the view completely.

Over the years there have been many accidents near the proposed access site mainly due to vehicles entering Kirton road at speed when another vehicle is oncoming and therefore, they have hit stationary Vehicles, one being a hit and run leading to the vehicle being written off. It is a danger to life to add more traffic to this part of the road and an accident waiting to happen.

Another concern is the access road to the site is so narrow that if vehicles have to wait on Kirton road when there are already vehicles parked, the awaiting vehicle will have to wait on the wrong side of the road blocking the road completely.

This will have a substantial effect on the homeowners of Kirton road.

Many have raised the issue of the infrastructure not being sufficient for a number of years. Water drainage has been an issue since Bovis homes were developed which many believed caused the flooding of Kirton road and the High Street on a number of occasions.

As our homes are only accessible currently via the road, opening up access to the backs of our property which is currently a closed field could lead to more crimes being committed as it will make our homes more vulnerable.

It will also mean a loss in amenity to our privacy and gardens”.

On being asked to Comment, the Development Management Team Leader stated that surface water from the development would be disposed of on site. It was acknowledged that there had been instances of flooding on fields on the opposite side of Kirton Road. A drainage condition was also recommended.

The Chairman thanked the Democratic Services Officer for reading out the above statement and then invited Mr Neil Williamson to address the Committee as follows:-

“Good evening Committee Members my name is Ian Williamson and I live at number 13, Kirton Road. I have twofold objections to the plan put forward today. The first is similar to that previously referred to, which is the vehicular traffic parked along Kirton Road, outside my property. Frequently, vehicles park across the pavement and further down by number 13A. They clearly will obstruct access and egress and vision to the main road. Vehicles are frequently driving down them, and I say that from the point of view of someone who was a police officer and high-speed pursuit driver. I am more than well aware of the danger that has been caused or can be caused by the vehicles as they drive through the village. My suggestion would be that there is a greater analysis undertaken of the traffic flow through that area to provide a more accurate assessment of the impact of the development.

The second part of my objection relates to the flooding element. Zone 1 which is completely acceptable. However, the rest of the road is in zone 2 which would be impacted by a much higher level of flooding. In fact, this has flooded as recently as 2019 quite substantially. The impact of further housing and the lack of infrastructure I believe would again add further potential damage to the environment by way of flooding danger - on top the traffic conditions I've already mentioned. This is why I believe this particular development of so many properties should be rejected. Thank you”.

On being asked to Comment, the Planning Officer indicated that surface water from the development would be disposed of on site. A drainage condition was recommended.

The Chairman thanked Mr Williamson for his statement and opened the application to formal debate.

Members appreciated the concerns expressed by the speakers regarding the traffic issues but also noted that the highway authority had not objected to the access plans which sought to address those issues. The new access arrangements had been designed to ensure as far as was possible amelioration of the traffic situation currently existing on site. A Member

of the Committee expressed that further action to alleviate the highways situation could be taken by the Highways authority, Lincolnshire County Council. It was also confirmed in response to a query about the practices by Lincolnshire County Council that the Highways department do make regular visits, access was considered, and that the consideration for granting an application was that it could not add to an existing problem.

Members commented also on the landscaping, the hedges, and roof heights. In response to a query about the eaves height, the Planning Officer clarified the position in relation to the hedges and indicated that in order to prevent overlooking and loss of privacy to nearby properties, the permitted development rights would be removed. This issue was provided for within the proposed approval conditions.

Having been proposed and seconded, the Chairman put the application to the vote, and it was agreed by majority vote 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 shall be begun before the expiration of three years from the date of this permission.

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

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

2. Prior to the commencement of the development, full details of both hard **and** soft landscape proposals shall be submitted to, and approved in writing by, the local planning authority. These details shall include, as appropriate, vehicle and pedestrian access and circulation areas; hard surfacing materials; Soft landscaping details shall include details of the existing hedgerows, planting plans; specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate

Reason: In the interests of visual amenity and biodiversity, in accordance with the provisions of the National Planning Policy Framework and policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

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

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

- Site Block Plan 1502J/100;
- Existing Bungalow - Proposed Elevations : 1502J/103
- Existing Bungalow - Proposed Floor Plans: 1502J/102
- Type 1 (RH) - Proposed Floor Plan (Plot 2): 1502J/104
- Type 1 (RH) - Elevations (Plot 2):1502J/105

- Type 1 (LH) - Proposed Floor Plan (Plot 3): 1502J/106
- Type 1 (LH) - Elevations (Plot 3): 1502J/107
- Type 2 (RH) - Elevations (Plots 1 + 4): 1502J/109
- Type 2 (LH) - Proposed Floor Plan (Plot 5):1502J/110
- Type 2 (LH) - Elevations (Plot 5):1502J/111
- Garage Block (Plots 2 & 3) 1502J/112

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

4. The materials used in the development shall match those stated on the application form.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

5. No development, other than to foundations level shall take place until a detailed scheme for the disposal of foul and surface waters have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwellings.

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

6. No development, other than to foundations level shall take place until full details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwellings.

Reason: In order to ensure there is no overlooking and attendant loss of privacy to existing and proposed dwellings in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

7. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual amenity and biodiversity, in accordance with the provisions of the National Planning Policy Framework and policies LP17, LP21 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. Prior to occupation of the new dwellings' full details of the proposed screening to the rear of 13A Kirton Road must be submitted to and approved in writing by the Local Planning Authority and erected in full and retained and maintained thereafter.

Reason: To avoid overlooking and loss of privacy in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

9. Notwithstanding the provisions of Classes, AA, B and C, of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the buildings hereby permitted shall not increase in height with no new windows or alterations to the roof permitted.

Reason: To avoid overlooking and loss of privacy to neighbouring dwellings in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

10. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, and permanently retained

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of biodiversity and the visual amenities of the locality and in accordance with Central Lincolnshire Local Plan policies LP17, LP21 and LP26.

Notes to the Applicant

Comments from LCC Highway Services:

Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. 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>

The access to the proposed development and the existing access to number 15 should be paired, therefore the street lighting column will need to be relocated at the applicants' expense.

Highway Informative 08

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>

Highway Informative 04

The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

107 145953 - MARKET RASEN LEISURE CENTRE, GAINSBOROUGH ROAD, MARKET RASEN

The Chairman introduced the next application of the meeting, application number 145953, seeking permission for the development of a dry leisure centre, together with external sports pitch, this being a variation of conditions 6 and 15 of planning permission 139552 granted on 14 November 2019 – amendments to drawings for drainage and landscaping. The application had been brought before the Committee as West Lindsey District Council was the applicant in this case.

Note: The Chairman made the non-pecuniary declaration that the applicant was West Lindsey District Council. This declaration likely applied to all Members of the Committee.

The Planning Officer gave an overview of the proposal indicating that there were no updates to the published report.

The Chairman advised that there were no speakers on this application and invited comments from Members of the Committee.

Members welcomed the fact that the issues referred to in the report had been identified and that arrangements had been made to address them.

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

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

1. Void

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

None

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

2. The development shall be carried out in full accordance with the Construction Phase Health and Safety Plan (CPHSP) – (PEP Part 2) Rev A dated 7th March 2019 and Environmental Management Plan (EMP) – PEP Part 3 Rev A dated 15th April 2019.

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

3. The tree protection measures shall be carried out in strict accordance with details within Tree protection Root Barrier Plan and Specification Rev 00 dated 28th January 2019.

Reason: To ensure that adequate measures are taken to preserve trees and their root systems whilst construction work is progressing on site in accordance with policy LP17 of the Central Lincolnshire Local Plan.

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

MRLC1-CPM-01-00-DR-A-X-2001 revision C02 dated 12.09.2018
MRLC1-CPM-01-01-DR-A-X-2002 revision C02 dated 12.09.2018
MRLC1-CPM-01-ZZ-DR-A-X-2010 revision C02 dated 12.09.2018
2001 Rev C04 dated 30.11.18

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

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

5. Void

6. The detailed arrangements for the foul and surface water drainage shall be completed in accordance plan 9601 Rev C04 Drainage Plan. The scheme shall be retained and maintained in full in accordance with this strategy.

Reason: To ensure the site is adequately drained in accordance with policy LP14 of the Central Lincolnshire Local Plan.

7. The arrangements shown on the approved plan 2001 Rev C04 dated 30.11.18 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

8. The development shall be carried out in strict accordance with the ecological reports (Extended Phase 1 Habitat Survey by CBE Consulting dated 14 October 2016 and Review of Ecological and Aboricultural Reports by CBE Consulting dated 25 October 2018)

submitted with the application, including provision of any proposed details of habitat protection/ creation.

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

9. The development shall be carried out using the following materials –

Timber cladding – NORclad Scandanvian Redwood 15mm gap
NORclad Scandanvian Redwood 30mm gap

Curtain Wall Frame – RAL 8019

Render – WEBER Mushroom

Brick – IBSTOCK Leicester Multi Cream

Reason: To ensure the materials proposed create a positive appearance and safeguard the character of the surrounding area in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

10. Landscape Management shall be carried out in accordance with the details contained within the Landscape Management Plan (LMP) Ref: INF_N0515 R01 dated 06.03.2020 by influence.

Reason: In the interests of visual and residential amenity in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan.

11. The acoustic fence shall be erected as shown on plan 2001 Rev C04 dated 30.11.18 prior to occupation and maintained and retained thereafter.

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

12. In the event that a complaint is raised to the Local Planning Authority on the grounds of noise within the first 12 months of the development's first use, noise monitoring shall be carried out by a suitably qualified person, subject to a methodology that has been agreed in writing by the Local Planning Authority prior to monitoring works. Should noise be deemed as reaching unacceptable levels (>50dB LAeq, 1hour) by the Local Planning Authority, a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority including a timescale for implementation. Mitigation shall be carried out in accordance with the agreed mitigation strategy.

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

13. The lighting for the site shall be carried out in accordance with the details submitted on Plan MRLC1-EKE-XX-XX-DRE-0111-C04 dated Feb 20 and the details contained within Lighting Design Report by Ansell Lighting Rev A dated 06.03.2020.

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

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

Reason: In order to safeguard human health and the water environment as recommended by Public Protection.

15. The landscaping shall be carried out in accordance with the details submitted on plan 9601 Rev C04 Landscape Plan (wild grassed areas with meadow mix and amenity grass only) and 9601 Rev CO2.

Reason: In the interests of visual amenity and biodiversity in accordance with policies LP17 and LP21 of the Central Lincolnshire Local Plan.

16. Prior to occupation and notwithstanding the technical details required by the highway authority, the footpath and tactile crossing shall be installed in accordance with plan SK008 A.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

17. The development shall be carried out in accordance with mitigation measures included in Noise Impact Assessment to inform Planning Application report ref: 21096R01bPKsw by Environoise dated 16 October 2019.

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

18. Within seven days of the new access being brought into use, the existing access onto Gainsborough Road shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.

Reason: To reduce to a minimum, the number of individual access points to the development, in the interests of road safety.

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

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

20. Construction works shall only be carried out between the hours of 07:00 and 19:00 on Mondays to Fridays; between 08:00 and 13:00 on Saturdays and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

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

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

21. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

22. The use hereby permitted shall not be open to customers outside the following times 07:00 to 22:00 Monday to Sunday and shall not open on Christmas Day, Boxing Day or New Years Day.

Reason: To protect the amenities of adjoining properties and the locality in general in accordance with LP26 of the Central Lincolnshire Local Plan.

23. The lighting for the 3G pitch shall only be illuminated between the hours of 06:45 and 22:15. The illumination shall be in accordance with details in Lighting Impact Assessment Report Issue P02 by built environment consulting Ltd dated 9th January 2019.

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

24. The development shall be carried out in strict accordance with the amended Travel Plan (Framework Travel Plan by Turvey Consultancy Limited dated January 2019).

Reason: To ensure that access to the site is sustainable and reduces dependency on the car in accordance with the National Planning Policy Framework.

25. Plant noise shall not exceed background noise (41dB LA90(15min) for daytime and 29dB LA90(15min) for night-time as per details within the Noise Impact Assessment to inform Planning Application report ref: 21096R01aPKsw by Environoise dated 09 January 2019.

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

108 DETERMINATION OF APPEALS

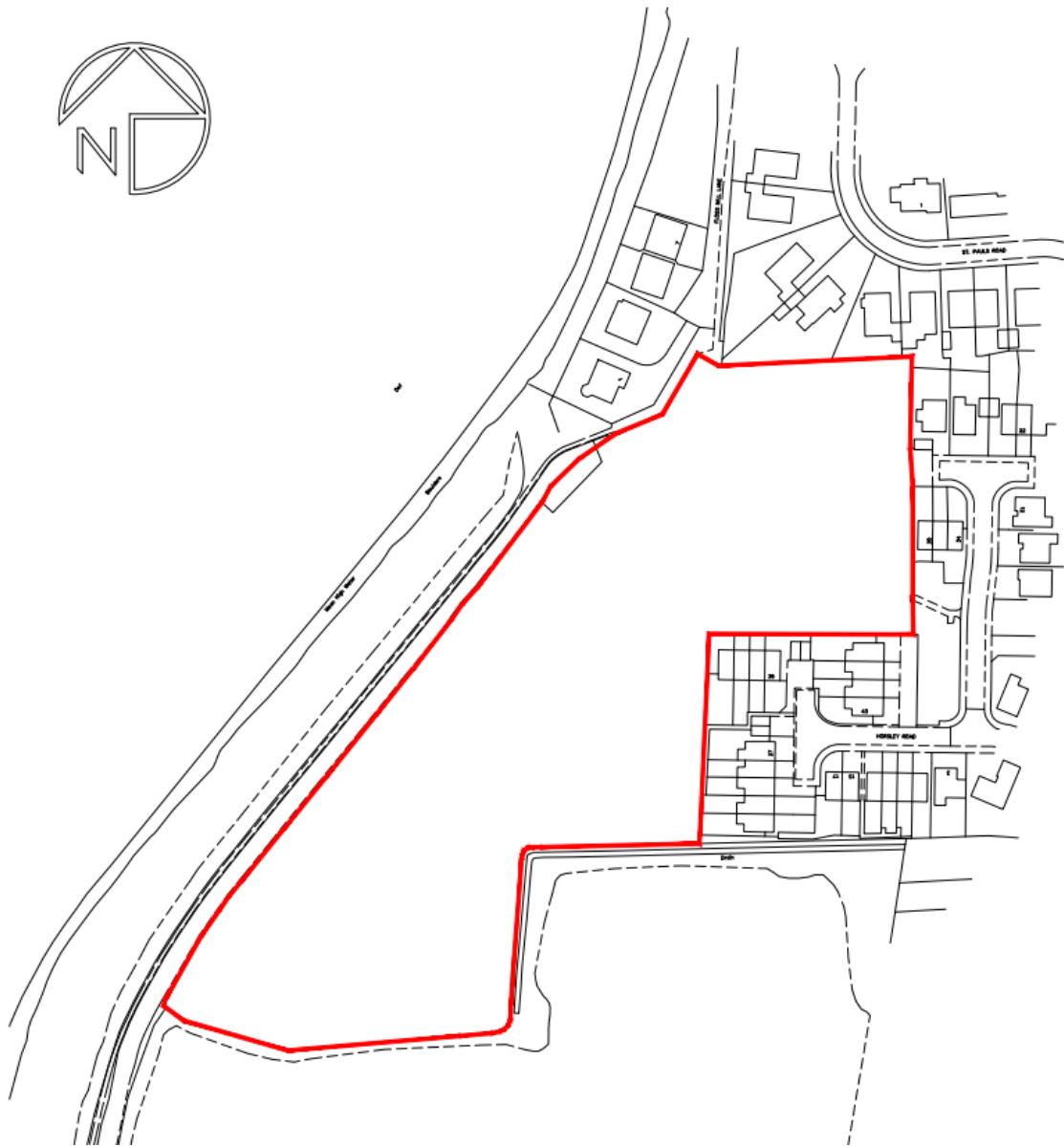
The determination of appeals was **NOTED**.

The meeting concluded at 7.07 pm.

Chairman

Agenda Item 6a

Site location plan 145688



Officers Report

Planning Application No: 145688

PROPOSAL: Application for approval of reserved matters to erect 49no. dwellings considering appearance, landscaping, layout and scale, following outline planning permission 136577 granted 30 October 2019.

LOCATION: Land to the West of Horsley Road Gainsborough DN21 2TD

WARD: Gainsborough North

WARD MEMBERS: Cllr M D Boles, Cllr J Snee, Cllr K R Panter

APPLICANT NAME: North Country Homes Ltd

TARGET DECISION DATE: 17/01/2023

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Rachel Gordon

RECOMMENDED DECISION: Approve reserved matters of appearance, landscaping, layout and scale.

The application is presented to committee at the request of Ward Member Cllr Snee, and at the request of the Planning Committee at its meeting on Wednesday 1st May 2019, when it resolved to grant outline permission 136577

Minutes from the planning committee of the outline application state that “any future applications for planning permission, outline planning permission or reserved matters for this site be heard by Committee”¹

Description:

The application site sits between the River Trent and a residential neighbourhood of Gainsborough, just south of its border with the village of Morton. The area is predominantly residential in nature with the exception of John Coupland Hospital to the south-east and Roses Sports Ground to the south. The site has been unused for some time and comprises scrubland with some self-seeded vegetation. It is irregular in shape and stretches to 2.03 hectares in size. The western boundary of the site mainly comprises a flood defence banking, beyond which is the River Trent. Beyond the north-western corner is a small new-build development of 4no. detached dwellings at the end of Floss Mill Lane, a dead-end culminating at the application site boundary. The northern boundary comprises the rear boundaries of the residential bungalows that front onto St Paul’s Road. The eastern boundary is stepped around a new build Gladedale housing site, which has now been completed. The site is located in Flood Zone 3 and benefits from the existing flood defences along the River Trent. There are no Public Rights of Way running through the site. A Public Footpath runs along the top of the flood defence bank between the site and the River Trent.

¹ <https://democracy.west-lindsey.gov.uk/mgAi.aspx?ID=9690>

The application seeks approval of reserved matters relating only to **appearance, landscaping, layout** and **scale**, following the grant of outline planning permission for 49 dwellings (ref 136577) on 30 October 2019. **Access** was determined at the time outline permission was granted, and is not a reserved matter seeking approval.

Relevant history:

134824 – Outline planning application for the development of up to 49no. dwellings, with access to land to the west of Horsley Road, Gainsborough to be considered and not reserved for subsequent applications. Withdrawn 15/11/16.

136577 – Outline planning application for the development of up to 49no. dwellings, with access to land to the west of Horsley Road, Gainsborough to be considered and not reserved for subsequent applications - resubmission of 134824. Permission granted 30/10/2019

Representations made in relation to the application, the substance of which are summarised below (full representations can be viewed online):

Cllr Snee: I would like to "call in" this application as a Ward Councillor. I have been approached by several residents who are clearly concerned about the impact that a new development will have on the existing properties and surrounding areas.

Gainsborough Town Council: Has no comments to make.

Morton Parish Council: On behalf of Morton Parish Council we wish the following objections to be noted in respect of planning application 145688. There are concerns regarding access issues with the current entrance already causing a potential risk to motorists. Considering that this is the only access in and out of the estate and taking into account the size of the proposed development and additional vehicles this is insufficient. We feel that this would also cause an issue for emergency services making access unfeasible due to congestion. The increase in road traffic and potential parking issues would have a huge impact on the already congested roads around the area. With regard to the land identified for development this is known flood land and the risk of flooding causing damage to existing resident's homes and properties high. This development will also cause damage to the natural environment and wildlife living therein which is unrepairable. We also have concerns regarding site access from Front Street through to Floss Mill Lane as this would cause safety and congestion issues. Floss Mill Lane is a single carriage and any access for large heavy machinery would be extremely difficult due to the sharp left-hand turn and residents parking.

Local residents: Objections received from 12, 14, 28 and 29 Horsley Road, 7

Trentside, Morton and Aegir, 3 Floss Mill Lane with the main concerns –

- The land is at a huge risk of flooding
- This plot of land is a flood plan
- Infrastructure is not in place to build on this land
- Access is an issue along with parking

- Sewage infrastructure would not withstand adding that many houses
- Construction traffic will be a huge risk and danger to the local residents
- Land would be better as a nature reserve
- Loss of light
- Impact to wildlife
- Noise impacts from building work

LCC Highways and Lead Local Flood Authority: 11/11/22 – Comments regarding drainage: Please request the applicant submit a detailed drainage strategy with supporting information which is to include an intrusive Ground Investigation Report. Please provide required consents to discharge to water course. Please confirm how the flood impact on the adjacent site will be mitigated

Comments regarding layout: Please ensure sufficient parking provision for the 4 bed properties which should have enough room to allow 3 cars to park without obstructing turning heads or private drives. Please ensure that driveways for plots 46, 47, 33 and 34 are long enough to allow 2 cars to park without over hanging onto the swale Please confirm if the footway will extend from Horsley Road into the new site to the north side of the access? Please note that following updated policy, there is no longer a requirement for street lighting to be provided on new sites proposed for adoption, however if the developer wishes to provide street lighting a commuted sum may be applied.

28/02/23 – No objections.

LCC Education: As a reserved matters application, all education mitigation should have been resolved at the outline stage; consequently, LCC has no comments in relation to education.

Environmental Protection: Environmental Protection did not recommend the conditions referenced above, and, as such, have no comments to make.

Natural England: Has no comments to make on this reserved matters application.

Environment Agency: No objections.

Idox checked – 02/02/2023

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

Development Plan

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

Relevant policies of the CLLP include:

LP1: Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP9: Health and Wellbeing

LP10: Meeting Accommodation Needs

LP11: Affordable Housing

LP12: Infrastructure to Support Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

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

LP25: The Historic Environment

LP26: Design and Amenity

LP38: Protecting Gainsborough's Setting and Character

LP40: Gainsborough Riverside

LP41: Regeneration of Gainsborough

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

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

Relevant policies of the NP include:

NPP 1 Sustainable Development

NPP 3 Creating a Local Green Network

NPP 5 Protecting the Landscape Character

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

NPP 8 A Mix of Housing Types

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

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

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and forms part of the Development Plan. The application site is within a Sand and Gravel Minerals Safeguarding Area (MSA) and policy M11 applies.

<https://www.lincolnshire.gov.uk/directory-record/61697/minerals-and-waste-local-plan-core-strategy-and-development-management-policies>

National policy & guidance (Material Consideration)

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

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

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

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

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

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

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

- **Draft Central Lincolnshire Local Plan**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation.

On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination. Examination commenced on 15th November 2022 and closed on 16th December 2022. Consultation on the post-examination modifications to the Plan, commenced on 13th January 2023 and closed on 24th February 2023.

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

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

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan-review/#:~:text=The%20Local%20Plan%20Review%20is,it%20to%20commence%20its%20examination.>

Main issues

Outline planning permission has already been granted for up to 49 dwellings with access taken directly from Horsley Road.

This application considers **only** whether to approve the outstanding matters of **layout, appearance, scale** and **landscaping**, that were reserved for subsequent approval (‘reserved matters’).

- Layout, Appearance and Scale
- Landscaping (including Biodiversity)
- Other Matters - Drainage
- Other matters - Residential Amenity

Assessment:

Permission has been granted for up to 49 dwellings, with access taken directly off Horsley Road

This application will only seek to consider whether to approve the outstanding reserved matters – layout, appearance, scale and landscaping, following that permission.

Layout, Appearance and Scale

For planning purposes²:

² Article 2(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

“appearance” means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

“scale” except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;

Local Plan Policy LP26 relates to design and amenity and 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.

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

Policy LP13 (q) states to ensure that appropriate vehicle, powered two wheeler and cycle parking provision is made for residents, visitors, employees, customers, deliveries and for people with impaired mobility. The number and nature of spaces provided, location and access should have regard to surrounding conditions and cumulative impact and set out clear reasoning in a note submitted with the application (whether that be in a Design and Access Statement / Transport Statement / Transport Assessment and/ or Travel Plan as appropriate, depending on the nature and scale of development proposed).

Policy LP38 states that proposals for development should seek to make a positive contribution to the built and natural environment and quality of life in Gainsborough.

Policy NPP6 of the NP states that development should be of a high design quality that will contribute to the character of Gainsborough Parish.

Policy NPP8 of the NP states that as appropriate to their scale and nature, development proposals should be designed to take account of the Character Area within which they are located.

The national design guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. This guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

The guide was published 1st October 2019.

Condition 4 of outline permission 136577 states -

4. The reserved matters required by condition 2 shall detail dwellings of no more than 3 storeys in height and provide details of the types and sizes of dwellings. Development shall proceed in accordance with the approved details.

Reason: In the interests of preventing harm to the character and appearance of the area and to create mixed and balanced communities in accordance with Policies LP10 and LP26 of the Central Lincolnshire Local Plan.

A mixture of 2, 3 and 4-bedroomed, 3-storey properties will be provided across the site. The 2- bedroomed properties are all semi-detached, the 3-bedroomed properties are a combination of semi-detached and detached, and the 4-bedroomed properties are all detached. The site provides a good range of housing sizes and types:

- 19 no. 2-bedroomed semi-detached
- 12 no. 3 bedroomed semi-detached
- 12 no. 3-bedroomed detached
- 6 no. 4-bedroomed detached

The proposal would accord with condition 4 of outline permission 136577.

Specific material details for certain elements have not been submitted. Bricks are proposed as Butterley Buff and Red Village Sunglow. Final details can and should be subject to a condition.

A number of key principles have been used in designing an appropriate scheme for the site –

- Varied, safe and easily legible internal road layout and hierarchy. The change between main access road and the shared surface of the private driveways creates a sense of place and transition of character.
- Use of perimeter blocks, ensuring property boundaries within the site and those existing externally to the site appropriately respond to each other. This design principle ensures the street scene is well overlooked by properties, ensuring residents feel safe within their neighbourhood. It also avoids unnecessary blank vistas and boundary treatments.
- Careful consideration of appropriate landscape provision.

- Provision of an extensive and varied amount of POS and green open space. A local equipped area for play will be provided near the vehicular access to the site. This formal space is well positioned to be enjoyed by new residents within the site and those residing within the neighbouring residential properties external to the site. A further extensive area of useable green open space will be provided in the south-west corner of the site, providing an appropriate transition between the built element of the development and the footpath along the River Trent. Areas of incidental green open space will be scattered throughout the development: to the rear of the properties along the western boundary where the land runs along the side of the flood defences; around the attenuation feature to the south; in the vicinity of the attenuation feature adjacent to the play area in the north; and adjacent to the emergency access route in the northwestern corner. In addition, a 4m strip is reserved along the south of the main access road to accommodate drainage swales.

- Provision of appropriate levels of private amenity space. Each plot is set back from the road or private driveway frontage enabling front curtilage space to be provided. In addition, each property has a substantial private garden space to the rear.

The properties are provided with in-curtilage car parking. Each property has an in-built car port to accommodate one vehicle and additional parking space on the driveway.

This is considered to be satisfactory for the 2-3 bed properties with 2 spaces each. However, the 4 bed dwellings would require 3 parking spaces each according to Lincolnshire County Council Guidance and proposed policy S49 of the submitted Central Lincolnshire Local Plan.

The current local plan does not prescribe parking standards. However, the draft local plan, a material consideration, does.

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.

Upon looking at the objections to the parking standards. There are none that specifically relate to parking numbers for residential 4 bed homes. The draft parking standard may be given weight in the consideration. The inspector has released the main modifications to the draft CLLP and there are no modifications to policy s49 which relates to parking standards.

The applicant has amended the layout to accord with the parking requirements of the draft plan.

The parking provision is now as follows –

2-3 bed dwellings – 2 spaces

4 bed dwellings – 3 spaces

All dwellings incorporate an integral open carport, where required, the driveway is extended beyond the rear of the dwelling to maintain parking provision.

This is now considered to be acceptable and that the proposal would provide adequate parking.

The proposal, subject to conditions, is considered to be in accordance with policies LP13, LP17, LP26 and LP38 of the CLLP and policies NPP6 and NPP8 of the NP.

Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies LP13, LP17, LP26 and LP38 of the CLLP and policy NPP6 of the NP are consistent with the NPPF and attached full weight.

Landscaping and Biodiversity

“landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

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.

Policy LP21 states that all development should:

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

A landscaping plan has been submitted along with details of the LEAP.

Condition 5 of the outline planning application required an Arboricultural Method Statement.

This has been submitted with the application and has satisfied the requirements of the condition.

Various tree planting is offered around the site and include the following –

Rowan
Whitebeam
Bird Cherry
Wild Cherry
Malus John Downie
Silver Birch
Juneberry
Alder
Field Maple

Various shrub and hedge planting include the following -
Viburnum tinus

Vinca minor
Lonicera nitida 'May Green'
Lonicera nitida 'Baggesen's Gold'
Lavandula angustifolia 'Hidcote'
Hebe 'Sutherlandii'
Hypericum calycinum
Euonymus fortunei 'Silver Queen'
Euonymus fortunei 'Emerald 'n' Gold'
Brachyglottis 'Sunshine'

The landscaping is considered to be acceptable and appropriate for this location.

Condition 6 of the outline application stated -

6. The reserved matters required by condition 2 shall detail the provision of local useable green space in accordance with the requirements of Policy LP24 and Appendix C of the Central Lincolnshire Local Plan and Central Lincolnshire Developer Contributions Supplementary Planning Document Adopted June 2018 and an implementation timetable and in perpetuity maintenance and management arrangement for all areas outside residential curtilage within the development. Development shall proceed in accordance with the approved details.

Reason: To ensure appropriate on site open space is provided, maintained and managed in accordance with Policy LP24 and Appendix C of the Central Lincolnshire Local Plan and Central Lincolnshire Developer Contributions Supplementary Planning Document Adopted June 2018.

Policy LP24 requires a development of 49 dwellings to provide the following –

- Landscaping and associated Planting scheme
- New access/links to existing green networks including Public Rights of Way network
- Water management including SUDS
- Habitat protection and creation and biodiversity enhancements
- On site provision of Local Useable Green space

Landscaping along with its management and specification have been submitted with the application. The application should be conditioned to be in accordance with these details.

The proposal provides a footpath to connect with the existing riverside walk and water management has been dealt with (as discussed in the drainage section below)

Concerns have been raised with regards to the impact to wildlife. Ecological mitigation was conditioned in the outline and details are required prior to development as per the below –

8. No development shall take place until a detailed scheme of ecological mitigation, enhancements and a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To secure ecological mitigation and enhancements in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

There is onsite provision of open space as required by policy LP24 including a children's play area/Local Equipped Area of Play (LEAP). The children's play area (LEAP) is to be managed and maintained by a management company. This will be conditioned for details to be provided prior to occupation.

The landscaping and open space is considered to be appropriate for the area with sufficient planting, and meets the requirements of condition 6 of the outline permission and policy LP24.

The proposal, subject to conditions, is considered to be in accordance with policies LP17, LP21 and LP24 of the CLLP.

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

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

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

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

Policies LP17 and LP21 are in accordance with the NPPF and is attached full weight.

Drainage

Outline permission 136577 condition 7 stated the following –

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

The scheme shall:

a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an

- allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;*
- b) Provide attenuation details and discharge rates which shall be restricted to 7.5 litres per second (Qbar rural);*
 - c) Provide further cctv investigation of the culvert at the east end of southern ditch to ascertain its full route, its purpose and condition along with any necessary remedial works required;*
 - d) Provide the incorporation of the southern and northern ditch drainage into the proposed sites specific drainage strategy;*
 - e) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and*
 - f) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.*

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

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, neighbouring land and property in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

It is intended for the proposed foul water system to convey flows to the existing combined sewer located Greystones Road. This will be via the installation of a new foul sewer crossing the land located south of the development site. Permission will be sought with the land owner. This proposal is subject to relevant approvals. Surface water flows from the site are to be restricted to the agreed discharge rates with the Local Authority's drainage engineer, with surplus flows to be attenuated on site. The current proposals are to utilise the River Trent as an outfall for surface water flows, subject to relevant approvals.

Whilst not a matter for this application, as drainage is conditioned in the outline application, drainage can have an impact on the layout of a scheme. However, the drainage strategy would not be expected to affect the layout as submitted. It is considered the development as laid out can be effectively drained.

LCC Highways and Lead Local Flood Authority have been consulted on the application and raise no objections.

It is considered that the drainage, subject to conditions, is in accordance with policy LP14.

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

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

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

Residential Amenity

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

There are no concerns raised with regards to residential amenity. There are adequate separation distances throughout and ample garden spaces.

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

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

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

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

Other matters

There will be an element of noise during the construction phase. However this is normal during development. Should the noise be of a concern and unacceptable nature, this would be a matter for Environmental Protection. However, condition 9 of the outline permission does require Construction Method Statement. This condition stipulates that they have to provide detail on the following in order to safeguard the amenity of surrounding residents. The following detail has to be approved prior to construction and adhered to throughout the construction period –

- the routing and management of construction traffic;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel cleaning facilities;
- measures to control the emission of dust and dirt during construction;
- the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site

The applicant has submitted a viability report with regards to the contributions secured at outline. Those contributions are secured through a S106 Planning Obligation and the applicant is legally obligated to adhere to them. The S106 could only be renegotiated on a voluntary basis between the applicant and local planning authority; or, where the agreement is more than 5 years old, then via an application. However, this is not a matter for this application which is considering only whether to approve appearance, landscaping, layout and scale matters.

Conditions 5 (Arboricultural Method Statement) and 6 (Local useable green space) of the outline application 136577 have been satisfied in this application and can be discharged.

Conclusion

The proposal has been considered against the Development Plan namely policies LP1: Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP9: Health and Wellbeing , LP10: Meeting Accommodation Needs , LP11: Affordable Housing , LP12: Infrastructure to Support Growth , LP13: Accessibility and Transport , LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP24: Creation of New Open Space, Sports and Recreation Facilities, LP25: The Historic Environment, LP26: Design and Amenity, LP38: Protecting Gainsborough's Setting and Character, LP40: Gainsborough Riverside and LP41: Regeneration of Gainsborough in the Central Lincolnshire Local Plan, policies NPP 1 Sustainable Development, NPP 3 Creating a Local Green Network, NPP 5 Protecting the Landscape Character, NPP 6 Ensuring High Quality Design, NPP 7 Ensuring High Quality Design in each Character Area and NPP 8 A Mix of Housing Types in the Gainsborough Town Neighbourhood Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. In light of this assessment, the access, scale, layout, appearance and landscaping are considered acceptable. The proposal would not have a detrimental impact on the character of the area, residential amenity, highways and does not conflict with neighbouring land uses.

The applications is recommended for approval subject to the following conditions –

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

None

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

None

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

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

1138-2 F
1138-10
1138-11
1138-12
1138-13
1138-14
1138-15
1138-16
1138-17
2B-01
2B-02
3B(A)-02
3B(B)(det)-01
3B(B)(semi)-01
3B(B)-02
4B-01
4B-02
5007/1 Rev A
5007/2 Rev A

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

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

2. No development, other than to foundations level, shall take place until details of 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.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene in accordance with the NPPF and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

3. Prior to occupation, details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan.

4. The landscaping shall be carried out in accordance with the following drawings –
5007/1 Rev A
5007/2 Rev A

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. Landscape management and maintenance shall be carried out in accordance with the details on plan 5007-3 Rev A and contained within the Landscape Management Specification by Blue Hill Landscape Design.

Reason: To ensure that appropriate management and maintenance of the landscaping is introduced and carried out in accordance with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

6. Prior to occupation, details of the management and maintenance of the children's play area (LEAP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out on accordance with the approved details.

Reason: To ensure that appropriate management and maintenance of the LEAP is introduced and carried out in accordance with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

7. Development shall be carried out in accordance with the details contained within the Arboricultural Report by Enviroscope consulting dated October 2022.

Reason: To safeguard the appearance and future well-being of the tree(s) in the interests of the visual amenity of the area in accordance with policy LP17 of the Central Lincolnshire Local Plan.

8. The Local Useable Green Space identified on plans 5007/1 Rev A and 5007/2 Rev A shall be retained as such, and in perpetuity.

Reason: In the interests of amenity in accordance with policies LP17 and L26 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:

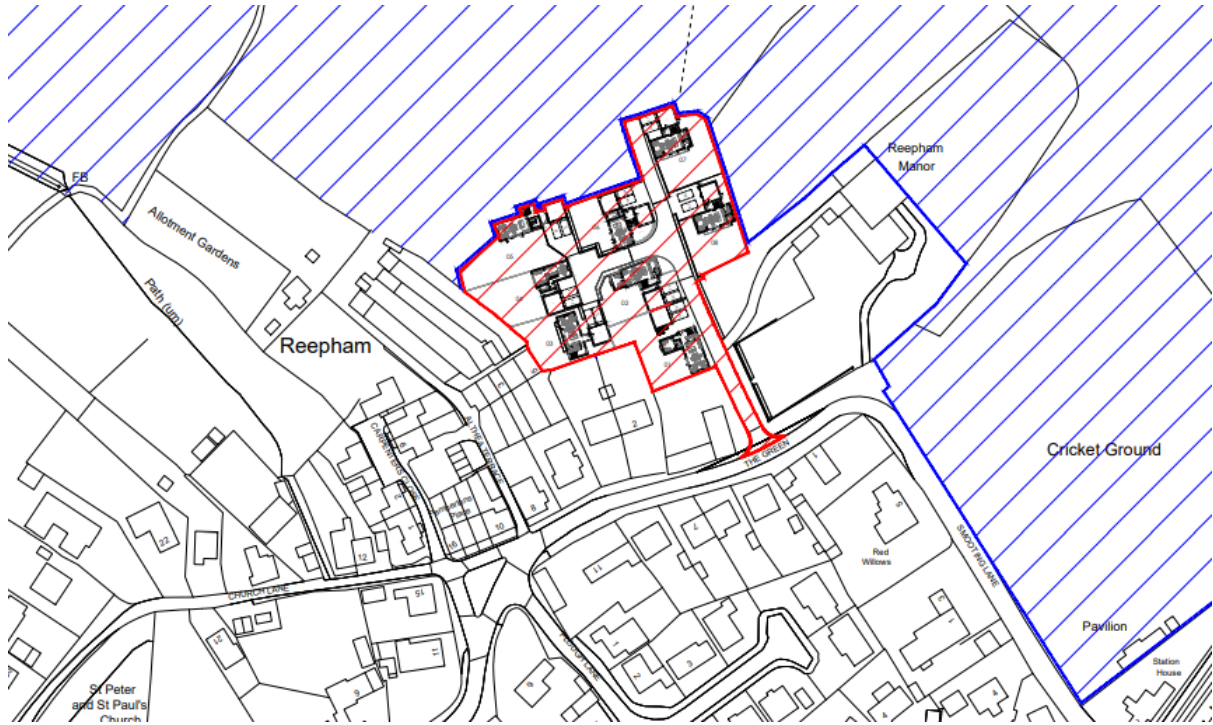
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Agenda Item 6b

Site Location Plan, Goods Farm, Meadow Lane, Reepham 145047



Officers Report

Planning Application No: 145047

PROPOSAL: Planning application to erect 8no. dwellings.

LOCATION: Land at Good's Farm Meadow Lane Reepham Lincoln LN3 4DH

WARD: Cherry Willingham

WARD MEMBER(S): Cllr Christopher Darcel, Cllr Cherie Hill and Cllr Mrs Anne Welburn

APPLICANT NAME: M Good and Son Ltd.

TARGET DECISION DATE: EOT to 30/03/2023

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Defer and delegate approval to officers' subject to completion of a Unilateral Undertaking under S106 not to commence construction of the plots (7 and 8) until such time that an order to divert footpath Reep/129/1 has been confirmed.

This application has been referred to the Planning Committee because of objections from the Parish Council and other third parties, and in view of the planning history of the site.

Description:

The application site is located to the northern edge of the village of Reepham. The site has an area of approximately 0.49ha and principally comprises a number of farm buildings positioned either side of a concrete and rough tarmac apron, with a grassed area to the west. Beyond this is the end of a terraced block, 1 to 5 Althea Terrace with long amenity areas to the rear leading to outbuildings including garaging. To the north of the site is open farm land. The front portion of the farm yard falls within the Reepham Conservation Area.

The farm yard entrance is located on The Green and is positioned between Reepham Manor a large detached dwelling in substantial grounds and 2 The Green a dormer bungalow. This access includes a public bridleway (Reep/51G129/10) and right of way (Reep/129/1).

To the western side of the entrance is a traditional brick barn building with a hipped cement fibre roof. This is located at the back edge of the highway with a narrow grass verge.

It is proposed to erect 8 detached dwellings. Planning permission is sought in full.

The Green is proposed to be slightly realigned using some of the grass verge on the southern side and tying into the respective existing widths either side of the proposed access. The widening into the grass verge utilises land that forms part of the adopted highway.

Plot 1: A 4 bed pitched roof detached dwelling in an inverted “r” shape. The main body of the house is approximately 14.9m x 16.2m with a two storey off shoot to the rear approximately 4.9m x 6.1m. Eaves height is 5.6m rising to a ridge of 8.6m. A pitched roof double garage set back approximately 7m within its plot and attached to a double garage serving plot 2 is proposed. Eaves height is 2.5m rising to a 6.3m ridge. A home office is proposed in the roof of the garage accessed by an external staircase.

The off shoot to the rear is closest to the side of the rear garden of 2 The Green at a distance of approximately 8.5m with the main house approximately 13.9m distant.

Plot 2: A four bed pitched roof detached dwelling with the main body of the house measuring 6.2m x 12.6m with a two storey off shoot to the west setback from the front and rear elevation and just below the main ridge, measuring 5.4m x 3.8m. Eaves height is 5.2m rising to a ridge of 8.4m.

A pitched roof double garage set back approximately 7m within its plot and attached to a double garage serving plot 1 is proposed. To the south is a link to the double garage with a 5th bedroom in the roofspace.

It does not neighbour existing housing.

Plot 3:

Two Storey 3 bed detached pitched roof house 6.6m x 12.98m. Eaves height is 5.5m rising to an 8.8 m ridge. At right angles attached to the house is a double garage with a “snug living “space within the roof illuminated by roof lights.

At its closest it is approximately 10m from the side of 5 Althea Terrace to the west rising to a maximum of 12m

Plot 4:

A two storey 3 bed detached pitched roof house in an “r” shaped layout. The main body of the house measures 12.5m x 5.6m. Maximum eaves height is 5.1m rising to a ridge of 8 m. A gable roof projection from the south east elevation contains bedroom 2 next to the attached double garage

At its closest it is approximately 13m from the rear garden/amenity area of 5 Althea Terrace rising to a maximum of 22 metres.

Plot 5: A four bed pitched roof detached dwelling with a two storey glazed pitched roof link to a double garage with an office in the roof space above. There is a two storey small pitched roof projection to the rear containing a staircase and landing area

The main body of the house is rectangular in shape and measures 14.9m x 5.9m. Maximum eaves height is 5.4m rising to a ridge of 8.6m. The materials proposed for the house and garage are red brick with a grey slate roof.

It is located next to plot 4 and plot 6 and in terms of existing housing at its closest it is located 24m from the rear of 5 Althea Terrace to the west.

Plot 6:

This is a two storey 3 bed pitched roof detached house with an attached double garage. There is a two storey and single storey projection at a right angle to the front elevation. The two storey section has a large entrance hall and stairs at ground floor with the stairs continuing to a landing and bathroom at first floor. The ground floor projection is labelled as “snug living”.

The main body of the house measures 12.8 m x 6m. Maximum eaves height is 5.3m rising to a ridge of 8.8m.

Plot 7: This is a 3 bed two storey pitched roof detached house in an inverted “I” shape with a projection to the north of a double garage with something labelled a “snug living” area above. The main body of the house measures 13m x 6m. Maximum eaves height is 5.6m rising to a ridge of 8.7m.

It is not located in close proximity to existing housing with plots 6 and 8 to the south.

Plot 8:

This is identical to plot 7 with the only difference being the materials. The house will be in buff brick with a red clay pantile roof. The garage will have grey/black cladding to the walls with a red clay pantile roof.

Relevant history:

138041 -Planning application for erection of 25 dwellings, including the reconstruction of the existing barn and boundary walls to facilitate its use as a single dwelling, associated garaging, car parking, access roads, landscaping, public open space and footpaths. This was refused planning permission on 9th October 2018 for the following reasons:

1. The proposed development would be contrary to the spatial strategy set out within policies LP2 and LP4 of the Central Lincolnshire Local Plan (2017) by proposing a development significantly over 9 dwellings within a medium village without the demonstration of clear local community support or adequate exceptional reasons to justify this over provision.

2. The proposed development would detract from the character and significance of the area, extending the development into the open countryside and in a location beyond the core shape and form of the village without proper consideration of other potentially more appropriate locations. In addition to this, the proposal would require the removal of an important building within Reepham Conservation Area and would detract from the setting of a grade II* listed church of St Peter and St Paul. In addition to this, insufficient

information has been provided to prove that the site is not of archaeological interest. The proposals would therefore be contrary to policies LP2, LP4, LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and provisions of the NPPF.

3. The proposed development would not provide a suitable housing mix to support sustainable development through providing insufficient affordable housing to assist to meet the housing need of Central Lincolnshire contrary to policy LP11 of the Central Lincolnshire Local Plan.

4. Insufficient evidence has been provided to show that protected species known to use the traditional barn would not be harmed contrary to policies LP21 of the Central Lincolnshire Local Plan.

138941 - Planning application for demolition of brick-built barn, and alterations and rebuilding of stone boundary wall. This was refused on 15.03.2019.

Appeals were subsequently lodged and both applications were considered at a Public Hearing Held on 24th and 25th November 2020. Both appeals were dismissed on 15th December 2020.

Representations:

Chairman/Ward member(s): Cllr Welburn requested the application be determined at planning committee.

Reepham Parish:

09.02.23: Whilst the Parish Council acknowledge and welcome the minor amendments made to the design of some of the proposed dwellings, they do not address the vast majority of the concerns that were raised by the Council in its initial response submitted to WLDC on 21 June 2022. In particular, they do not address:

1. The concerns regarding site access and the impact the current proposal has on the existing properties along The Green.
2. The scale and mass of the proposed buildings and how they would totally dominate the surrounding bungalows and terrace houses.
3. The adverse effect on the existing character of the conservation area in general and the neighbouring residents in particular.

20.07.22: Reepham Parish Council welcomes the reduced scale of development compared to previous applications, it's containment within the footprint of the existing farmyard and also the retention of the historic barn. However, concern remains on the detrimental effect on the Conservation Area that would be caused by the proposed dwellings and the realignment of the public highway. The residential properties in that area of the village are bungalows and relatively low-rise terraced houses. The historic barn is of similar proportions. The height and mass of the proposed houses are totally out of proportion and would dominate the area. The proposed realignment of The Green would result in steeply sloped accesses to bungalows on the opposite side of the road, reduced grass verges and adversely affect the general character of the conservation area. Increasing the width of the initial section of the access road into the development, by extending it towards the

garden wall to the east, would significantly reduce the visual impact of any new access road whilst still maintaining access for larger vehicles. It is noted that the application documentation does not include a detailed topographic survey to provide a record of existing land levels. Unfortunately, the floor levels of the newly constructed properties on Fiskerton Road are significantly above the original ground levels and this has inevitably increased their visual dominance and adversely affected neighbouring properties. It is therefore requested that a detailed topographic survey record be obtained and that any approvals relating to this site specify that finished floor levels are no more than 200mm above the existing ground level beneath the building's footprint. This would control the height of any buildings. The applicant has explained that the area to the north of plot 06 that presently falls within the footprint of one of the farm buildings was not included within the site in order to limit the encroachment into open countryside. Whilst this is welcomed, any future approval should be conditional on the remains of that building being totally removed and the area being returned to agricultural use in order to minimise the risk of the development creeping northwards in the future. In summary, the proposed houses and the realignment of the public highway would be at odds with Policy LP25 of the Local Plan, which states that development within a Conservation Area, or affecting its setting, should preserve features that contribute positively to its character, appearance and setting. The present proposals do not.

Local residents:

Letters objecting to the application, have been received from:

5 Station Road; 1 Althea Terrace; 4 Althea Terrace; 5 Althea Terrace;
1 Church Lane; 15 Church Lane; 16 Church Lane; 1 The Green; 2 The Green;
5 The Green; 11 The Green; 14 The Green; 5 Smooting Lane;
5 Station Road; 4 Carpenters Close

Summary of objections with full details available on website:

Design not in keeping with the village; Houses too large: They will be dominant in the same way that the unfortunate new houses recently built on Fiskerton Road dominate existing properties. The height and mass of the proposed new buildings are out of scale with the surroundings and are inappropriate in the Conservation Area; Negative impact on character of Reepham and conservation area; Not a brownfield site on agricultural land; Loss of grass verge damaging; Plots 3 and 4 in particular would dwarf our property and Althea Terrace; Highway safety already existing issues about this with narrow roads - removal of the 1.5 metres outside the property will make the drive very steep for my elderly parents; More than sufficient room to provide an offset junction towards the Manor House garden wall without any need to realign The Green; Development of this site would be a gateway to further development and a further loss of historical views within a conservation area;

The position of my property in relation to the road is most certainly not accurate in the drawings and so the impact of any southwards relocation of

the highway on the amenity of my property cannot be properly assessed using them; Impact of demolition on quality of life; This area is currently a particularly peaceful and tranquil part of the village conservation area. These qualities are enjoyed by those that live nearby which will be destroyed by this application; Dwellings represents the creation of an additional enclave of exclusivity available only to purchasers of a certain socio-economic consideration; I refer to a nearby recent development on Mayfair Close in Cherry Willingham, where owners/residents of properties built more recent than that of ours', and Althea Terrace (and may I add, not within a conservation area), were very dissatisfied and concerned that they were to lose their privacy rights. Therefore, the developer was only granted planning permission if all first floor, and above windows were installed using 'frosted glass' only. We ask for this to be a compulsory requirement, for the lifetime of all properties, if of course planning permission is granted for the proposed development (145047).

I am concerned about the road layout through the proposed development straight out into open countryside. I can't help but think this application for 8 dwellings is only stage 1. Assuming this is approved there is a risk that another and another application will follow.

I disagree with the assessment that this proposed development would have a minimal impact on the Conservation Area. In fact, this north-east quadrant is arguably the most sensitive part of the of Conservation Area

Plans for the new properties show only two parking spaces per house. This is quite inadequate for 4-5-bedroom properties. The evidence for this number of parking spaces is based on the 2011 Census. There is more car ownership in the village now than there was

Reepham Neighbourhood Plan Steering Group in response to a submission on behalf of the applicant to the draft Neighbourhood Plan (*These total over 20 pages and are available to view in full on the West Lindsey District website*) In summary they object to the application and the conclusions reached by the applicant. They exclude the site as they are "constrained to comply with the current CLLP which states under policy LP2. The term 'developed footprint' of a settlement is defined as the continuous built form of the settlement and excludes:

"agricultural buildings and associated land on the edge of the settlement;"

Representations in support; 3 Fiskerton Road:

The following comments are based on my 50+ years of living and working within the parish as a farmer. I support the Good's proposal as it is, a considered and appropriate application that can provide a number of benefits to the village. The key advantage would be a massive reduction of HGV traffic that currently travels through the Green/on Smooting Lane. This will alleviate all current pressures on the immediate area and make effective use of a brown field site. The proposal also retains aesthetic use of the current stone wall on The Green and the adjacent fertiliser store, whilst bringing them and

the surrounding area up to a modern standard. All pre-existing trees are retained within the proposal alongside all current views of the surrounding countryside. Most bungalows in and around the surrounding area, have had major alterations, often resulting in reclassification into dormer bungalows. In contrast to this, the proposed buildings are forward thinking and will not require further conversion later down the line; simultaneously enhancing the character of the conservation area. The site as it stands now is an outdated hub for the effective running of a farm and the ability to adhere to modern farming practices, would be much better suited on the proposed site outside of the village core.

29 Station Road: I write to support this planning application as in my view the Good's have been extremely patient and considerate to the village community in their proposals. They have held public consultations, and sent questionnaires to households to gather views and concerns. They have reduced the size of the development, and carried out other amendments to their proposals in response to public concern and objections.

LCC Highways: No objection subject to the inclusion of the following conditions:

No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of realigning the lane and junction of The Green and Meadow Lane) have been certified complete by the Local Planning Authority.

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

In order to achieve better visibility at the junction of Meadows Lane and The Green, the applicant proposes to make minor sympathetic amendments to the alignment of The Green.

These works will be undertaken within the extents of the highway maintained at public expense. An application has been made to divert Public Footpath no. 129, in accordance with the Definitive Map.

Conservation Officer: No objection subject to conditions.

The proposed site is located within and outside of the north boundary of Reepham Conservation Area (CA). In the local vicinity of the proposed site there are locally important buildings to the east, west and south that are identified within the conservation area appraisal. These buildings are:

- Reepham Manor; Blacksmith Row; The Barn; 1 The Barn; 11, The Cottage

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

The grade II* listed Church of St Peter and St Paul is visible from the north public footpath that runs through the proposed site. Views of the church towers can be seen over the trees. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposal will impact upon the setting of the church by reducing the amount of visible space to see the church, however, it does not remove these views which will still be visible on the footpath when looking into the conservation area. The reduction in height of the proposed plots has been made to mitigate the impact from this proposal.

Under LP25 of the Central Lincolnshire Local Plan (CLLP, 2017) development affecting the setting of a listed building must be preserved or enhanced. The plot position, height and scale do not diminish the visual of the church from the footpath. The setting of the listed church is preserved as it is still visually dominant over the treeline when viewed from the north of the settlement. The proposal is accessed via The Green which is described in the conservation area appraisal as an informal character with curb-less green verges. The access to the site will be altered to accommodate the additional services. This will require the removal of a small portion of the green verge on the southern side of the road. This will harm the character of The Green by some loss of the green verge, however, the proposal mitigates this with the extension of green verges on the northern side of the road. This will lead to an alteration of the curb-less green verge but it would not harm the character that The Green offers.

Under LP25 of the Central Lincolnshire Local Plan (CLLP, 2017) development affecting the setting within or views in or out of a CA should preserve or enhance the features that positively contribute the area's character, appearance, and setting. This alteration will preserve the character within the CA by retaining the green verges by altering the position in order to allow for the development.

The size and scale of the properties will be two-storey with pitched roofs and chimneys. The size and scale of each plot is similar to that of the traditional barn structure to the south of the site. The visual impact upon the roofline and the views towards the conservation area from the north will not be negatively impacted as they preserve the size and scale of the existing buildings within the conservation area.

Views from within the conservation area would also be impacted. Buildings will be developed closer to the conservation area boundary than the previous agricultural buildings. The conservation area boundary and setting will be impacted upon by the loss of agricultural space and the connection of the settlement with the rural landscape.

Views from the south will preserve the brick barn and boundary wall. However, views of the agricultural landscape, when looking north, will be lost to more urban views. The impact on the setting has been mitigated through controlling the size and scale of the plots and the views from the south have retained a straight road to the agricultural fields to the north. The proposed plots offer a traditional vernacular approach to the primary elevations with some modern designs added in more discreet elevations.

Paragraph 206 of the National Planning Policy framework (NPPF, 2021) states that proposals that preserve the significance of a CA should be treated favourably.

Overall, the proposal preserves the significance of the listed church and the character of the conservation area as it retains the important views of the church and the visual of the agricultural land when viewed from the south entrance. The plots are of sympathetic vernacular style and scale which will preserve the character of the CA.

This proposal meets paragraph 206 of the NPPF and LP25 of the CLLP. I have no objections subject to condition:

1) No construction works above ground level must take place until the external materials listed below have been submitted or inspected on site and approved in writing by the Local Planning Authority.

-a one metre square sample panel of brickwork, mortar and bond. The brickwork panel constructed must be retained on the site until the development hereby approved has been completed.

-roof materials

-rainwater goods and downpipes including the colour

-all windows and, domestic doors and garage doors including section drawings

Reason: In order to preserve or enhance the character and appearance of the conservation area.

Tree and Landscape Officer:

30.01.23: I have no further issues with the landscape plan for the Reepham site. The plan and details are suitable.

27.01.23: I recommend removing the small-leaved lime and goat willow from the landscaping scheme due to their very close proximity to the dwelling and the risk of negative impacts likely to be caused by them.

23.08.22: (Conclusion)

There are various issues with this site layout that impact on the quality and effectiveness of the soft landscaping, as detailed above. I do not support this site layout under local policy LP17 due to the positions of the three northerly dwellings and their negative impacts on views from the surrounding countryside, and the lack of space between buildings and site boundary to

allow any worthwhile screen planting. Plot 05 would have the greatest impact as it is a long building with the full length across its rear being directly against the adjoining agricultural land, and it would be in full view to users of the PRowS to the north and NW of the site. The dwelling positions fragment the intended northerly hedgerow as a wildlife corridor and prevent it from providing effective low-level screening of the buildings.

A number of trees have been proposed along the easterly side, in strategic positions where they would screen and soften the new buildings in views from the east, however, the rest of the landscape tree positioning provides no worthwhile screening of the buildings in views from other directions. Other than the easterly side, the landscaping contributes little towards screening and softening the built environment of the site, particularly along its northerly side where it is adjoining open countryside with public rights of ways running through the site and continuing northwards and others to the NW of the site where there would be clear views of the proposed new buildings. At plots 05, 06 and 07 where the buildings are right on the edge of the site they leave no space for soft landscaping for mitigation. Ideally the dwellings on plots 05, 06 and 07 should be moved off the site boundary sufficiently to allow space for the boundary hedgerow to continue as a natural edge to the site for low-level screening, and it is preferable to allow space for a few trees between buildings and site boundary for higher-level screening, to reduce visual impact on the surroundings and to act as a continuous wildlife corridor.

The tree adjacent the parking area for plot 07 should be changed to one that would not drop a multitude of small, hard, round fruit over the nearest car and driveway each autumn. Additional hedgerow and tree planting should be required along the northerly site boundary fence between plots 06 and 07 rather than just the post and rail fence.

LCC Archaeology: This office is broadly in support of the conclusions of the Heritage Impact Assessment in relation to archaeology.

We agree with its assessment that: “Based on the results of the Desk Based Assessment, it is considered unlikely that the proposed development will impact upon remains with of greater than regional archaeological interest. Where found remains are most likely to be of local archaeological interest, related to Medieval and Post-Medieval rural land use, and the 18th/19th century farm within the southern position of the Site.”

“Groundworks associated with the construction of the proposed development may cause direct impacts through the removal or truncation of any below-ground archaeological deposits that may exist within the Site. Any buried archaeological deposits which may survive within the Site, either in previously undisturbed areas or beneath existing foundations, may be subject to direct adverse development impacts. “

It would therefore be proportionate to require the developer to commission a scheme of archaeological works to require monitoring and recording during the groundworks phase of development.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features. “[Local planning authorities] require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.” National Planning Policy Framework, section 16, paragraph 205.

Relevant Planning Policies:

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

Development Plan

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

Relevant policies include

LP1: Presumption in favour of sustainable development
LP2: The spatial strategy & settlement hierarchy
LP4: Growth of villages
LP9: Health and wellbeing
LP10: Meeting accommodation needs
LP11: Affordable housing
LP12: Infrastructure to support growth
LP13: Accessibility and transport
LP14: Managing water resources and flood risk
LP17: Landscape, townscape and views
LP21: Biodiversity & geodiversity
LP25: The historic environment
LP26: Design and amenity

National policy & guidance (Material Consideration)

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

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

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

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

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

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

As the Neighbourhood plan is at regulation 14 stage only limited weight may be attached to its policies.

- **Draft Central Lincolnshire Local Plan**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination. The examination hearing took place between 15th November 2022 and 16th December 2022. Consultation on the post-examination modifications to the Plan, commenced on 13th January 2023 closed on 24th February 2023. These were accompanied by Additional 'Minor' Modifications, Recommended Policies Map Modifications, a Further SA Addendum and HRA Addendum. The representations received and Committee responses are now available to view on the Local Plan Review page and in the Planning Policy Library (documents ref: STA031 and STA032).

Relevant Policies

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S2: Growth Levels and Distribution
Policy S4: Housing Development in or Adjacent to Villages
Policy S5: Development in the Countryside
Policy S21: Flood Risk and Water Resources
Policy S47: Accessibility and Transport
Policy S49: Parking Provision
Policy S53: Design and Amenity

These policies are afforded more than limited weight

Reepham Parish Draft Neighbourhood Plan

Neighbourhood Area Designation – 13th July 2017. Regulation 14 consultation on the draft Reepham Neighbourhood Plan took place from 14 July to 8 September 2022. The next stage in the process would be submitting to WLDC for Regulation 16 submission consultation.

Relevant policies include

Policy 1: Historic Environment.
Policy 2: Design of New Development.
Policy 3: Residential Development on Infill sites.
Policy 4: Housing Type, Mix and Affordability.
Policy 8: Parking Standards
Policy 9: Accessibility - Pedestrian and Cycle Routes
Policy 11: Important Views and Vistas

<https://reepham.parish.lincolnshire.gov.uk/parish-information/neighbouring-planning/1>

These draft policies may be given only very limited weight at this stage, as the Plan is at an early stage of preparation, with the extent of unresolved objections unknown.

Main issues

Whether the revised proposal has overcome the reasons for the refusal and subsequent dismissal at appeal of application 138041 which was assessed against the provisions of the Central Lincolnshire Local Plan

Assessment:

Appeal proposed site plan

Application proposed site plan



The current application is on a much smaller area of land and for a third of the dwellings originally applied for which is demonstrated by the plans reproduced above. It is material to examine what the inspector considered the *main issues to be* and whether they are still valid or have been addressed by the application.

“1. Whether the proposed development would adhere to the spatial strategy in the development plan, with particular reference to whether there is clear local community support for it,”

Policy LP2 explains that unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, housing developments at Medium Villages such as Reepham will typically be on sites of up to 9 dwellings in appropriate locations. As the application exceeded the 9 dwelling threshold the Inspector was obliged to investigate this matter. The current application falls below this threshold so demonstration of community support is not a requirement for the current application.

“2. Whether, within the meaning of the development plan, the proposal has followed a sequential approach and would be in an appropriate location,”

The Inspector concluded his consideration of the sequential matter at 21 of his decision letter:

21. “Therefore, although considering sites in a ‘disaggregated way’ is not an unreasonable approach in the context of the sequential test in Policy LP4, it would nevertheless be unreasonable in this instance to prevent 25 homes on the edge of the village just because two could be delivered in it. Thus, in the circumstances, the proposal would be sequentially acceptable”

Arguments have been advanced that the site is not a brownfield site and so should not be developed. Although for a smaller number of dwellings it is considered reasonable to attach weight to the findings of the inspector who

concluded the sequential test had been met with the only site available, one that could accommodate only 2 dwellings. The Inspectors views on “disaggregation” expressed above considered it “unreasonable” to prevent homes on the “edge of the village” as he put it. It is reasonable to conclude the sequential test is met.

In terms of whether it was an appropriate location his consideration focussed on whether it would retain the core shape and form of the settlement.

“The existing farmyard at the appeal site reads as part of the line of development along the northern side of The Green and is therefore physically part of the village. The field beyond the farmyard is open countryside experienced in the context of other arable fields.”

“The appeal scheme would be experienced as a comparatively large single body of housing on the northern edge of the settlement and therefore it would extend the village in a direction that has not been subject to significant expansion. This would jar with the grain and layout of the village and would be more than a fraying of the settlement’s edge. Moreover, by projecting past the farmyard into an arable field the proposal would not amount to the infilling synonymous with this part of the village, such as Carpenters Close.” (Officer underlining)

“Accordingly, the proposal would fail to retain the core shape and form of the village and would significantly harm the settlement’s character and appearance and its rural edge. It therefore follows that the proposal would not be an ‘appropriate location’ under Policy LP4 of the LP.”

Plot 12 of the appeal scheme was the northern most plot, and its rear elevation was approximately 540 m north west of the proposed access. Plot 7 is the most northern plot of the application and is approximately 120 m north west of the proposed access. This is considered useful to illustrate the differences between the two schemes in terms of projection northwards. Expressed as a percentage the application site represents a 22.22 % projection compared to the appeal scheme. The application site does not project past the farmyard. The majority of the dwellings will be located primarily on the existing farmyard and space occupied by agricultural buildings.

The total size of the appeal application set out in the officer’s report was approximately 2.25ha which was split between the farm yard /farm buildings / concrete and rough tarmac apron and grassed area to the west comprising 0.93ha with the remaining open farm land at 1.32ha. The current application site is 0.49ha which is 52.6% of 0.93ha and 21.7% of 2.25ha. Due to the reduced size of the site and proposed layout it would be reasonable to conclude that it might represent a fraying of the settlement edge rather than “a comparatively large single body of housing” which would “jar with the grain and layout of the village”

It would be reasonable to conclude therefore that the application would retain the core shape and form of the village. In order for it to be considered an “appropriate location” there are additional requirements, the site if developed would:

- not significantly harm the settlement’s character and appearance; and
- not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.

As reflected in the comments of the conservation officer above there is no doubt that there will be an impact on the settlements character and appearance and on the surrounding countryside and rural setting. With the amendments sought including to the landscaping proposals, which were all agreed by the applicant, no significant harm is considered to arise, thus meeting the test to be considered an appropriate location. The comments of the Reepham Neighbourhood Plan Steering Group refer to the definition of “developed footprint” as a reason to exclude the site from development. This is the correct approach in dealing with large villages where growth will be “via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint.” This is not the case for medium villages which is what Reepham is classified as by LP2. This supports growth in “appropriate locations” with no reference to the developed footprint. LP4 does however require the application of a sequential test which has been addressed earlier in this report. It would be in accordance with policies LP 2 and LP4. Policies LP2 and LP4 are consistent with NPPF chapter 5 as they seek to deliver a sufficient supply of homes where they are needed and are afforded full weight.

3. Whether the proposal would preserve or enhance the character or appearance of the Reepham Conservation Area (CA) and the effect on the setting of the CA;

“In order to achieve enhanced visibility splays, which would be necessary to accommodate the increase in vehicle movements that would occur as a result of the proposal, the brick-built barn and adjoining stone wall would be demolished. Both are important features in their own right as heritage assets, but they also add to the significance of the CA. Removing the prominent, attractive and historic barn would harm the character and authenticity of the CA because an important component of its significance is the collective presence of the historic ‘Important Buildings’ as identified in the CAA. The removal of an attractive historic building with a patina of age would also harm the CA’s appearance and its rural character. The same would apply to the wall, which is finished in local stone.”

The application does not propose the removal of the barn and stone wall, which is significant.

4. Whether the appeal scheme would preserve the setting of the Grade II* Listed building known as the Church of St Peter and St Paul;

“The agricultural field in the northern part of the appeal site contributes to the

setting of the Church because it provides a rural foreground to views from VP3, which is representative of several vantage points along the public right of way. It also contributes positively to the rural setting of the church when viewed from the north in a broad arc that encompasses VPs 2 and 8. That said, the large agricultural buildings that currently occupy the remainder of the site are prominent and of a scale that completes with, and detracts from, views of the church from this direction.

Removing the existing agricultural buildings would notably improve the setting of the church when viewed from the north and VP3. However, the appeal scheme would effectively block views of the church from VP3 and would be a prominent block of development with more of a presence than the existing barns. This would be due to the greater size of the built footprint and the northerly projection outside the farmyard.

Overall, I conclude that the proposal would moderately harm the setting of the Listed building and thus its significance. The setting of the listed building would not be preserved. The proposal would therefore be at odds with Policy LP25.”

VP3 (appeal submission)



VP3 (application)



This is a good demonstration of the different impacts arising. It would not block views of the church, would have a smaller footprint and does not project beyond the farmyard.

The impacts on the conservation area and the listed church were considered in detail by the conservation officer who concluded:

“Overall, the proposal preserves the significance of the listed church and the character of the conservation area as it retains the important views of the church and the visual of the agricultural land when viewed from the south entrance. The plots are of sympathetic vernacular style and scale which will preserve the character of the CA.”

It would be in accordance with LP25. Policy LP25 is in accordance with section “16. Conserving and enhancing the historic environment” of the NPPF (paragraphs 184 to 202) and is afforded full weight.

“5. Whether the proposal would make adequate provision for affordable housing.

LP11 requires a contribution towards affordable housing on developments of 11 dwellings or more, or on development sites of less than 11 units if the total floorspace of the proposed units exceed 1,000 sq.m. Paragraph 64 of the NPPF states that provision of affordable housing should not be sought for residential developments that are not Major Developments. Major Development is defined in Annex 2: Glossary as “For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.” The current application site covers 0.49 ha and a contribution would not be required.

Conclusion

In relation to the dismissed appeal it can be seen from the above that in relation to the main issues considered by the Inspector 2 are not relevant to the application (community support and affordable housing). Reason 4 for refusal of permission was due to insufficient evidence being provided to show that protected species known to use the traditional barn would not be harmed. The demolition of the barn does not form part of the application. It is considered reasonable to conclude that the application has successfully addressed the reasons considered at the appeal. It would be in accordance with LP2, LP4 and LP25.

Impacts on residential amenity by way of overlooking, loss of privacy and over dominance:

The closest existing dwellings to a proposed dwelling are 2 The Green, 5 Althea Terrace and 4 The Green. Taking these in turn:

2 The Green: A semidetached chalet bungalow with flat roofed dormer windows. The side of the bungalow faces onto the existing farm yard hardstanding, it is at a slightly higher level. It has the entrance door on this

elevation, a single obscure glazed window and a larger 3 pane window with the upper section of it visible above the existing close boarded fencing that runs along this boundary.

Plot 1 is the nearest and faces the rear garden area of number 2. The two-storey offshoot to the rear is closest. This was originally 7.6m to the side of the rear garden with a first-floor bedroom window. Amended plans were submitted which removed the first-floor window and increased the distance to 8.5m. The main body of the house is approximately 13.9m away. Given these distances and orientation it is considered there would be no adverse impacts by way of overlooking, loss of privacy or over dominance.

5 Althea Terrace: A two storey end of terrace dwelling with a flat roofed two storey rear extension. Its side runs directly along the boundary of the application site and has two windows in this elevation, one at ground floor one at first floor. There are also four windows on the rear elevation, 2 at ground floor and 2 at first floor. Plot 3 is the nearest dwelling. This was originally a 2 and a half storey 5 bed dwelling which has been revised to a 3 bed two storey dwelling with 5.5m high eaves and 8.8m high ridge. There is a distance of 10m from the rear elevation of the plot to the side of number 5 which increases to 12m. It is noted that the side of number 5 faces directly onto private land and given this context with the distances quoted above it is considered there would be no adverse impacts by way of overlooking, loss of privacy or over dominance. The rear of Plot 4 faces the long rectangular amenity area serving number 5. At its closest it is 14m rising to 22m which is considered acceptable.

4 The Green: A semi-detached bungalow with a rear garden approximately 19m long and 15m wide. The 6.6m wide blank gable of plot 3 will be set back one metre within its plot. There will be no overlooking leading to a loss of privacy and with a distance of 20m from the rear of 4 to the gable end of plot 3 it would not be over dominant.

It is considered that overlooking, loss of privacy and over dominance do not represent a reason to withhold consent and would be in accordance with LP26 of the Central Lincolnshire Local Plan. Permitted development rights for extensions and alterations to the roof will be removed by condition.

Objections have also been raised on the grounds of noise and disturbance to residents of The Green. This is noted however the access proposed is currently utilised by farm vehicles and the noise and disturbance arising from these would be far greater than for the 8 dwellings proposed. This is not considered to represent a reason to withhold permission. A construction management plan will also be conditioned. It would be in accordance with LP26. Policy LP26 requires that amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development. This is consistent with section 12 of the NPPF and is afforded full weight.

Design, size and scale of the dwellings

This has been described at the beginning of the report with the scale of the dwellings relating to the agricultural barn that is to be demolished. This has been surveyed. The floor level is 15.78 with the eaves at 20.37 and the ridge at 23.16. The proposed eaves level of the new dwellings ranges from 20.36 to 21.08, a difference of 0.7m which is not considered significant. The proposed ridge level of the dwellings ranges from 23.59 to 24.85 (Plot 7), which is a difference of 1.69m although it is noted this is at the northern limit of the site and on this basis is considered acceptable. It is accepted that the proposed dwellings are larger than those in the immediate vicinity however this does not of itself represent a reason to withhold consent and it is noted no objections are raised by the conservation officer on this basis. Detailed impacts of the proposal have been addressed within this report with no significant impact arising. On this basis the design, size and scale does not represent a reason to withhold permission.

Highway Safety:

Objections from third parties have been raised on this issue with a lack of parking also referenced. No objections are raised by the Highways Authority subject to imposition of a condition. Additional plans have been provided which demonstrate that each plot can accommodate 3 car parking spaces on site (excluding garages). This is in accordance with the parking standards set out in the draft CLLP. It is considered that highway safety does not represent a reason to withhold consent. It would be in accordance with LP13.

Drainage and Flood Risk:

The site is located within Flood Zone 1; Low Probability Land having a less than 1 in 1,000 annual probability of river or sea flooding. Soakaway testing has confirmed that infiltration techniques are not suitable for the site. It is proposed that runoff from roads and roofs would be collected and routed via pipes and swales to an attenuation/storage area or pond located to the north with discharge rates limited to greenfield rates. A detailed scheme will be required by condition. No details of foul water disposal have been provided and this will also be the subject of a condition. Subject to this it would be in accordance with LP14.

Landscaping and Biodiversity.

Policy LP 21: Seeks to protect and enhance biodiversity. This is in accordance with section 15 of the NPPF "Conserving and enhancing the natural environment" and is therefore afforded full weight in the determination of this application (2021). As the site is primarily hard surfaced and occupied by buildings impacts on biodiversity are not considered likely. The only issues raised by the previous application related to the possible impact on bats within the barn to be demolished. The landscaping scheme proposed has taken on board all the suggestions of the Tree and Landscape officer and will add to the biodiversity value of the site. Implementation of the landscaping will be conditioned. Subject to this it would be in accordance with LP21.

Public Rights of Way Reepham/129/1

There is a discrepancy between the trodden route, that which is digitised on the Council's electronic working copy of the Definitive Map, and the Definitive

Map itself which was discovered during consideration of the planning application. The footpath runs straight through the middle of plot 8 and its dwelling, and cuts across the garden of plot 7. Proceedings have been initiated by the applicants for a diversion of the route. Initial comments have been received from Countyside Services:

“The existing *de facto* path is already the straight line, with the definitive route obstructed by agricultural buildings. I see no practical issue in the promotion of a straight line diversion between the green dots on the plan; with these dots corresponding to 2 points on the connecting public road, Meadows Lane, the northernmost being the existing point where the mapped footpath meets this. The diversion shouldn't over-write Meadows Lane.”



This process is currently underway and until successfully resolved development will be prohibited on plots 7 and 8.

Planning Practice Guidance¹ refers to the DEFRA Rights of Way Circular (1/09). It states:

“The grant of planning permission does not entitle developers to obstruct a public right of way. It cannot be assumed that because planning permission has been granted that an order under section 247 or 257 of the 1990 Act, for the diversion or extinguishment of the right of way, will invariably be made or confirmed. Development, in so far as it affects a right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect... Planning authorities must ensure that applicants whose proposals may affect public rights of way are made aware of the limitations to their entitlement to start work at the time planning permission is granted. Authorities have on occasion granted planning permission on the condition that an order to stop-up or divert a right of way is obtained before the development commences. The view is taken that such a condition is unnecessary in that it duplicates the separate statutory procedure that exists for diverting or stopping-up the right of way, and would require the developer to do something outside his or her control.”

¹ Paragraph: 004 Reference ID: 37-004-20140306, Open space, sports and recreation facilities, public rights of way and local green space (<https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#public-rights-of-way>)

Consequently, the development will not be able to commence on plot's 7 and 8, unless an Order is granted separately, to formally divert the PRow. The development will also need to ensure that the PRow is not obstructed during the construction phase of development.

Archaeology:

The condition requested by Historic Services will be imposed in accordance with LP25.

Conclusion and planning balance:

The application has successfully addressed the reasons for the refusal and subsequent dismissal of the earlier larger application with no unacceptable adverse impacts arising subject to the imposition of the conditions suggested above. It would be in accordance with: policies LP2 The Spatial Strategy and Settlement Hierarchy; LP4 Growth in Villages; Policy LP13: Accessibility and Transport; Policy LP14: Managing Water Resources and Flood Risk; LP17: Landscape, townscape and views; LP21: Biodiversity & geodiversity; LP25: The historic environment; LP26: Design and amenity and a grant of permission is appropriate.

Recommended Conditions:

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

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

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

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

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

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

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework and policy LP25 of the Central Lincolnshire Local Plan.

3. No development shall take place until a scheme for the disposal of foul and surface waters have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwellings and maintained thereafter.

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 shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the routing and management of construction traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xi) Measures for tree and hedgerow protection;
- (xii) measures to protect Public Right of Way Reepham/129/1, and ensure its continuous use unencumbered and without obstruction.

Reason: In the interests of amenity in accordance with policy LP26.

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

5. No construction works above ground level must take place until the materials listed below have been submitted to or inspected on site, and approved in writing by the Local Planning Authority.

- a one metre square sample panel of brickwork, mortar and bond. The brickwork panel constructed must be retained on the site until the development hereby approved has been completed.
- roofing materials

- rainwater goods and downpipes including the colour
- all windows and, domestic doors and garage doors including section drawings

Reason: In the interests of the character and appearance of the site and Reepham Conservation Area in accordance with policy LP25.

6. 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.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and policy LP25 of the Central Lincolnshire Local Plan.

7. Following the archaeological site work referred to in condition 2 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the policy LP25 of the Central Lincolnshire Local Plan.

8. The report referred to in condition 7 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the policy LP25 of the Central Lincolnshire Local Plan.

9. 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 Block Plan 825-2D-101B;
 Proposed Levels: 825-2D-105A;
 Plot 1 Floor Plans and Elevations; 825-2D-201C
 Plot 2 Floor Plans and Elevations; 825-2D-202C
 Plot 3 Floor Plans and Elevations; 825-2D-203B
 Plot 4 Floor Plans and Elevations; 825-2D-204C
 Plot 5 Floor Plans and Elevations; 825-2D-205D
 Plot 6 Floor Plans and Elevations; 825-2D-206C
 Plot 7 Floor Plans and Elevations; 825-2D-207C
 Plot 8 Floor Plans and Elevations; 825-2D-208C
 Soft Landscape Proposals 96/001/REV E

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.

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

10. No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of realigning the lane and junction of The Green and Meadow Lane) have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development in accordance with policy LP13 of the Central Lincolnshire Local Plan.

11. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing 96/001/REV E) shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

12. Notwithstanding the provisions of Classes A, AA, B, and C, of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the dwellings hereby permitted shall not be altered or extended, 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 living conditions of neighbouring dwellings and to safeguard the character and appearance of the dwellings and its surroundings in accordance with Policies LP25 and LP26 of the Central Lincolnshire Local Plan.



Appeal Decisions

Hearing Held on 24 - 25 November 2020

Site visit made on 26 November 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal A - Appeal Ref: APP/N2535/W/19/3221725

Land at Good's Farm, Meadows Lane, Reepham, Lincolnshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by M Good and Son Limited against the decision of West Lindsey District Council.
 - The application Ref 138041, dated 5 July 2018, was refused by notice dated 9 October 2018.
 - The development proposed is described as 'Erection of 25 dwelling houses, including the reconstruction of the existing barn and boundary walls to facilitate its use as a single dwelling, associated garaging, car parking, access roads, landscaping, public open space and footpaths'.
-

Appeal B - Appeal Ref: APP/N2535/W/19/3225861

Good's Farm, Meadows Lane, Reepham, Lincolnshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by M Good and Son Limited against the decision of West Lindsey District Council.
 - The application Ref 138941, dated 22 January 2019, was refused by notice dated 15 March 2019.
 - The development proposed is described as 'Demolition of brick-built barn and alterations and rebuilding of stone boundary wall'.
-

Decision

1. Appeal A - The appeal is dismissed.
2. Appeal B - The appeal is dismissed.

Applications for Costs

3. Applications for awards of costs were made by M Good and Son Limited against West Lindsey District Council. These applications will be the subject of separate Decisions.

Preliminary Matters

4. I have considered the two appeals concurrently, but on their own merits, because there are some common matters between them. During and after the hearing the additional evidence listed at the end of this decision was submitted. It was relevant to my considerations, reasonably brief and capable of being

addressed by the parties present, or in writing after the hearing closed. Thus, accepting it has not resulted in any party being significantly prejudiced.

Main Issues

5. Through the Statement of Common Ground (SOCG), the Council have confirmed that the biodiversity survey and geophysical assessment submitted with the appeal has addressed its concerns regarding the effect of the proposal upon potentially as yet unknown archaeological deposits and the possible habitats of protected species. I have no reasons to disagree and therefore I have not considered these matters further as they are no longer in dispute.
6. Thus, the main issues in this appeal are:
 - Whether the proposed development would adhere to the spatial strategy in the development plan, with particular reference to whether there is clear local community support for it;
 - Whether, within the meaning of the development plan, the proposal has followed a sequential approach and would be in an appropriate location;
 - Whether the proposal would preserve or enhance the character or appearance of the Reepham Conservation Area (CA) and the effect on the setting of the CA;
 - Whether the appeal scheme would preserve the setting of the Grade II* listed building known as the Church of St Peter and St Paul; and
 - Whether the proposal would make adequate provision for affordable housing.

Reasons

Whether there is clear local community support for the proposal

7. Policy LP2 of the Local Plan¹ (LP) sets out the spatial strategy for the plan area and this incorporates a settlement hierarchy. The proportion of housing growth directed to each settlement is dependent on its size and the level of services and facilities available. Thus, most growth is to be concentrated on the Lincoln Urban Area, Main Towns, Market Towns and Larger Villages. However, in order to support their role and function as sustainable settlements, and help to meet local needs, some proportionate and appropriate development is directed to the lower order settlements such as the Medium and Small Villages.
8. Reepham is categorised in Policy LP2 as a Medium Village where a limited amount of development will be accommodated over the plan period. To achieve this, Policy LP4 of the LP sets a growth target of a 15% increase in the number of dwellings at the village over the plan period. Policy LP2 explains that unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, housing developments at Medium Villages such as Reepham will typically be on sites of up to 9 dwellings in appropriate locations. However, in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings.

¹ Central Lincolnshire Local Plan 2012 – 2036 Adopted April 2017

9. Thus, the expectation in Policy LP2 is that development schemes at Medium Villages will usually be minor in scale given their position in the settlement hierarchy. However, if there is clear local community support then major schemes can be pursued, or if exceptional circumstances can be demonstrated then up to 25 homes can be approved. This provides two alternative options for delivering schemes beyond the nine homes threshold.
10. The phrase 'clear local community support' is defined in Policy LP2 as meaning clear evidence of local community support for the scheme generated via a thorough and proportionate pre application consultation exercise at the point of submitting a planning application. The policy does not define what the local community is for this purpose, what a thorough and proportionate consultation exercise would be and what would amount to local community support. It is however clear that it is local community support at the time of submitting the planning application and therefore consultation responses received during the application should be set aside when addressing this point.
11. Policy LP2 explains that the Parish Council will effectively have the casting vote when the consultation is inconclusive. Thus, it is logical to conclude that the parish is the geographical area when defining the 'local community'.
12. The consultation exercise involved a leaflet being sent to all householders and a vote overseen by the Parish Council. Although generally systematic and detailed there were some limitations in the process. For example, the earlier consultation raised expectations regarding the level of affordable housing and some households apparently received more than one voting card. That said, the level of affordable housing was confirmed at the public meeting and the vote was not the only method used for testing public opinion, as a follow up public meeting was also held. Accordingly, the Council have confirmed through the SOCG that the consultation exercise was thorough and proportionate. This is a reasonable conclusion based on the balance of the evidence before me. This is important, as it indicates that those parishioners that voted were expressing an informed view.
13. There is a subtle change in terminology within Policy LP2, with the policy initially referring to 'clear local community support' but the definition of this term (also within the policy) referring to 'clear evidence of local community support'. Clear support could be read as a higher bar than clear evidence of local support. Nevertheless, I have used the latter term as this is the stated definition of the former. Thus, it would be reasonable to interpret clear evidence of local community support as simply being a majority of those who voted, as such an approach would be easy to understand and therefore amount to clear evidence.
14. The SOCG confirms that 59% of those who voted were in support of the proposal. At the public meeting 18 out of 20 written comments received indicated support for the proposal. This is clear evidence of consistent local community support for the proposal at the pre application stage. This was based on a voter turnout of 40%, which is low, but all households were given a chance to vote. Some of those that voted in support of the proposal could have been motivated by a desire to advance their own sites or through a friendship with the appellants. Others may not have voted due to concerns about splitting the village. However, such personal motivations are part and parcel of a public vote and do not invalidate the result.

15. I therefore conclude that the appellants have demonstrated that there was clear local community support for the proposal at the point of submitting the planning application. Accordingly, the appeal scheme is not, in principle, at odds with Policy LP2 of the LP. Given this conclusion, there is no need to consider whether there would be exceptional circumstances.

Whether the proposal has followed a sequential approach

16. Policy LP4 of the LP sets out a sequential test for proposals in Medium Villages. It explains that brownfield land or infill sites within the developed footprint of the settlement are 'Category 1', followed by brownfield sites on the edge of a settlement (Category 2) and then greenfield sites on the edge of the settlement (Category 3). 'Brownfield land' is not defined but it is reasonable to conclude that it means previously developed land (PDL) as defined in the National Planning Policy Framework (the 'Framework').
17. The appeal site encompasses a farmyard and arable field. It therefore falls outside the definition of PDL in the Framework and is in Tier 3. It is therefore necessary for the appellant to demonstrate that there are no other sites that are both available and suitable in Categories 1 and 2. There is no requirement to compare the appeal site with other sites in Category 3, including that part of the site identified as Site CL3084 in the AECOM study², which was undertaken to inform emerging allocations in the draft Neighbourhood Plan.
18. In considering which sites are 'available' it is necessary to start with an assessment of those on the market. However, a site does not need to be currently on the market to be available. For example, a site could be available if a landowner has publicly expressed a desire to develop their land through some formal process such as a call for sites. In addition, it is advantageous if the suitability of a site has been tested through a formal process, such as an allocation, the grant of planning permission or some other robust appraisal.
19. The appellant has undertaken a sequential assessment and has not been able to identify any sequentially preferable sites that are suitable, available and capable of accommodating the proposed development. The Council has not directed me to any other sequentially preferable sites save for those identified in the AECOM study. Some of the sites in the AECOM study were advanced following a recent call for sites whereas others were included following a review of the SHELAA³ sites promoted by landowners in 2015. All the sites in the AECOM study were subject to a baseline technical study. It is therefore possible to ascertain whether some of the sites in the study are available and suitable.
20. Sites 3, 12, 13.1 and 16 are in sequentially higher categories than the appeal site but, having viewed these sites and reviewed the constraints identified in the AECOM study, which resulted in an amber score, it would be unwise to rely on them being suitable. Sites 5 and 10 in the AECOM Study are also in a sequentially higher tier and scored 'green' in the study. However, it is unlikely that more than one home could be delivered at each site and therefore this level of provision would be significantly below that advanced by the appellants.
21. Therefore, although considering sites in a 'disaggregated way' is not an unreasonable approach in the context of the sequential test in Policy LP4, it would nevertheless be unreasonable in this instance to prevent 25 homes on

² Reepham Neighbourhood Plan Site Assessment Final Report March 2019

³ The Strategic Housing and Economic Land Availability Assessment

the edge of the village just because two could be delivered in it. Thus, in the circumstances, the proposal would be sequentially acceptable.

Whether the proposal would be in an appropriate location

22. The sequential approach in Policy LP4 of the LP requires development to be in an 'appropriate location' as defined in Policy LP2 of the LP. To qualify as an appropriate location a site, if developed, would need to retain the core shape and form of the settlement; not significantly harm the settlement's character and appearance; and not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.
23. Policy LP2 does not provide any guidance explaining how a decision maker should assess the core shape and form of a village. Nevertheless, it would be reasonable to assess the grain and layout of the settlement, how it interacts with the countryside and then whether the proposal once built would retain this. In so doing, a focus should be placed on how the core shape and form of the village, including its grain and layout, would be experienced with the proposed development.
24. Reepham is a nucleated village with an historic centre focussed on The Green and Church Lane. The village has expanded to the south but has been largely contained by the railway line save for a large body of housing along Fiskerton Road. Several housing estates have been constructed to the west and south west of the High Street including Manor Rise, Mellows Close and Spring Hill and these have a clearly defined edge with the arable landscape.
25. Alternatively, the northern part of the village (that north of Church Lane and The Green) has been subject to infilling, but not significant growth beyond the historic centre. Accordingly, the village centre has retained a soft and informal rural edge rather than the harder more regimented edges found elsewhere. The gardens, allotments and paddocks to the north of Church Lane reinforce the rural edge and provide both a green buffer between the village core and the open arable landscape and a tapering of the settlement into the countryside. The existing farmyard at the appeal site reads as part of the line of development along the northern side of The Green and is therefore physically part of the village. The field beyond the farmyard is open countryside experienced in the context of other arable fields and predominately viewed against the backdrop of the green 'buffer' described above.
26. The appeal scheme would be experienced as a comparatively large single body of housing on the northern edge of the settlement and therefore it would extend the village in a direction that has not been subject to significant expansion. This would jar with the grain and layout of the village and would be more than a fraying of the settlement's edge. Moreover, by projecting past the farmyard into an arable field the proposal would not amount to the infilling synonymous with this part of the village, such as Carpenters Close.
27. The proposal would incorporate an open space in the north east corner and softening landscaping around the edges. However, the open space would be too small to reinforce the existing green buffer to the west and therefore the housing in the field would be experienced as a jarring protrusion of the village, at odds with the character of the northern edge of the settlement. The meadow and belt of landscaping to the east of Meadow Lane would provide a sense of transition, as would the extensive landscaping through the development, but

this would not overcome the harmful impact that would occur from the development projecting too far in a northerly direction.

28. Accordingly, the proposal would fail to retain the core shape and form of the village and would significantly harm the settlement's character and appearance and its rural edge. It therefore follows that the proposal would not be an 'appropriate location' under Policy LP4 of the LP.

Whether the proposal would preserve or enhance the character or appearance of the Reepham Conservation Area (CA) and the effect on its setting

29. Both the Reepham Conservation Area Appraisal and the appellants' Heritage Impact Assessment explain that the CA is focussed on the historic village centre which was recorded in the Domesday Book. The Reepham Tithe Award Map of 1851 shows a small settlement arranged around a village green and set within an agricultural landscape. The village was subject to infilling and expansion in the second half of the 19th Century due to growth in the agricultural economy and the coming of the railway line. The expansion and infilling continued into the 20th Century and often involved bungalows.
30. As a result, the CA encompasses distinctive 19th and 20th Century layers, a mix of architectural styles and an organic layout evident in variable plots sizes and informal corners and bends. That said, the historic village centre is still very legible, particularly the northern edge, which has retained a strong spatial connection to the countryside. As a result, the village, particularly when viewed from the north, is experienced within an agricultural landscape. In addition, The Green has retained a rural character due to the presence of wide grass verges, planted front gardens, a narrow carriageway and the prominently sited brick barn at Manor Farm, which is justifiably identified in the Reepham Conservation Area Appraisal (CAA) as an 'Important Building'.
31. Accordingly, and mindful of relevant advice⁴, it is reasonable to conclude that the CA derives much significance from its evidential and historic value as an example of a very old and evolving agricultural settlement. In this respect the way the village is experienced in a rural landscape from the north adds to the significance of the CA. The historic layering and rural character have also fortuitously provided an aesthetic value to the CA. For example, the view along The Green looking west from Smeeting Lane provides an attractive unplanned view that takes in Manor Farm Barn, the green and the church.
32. Being a farmyard and agricultural field, the appeal site contributes positively to the rural character and setting of the CA. The agricultural activity also provides some continuity with the past. There is also a view through the farmyard from The Green towards open countryside which provides a direct visual link from the historic village core to the settlement's agricultural hinterland. When viewed from The Green, the large modern agricultural buildings have a recessive appearance, being set back from the road behind the old brick barn and the trees in front of the walled garden of Reepham Manor. However, the farmyard buildings have a considerable presence in views back towards the CA from the north and are therefore notable detractors in the CA's setting, as is the expanse of concrete that comprises the yard.

⁴ Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning: 2 – Historic England

33. In order to achieve enhanced visibility splays, which would be necessary to accommodate the increase in vehicle movements that would occur as a result of the proposal, the brick-built barn and adjoining stone wall would be demolished. Both are important features in their own right as heritage assets, but they also add to the significance of the CA. Removing the prominent, attractive and historic barn would harm the character and authenticity of the CA because an important component of its significance is the collective presence of the historic 'Important Buildings' as identified in the CAA. The removal of an attractive historic building with a patina of age would also harm the CA's appearance and its rural character. The same would apply to the wall, which is finished in local stone.
34. In an attempt to offset the harm that would occur from demolishing these features, the appellants would (in Appeal A) construct Plot 1 in a style aimed at broadly replicating the appearance of the barn in a position 1.5m further back from the lane, and therefore broadly on the same footprint. The wall would also be re-positioned. Plot 1 would have the same form and dimensions as the existing barn and therefore the concept of a copy would have some integrity. This would be greatly aided by the intention to reuse as many bricks and stones as possible and copy the existing bonds, mortar colour and pattern of fenestration. The large barn doors would be reused and pinned back, a slate roof constructed, and the northern elevation would not have the detracting presence of a roller door. Thus, in some respects, Plot 1 would be more attractive than the existing barn. Plot 1 and the reconstructed wall would have a similar appearance to the existing structures that would be lost, and this would provide some continuity to the street scene.
35. However, even with the reuse of bricks and the barn doors, Plot 1 would not have the same patina of age that the barn currently exhibits. Moreover, there would be a complete loss of authenticity. This would be especially apparent because Plot 1 would not be a barn. It would instead be a newly constructed home set within a domestic garden and alongside a large garage and driveway. It would also have large double-glazed windows in the western elevation, which would be a clumsy insertion. It's also doubtful whether the existing windows could be reused because they would not provide adequate means of escape or the thermal performance required by building regulations.
36. Setting Plot 1 about 1.5m back from the current position of the barn would straighten the view along The Green. This would alter the street scene by diluting the way the curve in the road is framed by the barn. That said, the road alignment would not change so the curve would remain. Plot 1 would also provide a semblance of the commanding presence the barn currently has in the street scene. The grass verge would also be widened thereby reinforcing the rural character of The Green and providing a sense of continuity with the verges either side of the site access.
37. Overall, the demolition of the barn would result in moderate residual harm to the significance of the CA. This is because of the mitigation that would be provided through the construction of Plot 1, which would have a very similar appearance and a high level of integrity as a replica. Without the reconstruction of Plot 1, as proposed in Appeal B, the level of harm would be significant as an important building would be lost without the partial mitigation of a facsimile replacement and views of the utilitarian farmyard would be opened up.

38. The development would close off the existing view from The Green into open countryside. This would harm the sense of spatial and visual connectivity between the historic core and its rural hinterland. However, the eastern side of Meadow Lane would have a rural character due to the extensive belt of tree planting, which would sit alongside the pleasant walled garden of Reepham Manor. Furthermore, Meadow Lane would be flanked by grass verges, which would provide a visual link with The Green, and Plots 1-3 would have a rural vernacular style, although this would be diminished by the absence of front gardens and the presence of large garages. Overall, the view along Meadow Lane from The Green would retain some semblance of a rural feel. Views out to open countryside would also be provided from further along Meadow Lane. As such, the loss of the view from The Green towards open countryside would have a moderate adverse impact on the CA.
39. Of greater concern would be the expansion of development beyond the farmyard into the adjoining field. This would seriously urbanise the setting of the CA when viewed from the north, where the historic relationship between the old village centre and the agricultural landscape is best appreciated and experienced. As a comparatively large body of houses projecting beyond existing development, the proposed housing would be stark in views from the north east and north. This would seriously harm the setting of the CA despite the benefits that would accrue from removing the existing, harmfully prominent, agricultural structures and concrete yard. Planting and the low density would soften the presence of the houses, but the northern edge of the CA would still be experienced in a very different way, with a more suburbanised edge rather than as an informal rural fringe. As a result, the setting of the CA would be significantly harmed.
40. The CAA does not directly identify views of the CA from the north and north east as being 'important views', but the document is now somewhat dated and does not follow existing Historic England advice⁵ on considering setting. As such, this is not a point that undermines my findings, particularly as Policy LP25 of the LP refers to views in an out of CAs.
41. It was confirmed at the hearing that the site access would not be that proposed in the Transport Assessment. Instead, it would be without pavements or kerbs and therefore the type of shared space scheme encouraged by the Minister of State for Housing and Planning in 2018. Given the circumstances of a lightly trafficked lane with slow moving vehicles, a situation that would endure post development, this would be a safe and suitable approach. As such, the entrance into the site would not have an over engineered appearance and would therefore have only a limited impact on the rural character of The Green. For these reasons, there would be no need for a pavement along The Green.
42. There is some street lighting along The Green so the addition of extra lighting in the development would not be out of place and could be controlled through the imposition of a planning condition. The development would result in additional vehicle movements in what is a quiet part of the CA with a rural character. However, the increase would not be significant, adding around one vehicle every four minutes in the peak hours. This would not result in a notable change in the character of traffic flows along The Green or within the CA more widely. Thus, the lighting and traffic impacts would be neutral. The removal of

⁵ Conservation Area Appraisal, Designation and Management – Historic Advice Note 1

the existing agricultural buildings would benefit the view from the cricket pitch towards Reepham Manor, where they loom in the background, but this would not offset the cumulative harm I have identified.

43. In conclusion, Appeal A would result in moderate residual harm to the significance of the CA as a whole. Appeal B would result in significant harm. Thus, the appeal schemes would fail to preserve the character and appearance of the CA. Appeal A would also result in significant harm to the setting of the CA. As such, the proposals would be at odds with Policy LP25 of the LP, which states that development within a CA, or affecting its setting, should preserve features that contribute positively to its character, appearance and setting.

Whether the appeal scheme would preserve the setting of the Church of St Peter and St Paul

44. The Church of St Peter and St Paul was listed Grade II* in 1966. It is of medieval origins but was mostly rebuilt in around 1862 when it was altered by a local architect. The building therefore derives much of its significance from its architectural value and this is often experienced at close range. Nevertheless, the building benefits from a tall tower and this gives it a commanding presence at points around the village in the rural, predominantly agrarian landscape.
45. It is important not to conflate the church's value to the rural landscape with the rural landscape's value to the significance of the church. That said, the church has been a central feature of the village as a rural community for many years and has a high status as their place of worship. The church tower reinforces the status and provides legibility in the rural landscape, from where it was probably designed to be seen. As such, there is historical and evidential value in experiencing the church in a rural context and with a visual connectivity to the surrounding agrarian landscape.
46. The 1851 Tithe Map demonstrates that the Church once stood in the north western corner of the village adjacent to open countryside and therefore it would have been particularly prominent, especially as Reepham was a small settlement. Over time, there has been extensive development to the south, west and east of the church which has eroded the connectivity it once had with the wider landscape. As a result, the church has a limited presence in views from the east, west and south and is no longer experienced from these directions as the dominant structure it would have once been, as it is now lost amongst the skyline of modern housing.
47. A ribbon of housing has also been constructed along Church Lane thereby severing the spatial link with the open countryside to the north. However, the northern fringe of the village has not been subject to the same level of modern development as elsewhere and therefore the church tower is prominent in views from the north. Particularly in the vicinity of viewpoints (VP) 2, 3 and 8 (as defined in the appellant's Landscape and Visual Impact Assessment - LVIA), where the church tower stands nestled amongst trees but proud of the skyline.
48. Thus, when approaching the village from the north it is still possible to gain an impression of how the church once stood in the rural landscape and how generations of villagers would have viewed it. This sense of continuity provides communal value. The bucolic setting north of the Church also has a rural charm which fortuitously provides aesthetic value to the church and its setting despite the disparaging remarks made by Pevsner.

49. Consequently, the special interest of the listed building, in so far as it relates to this appeal, includes its visual presence in views from the north of the village. This is because the ability to experience the values derived from these views are important to the way the building is understood and appreciated – its significance in other words.
50. The agricultural field in the northern part of the appeal site contributes to the setting of the Church because it provides a rural foreground to views from VP3, which is representative of several vantage points along the public right of way. It also contributes positively to the rural setting of the church when viewed from the north in a broad arc that encompasses VPs 2 and 8. That said, the large agricultural buildings that currently occupy the remainder of the site are prominent and of a scale that competes with, and detracts from, views of the church from this direction.
51. Removing the existing agricultural buildings would notably improve the setting of the church when viewed from the north and VP3. However, the appeal scheme would effectively block views of the church from VP3 and would be a prominent block of development with more of a presence than the existing barns. This would be due to the greater size of the built footprint and the northerly projection outside the farmyard. This would also be the case despite the sloping gradient of the arable field. The impact would change over time as the proposed planting matures, but the housing would nevertheless project harmfully into the rural setting of the church when experienced from the north/north east of the village.
52. The impact from VP3 would be significant, but this is only one unplanned view of the church. The impact from the north would be more limited because views of the church tower would not be blocked and it would still be possible to experience the church in a rural context, albeit with the proposed housing estate being a prominent visual competitor. Overall, the proposal would moderately harm the setting of the church.
53. This impact would not be mitigated by opening up a new public view of the church from the northern edge of the brook (which marks the northern boundary of the appeal site) because the housing would be very apparent from this location, especially Plot 23.
54. Historic England has provided guidance on the setting of heritage assets in GPA3⁶. This document suggests that because Church's are often tall structures, their setting is unlikely to be affected by small-scale development if it does not compete with their scale. In my view, 25 homes would not be 'small scale' in the context of the northern edge of the village and would collectively compete with the church. Notwithstanding this, an assessment of the significance of an individual listed building will involve a discrete and specific appraisal. In this instance, the specific circumstances before me indicate that the proposal would harm the setting of the church for the reasons given and therefore the aforementioned general guidance in GPA3 is not determinative.
55. Overall, I conclude that the proposal would moderately harm the setting of the listed building and thus its significance. The setting of the listed building would not be preserved. The proposal would therefore be at odds with Policy LP25,

⁶ The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning Note 3

which seeks to secure development that would not be prejudicial to a listed building's setting.

Whether the proposal would make adequate provision for affordable housing

56. Within the Lincoln Strategy Area Policy LP11 of the LP requires 25% provision of affordable housing in schemes proposing 11 or more homes. That said, the policy also states that the Central Lincolnshire authorities will negotiate the level of affordable housing with developers if an accurate viability assessment demonstrates this percentage cannot be met in full.
57. The appellants' viability assessment has indicated that it would not be commercially viable to deliver any affordable housing. This is because the assessment suggests the residual land value (RLV) would be £674,195 below the existing use value (EUV) and £774,195 below the EUV plus a landowner premium of 20% above the EUV (EUV+), which is required to incentive the sale of the land. The Council have not provided evidence that undermines the robustness of the EUV.
58. However, I share the Council's scepticism as to whether the construction of the new farmyard should be included as a development cost of the proposal. To do otherwise would, in theory, see the landowner benefiting twice as they would receive funds to relocate the farmyard and the RLV upon the sale of the site. This is all the more pertinent because I have not been presented with any details demonstrating where the farmyard would go and an indication that the relevant permissions are in place.
59. Thus, the development costs can be reduced by £586,871 (the costs identified for relocating the farmyard) with this sum added to the RLV. Thus, the RLV could reasonably be increased to £654,782 with 0% affordable housing and £412,676 with 25%. This is a better picture than depicted in the viability appraisal as the EUV+ would be exceeded with 0% affordable housing. That said, the EUV+ would not be reached with 25% affordable housing.
60. During the hearing the Council raised several other concerns with the viability appraisal. It indicated that a 17.5% developer profit would be more appropriate than 20%. This proposition was not supported by evidence, but I nevertheless consider there is some flexibility in the profit level given that the appellants would be the developers and therefore the risks would be lower.
61. The Council also suggested the build costs and professional fees are higher than the average for the area, that the EUV+ could be set at 10% above the EUV (rather than 20%) and that there are some errors in the appraisal. For example, it refers to the costs of a barn conversion when one is not proposed and identifies s106 contributions instead of CIL costs. The appraisal is also based on figures that are now two years old. Many of these points could have some traction but the Council failed to develop a robust counter assessment which identified alternative figures and the implications this would have for the RLV. As such, the significance of the alleged limitations is unclear and therefore the Council has not demonstrated that 25% affordable housing would be a viable proposition.
62. That said, the appellants have offered to provide 12% affordable housing (3 homes) and this would be secured through the necessary planning obligation submitted after the hearing. I was advised at the hearing that such provision

would come out of developer profit. To my mind this is an indication that there may be some force to the Council's point that there is some scope within the scheme to provide affordable housing without it prejudicing the deliverability of the scheme. In addition, the appellant has included a review mechanism within the planning obligation that would facilitate a reappraisal based on actual build costs and sales. This would address some of the Council's concerns regarding apparently inflated development costs.

63. In summary, the Council have not demonstrated that 25% affordable housing would be viable, but it has highlighted some limitations with the viability appraisal. Similarly, the appellant has not robustly demonstrated a figure of 0% affordable housing but the evidence before me suggests 25% provision to be too high. In the circumstances, it would be a pragmatic approach to split the difference and therefore 12% with a review mechanism seems about right. Thus, the proposal would make adequate provision for affordable housing and therefore a conflict with Policy LP11 would not occur.

Other Considerations and Heritage Planning Balance

64. The harm that would occur to the setting of the listed building would be moderate and therefore 'less than substantial' within the meaning of the Framework. The moderate harm to the CA and the significant harm to its setting would also be 'less than substantial' in Appeal A. The harm to the CA in Appeal B would also be 'less than substantial' given the localised impacts, but of a high order given the importance of the barn and the absence of mitigation in the form of a facsimile type replacement. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal. However, in so doing less than substantial harm should not necessarily be conflated with a less than substantial planning objection.
65. The existing access into the farmyard has very poor visibility to the west due to the presence of the brick barn. The visibility is below the standards set by Manual for Streets and is therefore more likely to be unsafe, as demonstrated by an independent road safety audit. This is aggravated by the nature of the farm traffic, which involves around 2000 movements a year by large vehicles including tractors, combines and lorries. When these vehicles are turning right out of the farmyard they cut across the oncoming traffic, which they are unable to see when commencing the manoeuvre. This results in the risk of a vehicle collision. There is also the risk that farm traffic would hit pedestrians and cyclists, but they would be moving more slowly and would, in most instances, be able to hear the vehicles manoeuvring and thus step onto the grass verge.
66. A collision with an agricultural vehicle would likely be more serious than with a car, as demonstrated by data collected by the Lincolnshire Road Safety Partnership. Therefore, improving the visibility at the site access by removing the barn would be a public benefit. However, it is unclear whether this data relates to circumstances similar to the appeal site. This is important because The Green is characterised by slow moving and infrequent traffic. As such, the risk of a serious collision is reduced.
67. Moreover, local residents would be familiar with the access and would therefore be accustomed with the need for additional caution and would know that it is unwise for children to play in the vicinity of the access. Likewise, farm operatives would be professional drivers that would take the utmost care when exiting the site. There is also good forward visibility along The Green so in

many instances motorists would be able to see a vehicle emerging from the appeal site in good time and react. It is therefore unsurprising that no accidents have been recorded in the vicinity of the site access, as the situation is, to a significant extent, self-policing.

68. The appellant points to the near miss log kept by the business as evidence that there is a problem, as this records the number of near misses increasing year on year. It would be advantageous to deal with the problem before an accident occurs, although there is no guarantee one would for the reasons already given. Moreover, there is no evidence before me to suggest the appellant has put in place other measures to address the safety concerns. For example, there is nothing to suggest other solutions have been explored with the local highway authority, such as signage or alterations to the barn or the lane. I also heard at the hearing that it is not uncommon for more than one member of staff to be on site at any one time and consequently there could be opportunities to see vehicles out. In addition, there has been no indication that public liability insurance would not be forthcoming if the status quo endures. These factors would suggest the problem is not as acute as is suggested. As such, the highway safety benefits from demolishing the barn would be of moderate weight in Appeals A and B.
69. Farm traffic currently has to go through the village, where many of the roads are narrow lanes that are often cluttered by on street parking. This results in noise and disturbance to residents along the route, but the impact is seasonal, short in duration and intermittent. Moreover, there is little to suggest large vehicles prevent an unacceptable highway safety risk. It would be advantageous to remove most of the heavy vehicle movements from the village and therefore this would be a public benefit. However, it is one of limited weight. Relocating the farmyard would enable the appellants' existing business to become more efficient and grow and thrive without the constraint of the access and village centre location. This could aid the local economy in a modest way.
70. Removing the farmyard from its current site would mean local residents would not be affected by noise and disturbance from the grain dryers, fuel tank and general activity. However, substantive evidence such as a noise assessment or complaints log is not before me to suggest this is an existing problem of note. In fact, many representations have suggested this is not a problem. As such, this is a very limited public benefit. Likewise, the benefits from creating an additional footpath route would be limited given the existing extensive network north of the village. Visual improvements from removing the existing agricultural buildings and concrete yard would be undone by the impacts of extending the proposal northwards outside the built footprint of the yard.
71. The appeal scheme would deliver around seven times more open space than is required by the development plan. The open space would support informal recreation by acting as somewhere to picnic or have a 'kick about'. Although this would not be the formal play space or recreation ground most in need, the open space provision needs to be considered in the context of the existing quantitative shortage. A planning condition could be imposed to ensure the spaces are attractively landscaped and managed and therefore more than simply a grass field of low recreational value. The open space that would be provided would also be well placed relative to the village centre. Open space provision would therefore be a significant benefit. The proposal would also

benefit biodiversity through tree planting and the creation of the meadow and open space. This would be an added benefit of moderate weight.

72. The proposal would be a medium sized development that would provide twenty-five homes. This would moderately boost housing land supply and choice with the homes capable of being delivered reasonably quickly. It would also help meet the village growth target. However, there is nothing to suggest the appeal site is required to meet this target, especially as the work underpinning the emerging neighbourhood plan has provisionally identified ample provision on other sites. Moreover, the Council suggests that it has a five-year housing land supply and is therefore in the process of significantly boosting the supply of housing. In such circumstances, the contribution to housing supply would be a moderate benefit.
73. However, the appellants have provided me with five scenarios whereby the housing supply could be below five years. All but one relies on a Covid-19 adjustment of between 1.16% and 7.7% to take the supply marginally below five years. However, I have not been presented with an actual Covid-19 adjustment figure detailing the effects of the pandemic in a West Lindsey context and supported by substantive evidence. The conclusions in the Lichfield report appear to be based to a large extent on local market intelligence from Suffolk and therefore does not relate directly to West Lindsey. Moreover, the effects of Covid-19 could be short lived with development bouncing back over the five-year period. In addition, the Council used evidence from local developers to inform and forecast its housing supply figure and therefore it has probably factored in some of the effects of Covid-19.
74. Nevertheless, there is some traction to the appellants argument that the Council has not provided clear evidence that the Western Growth Corridor and Land at Eastfields Farm would be delivered in the five-year period. Thus, if I were to accept the appellants' points regarding purpose-built student accommodation, then the housing supply could be around 4.87 years. In such circumstances, the delivery of housing would become a significant benefit.
75. The construction and subsequent occupation of the properties would deliver notable economic benefits through the circulation of funds. It would also provide a boost to the vitality of the village, particularly given the proximity to the village core. However, substantive evidence is not before me demonstrating that local services and facilities are failing for lack of patronage. Nor is there anything to suggest that village clubs, societies and organisations need more members. Accordingly, these social benefits are of moderate weight. The financial benefits the Council would derive, such as additional Council Tax, would also have the potential to be a moderate benefit if spent on more than servicing the additional residents.
76. The delivery of affordable housing would be a benefit. However, this is not a strong benefit of the proposal as only three homes would be delivered, and this would be at a policy compliant level. Given the small number of homes proposed the benefit would still be modest even if I took the view the proposal was exceeding policy requirements.
77. When taken collectively, Appeal A would deliver important public benefits. However, the proposal would significantly harm the setting of the CA, and moderately harm both the character and appearance of the CA and the setting of a Grade II* listed building. Paragraph 193 of the Framework states that

great weight should be given to the conservation of designated heritage assets and the more important the asset the greater the weight should be. This chimes with the considerable importance and weight I must give to the special regard I must pay to preserving the listed building's setting and the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA, as set out in the Act⁷. Accordingly, there is a strong presumption in favour of the preservation of heritage assets.

78. In this context I find that the less than substantial harm that would arise from Appeal A, which would cumulatively be of a high order within the 'spectrum' (of less than substantial harm), would not be outweighed by its public benefits taken together. This would be the case even if I were to share the appellant's view that the Council are unable to demonstrate a five-year housing land supply, which would result in the housing supply benefits carrying significant weight to be considered cumulatively with the other benefits.
79. The significant 'less than substantial harm' to the CA that I have identified in respect of Appeal B would not be outweighed by the moderate benefits to highway safety that would be derived from removing the barn.
80. Accordingly, in respect of both appeals, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have clear and convincing justification. Accordingly, the application of policies in the Framework that protect designated heritage assets provide a clear reason to refuse the proposal. The failure to positively conclude the heritage balance also results in a conflict with Policy LP25 of the LP⁸.
81. The development would therefore fail to satisfy the requirements of the Act, the Framework and the development plan. In this instance it follows that the benefits of the proposal would not outweigh the totality of harm I have identified either, which includes a conflict with Policy LP4 of the LP.

Conclusion

82. Appeal A had clear community support at the pre application stage, would be sequentially acceptable and would make adequate provision for affordable housing. However, in its entirety it would not be in an appropriate location and would harm designated heritage assets and their setting. It would therefore be contrary to the expectations of the Act and the development plan as a whole. There are no other considerations, including the Framework, which outweigh this finding. Consequently, for the reasons given, Appeal A fails.
83. Appeal B would harm the conservation area contrary to the expectations of the Act and would be at odds with the development plan as a whole. Likewise, there are no other considerations, including the Framework, which outweigh this finding. Consequently, for the reasons given, Appeal B also fails.

Graham Chamberlain
INSPECTOR

⁷ See Sections 66(1) and 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

⁸ Which states that unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated heritage assets where the impact of the proposal does not harm the significance of the asset and/or its setting.

APPEARANCES

FOR THE APPELLANT

| | |
|--|--------------------------------|
| Mr Phillip Good | Appellant |
| Mr Joe Good | Appellant |
| Mr Phil Scrafton DipTP MRTPI | Globe Consultants Limited |
| Miss Natasha Bicknell LLB Law | Roythornes Solicitors |
| Mr Phillip Robson BVC, LLB (Hons) MSC | Kings Chambers |
| Miss Sara Boland BA (Hons) PG Dip LA CMILI | Influence Landscape Architects |
| Mr Adam Partington BA (Hons) MSc Oxon | Locus Consulting Ltd |
| Mr Vimal (Raz) Patel BEng (Hons) | RKS Associates |

FOR THE LOCAL PLANNING AUTHORITY

| | |
|---|-------------------------------|
| Mr George Backovic BA (Hons), URP, BTP, MRTPI | West Lindsey District Council |
| Mrs Liz Mayle BA(Hons) MA(Dist) IHBC | West Lindsey District Council |
| Ms Rachael Hughes DipSurv, MSc MRICS | West Lindsey District Council |

INTERESTED PARTIES

Mr Joe Stuffins
Mr Vernon Stuffins (Snr)
Mrs Jo Beresford-Robinson
Mr Michael Robinson
Mrs Louise Carder
Mr Chris Carder
Mrs Judith Smith
Mrs Fiona World
Mr David World
Dr Laura Stuffins
Cllr Christopher Darcel – Cherry Willingham Ward
Mr Kevin Thoy
Mr Michael Kheng
Mrs Cathy and Mr Gary Fox

DOCUMENTS SUBMITTED DURING THE HEARING

1. Conservation Area Appraisal, Designation and Management - Historic England, Advice Note 1 (Second Edition)
2. Site photographs taken by Mr George Backovic
3. Email from Liz Mayle setting out advice from the Council's Building Control Officer on reusing windows.
4. Site photographs taken by Mrs Liz Mayle
5. CAD drawing showing the proposed position of Plot 1 1510mm further into the site than the current barn
6. Email from Oliver Clawson setting out a suggested condition relating to an open space maintenance and management plan
7. Letter dated 28 September 2018 from Kit Malthouse MP and Nusrat Ghani MP relating to shared space schemes
8. Emailed representations from Mr Ron Harrison and Catherine Wilson submitted by Mrs Louise Carder
9. Questionnaire results relating to the Fiskerton Neighbourhood Plan

10. Emailed representation from Mrs Cathy and Mr Gary Fox
11. Emailed representation from Laura Stuffins
12. Emailed representation from Mr Vernon Stuffins
13. Emailed representation from Mr Kevin Thoy

DOCUMENTS SUBMITTED AFTER THE HEARING

1. Counterpart Planning Obligation
2. Email form the local planning authority confirming the acceptability of the counterpart planning obligation

Site Location Plan- 145735



Officers Report

Planning Application No: 145735

PROPOSAL: Planning application for an entry level exception site consisting of 20no. affordable houses - phase 3 - resubmission of 143260

LOCATION: Land to South of Wesley Road Cherry Willingham Lincoln LN3 4GT

WARD: Cherry Willingham

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

APPLICANT NAME: Mr G Collins- Cherry Tree Homes Ltd

TARGET DECISION DATE: 17/01/2023 (Extension of time agreed until 31st March 2023)

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Delegate back to officers to grant planning permission with conditions and;

- The signing of a Section 106 agreement to secure the proposal as an entry level exceptions site and an NHS contribution of £12,650.00 and;
- A unilateral undertaking securing public bridleway access through the field to the south of the application site to Green Lane.

The application is presented to the planning committee for determination as the proposal is a re submission of planning application 142360 which was also presented to the planning committee.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017: The proposal does not exceed the screening threshold of more than 150 houses or exceeding 5 hectares for residential development set out in Schedule 2, 10 (b). It is neither "schedule 1" nor "Schedule 2" development, therefore there is no requirement to screen the proposal.

Site Description: The application site is a rectangular piece of land to the south of a modern housing development, within an area informally known as 'Little Cherry' off Hawthorn Road. This area is physically separated from the main body of Cherry Willingham, located to the east. The site is currently in an overgrown state with established hedges to the western and southern boundaries. There is a mature ash tree to the western boundary. To the east, south and west is arable farmland. A wooded area known as Fox Covert is located to the south west of the site. Approximately 300m to the

south of the site is a public right of way (reference Cher/133/1) which runs east to west, along Green Lane and into Cherry Willingham.

The Proposal: The proposal is a re submission of 143260 which was refused by the Planning Committee on 4th November 2021. This application proposes the erection of 20no. fully affordable dwellings in a semi-detached and terraced format. This also includes 4 bungalows in the south east corner of the site. The dwelling types are as follows;

- 4no. 1 bed bungalows;
- 10. 2 bed houses;
- 6no. 3 bed houses.

The proposed road layout would be continuation of Wesley Road. Public open space is proposed in the south west corner of the site being centered around an existing ash tree.

Relevant history:

143260- Planning application for an entry level exception site for erection of 21no. affordable dwellings - phase 3. Refused by Planning Committee on 03/11/21 for the following reason:

1. The proposal does not prioritise safe, easy and direct pedestrian access contrary to policy D1 of the Cherry Willingham Neighbourhood Plan. Furthermore, the design and extension into the countryside would have an urbanising effect contrary to policies LP17 and LP26 of the Central Lincolnshire Local Plan. Therefore the proposal would be contrary to paragraph 72(b) of the NPPF which seeks development to comply with any local design policies and standards.

140355- Outline planning application to erect 19no. dwellings - third phase of scheme for housing - all matters reserved. Withdrawn 13/2/2020.

133692 Outline planning application for residential development of 19no. dwellings - all matters reserved.

Land to the west-

133693 Outline planning application for residential development of 29no. dwellings- all matters reserved. Refused on 27/4/2016 prior to the adoption of the CLLP. Appeal (Ref APP/N2535/W/16/3153106) decision dated 23/11/2017 post CLLP adoption. The Inspector considering Little Cherry Willingham to be part of Cherry Willingham and thus a large village.

Representations, in summary. Full representations can be viewed through the Council's website using the following link:

<https://planning.west-lindsey.gov.uk/planning/details.asp?id=145735&nb=1#content>

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

Cherry Willingham Parish Council:

16/03/2023- Support the Proposal:

CWPC indicated its acceptance of the original application (143260) but it was rejected by WLDC Because if did not prioritise direct pedestrian access to the main part of CW contrary to policy D1 of the NP and it represented extending urbanisation into the countryside, contrary to the Central Lincolnshire Plan policies (although the land had been scheduled for development and continues to feature in the draft revised LP) The plan has been modified and resubmitted.

Positive features

- 1) It is entirely affordable housing and appears to be subject to a S106 agreement to enforce this. Some units would be suitable for older people. This fits policy H2 of the NP
- 2) The general style does seem to fit into the existing development – it is not obviously “affordable housing: (NP policy H2/4)
- 3) The overall visual appearance of the scheme is interesting and varied (see the CAD pictures. This is in accordance NP D1/2.
- 4) The modifications to the original scheme put 4 single storey dwellings at the south end of the site and show the hedge to the south will be improved so the visual impact from Green Lane to the south will be minimised and will still give a rural feel to the view.
- 5) There is good public open space (NP OS3)
- 6) The environmental aspects of the proposal (particularly the preservation and improvement of hedges) are in accordance with NP D1/4 and 5.
- 7) The scheme does give a promise of bridleway access to Green Lane which has been a longterm aim for CWPC (NP OS3/2, CF1/community priorities 19/5).

Issues

- 1) The whole development south of Hawthorn Rd is in visual appearance more appropriate to an urban environment ,though in my opinion this application does act to mitigate this
- 2) The front and rear of some of the dwellings (e.g., units 5 and 6) appears top heavy – a dark slate roof above light walls is unbalanced, whereas with darker walls (units 7 and 8) this is much less noticeable. Gables on some properties mitigate this – cf the front and rear elevations of 15 and 16)
- 3) The layout plan in the application (September 2021) is not the same as in the Flood Risk submission (dated June 2021). (However, I doubt this would have any significant effect on the flood risk)
- 4) The accessibility of the site to village facilities is presented in a positive light but it is approx. 2km from the southernmost dwelling (20) to The Parade on foot (2.5km via the proposed bridleway to Green Lane and approx. 3 km to the primary school from the

midpoint of the development (property10) via Hawthorn Rd (2km via the proposed bridleway), which in practice will mean that most journeys are likely to be by car.

Conclusion

The Parish Council would be in favour of accepting the application provided there is absolute certainty that:

- a) all the housing will be affordable and allocated in accordance with paragraph 8.13 of the adopted Cherry Willingham Neighbourhood plan. With the selection criteria included in the S106 agreement.
- b) That the bridleway to connect to Green Lane is put in place.
- c) That the environmental and visual amenity outcomes are in accordance with the application

11/11/2022- Support the Proposal: CWPC indicated its acceptance of the original application (143260) but it was rejected by WLDC.

Positive features

- 1) It is entirely affordable housing and appears to be subject to a S106 agreement to enforce this. Some units would be suitable for older people. This fits policy H2 of the NP
- 2) The general style does seem to fit into the existing development – it is not obviously “affordable housing: (NP policy H2/4)
- 3) The overall visual appearance of the scheme is interesting and varied (see the CAD pictures. This is in accordance NP D1/2.
- 4) The modifications to the original scheme put 4 single storey dwellings at the south end of the site and show the hedge to the south will be improved so the visual impact from Green Lane to the south will be minimised and will still give a rural feel to the view.
- 5) There is good public open space (NP OS3)
- 6) The environmental aspects of the proposal (particularly the preservation and improvement of hedges) are in accordance with NP D1/4 and 5.
- 7) The scheme does give a promise of bridleway access to Green Lane which has been a long term aim for CWPC (NP OS3/2, CF1/community priorities 19/5).

Issues

- 1) The whole development south of Hawthorn Rd is in visual appearance more appropriate to an urban environment, though in my opinion this application does act to mitigate this
- 2) The front and rear of some of the dwellings (e.g., units 5 and 6) appears top heavy – a dark slate roof above light walls is unbalanced, whereas with darker walls (units 7 and 8) this is much less noticeable. Gables on some properties mitigate this – cf the front and rear elevations of 15 and 16)
- 3) The layout plan in the application (September 2021) is not the same as in the Flood Risk submission (dated June 2021). (However, I doubt this would have any significant effect on the flood risk)
- 4) The accessibility of the site to village facilities is presented in a positive light but it is approx. 2km from the southernmost dwelling (20) to The Parade on foot (2.5km via the proposed bridleway to Green Lane and approx. 3 km to the primary school from the

midpoint of the development (property10) via Hawthorn Rd (2km via the proposed bridleway), which in practice will mean that most journeys are likely to be by car.

5) "Little Cherry" continues to have a complete absence of community facilities other than the small playground and the green space in this development.

Conclusion

The Parish Council would be in favour of accepting the application provided there is absolute certainty that:

a) all the housing will be affordable and allocated in accordance with paragraph 8.13 of the adopted Cherry Willingham Neighbourhood plan. With the selection criteria included in the S106 agreement.

b) That the bridleway to connect to Green Lane is put in place.

c) That the environmental and visual amenity outcomes are in accordance with the application.

Local residents/Third Party Representations:

Letters of objection have been received from no.s 12, 14,16, 18, 27, 30,36,39,57,65, 69, 116, 118 Wesley Road, summarised as follows;

- The road is yet to be adopted by the Council, this should be completed before development goes ahead;
- Access concerns;
- If affordable housing were to be placed in this location it would potentially be out of alignment with the current resident demographic and would lower the value of existing properties;
- Issues within parking, drains and general upkeep on Wesley Road;
- Traffic is already bad on the road with people speeding through the chicane style set up, and to add work vehicles to the mix is just crazy;
- noise pollution from the building works;
- general increase in dirt causing impact on houses and cars - access and egress of emergency vehicles is already of concern due to the lack of space and parking. Further housing will only worsen this issue - added pressure on local services such as gp. It's already hard enough to get an appt, adding more people to the catchment area can only worsen this situation;
- There has been no notification of the development;
- Concerns with the speed of vehicles that currently use Wesley Road;
- It would be better to create a green space/park play area;
- Damage to wildlife;
- Local services such as schools and GP practices are oversubscribed;
- Poor drainage;
- No access to local amenities.

A letter of support has been received from no. 116 Wesley Road:

I wish residents would realise that had planning been rejected for their phases they wouldn't be living where they are now!! No issues with parking.

LCC Highways/Lead Local Flood Authority:

01/03/23-

Highway Safety- 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. Highway safety is not affected. There is a negligible affect on highway capacity

Flood Risk and Drainage (as LLFA) - In principle the proposed drainage strategy is acceptable, subject to detailed design. Therefore surface water flood risk has been mitigated, reducing the run-off on site to greenfield discharge rates.

Recommends three conditions and four informatives in the event permission is granted.

01/02/2023 (email)- It is proposed to delay adopting the estate that serves this development. As it's in their ownership there will be no access issues and any damage caused to the existing highway will be their liability and will require repair before adoption by us. This coupled with the proposal to use smaller construction vehicles where possible satisfies me on the access issues and removes the need for a haul road.

The drainage strategy is still a concern.

14/12/22- Highways- No objection in principle to the layout shown, the single parking space located in the public open space (in front of plots 11-14) should be rotated through 90 degrees to make it more accessible. Can the layout be revised to address this?

Currently only part of the estate roads that serve as access to the proposed development are adopted highway, therefore should the developer wish for the new development to be adopted, details for the previous phase's adoption will be required. The estate roads which will provide access to the new proposal are in part private and are not suitable for construction traffic during the build out phase, therefore the HLLFA will require details for a temporary access road for construction traffic.

It has been noted the applicant has submitted swept path analysis to demonstrated some vehicles can access the site, but this doesn't include the larger vehicles used in construction nor the fact that a certain level of on street parking is present at most times of the day, preventing the movements necessary.

LLFA- Drainage- It has been indicated in the submitted FRA that the site will drain via soakaways and permeable paving. In order to assess the suitability of this method a number of trial pits will have to be excavated to a suitable depth and infiltration testing to BRE Digest 365 will need to be carried out at this stage. The water table depth will need

logging and soaked CBR testing will also be required. Depending on the water table depth recorded, a period of bore hole monitoring may be required. For a full application the following information will be required in order for the HLLFA to assess the suitability of the sites drainage strategy:

- Drainage Strategy including adoption and/or maintenance proposals and sketch layout plans
- Detailed development layout showing surface water drainage infrastructure in line with SuDS principles
- Detailed Hydraulic calculations
- Geotechnical interpretive reports (infiltration assessment, groundwater tables, soil types etc.)
- Discharge and adoption agreements It is requested the above drainage information is submitted for consideration.

Environment Agency: The Environment Agency does not wish to make any comments on this application.

Archaeology: No representations received to date.

Anglian Water (In summary):

Section 1- Assets Affected- Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. Recommends informatives to the applicant,

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

Section 3- Used Water Network- The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection

Section 4- Surface Water Disposal- The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

Recommends a condition for a surface water management strategy to be submitted.

LCC Education Services: Having assessed the impacts based in the updated housing mix, there remains no education ask for primary and the one required for secondary is covered by CIL at the present time.

Lincolnshire Police: No objections.

NHS Lincolnshire: The contribution requested for the development is £12,650.00 (£632.50 x 20 dwellings). The above development is proposing 20 dwellings which, based on the average of 2.3 people per dwelling for the West Lindsey District Council area, would result in an increase in patient population of 46. The calculations below show the likely impact of this new population in terms of number of additional consultation time required by clinicians.

WLDC Developer Contributions and Enabling Officer: NPPF para 72 specifies *“Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area.”*

There are two elements to the need for the homes, the Central Lincs HNA identifies a need for affordable housing and that need is not being met across the Central Lincolnshire Housing Market. The types and tenure of properties that are then delivered on the site should reflect the need identified through the housing register information. The D&A statement submitted as part of this application details liaison with WLDC regarding the property types and that those property types reflect the need identified by the Housing register. This liaison was done back in 2021 with the following needs information reflecting the size and tenure specified for the site.

| Cherry Willingham housing register information 12 th July 2021 | | | | |
|---|-------|-------------------------|--|---|
| One bedroom | Total | Of total, those over 55 | Of total, those with a local connection* | Of total over 55, those with a local connection over 55 |
| 1 bed | 97 | 47 out of 97 | 82 out of 97 | 41 out of 47 |
| 2 bed | 69 | 15 out of 69 | 61 out of 69 | 15 out of 15 |
| 3 bed | 31 | 1 out of 31 | 24 out of 31 | 1 out of 1 |
| 4 bed + | 7 | 2 out of 7 | 6 out of 7 | 1 out of 2 |
| Total | 204 | 65 out of 204 | 173 out of 204 | 58 out of 65 |

* This is based solely on address, which is only one element of the local connection criteria.

Updated figures have been sought for the housing register and the house types proposed on the site do still reflect the need as identified by the housing register for Cherry Willingham.

The NPPF (above) does also stipulate that the properties must be available for first time buyers or those looking to rent their first home. Due to this, all of the properties on the site will have to have a restriction that they can only be sold or rented to people who wish to

buy or rent their first home. This will require a specific letting criteria set out within the S106 which secures the properties as only available for first time renters/buyers in the first instance. This will then supersede the requirement within the West Lindsey Lettings policy that bungalows and ground floor flats can only be rented to applicants who are over 55 or with a medical need.

Due to the above clause being required, I would recommend engagement with an RP as soon as possible as this could add complexity when obtaining an RP partner to purchase the properties and deliver them as affordable.

Details of which properties are to be rented and which will be available for shared ownership will also need to be agreed to ensure there is an identified need for the tenure of housing proposed.

IDOX Checked: 08/03/2023

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 Cherry Willingham Neighbourhood Plan (made 2019); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP9: Health and Wellbeing

LP10: Meeting Accommodation Needs

LP11: Affordable Housing

LP12: Infrastructure to Support Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

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

LP25: The Historic Environment

LP26: Design and Amenity

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

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

Relevant policies of the CWNP include:

Policy H2: Housing Type, Mix and Density

Policy OS1: Provision of new Public Open Space

Policy OS3: Footpaths and Cycleways

Policy D1: Design Principles for Cherry Willingham

Cherry Willingham Character Assessment

<https://www.west-lindsey.gov.uk/my-services/planning-andbuilding/neighbourhood-planning/all-neighbourhood-plans-in-westlindsey/cherry-willingham-neighbourhood-plan-made/>

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

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

National policy & guidance (Material Consideration)

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

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

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

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

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

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

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

- **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. Consultation on the post-examination modifications to the Plan, started 13th January 2023 and closed on 24th February 2023.

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

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

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

The relevant policies of the draft CLLP are considered to be:

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S2: Growth Levels and Distribution
Policy S4: Housing Development in or Adjacent to Villages
Policy S5: Development in the Countryside
Policy S7: Reducing Energy Consumption – Residential Development.
Policy S12: Water Efficiency and Sustainable Water Management
Policy S21: Flood Risk and Water Resources
Policy S22: Affordable Housing
Policy S23: Meeting Accommodation Needs
Policy S45: Strategic Infrastructure Requirements
Policy S47: Accessibility and Transport

Policy S48: Walking and Cycling Infrastructure
Policy S49: Parking Provision
Policy S59: Green and Blue Infrastructure Network
Policy S60: Protecting Biodiversity and Geodiversity
Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains
Policy S66: Trees, Woodland and Hedgerows

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

Main issues

- Principle of Development;
Draft Central Lincolnshire Local Plan position
- Design and Character Impacts;
- Residential Amenity;
- Highways;
- Flood Risk and Drainage;
- Ecology and Trees;
- Contributions and Open Space;
- Other Matters

Assessment:

Principle of Development

The application site is located within an area known locally as ‘Little Cherry/Hawthorn Road’, it is not listed within the settlement hierarchy of Policy LP2 within the CLLP and is considered to be an omission. The substantial gap between it and the continuous developed footprint of Cherry Willingham means it is not considered appropriate to conclude Little Cherry is part of Cherry Willingham for planning purposes.

Tier 7 of Policy LP2 considers a hamlet to be “a settlement not listed elsewhere in this policy and with dwellings clearly clustered together to form a single developed footprint***. Such a hamlet must have a dwelling base of at least 15 units (as at April 2012).” Whilst the views reached previously by a Planning Inspector are noted, it is not considered appropriate to conclude that Little Cherry Willingham is a hamlet because its current scale would qualify it as a medium village under the thresholds used in the CLLP.

The more recent CWNP (adopted 2019) does not set out any specific policies in regard to development at ‘Little Cherry’, but states the following at paragraph 9.3:

“Little Cherry” 9.3 The area to the North of the parish, known locally as, “Little Cherry” is a small detached built up area with no facilities and only limited transport services to nearby larger settlements. Any development proposals which come forward in Little Cherry in the Plan period will be considered on their merits within the context provided by national planning policy and relevant policies in the CLLP. In the absence of any definitive statement in the CLLP the District Council has indicated that it will consider Little Cherry

as a Small Village (within the settlement hierarchy set out in Policy LP2 of the adopted development plan) until such time as the matter is definitively resolved in any review of that Plan.

Previous decision making, noted in the planning history section above, provides contradictory approaches as to how Little Cherry should be categorised. Policy S1 of the draft CLLP, which is now at an advanced stage and can be given some weight, the policy position with regard to the draft CLLP is discussed in more detail below.

Policy LP1 of the current CLLP states that:

“Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the appropriate Council will grant permission unless material considerations indicate otherwise – taking into account whether:

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

CWNP Paragraph 9.3 states *“Any development proposals which come forward in Little Cherry in the Plan period will be considered on their merits within the context provided by national planning policy and relevant policies in the CLLP.”*

The site is not allocated for residential development in the development plan (unlike the site immediately to the north). The NPPF (a material consideration) sets out support for ‘entry level exceptions sites’. Paragraph 72 of the NPPF states that:

72. Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area. These sites should be on land which is not already allocated for housing and should:

- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and*
- b) be adjacent to existing settlements, proportionate in size to them³⁵, not compromise the protection given to areas or assets of particular importance in this Framework³⁶, and comply with any local design policies and standards.*

“(35) Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.”

“(36) i.e. the areas referred to in footnote 6 in chapter 2. Entry-level exception sites should not be permitted in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt.”

The requirements of paragraph 72 are detailed below;

“unless the need for such homes is already being met within the authority’s area.”

The authority’s area would be that of Central Lincolnshire. The Strategic Housing Market Assessment states that, as per the NPPG, Lincoln, North Kesteven and West Lindsey (Central Lincs) can be jointly considered as a single housing market area.

There are two elements to the need for the homes, the Central Lincs HNA identifies a need for affordable housing and that need is not being met across the Central Lincolnshire Housing Market. The types and tenure of properties that are then delivered on the site should reflect the need identified through the housing register information. The D&A statement submitted as part of this application details liaison with WLDC regarding the property types and that those property types reflect the need identified by the Housing register. This liaison was done back in 2021 with the following needs information reflecting the size and tenure specified for the site.

| Cherry Willingham housing register information 12th July 2021 | | | | |
|---|--------------|--------------------------------|---|--|
| One bedroom | Total | Of total, those over 55 | Of total, those with a local connection* | Of total over 55, those with a local connection over 55 |
| 1 bed | 97 | 47 out of 97 | 82 out of 97 | 41 out of 47 |
| 2 bed | 69 | 15 out of 69 | 61 out of 69 | 15 out of 15 |
| 3 bed | 31 | 1 out of 31 | 24 out of 31 | 1 out of 1 |
| 4 bed + | 7 | 2 out of 7 | 6 out of 7 | 1 out of 2 |
| Total | 204 | 65 out of 204 | 173 out of 204 | 58 out of 65 |

* This is based solely on address, which is only one element of the local connection criteria.

Updated figures have been sought for the housing register and the house types proposed on the site do still reflect the need as identified by the housing register for Cherry Willingham.

The NPPF (above) does also stipulate that the properties must be available for first time buyers or those looking to rent their first home. Due to this, all of the properties on the site will have to have a restriction that they can only be sold or rented to people who wish to buy or rent their first home. This will require a specific letting criteria set out within the S106 which secures the properties as only available for first time renters/buyers in the first instance. This will then supersede the requirement within the West Lindsey Lettings policy that bungalows and ground floor flats can only be rented to applicants who are over 55 or with a medical need. Details of which properties are to be rented and which will be available for shared ownership will also need to be agreed to ensure there is an identified need for the tenure of housing proposed.

The proposal is considered to evidence and address an identified unmet need.

“These sites should be on land which is not already allocated for housing”

The proposed housing is not on an allocated housing site. The red line on the site location plan goes through the allocated site to the north for the purposes of access only. This is not considered a breach of this requirement.

“(a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework;”

The proposal complies with this and it will need to be secured by section 106 agreement.

“(b) be adjacent to existing settlements, proportionate in size to them³⁵ , not compromise the protection given to areas or assets of particular importance in this Framework³⁶, and comply with any local design policies and standards.”

The site is adjacent to the existing settlement. The size limit for entry level exceptions sites is larger than one hectare in size or exceeds 5% of the size of the existing settlement. Little Cherry is approximately 16 hectares in area. The 5% limit equates to 0.8 hectares. The proposal is 0.45 of a hectare which is within the size limits. The proposal does not compromise areas or assets of particular importance (as referenced). The site is at low risk (flood zone 1) of flooding. As set out below, the proposal is considered to comply with local design policies and standards. The 100% affordable housing far exceeds the 25% requirement of CLLP Policy LP11.

Sustainability and accessibility of the location

The previous opinions of planning inspectors regarding this site and the adjacent site differ. One found compliance with policy LP13 and one found some conflict. There are limited bus services in ‘Little Cherry’.

Within the decision notice for appeal reference APP/N2535/W/17/3179325, with regard to accessibility, the Inspector stated the “appeal site is less than ideally located in terms of accessibility of most day to day services and facilities in the village which would be required by future residents of 69 dwellings, other than by means of a private vehicle” and “On balance I conclude that there would be only limited conflict with Policy LP13 of the CLLP which seeks to minimise travel and maximise the use of sustainable transport modes.”

Upon searching for services much of the services that stop along Hawthorn Road are aimed at school travel, these are the 548 to Cherry Willingham Priory Academy, the 146 to De Aston School and 510 to William Farr School.

There is a good footpath and cycleway along Hawthorn Road with the nearest secondary school (Priory Academy). The services and facilities provided at Cherry Willingham village centre, as defined in CWNP Policy R1, are approximately 2.2km away. The services and facilities at the Carlton Centre in Lincoln are approximately 3km away with access for

pedestrians and cyclists along the same cycle and footway. Such access has been retained by the bridge over the Lincoln Eastern Bypass.

The application has been submitted with a Unilateral Undertaking which will secure a public footpath access across the field to the south of the site to the Public Footpath along Green Lane, this is a material consideration in this application. This link would go to the main body of Cherry Willingham, with access to more facilities, as detailed above.

It is considered the site is not necessarily ideally located for non-car based travel to services and facilities. The majority of travel is likely to be by car with some walking, cycling and limited bus use for school travel. However, the footpath link is a material consideration and would provide better connectivity with Cherry Willingham.

Draft Central Lincolnshire Local Plan position-

Within the submitted draft CLLP, Hawthorn Avenue 'Little Cherry' is recognised a medium village under policy S1: The Spatial Strategy and Settlement Hierarchy. This policy states that *'Beyond site allocations made in this plan or any applicable neighbourhood plan, development will be limited to that which accords with Policy S4: Housing Development in or Adjacent to Villages or other policies relating to non-residential development in this plan as relevant.'*

The site is not allocated within the submitted draft plan. With regard to the application site, Policy S4 states the following within medium villages;

3. Proposals for residential development on unallocated land immediately adjacent to the developed footprint will only be supported where this is: a) a First Homes exception site in accordance with the NPPF and provided it is outside of the Lincolnshire Wolds Area of Outstanding Natural Beauty and not within a location that is subject of a Designated Rural Area as defined in Annex 2 of the NPPF; or

b) Exclusively for a rural affordable housing exception site.

Any proposals for First Homes exceptions sites or rural affordable housing exception sites will also be subject to the requirements of Policy S22.

Part three of Policy S22 states that: *In the countryside, immediately adjacent to an existing settlement, where through an assessment of local needs there is an identified need for affordable housing, permission for rural affordable housing may be permitted as an exception to policies in this Local Plan. To facilitate delivery of such schemes, the local planning authority may consider whether allowing a limited amount of market housing would be appropriate, taking into account the location of the site, the degree of need for affordable homes and the quantity of affordable homes delivered on the site.*

Proposals for First Home exception sites will be supported in line with Policies S3 and S4.

It is therefore considered that the submitted draft policies of the CLLP are supportive in principle of such sites. There are no proposed modifications to this specific part of this policy within the submitted version of the CLLP. I therefore give this policy increasing weight in the consideration of this application.

Concluding assessment:

Overall, in relation to the principle of development, the development plan is silent regarding entry-level exception sites and Little Cherry is not categorised within the CLLP settlement hierarchy nor the CWNP. The submitted draft policies within the submission version of the CLLP are supportive in principle of such sites and given it is now at an advanced stage I give some weight to these policies. Policy LP1 of the current CLLP supports the grant of planning permission in the absence of material consideration that indicate otherwise and taking into account the explicit support given to the proposal by the NPPF. A 100% affordable housing development is to be afforded significant weight due to the recognised pronounced shortfall of such accommodation within the housing market area. The principle is therefore considered to be acceptable.

Design and Character Impacts

Policy LP17 requires 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. Policy LP26 requires all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. It requires all development must take into consideration the character and local distinctiveness of the area and where applicable must demonstrate that they make effective and efficient use of land.

Policy H2 of the CWNP states; *“Elsewhere development proposals should deliver housing at densities that reflect the specific characteristics of the site and its surrounding area (in terms of the existing built form and landscape).”* *“Affordable Housing*

- 4. Where affordable housing is to be provided on site, it must be fully integrated with the market housing throughout the development.*
- 5. Affordable housing should be aesthetically indistinguishable from market housing.”*

Policy D1 of the CWNP supports development proposals where they are of a high standard of design, including taking into account, local distinctiveness and character, architectural quality, take into account the environment and landscape, accessibility, design and parking and layout.

The CWNP Character Assessment designates the site as being in area 1D described as attractive limestone arable land, open and rolling in character. It has open rolling topography typical of surrounding agricultural land; a small area of settlement to the north recently extended; and a PROW runs through southern part of the area. Overall, the area

is visually very sensitive. Southern part of area is highly sensitive to any form of development or change. It should be noted the site is in the northern section of the area. Landscape value is moderate due to scenic value due to the topography. Overall capacity is low to medium stating *“No development in south of area. The views to west and south should be protected. Possibility of small area of development to the north of area as an extension to the settlement, where it will be less visually intrusive.”*

The refusal reason for 143260 sited the impact of the development upon the character and appearance of the area. The separation distance between the most southern plot (20) and the boundary to the adjoining countryside has been increased and additional tree and hedge planting incorporated into the scheme along this south boundary. The dwellings in this southern area of the site are also proposed to be bungalows, which provide a softer transition into the adjoining countryside.

Given this, it is considered the proposal would not result in a significant impact on the wider landscape character of the rural area, or the character and appearance of the adjacent settlement. The proposal would be viewed very much as an extension to the existing housing estate from the surrounding countryside. The design and construction section of the DAS aims to incorporate, where possible, carbon reduction and renewable energy materials through the latest technology and construction methods and confirms the proposal will be designed to meet the requirements of Building for Life guidance on good design.

The design of the dwellings mirrors that of the estate to the north with dual pitched roofs, some frontage gable ends, a mixture of render, brick and timber wall treatments, and shared road surfaces. Semidetached and terraced properties, with some forming rows and others at 90 degree angles to each other are found within the existing estate and the proposal. Building plot sizes and dwelling heights are very similar. Appropriate bin storage is provided.

The design and character impacts are considered to comply with the local design policies and standards in accordance with the CWNP, CLLP and NPPF.

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

Residential Amenity

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

The application site is located to the south of no.69 Wesley Road which has ground floor and first floor windows in its south elevation that look toward the site. The north elevation of Plot 5, directly to the south of this existing dwelling would have a ground floor dining room windows and a first floor bathroom window. It is considered necessary to condition

that the first floor window in this elevation is obscurely glazed. Views in between ground floor windows would mainly be screened by boundary fencing. Plot 1 would be approximately 11.5m from 69 Wesley Road and at an angle to it which is an acceptable relationship.

It is acknowledged that some overlooking would occur from the north facing bedroom windows of plots 11 and 12 into the rear amenity area of plot 4, however this is not considered to be an unacceptable level. Proposed rear garden areas are all approximately 7-8m in depth. The two bed dwellings at plots 11-14 would have c. 6-6.5m back gardens, which is considered to be appropriate for these size dwellings. The proposed site plan also shows adequate bin storage for all dwellings. There are no other amenity concerns rising from the proposed layout.

Within the submitted Design and Access statement the agent has provided a table which shows that the gross internal floor area of each dwelling complies with the minimum size standards as detailed within Appendix 4, Affordable Housing of the CLLP developer contributions SPD (adopted June 2018). The space standards also comply with the Nationally Described space standards.

Construction access matters are discussed in more detail in the highways section below. It is considered necessary to impose a construction management plan condition to minimise the impact upon local residents.

Overall, the proposals would not cause any unacceptable residential amenity impacts and would accord to the aims of policy LP26 of the CLLP and Policy D1 of the CWNP.

Highways

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

Access including construction vehicles will use access through the site to the north off Franklin Way. Many of the neighbouring resident's objections relate to construction vehicles accessing the site through the existing estate roads, this has also been of concerns in previous applications at the site. The application has been provided with vehicular path plans which show that a small tipper, an excavator and a 7.5T box van can move through the existing site and also turn within it. The highways authority have been in discussions with the applicant and the adopting of the estate road will be delayed. The Highways Authority have reviewed the submitted information and are satisfied that the route through the estate for construction vehicles and use of smaller vehicles during the construction stage is acceptable, they have requested that a construction management plan is submitted prior to the commencement of development which has been agreed with the agent for the application.

All two and three bedroom dwellings have two, off road car parking spaces each. The one bedroom dwellings have one off road parking space. The proposal also includes one

visitor car parking space to the north of the site and a further three spaces to the south. Appendix 2 of the submitted draft CLLP details the car parking standards that will be applied in Central Lincolnshire, the proposals accord to these standards.

The application has also been submitted with a Unilateral Undertaking (UU), with the adjoining land owner which will allow a public right of way from the southwest of the proposed site to Green Lane (to the south). This will provide public access between 'Little Cherry' and the main settlement of Cherry Willingham.

Overall, the proposal would not cause any detrimental highway safety impacts, subject to conditions the proposal accords to Policy LP13 of the CLLP as well as Policy D1 of the CWNP.

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

Flood Risk and Drainage

Policy LP14 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SUDS) in to the proposals unless they can be shown to be impractical; to show that that there is no unacceptable increased risk of flooding to the development site or to existing properties; and that adequate foul water treatment and disposal already exists or can be provided in time to serve the development. NPPF Paragraph 169 requires SUDS schemes for major developments.

The submitted flood risk assessment identifies the site at being at low risk of flooding. The FRA states that finished floor levels will be set at a minimum of 150mm above the surrounding ground levels which is sufficient mitigation for

With regard to the management of surface water, ground investigations have previously been carried out which have confirmed that the site is not suitable for infiltration, evidence of this has been submitted with the application. Therefore it is proposed for this to be dealt with by draining it to existing storage facilities located below the existing public open space to the north of the site with discharge via the existing pumping station to Anglian Water surface water sewer. The above storage and pumping station have been designed to cater for the additional surface water from the adoptable highway, private drives and roofs of this proposed phase 3 of the development. The surface water is then pumped into the existing Anglian Water surface water sewer at manhole 8754. The LLFA and Anglian Water have requested further technical information to demonstrate the proposed method would work in practice.

The foul water from the proposed development will be discharged to the existing sewer on Phase 2 which has been sized accordingly. Anglian Water have stated that the foul drainage from this development is in the catchment of Reepham (Lincs) Water Recycling Centre that will have available capacity for these flows.

It is therefore considered that the proposed methods of foul and surface water drainage are acceptable in principle subject to further detailed surface water management strategy prior to the commencement of any works.

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

Ecology and Trees

The submitted preliminary ecological appraisal considers the habitat on and near the site and the potential for protected species. It recommends additional hedgerow planting and enhancement of existing hedgerows; native tree planting; bat boxes and bat friendly lighting; good working practices regarding badger; bird mitigation regarding site clearance and vegetation works; and house sparrow boxes. The report recommends a wildlife enhancement plan is prepared to ensure that as a minimum, the recommendations contained within the report are enacted. The block plan shows bat and bird boxes but it is unclear whether tree and hedgerow planting and hedgerow enhancements are in accordance with the recommendations.

The report is sufficient to demonstrate the impact on protected is acceptable but a detailed mitigation and enhancements condition is required to ensure the recommendations of the appraisal are correctly implemented.

The tree survey considers the ash tree to be a category B tree, which should be retained. The proposal has been amended to ensure retention of the mature ash tree as part of the public open space and the site layout allows retention of a significant proportion of the existing hedgerows. The eastern boundary shows hedge planting on the countryside facing side of the development in order to avoid hard edges as required by CWNP Policy D1.

The Council's Tree Officer recommends the ash tree is retained and protective fencing should be erected along the outer extents of its root protection area prior to work commencing.

Overall, the proposal would not have unacceptable impacts on ecology or trees and would accord to policy LP21 of the CLLP.

Developer Contributions and Open Space

The NHS have requested a contribution of £12,650. The calculations is based on the likely impact of this new population in terms of number of additional consultation time required by clinicians. This contribution will be secured by Section 106 agreement.

Open Space- Policy LP24 requires residential development to provide new or enhanced provision of public open space, sports and recreation facilities in accordance with the

standards set out in Appendix C and in compliance with the latest Central Lincolnshire Developer Contributions Supplementary Planning Document.

The proposed site layout plan provides approximately 570m² of open space this is considered to be acceptable for the development of 20 dwellings.

The submitted UU also secures public access from this area of open space through the field to the south onto the Public Right of Way network. This will enhance connectivity for the residents of the application site and wider population. The implementation and management of the open space will be secured by condition.

Other Matters

Community Infrastructure Levy- The site is in CIL charging zone 1, where the Community Infrastructure Levy (CIL) charge is £25 per square metre for houses.

Conclusion and reasons for decision: The decision has been assessed against policies LP1: A Presumption in Favour of Sustainable Development LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP9: Health and Wellbeing, LP10: Meeting Accommodation Needs, LP11: Affordable Housing, LP12: Infrastructure to Support Growth, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP24: Creation of New Open Space, Sports and Recreation Facilities, LP25: The Historic Environment, LP26: Design and Amenity of the Central Lincolnshire Local Plan, the policies contained within the adopted Cherry Willingham Neighbourhood Plan and the provisions of the NPPF and NPPG as well as the draft policies within the submission version of the Central Lincolnshire Local Plan.

In light of this assessment, the principle of development, the development plan is silent regarding entry-level exception sites and Little Cherry is not categorised within the CLLP settlement hierarchy nor the CWNP. The submitted draft policies within the submission version of the CLLP are supportive in principle of such sites and given it is now at an advanced stage I give some weight to these policies. Policy LP1 of the current CLLP supports the grant of planning permission in the absence of material consideration that indicate otherwise and taking into account the explicit support given to the proposal by the NPPF. A 100% affordable housing development is to be afforded significant weight due to the recognised pronounced shortfall of such accommodation within the housing market area.

It is considered that the proposal would not result in unacceptable impacts upon the wider character of the area and would integrate well with the existing estate. No unacceptable impacts on residential amenity have been found. The access to the site is considered to be acceptable and would not be at a detriment to highway safety, subject to the submission of a construction management plan. The proposed drainage is acceptable in

principle subject to the submission of a detailed surface water management scheme.

The application is therefore recommended for approval subject to conditions, the signing of a Section 106 agreement to secure the dwellings as fully affordable and to secure the NHS contribution, as well as the signing of a Unilateral Undertaking.

RECOMMENDED CONDITIONS

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

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

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

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

2. No development shall take place until a detailed Construction Management Plan and Method Statement has first been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan and Method Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. The approved document shall be adhered to throughout the construction period. It shall include;

- (i) the routing and management of construction traffic;
- (ii) the on-site parking of all vehicles of site operatives and visitors;
- (iii) the on-site loading and unloading of all plant and materials;
- (iv) the on-site storage of all plant and materials used in constructing the development;
- (v) wheel washing facilities;
- (vi) the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

3. No development shall take place until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to greenfield run-off rates;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime. No dwelling/ no part of the development shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development in accordance with Policy LP14 and the provisions of the NPPF.

4. No development shall take place until a detailed ecological mitigation and enhancements report based on the principles established in the submitted Ecological Appraisal dated June 2021, has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To prevent harm to and provide net gain for protected species in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

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

5. Protective fencing shall be erected along the outer extents of the root protection area of the ash tree prior to work commencing in the area around it. A small indent may be made to allow for construction of the car parking spaces within the RPA.

Reason: To protect existing trees in accordance with Policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan and D1 of the CWNP.

6. Prior to their use in the development, details of external finishing materials shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details.

Reason: To secure good design in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan and D1 of the CWNP.

7. Prior to the occupation of the development, details of foul water drainage to accommodate foul and surface flows from the proposal shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure appropriate drainage that prevents flooding and protects the water environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

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

Site Location Plan A-10-01 A01 received 09/01/2023

Proposed Site Plan 1290-A-10-005 A01 received 09/01/2023

Proposed Block Plan 1290-A-10-005 A01 received 09/01/2023

Proposed Site Layout Plan (08) 018 A03 received 09/01/2023

Proposed highway layout plan (08) 017 A02 received 09/01/2023

Amended proposed ground floor site plan 1290-A-10-006 A01 received 09/01/2023

Units 1 & 2 Proposed Floor Plans, Sections and Elevations 1290- A- 08-005 Rev 00 received 18/10/2022

Units 3 & 4 Proposed Floor Plans, Sections and Elevations 1290- A- 08-004 Rev 00 received 18/10/2022

Units 5 & 6 Proposed Floor Plans, Sections and Elevations 1290- A- 08-003 Rev 00 received 18/10/2022

Units 7 & 8 Proposed Floor Plans, Sections and Elevations 1290- A- 08-001 Rev 00 received 18/10/2022

Units 9 &10 Proposed Floor Plans, Sections and Elevations 1290- A- 08-007 Rev 00 received 18/10/2022

Units 11, 12, 13 & 14 Proposed Floor Plans, Sections and Elevations 1290- A- 08-008 Rev 00 received 18/10/2022

Units 15 & 16 Proposed Floor Plans, Sections and Elevations 1290- A- 08-002 Rev 00 received 18/10/2022

Units 17 & 18 Proposed Floor Plans, Sections and Elevations 1290- A- 08-006 Rev 00 received 18/10/2022

Units 19 & 20 Proposed Floor Plans, Sections and Elevations 1290- A- 08-009 Rev 00 received 18/10/2022

Tree Constraints Plan 71882-3- 01 received 18/10/2022

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with policies LP17 and LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

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

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

10. Prior to the first occupation of the development, a scheme of landscaping including details of the size, species and position or density of all trees and hedges to be planted, and areas of public open space, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include tree lined streets. All planting comprised in the approved details of landscaping shall at the latest be carried out in the first planting season following the occupation of the relevant dwelling; and any landscaping which within a period of 5 years from the completion of the development dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the visual impact of the development on the area is minimised in accordance with the requirements of Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

11. The on-site public open space shall be landscaped in accordance with the details approved under condition 10 of this permission and shall be available for use upon occupation of the 15th dwelling of the development hereby permitted.

Reason: To ensure provision of open space in accordance with the requirements of Policy LP24 of the Central Lincolnshire Local Plan.

12. Prior to occupation, details of the management and maintenance of the public open space shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that appropriate management and maintenance of the open space is carried out in accordance with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

13. The Public Open Space as identified on plans 1290-A-10-005 A01 and 1290-A-10-005 A01 received 09/01/2023, shall be retained as such, and in perpetuity.

Reason: In the interests of amenity in accordance with policies LP17 and L26 of the Central Lincolnshire Local Plan.

14. Prior to occupation, the ground and first floor windows on the north elevation of Plot 5 shall be obscurely glazed to a level of 3 or higher and shall remain in perpetuity for the lifetime of the development.

Reason: To protect the amenity of the neighbouring occupiers, in accordance with policy LP26 of the CLLP.

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

None.

Notes to the Applicant

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

Highways

In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

All roads within the development hereby permitted must be constructed to an acceptable engineering standard. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway

Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. For guidance, please refer to <https://www.lincolnshire.gov.uk>

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 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>.

Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence. The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water

Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

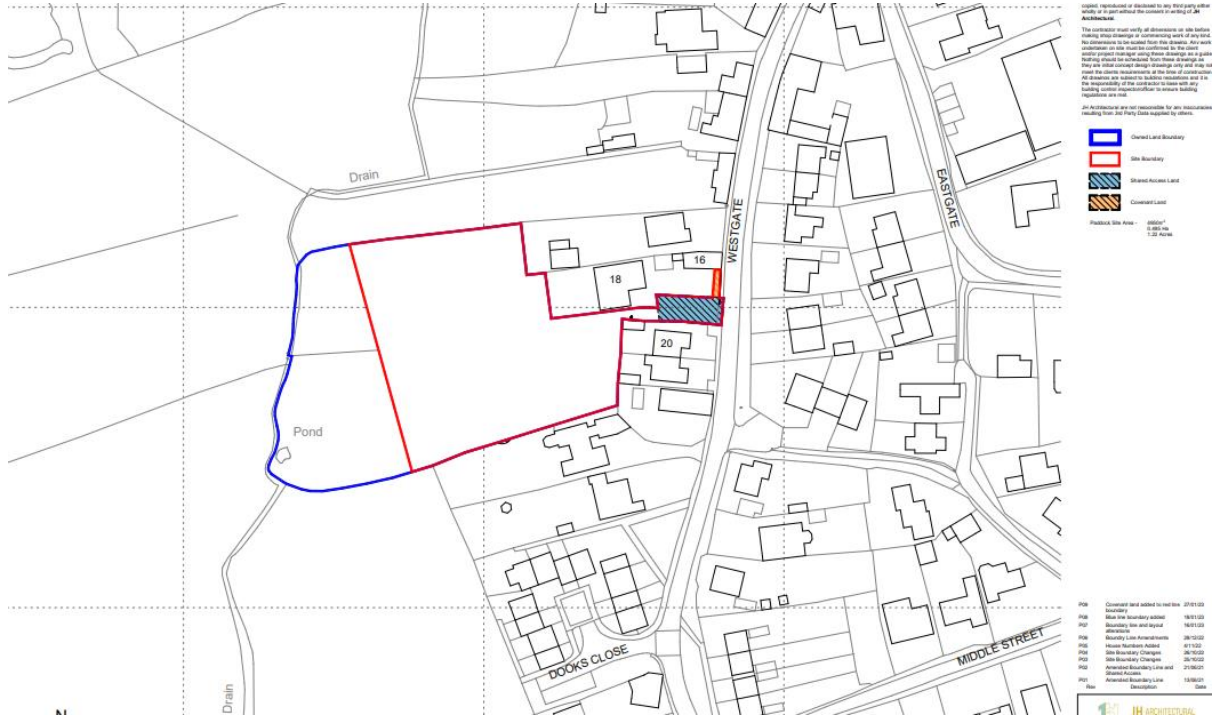
Human Rights Implications:

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 145788



Officers Report

Planning Application No: 145788

PROPOSAL: Outline planning permission to erect 4no. dwellings - access and scale to be considered and not reserved for subsequent applications.

LOCATION: Land adjacent to 16 Westgate Scotton Gainsborough DN21 3QX

WARD: Scotter and Blyton

WARD MEMBER(S): Cllr L Rollings, Cllr L Clews and Cllr M Snee

APPLICANT NAME: Mr D Smith

TARGET DECISION DATE: 06/01/2023 (Extension of time agreed until 31 March 2023)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission with conditions

The application is referred to the planning committee for determination due to the call in received from the local ward member stating material planning considerations and due to the objections of the Parish Council and neighbouring residents.

Description:

The application site comprises of an area of land to the rear of dwellings along Westgate, within the settlement of Scotton. The existing site is relatively flat, with residential properties adjoining the east and south boundaries with open countryside adjacent to the west boundary. The site is located within a Wind Blown Sand Minerals Safeguarding Area. The site is allocated for residential development for up to, and including, four dwellings, in the Scotton Neighbourhood Plan (Policy 3 – Land off Westgate (site 13)).

The application seeks outline planning permission for the erection of 4no. dwellings within **access** and **scale** to be considered with this application, and are not reserved for subsequent applications. Amended plans were received on 27th January 2023 and a full re consultation was carried out for 21 days on the 31st January 2023. The amended plans reduced the overall site area.

Matters of **layout**, **appearance** and **landscaping** are reserved for subsequent approval ('reserved matters').

Further amended plans have been received on 8th March 2023 which now propose the inclusion of one two bedroom dwelling and one three bedroom dwelling, as the plans did not introduce any new elements, a reconsultation was not deemed to be required. The development is not so changed that to grant permission would deprive those who should have been consulted on the changed development of the opportunity of consultation.

Relevant history:

138745- Outline planning application to erect 9no. dwellings with garages-all matters reserved. Resubmission of 137268. Refused 02/04/19.

137268-Outline planning application to erect 9no. bungalows with garages-all matters reserved withdrawn by applicant 05/04/18.

M03/P/1322- erect 4 bedroom dormer bungalow with integral double garage. Approved 05/01/04.

W89/1122/90- Outline application to erect six dwellings. Refused 01/03/91

W89/868/88- Outline application for residential development. Refused 07/09/88.

W89/405/90- Outline application to erect one bungalow in accordance with the revised plan received 29 August 1990. Approved 9/10/90.

Representations, in summary:

Full representations can be viewed using the following link: <https://planning.west-lindsey.gov.uk/planning/details.asp?id=145788&nb=1#content>

Cllr L Rollings: This is a complex application that has been submitted and refused several times before. During that time, ownership of adjacent properties has changed hands and there appears to be some dispute over land access to the site, which is currently shared. Having visited the site, it is hard to see how the access can be enabled without impacting heavily or even preventing access to the two neighbouring properties? I am also concerned that there are whole areas of the land identified that are at risk of flooding. Given that we can only expect heavier rainfall in the future, this is a concern and could potentially create an extra, unnecessary demand on flood and drainage authorities. Changing the position of proposed properties within a field that floods, to enable building, does not seem right. This part of Scotton is an area rich in biodiversity. Newts, wild flowers, deer and other wildlife will all be affected and proper consideration should be given to this. Whilst the land forms part of the Scotton neighbourhood plan, its' inclusion was not without contention. Given that at the time, huge concern over a planning application on Eastgate was in process, some residents would have felt that given the choice, they were not concerned over the proposed site off West gate and voted accordingly. Its' inclusion in the plan was not fully supported by any means.

For these reasons, I would ask that should the recommendation be to approve this application, that the decision be taken to the Planning Committee.

Scotton Parish Council, received 05/12/2022: Scotton Parish Council object to the application for the following reasons: -

1. The land around the proposed development is known to consistently flood. The application does not appear to address how additional surface water runoff and foul water would be dealt with, therefore contrary to Policy LP14, LP2 and LP4 of the Central Lincolnshire Plan. This issue was raised in the previous application 138745 seeking outline planning permission for this site, which was refused, as it did not include a flood risk assessment and was considered to have failed a flood risk sequential test.
2. The application does not meet the conditions of the Scotton Neighbourhood Plan Policy 3, that states it should include two-bedroom dwellings and demonstrate safe access and egress. The access and safety provision to new properties in previous application 138745 was also a reason for refusal previously.
3. The Great Crested Newt, which is a protected species, was shown to be present in 2017. The most recent survey conducted in 2021 was inconclusive and could not rule out the presence of this species using eDNA. It may be a wider presence and absence survey would yield more conclusive results as would a more up to date survey.

Comments on amended plans, received 07/02/2023-

Scotton Parish Council objects to the amended application and wishes to raise the following concerns:-

- the land is known to consistently flood
- there appears to be shared ownership of the land needed to establish safe access to the development. It is not clear if negotiation with landowners has been agreed to allow for development. If so this may not agree with Scotton Neighbourhood Plan, Policy 3, because it could not ensure that it did not 'cause unacceptable harm to the private amenity of adjacent properties along Westgate'.
- The application would not meet the conditions of Scotton Neighbourhood Plan, Policy 3 which stipulates that it should include 2-3 bedroom dwellings, with a maximum of 4 dwellings, which agrees with Community Objective 3, Table 7 'to allocate appropriate sites to accommodate small scale residential developments'.

Local residents/Third Party Representations:

Objections have been received from no.'s 7, 11, 14, 16, 18, 20, 24 April Cottage, 24a Orchard Lodge and 26 Westgate. Objections are summarised as follows;

- The drawings are inaccurate and not all of the land belongs to the applicant;
- There is no mention of the Great Crested Newts and wildlife that occupy the field and suddenly the pond is not a pond;
- There is no mention regarding Lincolnshire County Council's report on the splay required and the layout;
- The entrance to the field is not wide enough at 3.2 metre to allow Emergency Vehicles because the Fire Engines are wider than the space that actually belongs to applicant;
- A wooden gate has been erected which again encroaches on Number 18 which isn't their property;

- The fencing has been addressed by erecting acoustic fencing which normally is used for more industrial problems i.e on Motorways, built up Railway areas not in a residential area;
- Traffic regularly is parked along the roadside and even on the pavement at times and we have also now mobility scooters that travel on the road. Having another entrance with the possibility of a further twenty vehicles would just be an accident waiting to happen;
- The overhead electrical cables have not been shown on the plans and do not appear to have been taken into account when developing the site plan;
- Existing trees and hedges required to be removed to facilitate the development have not been identified as part of the planning application;
- The development amends the driveways to 16 + 18 making them difficult to use and limits them to 1 car each;
- None of the concerns from previous applications on this site have been addressed, the application should be refused;
- The properties will overlook neighbouring gardens and be an eyesore;
- The Design Report states scheme not within any Flood zone, yet flooding has taken place over the years and the potential for greater flooding effect due to weather extremes needs to be addressed;

Further objections on amended plans have been received from the following addresses, 9, 20, 22, 24 April Cottage, 24a Orchard Lodge, Westgate, 16 Middle Street, Scotton and 2A High Street Scotton.

Objections are summarised as follows;

- The reduction in the size of the site does not alleviate the flooding issues;
- Major problems with the access and exit onto Westgate, existing owners are disputing clearances for land;
- There are issues with existing drainage, parking and traffic;
- The proposed diverted underground cables breaches our property line we do not give them permission to access our land;
- It is understood that there is going to be a noise reduction tunnel, this isn't a tunnel it's a very high wall, this will reduce natural light;
- There is not enough room for two cars to pass each other, there are no paths for pedestrians;
- There are a lot of questions concerning the health and safety of Scotton residents and visitors if this build goes ahead;
- The original plans submitted on 28/10/2022 shows the narrowest point of the shared drive between my garage of No 20 rear footprint to a point near to the side of No 18 garage wall as being 3.2 meters, the 3.2 is in dispute as No 20 a contesting that they own the land 1 meter from their garage wall to the proposed drive;
- 4 properties plus the 2 that already use the existing highways access is 6 I thought the limit was 5 properties unless there were exceptional circumstance;

- The extension of the drive width will make it even more difficult for me entering and exiting my drive across the road;
- Draw your attention to policy 5 of the development plan although this is not windfall land it fits a number of planning constraints not being observed by the applicant mainly points 1 b,c,d, f 3;
- The proposal represents tandem building.
- The access road narrows significantly, this narrowing of the access road isn't obvious at the entrance.

LCC Highways/Lead Local Flood Authority:

13/02/23- The access as shown is acceptable at 5.5m wide, they may need to adjust the existing highway (footway) part to suit should they wish to put the access in at this width.

19/12/22- No objections. There is no precise definition of "severe" with regards to NPPF Paragraph 109, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety". The proposal is for 4 dwellings served from a private drive, and it is considered that the impact on the public highway is acceptable. In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF. The principle of development is acceptable. As this is an outline application with some matters reserved, layout has not been considered. Please make the applicant aware of the requirements for parking, turning and layout as detailed within the Lincolnshire County Council Design Approach. Recommends 5 informative's.

01/12/22- Additional information required. It is requested the applicant submits a scaled and dimensioned access drawing to accompany this application.

Environment Agency: No representations received to date.

Archaeology: No representations received to date.

LCC Minerals and Waste Team: No representations received to date.

WLDC Strategic Housing:

13/02/23- Further to our previous comments on the site, following the reduction in the site area to be below 0.5 hectares, this application no longer triggers an affordable housing contribution. However, the applicant should note that Policy LP11 of the Central Lincolnshire Local Plan requires that if a development scheme comes forward which is below these thresholds and thus does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then Policy LP11 as a whole will be applied, with the precise level of affordable housing to be provided being 'back dated' to include the earlier scheme(s).

13/01/2023- The NPPF paragraph 64 states affordable housing should only be sought on major developments. The NPPF defines major developments as “*For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.*” The site is 0.69 hectares in size and so will trigger an affordable housing contribution.

With the location of the site being in the Non-Lincoln Strategy Area, the contribution would be 20% of the units proposed to be delivered as affordable, on a site of 4 that would equate to 0.8 units rounded to 1.) Although the Central Lincolnshire Local Plan states that all delivery of affordable housing must be on-site, with only one unit being required, it would be sensible to secure the affordable housing with the option of providing an off-site contribution so if the proposed house types on the site are not suitable to be delivered as affordable housing, for example if they are too big as outlined in this application, an off-site contribution can be provided in lieu of the on-site delivery.

The current commuted sum for the Non-Lincoln Strategy area as set out in the Central Lincolnshire Local Plan Developer Contributions SPD is £98,349 off-site contribution per unit not delivered as affordable housing. For the 0.8 units required this would equate to £78,679.20.

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

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages

LP10: Meeting Accommodation Needs

LP11: Affordable Housing

LP12: Infrastructure to support growth

LP13: Accessibility and transport

LP14: Managing water resources and flood risk

LP17: Landscape, townscape and views

LP21: Biodiversity and Geodiversity

LP25: The Historic Environment

LP26: Design and Amenity

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

- **Scotton Neighbourhood Plan (NP)**

Relevant policies of the NP include:

Policy 3: The Allocation of Land off Westgate (Site 13)

Policy 11: Safeguarding Important and Distinctive Landscape Features

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

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

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

National policy & guidance (Material Consideration)

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

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

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

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

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

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

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

- **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. Consultation on the post-examination modifications to the Plan, started 13th January 2023 and closed on 24th February 2023.

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

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

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

The relevant policies are considered to be:

S1 The Spatial Strategy and Settlement Hierarchy
S2 Growth Levels and Distribution
S4 Housing Development in or Adjacent Villages
S6 Design Principles for Efficient Buildings
S20 Resilient and Adaptable Design
S21 Flood Risk and Water Resources
S47 Accessibility and Transport
S49 Parking Provision
S53 Design and Amenity

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

Main issues

- Principle of Development;
- Minerals;
- Visual Amenity;
- Residential Amenity;
- Flooding;
- Highways and Access;
- Ecology;

Assessment:

Principle of Development

Planning law requires that planning decisions are made in accordance with the development plan, unless there are material considerations to indicate otherwise.

The application seeks outline planning permission for the erection of 4no. dwellings with access and scale to be considered and not reserved for subsequent applications.

The site is allocated within the Scotton Neighbourhood Plan 2021 (SNP) for new housing. Policy 3 of the SNP specifically relates to this site and states the following; *Land at Westgate (Site 13), as identified on Map 3, is allocated for up to, and including, four dwellings.* It also includes a design code with a number of criteria that the development of the site should meet/include.

Policy LP2 & LP4 of the CLLP designates Scotton a medium village. It sets out criteria for residential development “unless otherwise promoted by the Neighbourhood Plan”. As above, the site is specifically allocated for residential development under policy 3 of the Neighbourhood Plan.

LP4 permits 10% growth in Scotton over the plan period. The latest growth table dated 03/02/2023 indicates 13 dwellings of growth remaining. LP4 also states that local communities can, through Neighbourhood Plans or other means, deliver additional growth over the levels proposed by this Policy.

Criteria a) of Policy 3 of the SNP states that; *It should include two and three bedroom dwellings.* The criteria does not state that the proposal should fully comprise of only two and three bedroom dwellings. Amended plans have been received which now include a two bedroom dwelling (Plot 2) and a three bedroom dwelling (Plot 4). The inclusion of these dwellings is considered to accord with Policy 3 of SNP. It is to be noted that the scale of the buildings is under consideration and will be fixed by the grant of planning permission – however it is considered necessary for a condition requiring the inclusion of 2 and 3 bed properties in order to ensure compliance with the development plan. Decisions are to be made in accordance with the development plan, unless there are material considerations to indicate otherwise. The site is allocated for residential

development for up to and including 4 dwellings in the Neighbourhood Plan. The principle of 4 dwellings on site accords with the development plan, subject to applying all policy criteria.

The principle of development on this site is considered to comply with the development plan, subject to further assessment of material considerations, discussed in the following report.

Minerals

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

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

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

The site is located within a Sand and Minerals Safeguarding Area and the application has been submitted with a Minerals Assessment which states the following:

"Owing to the range of pre-existing constraints in the immediate surrounding area, the Development will not result in the sterilisation of any off-site mineral and will not prejudice the effective working of any permitted mineral or minerals operations."

The Minerals and Waste Team at Lincolnshire County Council have not commented on the application. It is considered that the prior extraction of any significant volume of mineral from within the site would be unfeasible. Taking into account these constraints and the fact that the site is allocated within the Development Plan (Scotton Neighbourhood Plan, it is considered that the proposal would be in accordance with the

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

Overall, it is concluded that the development will not result in the sterilisation of a mineral resource worthy of safeguarding and will not prejudice the effective working of any currently permitted or proposed mineral extraction or minerals infrastructure. The proposal therefore accords to policy M11.

Visual Amenity

Policy LP26 seeks to ensure development respects the existing topography, landscape character and identity, and relates well to the site and surroundings, particularly in relation to siting, height, scale, massing and form.

LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape, including setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural or man-made features within the landscape and townscape which positively contribute to the character of the area.

The outline proposal seeks approval of the 'scale' of the dwellings. For planning purposes, "Scale"... means the height, width and length of each building proposed within the development in relation to its surroundings¹.

The proposed site layout plan shows 4 dwellings all of which are one and a half storey in scale and would appear as dormer bungalows. Criteria c) of Policy 3 of the SNP states that the *height of the building, or buildings, should be no higher than existing buildings in the immediate locality.*

The site itself is set back from Westgate, which is located c.50m to the east. It is apparent that along Westgate and adjacent to the site boundaries that there is no defining character, there is a mixture of two storey and single storey dwellings. The dwellings would not be visible within any street scene. In terms of the 'scale' of the dwellings. The National Planning Practice Guidance states² that scale refers to the *height, width and length of each building proposed within the development in relation to its surroundings.*

The submitted plans show 1 and half storey dwellings (dormer bungalows) with rooms in the roof, the plots have the following approximate measurements.

- Plot 1- Five bed unit. Eaves height of max c.3.3m and total height of. C.5.8m. Max width of c.15.7m and max depth of 8.5m.
- Plot 2-Two bed unit. Eaves height of max c.3.3m and total height of. C.5.8m. Max width of c.15.2m and max depth of 10.1m

¹ Article 2, The Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

² <https://www.gov.uk/guidance/making-an-application#Outline-planning-applications>

- Plot 3- Three bed unit. Eaves height of max 3.4m and total height of c.5.6m. Max width of c.15.3m and max depth of 10.5m.
- Plot 4- Five bed unit. Eaves height of max 3.3m and total height of c.5.8m. Max width of c.22.7m and max depth of 8.5m.

The scale of the dwellings are considered to be acceptable and they reflect the scale of those adjoining properties along Westgate. It is not considered that the development of the site would be visually prominent within the area, given that the site is relatively well contained, with trees to western boundary and due to its set back positioning from the main street scene.

Landscaping is a reserved matter. “landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes— (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

It is a policy requirement (policy 3(d)) that *“a boundary treatment should be provided to the western boundary of the site. It should reflect the relationship between the village and its surrounding countryside”*. Drawing 1137-1008 (Proposed Boundary Treatments) does not show the provision of a western boundary treatment. It is therefore recommended that a condition is used to secure this with the reserved matters of landscaping, in order to comply with the condition.

Overall, the proposal would not be expected to have a harmful visual impact on the character of the area and would accord to policies LP17 and LP26 of the CLLP as well as Policy 3 of the SNP.

Residential Amenity

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

With regard to the proposed layout (albeit indicative at this state), show that all of the proposed dwellings are adequately separated from each other in terms of overlooking and over dominating impacts. It is also considered that the proposal offers an adequate amount of outside amenity space for the proposed dwellings. The plots are large in their size and can accommodate dwellings without appearing cramped or impacting negatively upon each other.

The site adjoins other residential garden areas to the south and east. Orchard Lodge and its garden area is located adjacent to the south boundary of the site, plots 1 and 4 are the closest to this boundary on the indicative layout, at distances of c.21m and 29m respectively.

The layout plan shows that dwellings can be erected here with appropriate separation distances to avoid unacceptable levels of overlooking between the dwellings and neighbouring properties. Subject to the final layout, the proposed dwellings would also not be expected to cause any dominating or overbearing impacts on to the nearby dwellings along Westgate.

The proximity of the vehicular access to no. 18 Westgate is acknowledged. The access would run adjacent to their south elevation, which comprises of a garage at ground floor and a bedroom at first floor. The provision of a road to the sides of 18 and 20 Westgate would not result in such an uncommon arrangement found in residential areas where access to a small number of dwellings is provided in relatively close proximity to the side elevation of a residential dwelling. In addition to this, the access would also run adjacent to the south boundary of the garden area of no. 16 Westgate. A plan has been submitted which shows that an acoustic fence would be erected along this boundary, extending along the boundary to no. 18, this would alleviate noise concerns from vehicles, subject to a specification of the fencing being submitted, this would be agreed through the reserved matters application for landscaping.

It is acknowledged that the proposed access would have increased levels of vehicles, and therefore additional noise above the existing situation. However, it is not considered that the additional 4 properties would cause such excessive levels of additional traffic and noise to warrant a refusal on residential amenity grounds. The Neighbourhood Plan has allocated the site for up to and including 4 dwellings. Overall, the proposal would accord to policy LP26 of the CLLP and Policy 3 of the SNP.

Flooding

The application site is an allocated residential site located within Flood Zone 1 which is sequentially preferable and therefore meets the test within LP14 and the NPPF. Paragraph 166 of the NPPF states that: Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan- 48 making stage, or if more recent information about existing or potential flood risk should be taken into account.

Many of the objections from neighbouring residents refer to the site previously being flooded. Part of the west side (mainly within the blue line) is within an area at risk of surface water flooding, the layout plan shows that the dwellings would be outside of this area. It is therefore it is not considered that the proposals would increase the risk of flooding on neighbouring occupiers or indeed any future occupiers of the dwellings.

Furthermore, a positive drainage scheme gives the opportunity to reduce existing flood risk.

In terms of surface and foul water disposal the application form states that surface water is to be disposed of via a soakaway. The means of the disposal of foul water is not yet known. Considering the limited information that has been provided with the application, a condition would ensure that further detail is submitted prior to any works commencing above foundation level (including evidence of site percolation). Overall, subject to conditions the proposal would accord to policy LP14 of the CLLP, and criteria (g) of policy 3 of the SNP.

Highways and Access

Policy LP13 of the CLLP states that proposals should provide well designed, safe and convenient access for all. Policy 3 of the SNP states that the site should demonstrate that the site has the *provision of safe and accessible access*. The outline proposal seeks approval of the access to the site as part of this application.

Access to the site is to be taken through the existing access off Westgate, to the east, which currently serves no.s 16 and 18, therefore a total of 6 dwellings would be served off this access point.

Amended plans were received on the 27th January 2023. The submitted plans show that the width of the access point off Westgate, measures c.5.5m. The access then measures 5.5m for the first 10m into the site. It then runs west, adjacent to the south elevation of no. 18 Westgate. This section of the access is not as wide as that off Westgate and measures c.3.2m in width at its narrowest point between the south elevation of no. 18 and the north west corner of the detached garage within the ownership of no. 20. A passing place is proposed just beyond this narrow point which would allow for two cars to pull in whilst another passes. The Highways Authority have reviewed the amended plans and have no objections to the proposals.

Many of the objections received from local residents refer to the site including land that is not within the ownership of the applicant. The applicant has signed Certificate B on the application form which confirms that notice has been served on the other land owners, this is in full accordance with the procedural requirements of Article 13 and 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015³. Land Ownership/Restrictive Covenants and the planning process are two separate regimes. The Local Planning Authority may grant permission however whether this can be lawfully carried out is a private matter between the relevant parties involved. It is however considered that this matter would need to be resolved before the construction of dwellings takes place – a condition that requires the access to be installed first is considered reasonable and necessary.

³ <https://www.legislation.gov.uk/ukxi/2015/595/article/13>

It is acknowledged that the width of the access into the site, to the side of no.18 is not optimum, however the applicant has indicated dedicated passing space and on balance, taking into account the submitted information, the access into the site is considered to be acceptable and would not have a severe impact upon highway safety. The proposal therefore accords to Policy LP13 of the CLLP and Policy 3 of the SNP.

Policy 3(f) requires that “the proposal should include an appropriate level of off-street parking, per dwelling”. The indicative layout shows that this is feasible and a condition is recommended for the developer to demonstrate dedicated parking provision.

Ecology

It is noted that a previous application at the site has been refused on Ecology grounds and the unknown presence or otherwise of newts. An updated (July 2021) Ecology survey has been submitted as part of the enquiry.

With regard to great crested newts the test results for the pond in the western part of the site were returned as inconclusive. The recommendations section of the report states the following: *Although the 2017 eDNA survey identified the presence of great crested newt within the pond and boundary drain, no great crested newt was ever noted within the pond during the suite of surveys undertaken in 2018, and the eDNA test undertaken in 2018 was negative. Since then, the pond’s value for great crested newt has reduced, with hardly any water present within the pond during this 2021 survey. The pond is thought likely to dry out annually, plus it is heavily shaded and choked with vegetation; all of these factors identified within the habitat assessment are not conducive to supporting great crested newt within the pond. Despite the eDNA survey results from the current survey being returned as inconclusive, when the above information is taken together, it is considered highly unlikely that great crested newt are present within the pond on site.*

The report concludes that it is not considered necessary to undertake any further surveys in relation to great crested newts. In summary, the report concludes that no ecological constraints have been found to be associated with developing the land. I have no reason to dispute or question the findings of the report, which has been carried out by a suitably qualified person.

The report does include some recommendations which could enhance the site, in the event permission were to be granted a condition would ensure that the development proceeds in accordance with these recommendations. Overall, the proposal accords to LP21 of the CLLP.

Conclusion and Planning Balance:

The decision has been considered against policies LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity and LP26 Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036, Policies 3 and

11 of the Scotton Neighbourhood Plan and Policy M11 of the (LMWP) Core Strategy in the first instance. Furthermore consideration has been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide.

The site is allocated for residential development for up to, and including, four dwellings in the Scotton Neighbourhood Plan. This application seeks outline permission for 4 dwellings, in accordance with the allocation.

In light of this assessment it is considered that the principle of the proposal is acceptable. The proposal would not have a harmful visual impact on the site or the surrounding rural area. The impacts upon residential amenity have been found to be acceptable. The highways and access matters, on balance are considered to be acceptable and would not cause detrimental harm to highway safety. The application is therefore recommended for approval subject to conditions.

Other matters

Pipelines- The site is in a consultation zone for a gas pipeline. National Grid and the Health and Safety Executive raise no concerns with the proposal therefore the impact on it is acceptable.

Underground cables- A plan has been submitted which refers to the diversion of underground cables, this is not a matter to be considered in this planning application, it is a private matter that would need to be agreed with the relevant undertaker and land owners.

Community Infrastructure Levy (CIL) – West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The site is within zone 2 where there is a charge of £15 per square metre. An informative will be attached to the permission making it clear that a CIL charge would be liable at reserved matters stage.

Land Ownership- Comments have been received from neighbouring residents with regard to land ownership and that the red line shown on the site location plan is incorrect. Certificate B on the application form has been signed and notice served on all of the land owners.

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. 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 shall take place until, plans and particulars of the **appearance, landscaping and layout** 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 shall be carried out in accordance with those details.

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

3. The development hereby permitted 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).

4. No development shall take place until the access road to serve the development hereby approved has been installed, as shown on drawing 1137-1009 Rev P04 received 8 March 2023.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Central Lincolnshire Local Plan and Policy 3 of the Scotton Neighbourhood Plan.

5. The layout details required by condition 2 will identify off-street parking provision for each dwelling.

Reason: To accord with policy 3 (f) of the Scotton Neighbourhood Plan.

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

6.The landscaping details required by condition 2 shall include details of a boundary treatment to the western boundary of the site.

Reason: In order to demonstrate compliance with policy 3 (d) of the Scotton Neighbourhood Plan.

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

7.The development hereby approved must only be carried out in accordance with the recommendations set out in Section 5 (pages 13-20) of the Ecology survey completed by Inspired Ecology Ltd.

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.

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

Reason: To ensure adequate drainage facilities are provided to serve the development to accord with the National Planning Policy Framework and Policy LP 14 of the Central Lincolnshire Local Plan, and policy 3(g) of the Scotton Neighbourhood Plan.

9. With the exception of the detailed matters referred to by the conditions of this consent, the scale of development hereby approved must be carried out in accordance with the following drawings and any other documents forming part of the application:

- Site Location Plan 1137-1001 Rev P09 (red line only);
- Plans and Elevations 2 Bed Unit 1137-2001;
- Plans and Elevations 3 Bed Unit 1137 3002;
- Plans and Elevations 5 Bed Unit 1137 5002 Rev P01;

All received 8 March 2023. The development must include two and three bedroom dwellings.

Reason: To accord with Policy 3 of the Scotton Neighbourhood Plan which requires that the development contains two and three bedroom dwellings.

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

None.

Notes to the Applicant

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

Highways

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. 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>

Site Location Plan 145741



Officers Report

Planning Application No: 145741

PROPOSAL: Planning application for removal of existing buildings and erection of 4no. dwellings.

LOCATION: The Old Rectory Residential Home Sturton Road Saxilby
Lincoln LN1 2PG

WARD: Saxilby

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

APPLICANT NAME: Highgate Homes (Lincoln) Ltd

TARGET DECISION DATE: 22/12/2022 (extension of time agreed until 31st March 2023)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission with conditions

This application has been referred to the Planning Committee, at the request of Saxilby parish Council who are concerned that the development is in conflict with policies of the Neighbourhood Plan.

Site Description: The application site comprises of the currently vacant care home known as 'The Old Rectory', located to the eastern side of Sturton Road within the settlement of Saxilby. The site is adjoined by other residential dwellings to the south, and to the west opposite the highway. Open fields and countryside adjoin the site to the north and east. The site is surrounded by a number of large trees which are protected by Tree Preservation Order Saxilby 1971.

The Proposal: Through negotiations with the agent for the application, the proposals have been amended from the original submission, the number of dwellings has been reduced from the originally proposed 6. Amended plans were received on 12/01/2023 and 23/02/2023, a 14 day re consultation was carried out on 24/02/2023 with the highways department and the Parish Council.

The application now seeks full planning permission for the erection of 4no. dwellings, which would include the demolition of the existing care home, known as 'The Old Rectory'.

Relevant history:

W85/279/90- Extend residential home. Conditional consent 22/05/90.

W85/459/87- Extend existing residential home. Conditional consent 24/07/87.

W85/110/84- Change the use of dwelling to home for the elderly. Conditional consent 15/03/84.

W85/593/79- Proposed dwellings (3). Refused 20/08/79.

Representations:

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

Saxilby Parish Council:

20/03/2023- Objects. Comments summarised as follows; The Parish Council's previous comments stand. We would prefer that the original building is restored and converted into apartments.

The Old Rectory is on the Historic Environment Register (record ML1126150). It was built in 1842 and is a building of note in the Saxilby with Ingleby Neighbourhood Plan (2017). Any developments will only be supported where they preserve or enhance the character or appearance of the parish. (NDP Policy 5: Protecting the Historic environment)

If permission is granted, then the council supports the Tree and Landscape Officer 's comments regarding the protection of the trees with TPOs throughout the construction of the new dwellings and in the future. To ensure survival, each tree needs to be individually assessed by an arboriculturist.

Existing hedging to be retained enhancing biodiversity. (NDP Policy 11: Minimising the impact of development on the natural environment)

The council also supports the Highways comments with access to the site from Broxholme Lane and the improved footpath from Sturton Road.

The council requests that the gate is retained on Sturton Road. (NDP Policy 16: Existing and new non-vehicular routes. NDP Policy 17: Traffic and movement around the village)

20/01/2023- Objects. Comments summarised as follows;

The council request this is called into WLDC planning committee. There has been no engagement with the parish council and community which is not in-line with the NPPF and Local Plan. The council welcomes engagement

The council request an extension of time so developers can meet with the council. A heritage statement is requested.

NDP - Policy 5:

It is noted the proposed building to be removed is a building of notable interest in the NDP pp 62 due to the age, and historical significance to the parish character.

- The council requests the conservation officer is consulted for their views.

- The application submitted is of poor quality of, making the application difficult to understand.
- Policy 11 and 12- Trees have TPOs and need protection and frame the road on the village. approach as in the Character Assessment point 3.15 and provides the 'Thick vegetation' giving way housing along Sturton Road. The Saxilby with Ingleby Character Assessment notes the importance of the trees on the street scene - pp60-61 para 6.13, 6.18, 6.19-6.21.
- Mature gardens and tree which form well established landscaping features as per the Character Assessment
- It is understood trees have tree protection orders in the plot and these have been trimmed.
- There should be no impact on biodiversity
- Trees, mature shrubs and hedging need to be properly protected during construction process if the development is permitted.
- There should be soft boundary treatments in-line with the NDP and Character Assessment for the area
- Policy 16 and 17-
- The council supports the extension of the public footpath from Mill Lane/Sturton Road onto Broxholme Lane in front of the length of the development in-line with NDP policy
- Access should be onto Broxholme Lane for all properties.
- Policy 14.3 · Development should have open space on-site.
- The council notes the development may be eligible for CIL and requests it is applied
- The development should be fit for the future - the council recognises the impact of climate change and importance of biodiversity, and requests that this proposal should be fit for the future e.g., net zero, highly energy efficient, super insulated, water collection and harvesting, ground source heat pumps, solar panels, and electric car charging points.
- NDP Policy 1 and 2 also need to be considered

Local residents:

30 Highfield Road, Saxilby-

06/03/2023- In general i would support the amended plans showing all four properties being serviced by a drive from Broxholme Lane, incidentally this is one of the things being requested at the beginning of this process. There is still risk to the listed trees on site and i would ask that planning enforcement officers are on site for the part of demolition as referred to in section six in the TREE & LANDSCAPE COMMENTS and periodically through out, to ensure these important trees are respected. Further i would request that the existing no longer needed dropped kerb on Sturton Road behind plot 1 is removed and the pavement made good A further request would be that the shared drive is called and becomes known as "Old Rectory Drive" to maintain a link with the history of the site.

01/02/2023- The Major trees on site have protection orders on them so any work that can cause their deterioration is an offence as i understand it. please see and if possible answer the following questions

1: how will the drives be constructed without disturbing the roots of the trees that they pass under?

2: on the original layout the edge of the buildings in places are adjacent to the tree protection zones, if this is still the case how will foundations be dug without breaching the tree protection zones?

3a: the sustainable drainage uses the drive ways as considerable soak away areas, as some of these go under the trees how will they be constructed without disturbing the tree roots?

3b: how will the water logging of the tree roots be prevented by the drainage scheme with the soils being clay based and the trees being relevantly shallow rooted

4: tree protection zones should not be used as storage areas and must be protected from soil compaction

5: upon completion of the development it should be required that the occupiers of the properties are openly and fully informed of the trees protected status and the responsibilities that this puts on them.

6: trenches for the provision of services to the site must no breach any of the tree protection zones.

I would also ask that the councils tree protection officer pays unannounced visits to the site on a regular basis to ensure all requirements to protect the trees are being followed and if not immediate and decisive action is taken by the council against the developers.

LCC Highways/Lead Local Flood Authority:

07/03/23- No objections. The development has an existing use as a residential home and will utilise an existing access off Broxholme Lane. This proposal will generate a comparable amount of trips. It is therefore not be possible to raise an objection to the proposals based on traffic impact, in accordance with the NPPF. The dimensions of the existing access is to be upgraded to enable 2 cars to pass in opposing directions and sufficient parking and turning is provided on site. The proposal would therefore not result in an unacceptable impact on highway safety. Recommends conditions and informatives in the event permission is granted.

08/11/22- No objections. Requests a condition to ensure a 2m wide footpath is installed prior to the occupation of the dwellings.

LCC Archaeology: No archaeological impact.

WLDC Tree and Landscape Officer:

07/03/2023- The revised plans are much better in relation to impact on the important protected trees. The revised access arrangement for the two westerly plots now resolves my concerns about the harmful effects of the previous

driveway layout off Sturton Road as detailed in my previous comments at paragraphs 10 , 11, 12 and 16, dated 02 Feb 2023.

* All other points raised in my previous comments still stand.

02/02/2023- . I have two main concerns regarding these proposals: One concern is regarding the access off Sturton Road and the driveway across the front of plot 2. Ideally the access and driveway position should be moved to reduce extent of encroachment through RPAs of high amenity TPO trees T8 and T9. Details of tree-friendly construction for the highway access and the driveway within the site should be provided for prior approval. I suggest consulting with Lincolnshire County Council Highways and Arboricultural Officer to arrive at a solution that meets Highways approval and would minimise harm to tree roots. It should be demonstrated how the raised finished level of a tree-friendly driveway (due to being constructed on top of existing ground levels) can meet the lower level of the highway without causing root damage or compaction. My second concern is regarding the tree pruning pressure that would be created by the position and widening of the access drive off Sturton Road, as it would require cutting back one side of the tree crown for access to clear vehicles and vans which would be harmful to the TPO trees appearance and amenity.

Appropriate tree protection measures of fencing and ground protection in accordance with 6.2.2 and 6.2.3 of BS5837:2012 should be required for prior approval for the whole site for prior approval. The type and positions should take account of comments at above points 6 and 9 above. Details should be supplied for the demolition and clearance stage and also for the construction stage of this site, including road/driveway construction. Tree protection measures should be fixed in their approved positions prior to any works commencing and retained in their approved positions until completion of the work stage that they relate to i.e. demolition and clearance or construction. 18. Utility positions where they enter the site and serve the plots should avoid the trees RPAs. 19. Drainage pipes, inspection chambers, and any soakaways should be positioned so they are outside tree RPAs. Drainage pipes exiting the site should be in the gap between the RPAs of trees T9 and T10, or in the large gap between T12 RPA and the trees along the easterly side. It would be preferable for a drainage plan to be provided so we can ensure its layout would have no detrimental impact on the trees. 20. An Arboricultural Method Statement (AMS) should be required. An AMS should provide details on how any activities under or near the trees would be carried out, with the aim of protecting the trees and minimising any negative impacts on the trees and their growing environment. It should include details on how any tasks would be done from demolition and clearance through to construction completion, drainage and paths around the new building, plus all the other usual AMS information.

WLDC Conservation Officer: I have been to site to view what architectural or artistic interest the building has. The two wings are modern and of no heritage importance. The middle building, the original old rectory, is visibly different due to its slate roof. However, there is no architectural interest visible to consider this a non-designated heritage asset through its architectural merit. The building

is noted within the Neighbourhood Plan but this is in a section highlighting “Other buildings of Note”. This is separate to the Non-Designated Heritage Assets and so it is clear that it is not an NDHA through that. There is no historic or significant features raised within the Neighbourhood Plan in order to review and therefore with no evidence of significance for The Old Rectory being a heritage asset, I do not consider this building to be of historic merit to be considered an NDHA.

Lincolnshire Bat Group: Thank you for referring this ecology survey and bat report to Lincolnshire Bat Group for comment. We would largely agree with the conclusions, although September can be a little late for emergence surveys, as the big summer roosts have largely broken up by then. However, anecdotal evidence passed to LBG agrees with the suggestion that a roost could be to the west of the site, and that the attraction, given there appears to be no roost present in the buildings, is the insects associated with the mature trees surrounding the site. As far as enhancement is concerned, not just bat boxes to trees, surely? Shouldn't there also be integral bat boxes incorporated into the walls of the new builds and a scheme for this be submitted?

ECM Checked: 14/03/2023

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 Saxilby with Ingleby Neighbourhood Plan (made 2016); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level of Distribution and Growth

LP10: Meeting Accommodation Needs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP25: The Historic Environment

LP26: Design and Amenity

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

- ***Saxilby with Ingleby Neighbourhood Plan (SINP)***

Relevant policies of the NP include:

Policy 1: Housing Mix

Policy 2: Design of New Developments

Policy 5: Protecting the Historic Environment

Policy 11: Minimising the Impact of Development on the Natural Environment

Policy 12: Green Infrastructure

Policy 14: Open spaces, Sports facilities and recreation facilities

Policy 16: Existing and new non vehicle routes

Policy 17: Traffic and movement around the village

Saxilby with Ingleby Neighbourhood Plan Character Assessment

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

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

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

National policy & guidance (Material Consideration)

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

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

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

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

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

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

- **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. Consultation on the post-examination modifications to the Plan, started 13th January 2023 and closed on 24th February 2023.

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

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

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

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution.

Policy S4: Housing Development in or Adjacent to Villages

Policy S7: Reducing Energy Consumption – Residential Development.

Policy S12: Water Efficiency and Sustainable Water Management

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S57: The Historic Environment

Policy S59: Green and Blue Infrastructure Network

Policy S60: Protecting Biodiversity and Geodiversity

Main issues:

- Principle of Development
- Visual Amenity including Impact on the Character of the Area
- Heritage
- Residential Amenity
- Trees and Ecology
- Highway Safety and Access
- Drainage

Assessment:

Principle of Development

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

The application seeks full planning permission for the erection of 4no dwellings, including the demolition of the existing buildings at the site.

The settlement of Saxilby is designated as a large village under Policy LP2 of the Central Lincolnshire Local Plan. Policy LP2 states that: *'Appropriate infill, intensification or renewal of the existing urban area is permitted under this policy as these large villages have a range of employment, retail and key services and facilities for the local area and will be a focus for accommodating an appropriate level of growth.'*

The application site comprises of existing vacant care home on the north eastern edge of the village of Saxilby. The site is adjoined by residential dwellings to the south, and adjacent to the highway to the west, open fields adjoin the east and north boundaries. It is considered that the site forms part of the built form of the village and therefore can be considered as an appropriate location for development in accordance with the requirements of Policy LP2. The principle of the development is considered to be acceptable subject to consideration of other materials considerations as detailed in the following report.

Visual Amenity and Impact on the Character of the Area

Policy LP26 states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. The policy also seeks to ensure development respects the existing topography, landscape character and identity, and relates well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths. Policy LP17 of the CLLP seeks to protect and enhance the intrinsic value of our landscape and townscape.

Within the NP Character Assessment, the site is located within Character Area G, 'Church Road, St. Botolphs Church and Mill Lane'. Paragraph 5.109 states: *A range of architectural eras are present in Character Area G. Victorian dwellings line the Church Road spine of the area, while along Mill Lane the majority of the buildings were built in the 1960's yet embrace a more traditional vernacular.*

The character assessment also recognises the large trees that surround the site and their importance in the approach to the village. Para 3.15 states the following; *The approach from Sturton Road into Saxilby passes through Ingleby and dog-legs twice and chicanes once before its straight arrival into the north of the settlement. This arrival is flanked on both sides by wide green verges and a mixture of open boundaries and low hedgerows, allowing long views into the settlement on approach and to the wider countryside on departure. Groups of larger deciduous trees are scattered along the route which serve to frame the road while also guiding the eye forward towards the village.*

In terms of surrounding character, to the south of the site, along Sturton Road/Mill Lane, the layout of properties here is very linear in its nature. Directly to the south east corner of the site, a new dwelling has recently been granted permission (planning ref: 142191), this in itself creates a form of back land development, directly adjacent to the site.

As detailed in the proposal section, in depth negotiations with the applicant have taken place through the application process. The original number of dwellings (6) has been reduced to 4 and the proposed site layout has been amended to better reflect that of the development along Sturton Road/Mill Lane, with two dwellings to the front and two at the rear. Further to the north west of the site, a new residential development is under construction (Church Lane). Large detached two storey properties are located adjacent to the highway along within this new build estate along Sturton Road and form the approach into the village from Sturton by Stow. Mill Lane also comprises of a mixture of bungalows and two storey dwellings. It is reasonable to conclude that there is a mixture of property types and styles within this area of Saxilby.

The dwellings themselves are all large, four and five bedroom, two storey detached properties with rooms in the roof and would be of a similar height to the existing care home. The max eaves and ridge heights of the dwellings would be 5.2 and 9.5m respectively. The modest heights of the dwellings are acknowledged, however with consideration to the above discussion these are not considered to be unacceptable for the site or the wider area. The proposals also include the retention of all of the trees along all boundaries, this would provide a degree of screening from the surrounding area and would not impact on the green approach into the village. Further planting to close off the access along Sturton Road is also proposed.

The rear elevations (west) of Plots 1 and 2 have been amended to have architectural detailing as seen on front elevations to ensure they would still address Sturton Road. Proposed materials to be used in the development are to comprise of a mix of white render, stone and dark grey roof tiles, the materials

are similar to that used in the existing Old Rectory building, it is considered that in the event that permission were to be granted a condition could secure further material details.

Considering the sites location on the edge of the settlement and that the site is surrounded by the large protected trees it is considered necessary to remove permitted development rights for the erection of extensions and outbuildings to allow the local planning authority to assess the impact on the surrounding area and the impacts that any further development may have on the root protection areas of the protected trees.

Overall, the design and layout is appropriate in relation to the surrounding area. The dwellings are well designed and would accord with the high design aspirations of the NPPF. The proposal therefore complies with policy LP26 and LP17 of the Central Lincolnshire Local Plan and the policies contained within the Saxilby with Ingleby Neighbourhood Plan.

Heritage

Concerns have been raised by Saxilby Council with regard to the historic significance of the existing building and its loss through this proposal.

Paragraph 40¹ of The National Planning Practice Guidance gives guidance on what should be considered to be a non-designated heritage asset:

There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.

In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area.

During the application process (on 28/12/2022), the building has been added to the Lincolnshire Historic Environment Record (ref MLI126150)². It has been given the following description: *The former vicarage in Saxilby was constructed in the 1840s. It was likely constructed of brick, now largely obscured with a white render, and features a hipped roof. The original two-storey structure had two wings added to it at some point between 1971 and 2000, likely when the building was converted to use as a care home. The extensions are between one and one-and-a-half storeys high and are L-shaped, forming a partially*

¹ <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#non-designated>

² <https://heritage-explorer.lincolnshire.gov.uk/Monument/MLI126150>

enclosed front courtyard. The building no longer functions as a care home, having closed very recently (2022).

It should be noted that the building was added to the record after the original determination date for the application of the 22/12/2022. Given its inclusion on the HER and that a photograph the building is noted under Appendix B- Heritage Assets as an 'Other Buildings of Note in the Plan Area', the existing building is considered to be a non-designated heritage asset, and therefore its total loss must be assessed.

Paragraph 203 of the NPPF states that: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Policy LP25 states that; *In instances where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made by its setting, the applicant will be required to undertake the following, in a manner proportionate to the asset's significance:*

- a. describe and assess the significance of the asset, including its setting, to determine its architectural, historical or archaeological interest; and*
- b. identify the impact of the proposed works on the significance and special character of the asset;*

The application has been accompanied with a full assessment of significance by Austin Heritage Consultants. The assessment states that the building was original built c. 1840's (or was a significant rebuild of a pre- 1824 building). Since the building was originally constructed it has been heavily altered and it is believed that there has been four main phases of work to the building, as detailed below.

- c.1840s to 1885 – additions to the east side
- c.1947 to 1972-73 – demolition alteration of the west side and loss of some outbuildings
- c.1980s and later – series of extensions and alterations to the interior and exterior to form the current layout.

Within the assessment the significance of the building has been assessed against the heritage values recognised by Historic England in their *Statements of Heritage Significance: Analysing Significance in Heritage Assets – Historic England Advice Note 12 (2019)*³

³ <https://historicengland.org.uk/images-books/publications/statements-heritage-significance-advice-note-12/>

The assessment gives detail of the building and assesses it against the points as noted in the above Advice Note, this includes, Archaeological Interest, Architectural and Artistic Interest and Historic Interest.

The assessment concludes the following; *Demolition of the building would see the loss of the remnant of what is believed to be a c.1840s former rectory. However, this fabric has been considerably altered in terms of layout and fabric both externally and internally, particularly pre-1972-73 and during its conversion to a care home in the c.1980s. Some of the changes that have occurred during the second half of the 20th century, including what is believed to have removal of fabric from the western side pre-1972-73, followed by the c.1980s redevelopment, have had a detrimental effect on how the layout and fabric of the original building is presented and read today. Consequently, the original building is no longer intact.*

It is acknowledged that there is some history to the existing building, however it has also been unsympathetically extended and altered over time. Its importance has also been reviewed by the Councils Conservation Officer. They have visited the site and state the following:

I have been to site to view what architectural or artistic interest the building has. The two wings are modern and of no heritage importance. The middle building, the original old rectory, is visibly different due to its slate roof. However, there is no architectural interest visible to consider this a non-designated heritage asset through its architectural merit.

Therefore applying the NPPF test *“In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

It's loss would be whole – however, its significance is considered to be low. Applying a balanced judgment, it is considered that the benefits of redeveloping the site outweigh its loss. Given its total loss, it is considered necessary to condition that the building is fully recorded prior to its demolition, in accordance with Historic England recording guidance.

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 nearest residential properties to the application site are those located to the south of the site on Sturton Road, Plots 2 and 3 are the closes to these neighbouring dwellings. However, an intervening access road separates the site from these properties, the only first floor side opening (that faces south) would be on Plot 2 which is labelled as obscurely glazed and is at high level. It is not considered that the dwellings would cause any unacceptable impacts upon neighbouring residential amenity.

With regard to the proposed layout, all of the proposed dwellings are considered to be adequately separated between each other in terms of overlooking and over dominating impacts. It is also considered that the proposal offers an adequate amount of outside amenity space for the proposed dwellings. It is acknowledged that some of the garden areas would be shaded by the large trees, however it is considered that all properties would still enjoy acceptable levels of outdoor amenity space.

Overall the proposals would not cause unacceptable impacts on neighbouring residential amenity and accords to the aims of Policy LP26 of the CLLP as well as the policies in the SINP.

Trees and Ecology

Policy LP21 of the CLLP states that all development should;

- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity.*

Criteria f of Policy LP26 states that development proposals should *incorporate and retain as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings or structures*; Policy 11 of the SINP states that development will be supported where it can be demonstrated that it meets the following criteria:

- a. Where development protects and enhances existing features in the natural environment.*
- b. Development will be expected to retain well-established landscape features such as mature trees, species-rich hedgerows and ponds.*
- c. The use of boundary treatments that are sympathetic to maintaining and enhancing biodiversity on new or existing developments will be encouraged and supported.*

Paragraph 131 of the NPPF recognises the importance trees in developments and states that; Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

This corner site contains various high amenity trees along all four of its boundaries some of which are protected by Tree Preservation Order Saxilby 1971, or are replacement trees required by past consent decision notices for the removal of some TPO trees. The majority of these high amenity trees are along the west and northern boundaries adjacent public highways where they provide good feature and character to the area, the trees T1 to T5 are particularly prominent in views from the east along Broxholme Lane.

An Arboricultural Report by AWA Tree Consultants (dated September 2022) in accordance with BS5837:2012 has been carried out and submitted with the application. The council's tree and landscape officer has reviewed the report and the proposals.

The proposed removal of trees T1 and T7 detailed in the report is considered to be acceptable given that they have been assessed as being category c trees (Cat C trees should not pose a constraint to development).

Demolition and clearance activities would pose a risk of damage to its branches and roots, and would cause ground compaction which can lead to tree decline and potentially tree death. Scraping the ground to remove demolition rubble is also likely to cause root damage. Therefore, the ground should have ground protection measures put in place prior to demolition works commencing to cover the tree RPA. It is considered necessary to condition that an Arboricultural Method Statement (AMS) document is submitted prior to any demolition and clearance actions and details of tree protection measures during these activities should also be submitted for approval.

Initial concerns were raised by the tree and landscape officer with the proposed access to plots 1 and 2 off Sturton Road and the unacceptable impacts this would have on the Root Protection Areas of the trees along this western boundary. Amended plans have since been received on 23/02/2023 which now propose vehicle access to all four dwellings off Broxholme Lane, to the north. The historic access point to the west off Sturton Road would not be used and would instead have new planting/hedging.

The tree and landscape officer has reviewed these amendments and now has no concerns with the siting of the proposed dwellings. The comments with regard to the requirement for a further details on how trees would be protected through the demolition and construction stages are still relevant. It is considered that these can be secured by pre commencement condition, to provide an Arboricultural Method Statement and tree protection measures to be in place during the demolition and construction phases.

Subject to the inclusion of these conditions the impacts on the protected trees is considered to be acceptable and the proposal therefore accords to the policies within the Development plan as well as the provisions of the NPPF.

Ecology

The application has been submitted with an ecology and protected species survey by Tim Smith carried out in September 2022. In terms of protected species the following has been described in the survey:

Bats

The inspection of the roof voids of the Old Rectory determined that there were four roof voids. Roof void 1 was considered to have a negligible potential for roosting bats. Roof voids 2, 3 and 4 were considered to have low potential to

support roosting bats. Due to the low potential for roosting bats, emergence surveys were carried out on 25/08/22, 06/09/2022 and 14/09/2022, the results are detailed in the Bat emergence and activity surveys report submitted with the application.

The survey concludes the following: *The results of the surveys were that no bats were seen or heard to emerge from the roof voids of The Old Rectory. The building is therefore not being used by roosting bats. As expected there was bat foraging activity in the garden. Mostly this was by common pipistrelles, with much less activity by soprano pipistrelle. Activity high over the site, and unrelated to the site, was noted by noctule bats. The surveys have shown that roosting bats are not a constraint to the proposed re- development of the site.*

In terms of mitigation and recommendations, the report states the following; *The only mitigation for roosting bats required is for a licensed bat ecologist to oversee the removal of the roof coverings at the dog-leg turn in roof void 4. This is standard practice. Enhancements for roosting bats could take the form of providing one or more commercially available bat roosting boxes, which are suitable for pipistrelle bats, which could be attached to the retained mature trees on the site's boundaries.*

The surveys have been reviewed by the Lincolnshire Bat Group who state that they would largely agree with the conclusions of the emergence surveys. They state that September can be late for emergence surveys, however they agree with the suggestions that a roost could be located to the west of the site and that the attraction, given there appears to be no roosts present in the buildings, is the insects associated with the mature trees surrounding the site. They also suggest that bat boxes should be incorporated into the walls of the new builds and not just in the surrounding trees, such details can be secured by means of condition.

Barn Owls and other Birds

The site's buildings are not suitable for use by nesting or roosting barn owls, and none of the trees in the site has any features which barn owls could use. The site has no suitable habitat which barn owls, which are coming from off-site roosts, could use for hunting over.

The site has habitat which could be used by other birds for nesting in, this being the mature trees, boundary hedges and the buildings themselves. No birds' nests were seen on the exterior of the buildings although one old pigeon nest was seen in the roof void of the original building.

Badgers

No badger setts or signs of use by badgers were seen on the site. There are no records of badgers for the site or the immediate area.

Otter, water vole and white-clawed crayfish

The site has no open water habitats and so these species will not occur. No open water habitats are adjacent to the site. NBN had no records of water vole or crayfish for the site or immediate area.

Great Crested Newts

The survey concludes that the site has no pond or other area of open standing water which could be used for breeding in by great crested newts. Breeding great crested newts will therefore not occur at this site.

To address the potential of whether newts are sheltering on and foraging over the site, it is necessary to consider whether there are any nearby off-site ponds which could be suitable for newts and then assess the likelihood of newts dispersing to reach the site.

Searches of maps, aerial photographs, other sources and field inspections were made for ponds within c250m radius of the site which could potentially be used by newts. The result was that no ponds were found, therefore it is considered that sheltering newts are absent from the site.

Overall the proposal, subject to conditions is considered to be acceptable in terms of the impact on ecology and therefore accords to Policy LP21, the provisions of the NPPF and the guidance contained within the NPPG.

Highway Safety and Access

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. Policy 17 of the SINP states that Development proposals in Saxilby must ensure that any transport impacts of the scheme are identified and acceptable. Any measures needed to deal with the anticipated impacts must be implemented.

The site has an existing access point off Broxholme Lane. The originally submitted proposals included the use of the historic access point off Sturton Road for plots 1 and 2. As detailed above, through the application process concerns were raised with regard to utilising this access and the harmful impact it would have on the protected trees.

The Highways Authority have reviewed the amended plans received on 23/2/23. There are no highway safety concerns with all four properties utilising the access off Broxholme Lane. It is also not anticipated that the vehicular movements to and from the site would be too dissimilar to when the building was in use as a care home.

The Highways Authority have requested two conditions in the event permission is granted. One of which is the closing off of the access onto Sturton Road and the other being the installation of a 2m wide footway to the north of the site, connecting the development from Sturton Road onto Broxholme Lane prior to the occupation of any of the dwellings. It is considered that this is reasonable to include, the provision of the footpath would connect the site to the main

footpath along Sturton Road/Mill Lane into the main centre of the village, and it is also shown on the proposed site plan.

The proposed site plan shows that all properties have adequate off road parking provision for at least two cars.

Overall, it is not considered that there would be a detrimental impact upon highway safety and the proposal accords to policy LP13 of the CLLP and Policy 17 of the Saxilby with Ingleby Neighbourhood Plan.

Drainage

CLLP Policy LP14 relates to managing water resources and flood risk and seeks to steer development away from areas at high risk of flooding in line with sequential and exceptions test within the NPPF. The application site is located in Flood Zone 1 and consequently associated with a low risk of flooding and would sequentially be a preferable location.

In terms of surface water drainage the submission indicates that surface water at the site would be managed soakaways, no further detail has been provided and therefore would need to be secured by condition, which will include the requirement for percolation tests to be carried out.

In relation to foul drainage, both the PPG and the Building Regulations 2010 (Approved Document H) set out a presumption in favour of connection to the public foul sewer wherever it is reasonable to do so. Foul water is proposed to connect to the main sewerage system, which is the most preferred option within the drainage hierarchy. Therefore the proposed methods of drainage are acceptable in principle, subject to condition.

Conclusion and reasons for decision:

The decision has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP10: Meeting Accommodation Needs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP16: Development on Land Affected by Contamination, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan and the policies contained within the Saxilby with Ingleby Neighbourhood Plan, in the first instance, including the draft policies contained within the submission version of the Central Lincolnshire Local Plan and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

In light of this assessment the proposal is considered to be within the built footprint of the village of Saxilby. Applying the test within the NPPF, the demolition of the Old Rectory, a non-designated heritage asset has been found to be acceptable due to its low heritage significance. The proposal is considered to be acceptable with regard to the impacts on residential amenity and highway safety. The impact upon the protected trees that surround the site have been found to be acceptable subject to conditions. Matters of the impact on ecology

have also been found to be acceptable. 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 shall be begun before the expiration of three years from the date of this permission.

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

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

2. No development including any site clearance works and/or any demolition, shall commence, until details of the form and position of the tree protection measures to be installed during the demolition and construction phases have been submitted to and agreed in writing by the Local Planning Authority. The approved protection measures must be installed prior to commencement and retained in place until the development is completed.

Reason: To safeguard the large trees that surround the site that are protected by Tree Preservation Orders to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

3. No development including any site clearance works and/or demolition shall commence until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details on how activities under or near the trees would be carried out. It shall also include how tasks from demolition and clearance through to construction completion, drainage, paths around the buildings will be done and shall comply with British Standard 5837. The development or other operations shall then only take place in complete accordance with the approved Arboricultural Method Statement.

Reason: To safeguard the large trees that surround the site that are protected by Tree Preservation Orders to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

4. No development shall take place until a Historic Building Record of the building has been submitted to and approved in writing by the Local Planning Authority. The recording should be to Level 3 as described in Historic England's- A Guide to Good Recording Practice.

Reason: To ensure the appropriate recording of the historic building in a manner proportionate to its importance in accordance with policy LP25 of the Central Lincolnshire Local Plan and guidance within the NPPF.

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

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

Site Location Plan received 27/10/2022

Site Plan 815H- 26D received 23/02/2023

Proposed Block Plan 815H- 39B received 23/02/2023

Amended Plot 1 Elevations 815H- 42 received 23/02/2023

Amended Plot 1 Plans 815H- 41 received 23/02/2023

Amended Plot 2 Elevations 815H- 44 received 23/02/2023

Amended Plot 2 Plans 815H- 43 received 23/02/2023

Amended Plot 3 Elevations 815H- 28A received 23/02/2023

Amended Plot 3 Plans 815H- 27A received 23/02/2023

Amended Plot 4 Elevations 815H- 30A received 23/02/2023

Amended Plot 4 Plans 815H- 29A received 23/02/2023

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with policies LP17 and LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

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

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

7. No development shall take place above foundation level until details of the facing materials to be used in the development 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: In the interests of visual amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan and Policy 2 of the Saxilby with Ingleby Neighbourhood Plan and the National Planning Policy Framework.

8. No development shall take place above foundation level until details including the locations of the bat boxes to be installed at the site have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

9. The development hereby approved must only be carried out in accordance with the recommendations set out in Report of ecology and protected species survey by Tim Smith dated September 2022.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

10. Prior to the installation/upgrade of the new vehicular access off Broxholme Lane, details of how the existing vehicular access onto Sturton Road is to be permanently closed shall be submitted to and agreed in writing by the Local Planning Authority. Within seven days of the new vehicular access being first brought into use, the existing vehicular access shall be permanently closed in strict accordance with the approved details and retained as such thereafter.

Reason: To reduce to a minimum, the number of vehicle access points to the highway, in the interests of highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan and provisions of the National Planning Policy Framework.

11. The development hereby permitted shall not be occupied until the 2 metre wide footway, to connect the development to the existing footway, as shown on drawing no. 815H 26-D 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 policy LP13 of the Central Lincolnshire Local Plan and provisions of the National Planning Policy Framework.

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

12. Notwithstanding the provisions of Class A, AA, B, C, D and E of Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), following the commencement of the development hereby permitted, there shall be no further alterations, additions or enlargement to the dwelling, or additional buildings within its curtilage, unless planning permission has first been granted by the local planning authority.

Reason: To safeguard the residential amenity of adjoining dwellings and to safeguard the character and appearance of the area, in accordance with the National Planning Policy Framework and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

13. Prior to the first occupation of the development, a scheme of landscaping including details of the size, species and position or density of all trees and hedges to be planted, and areas of public open space, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include tree lined streets. All planting comprised in the approved details of landscaping shall at the latest be carried out in the first planting season following the occupation of the relevant dwelling; and any landscaping which within a period of 5 years from the completion of the development dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the visual impact of the development on the area is minimised in accordance with the requirements of Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

Notes to the Applicant

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

Highways

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk

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

For further guidance please visit our website via the following links:

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

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

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

Ecology

The details of the bat boxes required by condition 7 should include details of bat boxes to be incorporated into the walls of the dwellings.

Historic Building Recording

Please use the following link to view the Historic England's guidance on good recording practice, as required by condition 4. [Understanding Historic Buildings: A Guide to Good Recording Practice \(historicengland.org.uk\)](http://www.historicengland.org.uk/Understanding-Historic-Buildings-A-Guide-to-Good-Recording-Practice)

Agenda Item 6f



Officers Report

Planning Application No: 145504

PROPOSAL: Planning application to erect 1no. replacement dwelling and change of use of existing residential log cabin accommodation to staff facilities in association with the business.

LOCATION: Willowbanks Stables Pelham Road Market Rasen
Lincolnshire LN8 3YR

WARD: Wold View

WARD MEMBER(S): Cllr T Regis

APPLICANT NAME: Mr Piers Warmoth

TARGET DECISION DATE: 16/11/2022 (Extension until 31st March 2023)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Planning Committee:

It is the officer's opinion that whilst the development has been recommended for approval it would be in conflict with criteria d of LP55 Part B of the Central Lincolnshire Local Plan. Therefore in accordance with section 1j) of Part IV (Responsibility of Functions) of the constitution the application is required to be presented to the planning committee.

Description:

The application site is part of an established equestrian business located in the open countryside to the north west of Claxby. The site is the position of the exiting log cabin and the position of the proposed replacement dwelling to the north of the large stable block buildings. The replacement dwelling site is set back from the highway and would make use of an existing unused vehicular access to the front boundary. The site is currently partly grassed and partly very overgrown.

The main part of the site is set back from the highway with an access road leading to the main site facilities. These facilities include two large stable/storage buildings, café/restaurant building, commentary box, exercise/competition manèges and the current temporary log cabin which all sit close together to the northern section of the site. One of the large buildings includes toilet and shower facilities. Customer parking sits to the south of the overall site.

The equestrian business is immediately to the north, south and west of the proposal site. The business site has open countryside to the north and south. To the east of the business site is Wolds View Fisheries and to the west is a mix of open countryside, residential dwellings and a small site used for caravan sales.

The outer site boundaries are screened to the north, east, south and west by high trees and hedging. The onsite buildings provide further screening to the south west. An Area of Great Landscape Value and an Area of Outstanding Natural Beauty sits opposite the north boundary close to the railway line.

The application seeks permission to erect 1 no. replacement dwelling and change of use of existing residential log cabin accommodation to staff facilities in association with the business.

The proposed development as originally submitted for a two storey dwelling located in a different position to the log cabin with a detached double garage. Following negotiation with the agent/applicant the application has been amended removing the double garage and reducing the scale of the dwelling so that its ground floor dimensions matches the dimensions of the log cabin. The two storey height of the development has been retained.

Relevant history:

128298 - Planning Application for change of use from woodland to Equestrian Centre inclusive of ancillary buildings – 06/08/12 - Granted time limit and other conditions

131962 - Planning application to vary conditions 10 and 11 of planning permission 128298 granted 6 August 2012-increase events from 2 to 4 per month and increase opening hours - 28/01/15 - Granted time limit and other conditions

132062 - Planning application to erect 1 log cabin - 15/05/15 - Granted time limit and other conditions

132807 - Planning application to retain and complete parking areas – No Decision Yet

133170 - Planning application to retain and complete shower block adjacent to stables - 10/09/15 - Granted time limit and other conditions

133361 - Request for confirmation of compliance with conditions 3 & 4 of planning permission 132062 granted 15th May 2015 - 25/11/15 – Conditions Discharged

133502 - Retrospective planning application for proposed manege – 11/12/08 - Granted without conditions

133946 - Application to vary condition 2 of planning permission 131962 granted 28 January 2015-increase number of event days from 4 per calendar month to 48 per calendar year – 30/06/16 - Granted time limit +conditions

134324 - Request for confirmation of compliance with condition 1 of planning permission 131962 granted 28 January 2015 – 14/09/16 – Condition Discharge

137040 - Planning application for proposed cafe and manege area – 11/01/18
- Granted time limit and other conditions

137765 – Application to remove condition 2 of planning permission 132062-re
permanent siting of log cabin – 28/06/18 - Granted time limit and other
conditions

140531 - Planning application for change of use from woodland to Equestrian
Centre inclusive of ancillary buildings being removal of condition 4 of planning
application 131962 - to allow more than 18 horses to be kept on site at any
one time – 07/08/20 - Refused

Representations

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

Claxby Parish Council: No objections with comment

Representations received 10th November:

We are intrigued to know why this is classed as a "replacement dwelling"
when there appears to be nothing to replace. On the plans, an "existing cabin"
is marked, but this is not on the same site as the proposed dwelling. The
existing cabin is clearly not a "dwelling".

Representations received 4th October:

No comments

Local residents: No representations received to date

LCC Highways/Lead Local Flood Authority: No objections with advice

Representation received 22nd February 2023:

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.

Representation received 10th October 2022:

Please request the applicant update the block plan to reflect the proposed
access improvements.

LCC Archaeology: No representations received to date

IDOX checked: 23rd February 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) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).
Development Plan

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

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Development in the Countryside

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

- **Neighbourhood Plan**

There is currently no neighbourhood plan to consider

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

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

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

National policy & guidance (Material Consideration)

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

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

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

Paragraph 219 states:

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

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

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

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans 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).*

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

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and has now been subject to a further round of public consultation which expired on 9th May 2022.

On the 8th July 2022 The Draft Local Plan Review was submitted to the planning inspectorate in order for it to commence its examination. The examination hearing took place between 15th November 2022 and 16th December 2022. Consultation on the post-examination modifications to the Plan, commenced on 13th January 2023 and will close on 24th February 2023.

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

S1 The Spatial Strategy and Settlement Hierarchy
S5 Development in the Countryside
S21 Flood Risk and Water Resources
S47 Accessibility and Transport
S49 Parking Provision
S53 Design and Amenity

S57 The Historic Environment

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

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

Other:

Lincolnshire Wolds AONB Management Plan (2019-2023)

<https://www.lincswolds.org.uk/our-work/management-plan>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
National Planning Policy Framework
Assessment of LP55 Part B
Assessment of LP55 Part E
Concluding Assessment
- Use of Replacement Dwelling and Log Cabin
- Visual Impact
- Residential Amenity
- Archaeology
- Highway Safety
- Drainage
- Public Rights of Way

Assessment:

Principle of the Development

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

Central Lincolnshire Local Plan 2012-2036:

Local policy LP55 Part B of the CLLP sets out criteria for replacement dwellings in the open countryside.

Local policy LP55 Part E of the CLLP sets out criteria for non-residential development in the open countryside.

Assessment of LP55 Part B:

Local policy LP55 of the CLLP states that *'the replacement of an existing dwelling outside the developed footprint of a settlement will be supported provided that:*

- a) The residential use of the original dwelling has not been abandoned;*
The dwelling on site (log cabin) is currently occupied by the owner, his partner and daughter. It is therefore considered that the residential use of the original dwelling has not been abandoned.

b) The original dwelling is not of any architectural or historic merit and it is not valuable to the character of the settlement or wider landscape;

The log cabin has no architectural or historic merit and is located in a hidden position on the site out of view from most if not all public vantage points including from the Area of Great Landscape Value and Area of Outstanding Natural Beauty to the north.

c) The original dwelling is a permanent structure, not a temporary or mobile structure;

The original dwelling (log cabin) is unlikely to be a permanently fixed to the ground but is considered a permanent structure as it has been in place and used as a dwelling for a number of years.

d) The replacement dwelling is of a similar size and scale to the original dwelling; and

The single storey log cabin is a one bedroom dwelling measuring approximately:

- 12 metres wide
- 6.25 metres long
- 2.8 metre eaves level
- 4.3 metres high

The proposed two storey replacement dwelling would be approximately:

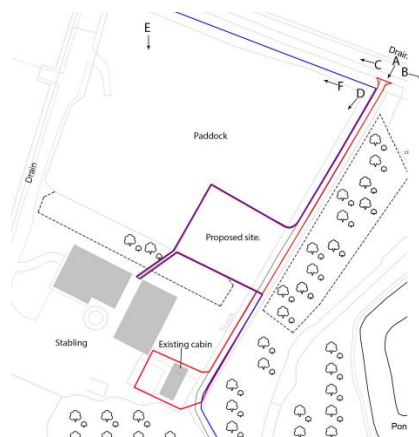
- 12 metres wide
- 6.25 metres long
- 5.2 metre eaves level
- 7.3 metres high

The intention of criteria (ii) is acknowledged, however in this case the modest scale of the accommodation within the existing log cabin (1 bedroom) has to be considered when assessing the scale of the proposed replacement dwelling to provide a more modern dwelling with acceptable living conditions for 2 adults and a child.

The proposed replacement dwelling is larger than the existing log cabin in respect of its two storey height and the proposed first floor would double the floor space. It would comprise three bedrooms and have a roof ridge height 3 metres higher than the roof ridge of the log cabin. On comparison the proposed replacement dwelling cannot be considered as of a similar size and scale to the log cabin. However it is considered that a larger dwelling is required provide acceptable modern living conditions to the owner and his family.

e) It is located on the footprint of the original dwelling unless an alternative position within the curtilage would provide notable benefits and have no adverse impact on the wider setting.

The proposed replacement dwelling would be located in a different position than the existing log cabin (see below).



The log cabin is located in a concealed location to the south/south west of the stable buildings. The proposed replacement dwelling would be sited to the north east of the stable buildings with a slightly greater separation. The principle elevation of the replacement dwelling would be facing Pelham Road and its proposed access to the site. Whilst the site is in a more prominent location it is considered as a more appropriate location for a proposed replacement dwelling with the business buildings behind it. The position of the proposed replacement dwelling would provide a more visible residential presence to the site from the public highway. The proposed location would provide notable benefits to the occupiers and the business and would not be expected to have an adverse impact on the wider setting (visual amenity is assessed later in the report)

Assessment of LP55 Part E

The application is proposing to retain the log cabin on the site but change its use to a facility for the employees to use for indoor dinner breaks and toilet/bathroom facilities.

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

a) *The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*

The log cabin is an existing structure on the site and would provide additional facilities for the employees.

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

The proposed change of use of the log cabin would not alter the existing vehicular access arrangements into the site.

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

The rest of the equestrian centre sits to the north, south and west with Wolds View Fisheries to the east.

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

The log cabin is already on site and currently used for residential purposes. The dimensions of the log cabin are listed earlier in this report. The log cabin is modest when compared to other built structures on the site.

Concluding Assessment:

The proposed change of use of the log cabin to an employee facility would be on an established business, would not be expected to conflict with neighbouring uses and would be commensurate in size and scale with the proposed use and rural character. The proposed change of use would therefore accord with local policy LP13, LP17, LP26 and LP55 Part E of the CLLP and the provisions of the NPPF.

The proposed replacement dwelling would accord to criteria a), b), c) and e) of local policy LP55 Part B of the CLLP. The development would double the size and scale of the existing residential log cabin therefore would not accord with criteria d) of local policy LP55 Part B. However weight has been afforded to the modest scale of the log cabin and the need for a replacement dwelling to meet modern living standards for the owner and his family.

Therefore the development would be a departure from the development plan (LP55 Part B criteria d)) because it would not wholly comply with local policy LP55 Part B of the CLLP. However in this case with consideration given to the size and scale of the log cabin the proposed replacement dwelling is considered acceptable.

It is considered that policy LP13, LP17, LP26 and LP55 are consistent with the highway safety, visual amenity, residential amenity and open countryside guidance of the NPPF and can be attached full weight.

Use of Replacement Dwelling and Log Cabin

The proposed replacement dwelling would only still be acceptable in this location because it meets an essential need to provide 24 hour a day, 7 days a week care to horses kept in the stable buildings. The permission would therefore retain the occupational condition attached to the extant log cabin permission.

The log cabin as identified on the submitted plans would be used for staff facilities including a staff room, meeting room and shower/WC.

Visual Impact

Local policy LP17 states that *'To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to)*

historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements’.

Developments should also *‘be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas’*

*‘The considerations set out in this policy are particularly important when determining proposals which have the potential to impact upon the **Lincolnshire Wolds AONB and the Areas of Great Landscape Value** (emphasis added)’*

Local policy LP26(c) states *‘All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

(c) Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;’

The site is not within the Lincolnshire Wolds (AONB) or an Area of Great Landscape Value but would be within their setting.

The contents of the LWMP has to be considered and it’s protection of the AONB, its qualities and scenic beauty. Objective PO in section 7.1 (page 73) seeks to *‘ensure that development plans and planning guidance consistently recognise and uphold the primary purpose of the Lincolnshire Wolds AONB designation – the protection and enhancement of its natural beauty and special character.’* This includes ten policies (PP1-PP10) to meet this objective which includes words such as the *‘highest quality of design in new development and re-development’* and *‘being sensitive to the considerations of heritage assets.’*

The replacement two storey dwelling would be located in more prominent location than the log cabin. The proposed two storey replacement dwelling is of an acceptable design and would be in a more traditional position to the front of the businesses outbuildings. The existing boundary screening would provide good screening from public vantage points.

The application provides limited information on the proposed external materials but refers to brick, tile, uPVC windows and composite/aluminium doors. The application therefore lacks sufficient material details and to ensure the dwelling is constructed from materials of appropriate quality and detail it is relevant and necessary to include an external materials condition.

The development as originally submitted received support from the Claxby Parish Council.

It is considered that the proposed dwelling is an acceptable replacement and would not have an unacceptable harmful visual impact on the site, the surrounding area or the setting of the Lincolnshire Wolds AONB and the Areas of Great Landscape Value Area. It would therefore subject to material conditions accord with LP17 and LP26 of the CLLP, objective PO of the LWMP and the provisions of the NPPF.

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

Residential Amenity

The nearest dwelling (Gatehouse Cottage) would be approximately 160 metres to the north east away therefore the development would not have an unacceptable harmful impact on the living conditions of existing residents.

It is considered that the development would accord to local policy LP26 of the CLLP and the provisions of the NPPF.

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

Archaeology

The Historic Environment Officer (HEO) at Lincolnshire County has not to date commented on the application. The site has been subject to numerous planning applications (see planning history section earlier in report) where the HEO has required no further archaeological input.

Therefore it is considered that the development would not be expected to have a harmful impact of archaeology and would accord with local policy LP25 of the CLLP and the provisions of the NPPF.

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

Highway Safety

The replacement dwelling would make use of an informal vehicular field access off Pelham Road which from the site visit does not appear to have been used for a number of years. This would provide individual vehicular access separate from the main access to the Equestrian Business which can be busy on event days.



The proposed replacement three bedroom dwelling would be served by more than adequate off street parking.

The Highways Authority at Lincolnshire County Council have no objections to the development.

It is considered that the development would accord to local policy LP13 of the CLLP and the provisions of the NPPF.

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

Drainage

Foul Water:

The application form states that foul water will be disposed of to a package treatment plant but the design and access statement states the main drain.

Paragraph 20 (Reference ID: 34-020-20140306) of the Water supply, wastewater and water quality section of the NPPG states that *“Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered.”* It would be preferred if foul water was disposed of to a main sewer therefore justification for package treatments would be required as part of the submission of further details in the future.

Surface Water:

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

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

The application form states that surface water is proposed to be dealt with through a method of sustainable urban drainage system is encouraged. The exact method has not been specified.

It is considered that a foul and surface water scheme can be addressed by condition. Therefore subject to a condition the development would be expected to accord to local policy LP14 of the CLLP and the provision of the NPPF.

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

Other Considerations:

Permitted Development

It would be considered relevant and necessary to remove certain permitted development rights. This is due to the scale of the proposed replacement dwelling when compared to the existing occupational dwelling and the location and setting of the site within the open countryside. The permitted development rights to be removed would be Class A, AA, B and E of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

Community Infrastructure Levy (CIL)

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The site is within charging zone 2, where the charge would be £15 per square metre for houses. Therefore the development would be liable to a CIL payment for the increased area of floor space. An advisory note will be attached to the permission.

Conclusion and reasons for decision:

The decision has been considered against LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment, LP26 Design and Amenity and LP55 Development in the Countryside of the adopted Central Lincolnshire Local Plan 2012-2036 in the first instance. Consideration has also been given to guidance contained within the Lincolnshire Wolds AONB Management Plan 2018-2023, the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Model Code.

In light of the above assessment it is considered that whilst the replacement dwelling would accord with criteria a), b), c) and e) of local policy LP55 Part B of the CLLP it would be a departure from criteria d) of local policy LP55 Part B of the CLLP as it would double the size and scale of the existing log cabin. However the replacement dwelling is considered acceptable when consideration is given to the modest scale of the existing log cabin and the need for a replacement dwelling to meet modern living family standards. The principle of changing the use of the existing log cabin to employee facilities is considered acceptable.

The development would not have an unacceptable harmful visual impact on the site, the surrounding area including the setting of the Area of Outstanding Natural Beauty or Area of Great Landscape Value. The proposal would not unacceptably harm the living conditions of neighbouring dwellings or have an unacceptable harmful impact on drainage, archaeology or highway safety. This is subject to satisfying a number of conditions.

Human Rights Implications:

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

interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter

Special Letter

Draft enclosed

Prepared by: Ian Elliott

Date: 23rd February 2023

Decision Level (tick as appropriate)

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:

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 must be carried out in accordance with the following proposed drawings:

- 030/0237 Rev B dated 1st February 2023 – Site and Landscaping Plan
- 020/0237 dated 1st February 2023 – Dwelling Elevations and Floor Plans
- 023/0237 dated 16th February 2023 – Log Cabin Elevations and Floor Plan

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

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

3. No development above ground level must take place until the following external materials for the proposed dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority:

- Brick Type
- Roof Type.
- Windows including colour finish
- Doors
- Rainwater Goods

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 and the character and appearance of the site and the area including the setting of the area of outstanding natural beauty and area of great landscap value to accord with the National Planning Policy Framework and local policies LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036 and the Lincolnshire Wolds AONB Management Plan 2018-2023.

4. No development above ground level must take place until details of a scheme for the disposal of foul and surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No occupation of the dwelling must take place until its 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.

5. The driveway and turning space hereby approved must be constructed from a permeable material and fully completed prior to occupation of the dwelling and retained as such thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

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

6. The occupation of the dwelling hereby approved must be limited to a person solely or mainly working, in the equestrian business, or a widow or widower or such person, and to any resident dependents.

Reason: The site is within an unsustainable location in the open countryside where a dwelling unencumbered by such a condition would constitute an unsustainable form of use, the occupiers would have to rely upon considerable car journeys to access services and facilities. Such a use would be contrary to the provisions of national guidance contained within the National Planning Policy Framework and local policies LP2 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

7. The log cabin (identified on site plan 030/0237 Rev B dated 1st February 2023), on occupation of the dwelling hereby approved, must be used as a staff facility ancillary to the equestrian business in accordance with floor plan 023/0237 dated 16th February 2023. Any other use would require an application for planning permission.

Reason: To ensure the change of use occurs in a timely manner to retain only one occupational dwelling connected to the equestrian business to accord with the National Planning Policy Framework and local policy LP55 of the Central Lincolnshire Local Plan 2012-2036.

8. Notwithstanding the provisions of Classes A, AA, B and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling hereby permitted shall 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 design, character and appearance on the site and open countryside in accordance with the National Planning Policy Framework, local policy LP17, LP25 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

9. Notwithstanding the provisions of Class A of Schedule 2 Part 2 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) no gates, fences, walls or other means of enclosure must be erected within or on the boundary of the site 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 site and the open countryside to accord with the National

Planning Policy Framework, local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

Agenda Item 6g



Officers Report

Planning Application No: 146066

PROPOSAL: Planning application for the erection of 1 no. two storey detached dwelling with garage and orangery, the renovation of existing granny flat/summer room and the renovation and extension of a granary/workshop and covered garage space to form 1 no. new dwelling.

LOCATION: Land adj to 12-14 High Street Scotter Gainsborough DN21 3TW

WARD: Scotter and Blyton

WARD MEMBER(S): Cllrs Mrs M Snee, Cllr Mrs L Clews and Cllr Mrs L A Rowlings.

APPLICANT NAME: Mr Mike Lings

TARGET DECISION DATE: 10/03/2023 (ext of time agreed until 31/03/2023)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

This application has been referred to the Committee, following objections from the Parish Council and other 3rd parties, particularly around the scale of the proposed development.

Description:

The site is located within the built footprint of Scotter and is surrounded by 2 storey residential dwellings on all sides. The site currently comprises part of the large garden afforded to 12-14 High Street Scotter which is a large two storey detached dwelling fronting the High Street and is located in the north west corner of the wider site. There is also a range of mainly single storey outbuildings (with a two storey element that fronts the High Street) on the eastern boundary of the site. There is an existing access into the site from the High Street to the east of the host dwelling.

The application seeks planning permission to erect 1 no. two storey detached 4 bed dwelling with an attached two bay garage off the west elevation of the dwelling with a workshop above and a single storey orangery off the rear (south) elevation of the dwelling. The dwelling is to be located towards the southern end of the plot and would be approximately 5.2 metres to the eaves and 8.3 metres to the ridge (there is a lower 1.5 storey element off the west (side) elevation approximately 2.9 to the eaves and 6.5 metres to the ridge and a lower 2 storey off shoot off the south (rear) elevation approximately 5.1 to the eaves and 6.8 metres to the ridge.

The main two storey element is located approximately 12.9 metres from the southern boundary of the site (the orangery is located approximately 8.6

metres from the boundary) and 6.4 metres from the western boundary and 5.5 metres from the eastern boundary. The proposed dwelling is accessed off the existing access off the High Street and has off road car parking to the north west and to the side (west) of the dwelling and landscaping to the north east and a large rear garden to the south and to the side of the proposed dwelling.

It is also proposed to renovate the range of mainly one storey outbuildings (with a two storey element that fronts the High Street) on the eastern boundary of the site which will include renovating the existing granny flat/summer room at the southern end of the range of outbuildings and converting the 2 storey former granary/workshop and covered garage space at the northern end of the range of outbuildings to form 1no.new dwelling 3/4 bed dwelling. The new dwelling will have gardens to the south/west and off road car parking/turning areas to the south of this garden.

The host dwelling will also be accessed off the existing access off the High Street and will retain a garden to the south with car parking located towards the southern end of this garden.

Amended plans have been received in response to comments made by the Conservation Officer.

Relevant history:

W88/673/80 - Extension to dwelling. Granted 18/07/80.

W88/308/81 - Conversion of outbuilding into hairdressing salon. Granted 27/04/81.

142090 - Outline planning application for the erection of 2no bungalows with access and layout to be considered & not reserved for subsequent applications. Granted 04/03/2021.

143136 - Pre-application enquiry to erect 1no. dwelling [2 storey]. Following advice given 18/06/2021. *'In conclusion, it is considered that the principle of development this site can be supported as this site already has outline planning permission (142090) for 2 bungalows. The proposal to erect one detached two storey four bed dwelling can also be supported as it is considered that the proposal will not harm the character and appearance of the street-scene, nor the living conditions of neighbouring occupiers or future occupiers of the proposed dwelling. Furthermore, the proposal will retain a range of barns which are non-designated heritage assets.'*

144160 - Planning application for the erection of a single, two storey detached house with garage and orangery, partial demolition, renovation and extension of an existing granny flat/summer room and partial demolition, renovation and extension of a granary/workshop and covered garage space to form new dwelling. Withdrawn 02/02/2022.

Representations:

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

Parish Council: The Parish Council do not support this application due to the proposed dwelling being 2 storeys, which would be of detriment to the neighbouring properties. This was clear made clear on the original application for bungalows.

Local residents: 1, 2 & 3 Crown Gardens, 16 & 18 High Street and 1 Cedar Close, Scotter object for the following reasons:

- The original permission (142090) was for single storey dwellings, the new plans have a potential of 3 storey.
- Condition No.7 of 142090 restricted the dwellings to single storey only to preserve the character of the area and to integrate with the adjoining built residential form and to protect residential amenity.
- Condition No.8 of 142090 removes certain permitted development rights in the interests of residential amenity.
- Negative effect on residential and visual amenity.
- The dwelling will potentially tower over neighbouring dwellings. This is a huge issue as the proposal has the potential to eventually put on a third storey.
- The high street is already a heavily residential area, a house of that height and size, and with balcony style windows and doors is going to lead to massive privacy issues for all surrounding houses. All surrounding properties and gardens including my own, will have the issue of being overlooked, overshadowed, issues with loss of light and over dominance.
- The proposal is not in accordance with the Scotter Neighbourhood Development policy -D5 point b) “be of a scale, height, mass and layout that respects its immediate surroundings including where appropriate, the scale and location of adjacent properties or the character and appearance of the countryside”
- The Scotter neighbourhood plan Policy T9, states there should be a minimum of three parking spaces for a four bedroomed property, this is failed to be met.
- The High Street as it stands, already cannot cope with the surface water and floods regularly. Not only is this an issue for properties but also pedestrians, it’s dangerous due to the sheer amount of water.
- This application doesn’t really differ much from the previous application number 144160 which was refused on many of the same grounds [nb: this application was withdrawn by the applicant].
- We have observed Pipistrelle bats flying over the proposed property’s garden every summer, as well as lots of birds and hedgehogs using these gardens as a wildlife corridor. The large scale proposed dwelling could have an impact.
- The plans do not accurately show neighbouring dwellings and the existing granary and granny flat are inaccurate. The site also slopes and this is not shown on the plans. The east wall of the granary has recently been restored and this is not accurately shown on the plans.

- The protected species survey was done on the basis of 2 single storey bungalows and not a large detached dwelling and needs reviewing.
- No details on how the proposal will increase biodiversity.
- We have noted evidence of bats in the local vicinity, has a bat survey been conducted on the existing buildings
- Foul drainage is a concern and will not cope with this additional development.
- Soakaways will not work because of the high water table.
- Obviously the intention is to use the orangery roof as a balcony. Why else would there be folding doors from the master bedroom? This would have massive implications on our privacy at 16 High Street.
- My original objection to a 2nd storey balcony still applies. I appreciate it has been revised but it will still allow unhindered views of the rear of my house (bedroom) and garden.
- A two storey house would affect our light and biodiversity in our garden.
- Line of rebuilt outbuildings and downpipes and soakaways of the converted outbuildings could be on my property.
- Whilst the proposed brick work would be in keeping with Crown Garden's cul de sac and the Granary estate we feel a stone exterior would be much more in keeping with the traditional look and feel of the existing outbuildings.
- Should planning be granted we wish to express that in a developed residential area there needs to be strict hours of site operation to avoid disturbance to neighbouring properties with work only between 8am and 5pm Monday to Friday.

LCC Highways and Lead Local Flood Authority: This proposal is for the erection of 1no. two storey detached dwelling with garage and orangery, the renovation of existing granny flat/summer room and the renovation and extension of a granary/workshop and covered garage space to form 1no. new dwelling utilising an existing access which is suitable to accommodate the proposals. Adequate parking and turning is provided within the site to allow vehicles to access and egress the site in a forward gear, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety. Two informatives are suggested.

Archaeology: Following submission of the new Statement of Heritage Significance we would recommend that no further archaeological input be required. The document has sufficiently recorded the historic development and condition of the surviving parts of the historic farmstead as a record of their current condition prior to development. It would therefore not be proportionate to require further recording of these buildings on archaeological grounds.

Recommendation: no further archaeological input required.

Conservation Officer: The outbuildings at 12-14 High Street have two records within the Historic Environment Record (MLI125781 & MLI125783).

Due to this recording, the farm buildings are considered to be non-designated heritage assets by the Local Planning Authority.

The former farm buildings were built in the 19th century in an L-shaped pattern around a regular courtyard with brick walls and pantile roofs.

Under LP25 of the Central Lincolnshire Local Plan the proposal will need to preserve or enhance the historic character and townscape features of the heritage asset.

Supports the proposal following the submission of amended plans which have removed the proposed roof lights from the front (north) elevation and the side (east) elevation and the use of a conservation style vent for the shower extractor fan on the side (east) elevation.

In relation to a section of the proposed outbuildings (the single storey covered garage attached to the south elevation of the 2 storey former granary) and the wall on the northern boundary attached to the 2 storey granary proposed to be removed/re-built; there is significance in this material and the HS notes there is moderate/high historic significance in what is retained in the wall/outbuilding. However, I would expect a CARE report to determine whether the retention of the wall/outbuilding is possible. If this is not a viable option I would consider its removal (A suitable condition that determines the findings of the CARE report would be sufficient to assist the methodology of the approach).

LCC Minerals and Waste: No representations received to date.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017), the Scotter Neighbourhood Plan (adopted in January 2018) and the Lincolnshire Minerals and Waste Plan - The Core Strategy & Development Management policies (adopted in June 2016).

Development Plan:

The following policies are particularly relevant:

*Central Lincolnshire Local Plan 2012-2036

LP1: A presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP25: The Historic Environment

LP26: Design and Amenity

**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 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 and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.*

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

Scotter Neighbourhood Plan

Policy H4: Small Scale Residential Development

Policy D5: Design of New Development

Policy T9: Parking and Parking Standards

<https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Scotter%20Final%20Neighbourhood%20Development%20Plan.pdf>

Lincolnshire Minerals and Waste Plan

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

The Site Locations were adopted in December 2017. The site is not within an allocated Minerals Site or Waste Site/Area.

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

Submitted Central Lincolnshire Local Plan:

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and has now been subject to a further round of public consultation which expired on 9th May 2022.

On the 8th July 2022 The Draft Local Plan Review was submitted to the planning inspectorate in order for it to commence its examination. The examination hearing took place between 15th November 2022 and 16th December 2022. Consultation on the post-examination modifications to the Plan, commenced on 13th January 2023 and will close on 24th February 2023.

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

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

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

National policy & guidance (Material Consideration)

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

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

Paragraph 219 states:

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

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

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

Main issues

- Principle of Development
- Residential Amenity
- Visual Amenity
- Non Designated Heritage Asset
- Ecology
- Highway Safety
- Foul and Surface Water Drainage
- Garden Space

- 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.

It is proposed to erect 1no.new two storey detached dwelling and convert existing outbuildings to form another dwelling. The principle for new residential development on this site has already been established by the grant of outline planning permission (142090) in March 2021 for 2 bungalows. This is an extant permission that may be attached weight as a realistic fallback position.

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 proposed two storey new dwelling is located towards the south of a large plot surrounded by other two storey dwellings on all sides. The dwelling is approximately 5.2 metres to the eaves and 8.3 metres to the ridge (there is a lower 1.5 storey element off the west (side) elevation approximately 2.9 to the eaves and 6.5 metres to the ridge and a lower 2 storey off shoot off the south (rear) elevation approximately 5.1 to the eaves and 6.8 metres to the ridge. The proposed new dwelling and the proposed conversion of outbuildings to a dwelling will both be accessed off the existing access off the High Street.

The main two storey element of the proposed new dwelling is located approximately 12.9 metres from the southern boundary of the site (the orangery is located approximately 8.6 metres from the boundary) and 6.4 metres from the western boundary and 5.5 metres from the eastern boundary. The proposed dwelling is located approximately 37 metres (its two storey rear off shoot) from the nearest parts of the dwellings to the south off Sands Lane and 32.7 metres from the rear elevation (the conservatory) of the host dwelling and 6.5 metres from the southern end of the outbuildings and approximately 28.5 metres from the main part of the outbuildings to be converted to a dwelling. The proposed dwelling (smaller 1.5 storey element off the west elevation) is located approximately 8.4 metres to the north east of No.2 Cedar Close. The proposed dwelling is located approximately 10.7 metres from the attached double garage of No.3 Cedar Close and 17 metres from the main two storey element of this dwelling. Finally the proposed dwelling is located approximately 20 metres to the south west from the nearest elements of No.16 High Street

There are not expected to be issues of loss of light or over dominance with the proposed new dwelling as there is considered to be ample separation

distances between the proposed 2 storey dwelling and surrounding two storey dwellings. There are also no issues of loss of light or over dominance in regards to the conversion of existing outbuildings.

The front (north) elevation of the proposed dwelling will have two windows, an entrance door with flanking windows and two garage doors at ground floor level and 3 first floor windows and 3 roof lights in the attached 1.5 storey element of the proposed dwelling off the western elevation. This elevation will look out onto the driveway/car parking area and landscaping to the north with the boundary of the outbuildings approximately 9.4 metres to the north with car parking for the proposed outbuilding conversion beyond and the gardens for the conversion further to the north. The southern boundary of the host dwelling is located approximately 12.6 metres to the north west of the main two storey element of the dwelling with car parking beyond for the host dwelling and gardens for the host dwelling further to the north.

The rear (south) elevation will have a set of bi-fold doors, five windows and a door at ground floor level overlooking the rear garden for the proposed dwelling with boundary treatments beyond. At first floor level two windows, a velux balcony window and balcony inset into the roof of the 1.5 storey western element of the proposed dwelling. A set of folding doors with a Juliette balcony is also proposed at first floor level in the 2 storey rear off shoot. The windows will overlook the rear garden of the host dwelling with the inset balcony being approximately 15.5 metres from the southern boundary of the site with the large rear gardens of properties fronting Sands Lane beyond (the balcony has restricted views to the west). The set of folding doors with a Juliette balcony in the 2 storey rear off shoot will overlook the roof of the proposed orangery with the garden of the proposed dwelling beyond. This opening is approximately 13.2 metres from the southern boundary of the site with the large rear gardens of properties fronting Sands Lane beyond

The west elevation will have a solid door to the garage, the side window of a bay window and large bi-fold doors to the orangery which will overlook the garden of the proposed dwelling with the boundary treatments on the western boundary beyond. At first floor level there is a 'slit' window in the rear off shoot approximately 24 metres from the western boundary.

The east elevation will have eight windows on the ground floor level which will overlook the garden of the proposed dwelling with the boundary treatments on the eastern boundary beyond. At first floor level there is a 'slit' window in the rear off shoot and a window to an en-suite if it is minded to grant this application a condition will be attached to the decision notice to ensure these windows are obscurely glazed to prevent overlooking of the garden of no.16 High Street to the east.

The conversion of the outbuilding located on the eastern boundary of the site and fronting the High Street will mainly utilise existing openings. The eastern elevation will have no openings apart from a small first floor 'slit' window at the top of a staircase which will be obscurely glazed if it is minded to grant permission. The northern elevation will have a ground floor window at ground

floor level (utilising an existing bricked up opening) and two small first floor 'slit' windows which will overlook the High Street with No.1 The Granary approximately 18 metres to the north. The west elevation will have ground floor openings only overlooking the garden and car parking afforded the proposed conversion apart from one first floor window in the side (west) elevation of the 2 storey former granary located approximately 14.6 metres from the side elevation of the host dwelling. The southern elevation will have ground floor openings only overlooking the garden and car parking afforded the proposed conversion apart from one first floor window in the southern elevation of the 2 storey former granary which will overlook the garden afforded the conversion and 2 roof lights overlooking the roofs of the outbuildings to the south. Three roof lights are also proposed in the flat roofs proposed on the re-built car port and the new element off the west elevation of the former granary.

It is therefore considered that the proposal will not have an unacceptable harmful impact on the living conditions of neighbouring dwellings in terms of residential amenity either through overlooking or overshadowing and would accord to Policy LP26 of the Central Lincolnshire Local Plan and Policy D5 of the Scotter Neighbourhood Plan.

Visual Impact

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

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

Policy H4 of the Scotter Neighbourhood Plan states that residential developments will be supported within the existing built form of the settlement if they are of an appropriate scale, density and form to the size, character and appearance of Scotter, provide a mix of dwellings (where appropriate) and deliver good quality design.

Policy D5 of Scotter Neighbourhood Plan states that new development should deliver good quality design and particularly relevant to this proposal development should reinforce the distinct local character (as detailed in the Scotter Village Character Assessment 2016) in relation to scale, mass, form, density, character, landscape setting and materials and be of a scale, height, mass and layout that respects its immediate surroundings including where appropriate, the scale and location of adjacent properties.

The site is located within the built footprint of Scotter and is mainly surrounded by two storey dwellings on all sides. An existing access will be utilised off High Street with an access drive is down the centre of the site which will lead to the proposed four bed detached 2 storey dwelling which is located towards the southern end of the site. The proposed dwelling is approximately 5.2 metres to the eaves and 8.3 metres to the ridge (there is a lower 1.5 storey element off the west (side) elevation approximately 2.9 to the eaves and 6.5 metres to the ridge and a lower 2 storey off shoot off the south (rear) elevation approximately 5.1 to the eaves and 6.8 metres to the ridge.

The proposed dwelling has an attached double garage and has off road car parking to the north west and to the side (west) of the dwelling and landscaping to the north east and a large rear garden to the south and to the side of the proposed dwelling.

It is also proposed to renovate the range of mainly one storey outbuildings (with a two storey element that fronts the High Street) on the eastern boundary of the site which will include renovating the existing granny flat/summer room at the southern end of the range of outbuildings and converting the 2 storey former granary/workshop and covered garage space at the northern end of the range of outbuildings to form 1 no. new dwelling 3/4 bed dwelling. The new dwelling will have gardens to the south/west and off road car parking/turning areas to the south of this garden.

The host dwelling will also be accessed off the existing access off the High Street and will retain a garden to the south with car parking located towards the southern end of this garden.

The front of the site where the host dwelling and the outbuildings proposed to be converted are located are within Character Area B – Residential Ribbon Development of the Scotter Village Character Assessment 2016 and the southern end of the site is located within Character Area L – Backland Development and ad-hoc Residential Clusters. The proposed 2 storey detached dwelling has existing back land development to the west in the form of 2 storey detached dwellings and there are two storey semi-detached dwellings to the south off Sands Lane. To the north there is the two storey detached host dwelling and one storey and 2 storey outbuildings proposed to be converted with 2 storey detached dwellings beyond on the other side of the High Street. To the north east of the site is a detached dormer style dwelling (No.16 High Street).

The previously approved application (142090) for the erection of 2no bungalows with access and layout to be considered & not reserved for subsequent application was granted with a condition that restricted development to single storey dwellings only (Condition No.7 of 142090) which was imposed primarily to protect the residential amenity of neighbouring dwellings as two dwellings were proposed with smaller separation distances (especially to No.2 Cedar Close to the west) than the current application under consideration.

It is considered that the proposed 2 storey detached dwelling which is set in a large plot with more than adequate separation distances to neighbouring dwellings and with existing two storey detached backland development to the west and mainly other two storey dwellings on the other sides of the site is acceptable in terms of its scale. It is also of a design that complements the existing diverse mix of styles in the locality of the site.

The proposed dwelling will have materials to match the existing buildings on the site which will be conditioned if it is minded to grant permission. However, the proposed southern (rear) elevation of the orangery and two storey off-shoot will have western cedar cladding. The new elements of the conversion will have bricks and pantiles to match the existing buildings.

A mature fruit tree will be retained to the north of the proposed dwelling and new 1.8 metre high timber fence is proposed on the eastern boundary with internal boundaries of brick walls, mixed hedging and 1.8 metre high timber fencing.

This part of Scotter is predominately comprised of two storey detached dwellings in a mix of styles and materials but the main materials are red brick and pantile roofs (most of which are concrete tiles). The proposed conversion with new elements to match and the proposed new 2 storey dwelling located in a large plot with a design and materials to complement surrounding dwellings including 2 storey backland development immediately to the west is acceptable.

It is therefore considered that the proposal would not have an unacceptable harmful visual impact on the street scene. The proposal is considered to accord with Policy LP17 and LP26 of the Central Lincolnshire Local Plan and Policy H4 and D5 of the Scotter Neighbourhood Plan.

Non Designated Heritage Asset

The range of outbuildings on the eastern boundary of the site which date from the late 18th or early 19th century are non-designated heritage assets which are mentioned on the Historic Environment Record (as is the host dwelling which has recently been renovated by the applicant).

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

The Conservation Officer supports the proposal following the submission of amended plans and appropriate conditions if it is minded to grant this application.

The proposals will retain the range of outbuildings, utilise existing openings in the main and will use a palette of traditional materials. The proposal is therefore considered to accord with the NPPF and Policy LP25 of the Central Lincolnshire Local Plan.

Ecology

A Protected Species Survey (Andrew Chick Ecological Consultant, January 11th 2021) has been submitted as part of this applications supporting documentation. The survey was originally submitted as part of the previously withdrawn application (144160) for a 2 storey detached house and the conversion of the outbuildings.

The site was surveyed on 6th January 2021 and this application was validated on the 06/01/2023 with the report stating that the data used in the report is considered accurate for two years. Therefore the final report with a date of the 11/01/2021 is still acceptable.

The protected species survey report covers the outbuildings and the garden where the proposed dwelling will be located. The report states the following results:

- The habitat types and plant species recorded on the site are common and widespread in North Lincolnshire. There are no habitats or plants of local importance or significance.
- No bats or signs of bats including bat droppings were found in any of the buildings and the roof voids.
- Within the garden is a single mature pear tree. The tree had signs of some management but was assessed as having low bat roost potential. To the rear of the garden was a larger number of small fruit trees, which were all assessed as having negligible bat roost potential.
- The buildings have the potential to support nesting by house sparrow, although no birds were recorded during the survey.
- Mature hedgerows on the southern and western boundaries provide suitable nesting and foraging habitat for breeding birds.
- No barn owls were seen during the course of the daylight survey, no evidence of either current or past roosting by this species was found within the survey buildings.
- No ponds were found in the immediate environs of the survey site. No ponds were located on the local Ordnance Survey 1: 25 000 scale map (there was no access to the surrounding garden, but a check of publicly available imagery did not reveal any obvious garden ponds).

In light of the above findings a suitably worded condition will be attached to the decision notice if it is minded to grant permission to ensure development is carried out in full accordance with the recommendations contained within

the Protected Species Survey (Andrew Chick Ecological Consultant, January 11th 2021)

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 application seeks planning permission to erect 1no. two storey detached 4 bed dwelling with an attached two bay garage located towards the southern end of the site. The proposed dwelling is accessed off the existing access off the High Street and has off road car parking to the north west and to the side (west) of the dwelling.

It is also proposed to renovate the range of mainly one storey outbuildings (with a two storey element that fronts the High Street) on the eastern boundary of the site to form 1no. new dwelling 3/4 bed dwelling. The new dwelling will have gardens to the south/west and off road car parking/turning areas to the south of this garden. The dwelling will be accessed off the existing access off the High Street

The host dwelling will also be accessed off the existing access off the High Street and will retain a garden to the south with car parking located towards the southern end of this garden.

Lincolnshire County Council Highways have been consulted on the application and raise no objections to the proposal.

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

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

In terms of parking Policy T9 - Parking and Parking Standards of the Scotter Neighbourhood Plan details the following minimum parking standards:

- a) 1 or 2 bedrooms = 2 spaces
- b) 3 or 4 bedrooms = 3 spaces
- c) 5 or more bedrooms = 4 spaces

It is considered that the proposed new dwelling with an attached double garage, car parking to the west and to the north west meets these standards and the conversion of the outbuildings with a large area of hardstanding also meets the above standards. The host dwelling will have car parking at the southern end of its retained garden which could also accommodate 3 spaces if needed.

The proposal is considered to accord with Policy LP13 of the Central Lincolnshire Local Plan, Policy T9 of the Scotter Neighbourhood Plan and the NPPF. If it is minded to grant permission the informatives suggested by the Highways Authority will be attached to the decision notice.

Foul and Surface Water Drainage

The application form states that the mains sewer will be used to dispose of foul sewerage and states that soakaways will be used to deal with surface water drainage. The appropriateness of the intended method(s) cannot be assessed at this stage however the use of a sustainable urban drainage system is advised. If permission was to be granted a planning condition to secure full foul and surface water drainage details would be recommended.

A condition would also be attached to the decision notice if formal planning permission were to be applied for, 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

The development provides for an acceptable amount of private amenity space for the proposed new dwelling, the converted dwelling and the host dwelling.

Other Matters

Permitted Development

It is proposed to convert a historic range of outbuildings which are recorded on the Lincolnshire Historic Environment Record, and can be considered a non-designated heritage asset. If it is minded to grant permission certain permitted development rights should be removed in order to protect this non-designated heritage asset, the setting of the asset and visual amenity.

Waste

Each property (including the host dwelling) will have an area in garden to allow storage of waste/recycling bins.

Minerals and Waste

The application site is within a Mineral Safeguarding Area (MSA). Policy M11 of the Core Strategy & Development Management policies (CSDMP 2016) therefore applies. A minerals assessment was submitted as part of the Outline permission (142090) which stated that a sand and gravel extraction company would not be interested in extracting from this site for the following reasons:

- a) The site is small in scale and is surrounded by residential development; therefore noise, dust and vibration nuisance would be too great.
- b) The owner of the land would not be willing to make the land available for mineral extraction and the other adjoining residents would not find a quarry an acceptable neighbour to their houses.
- c) In view of the above it is highly unlikely that planning permission would be granted for this use in this residential location.

Lincolnshire County Council Minerals and Waste have been consulted but have made no comments or objections on this application.

Plans

The plan on the right hand side of the submitted proposed site layout/block plan (J561-002 C dated 24/02/2023) is 1:500 scale and not 1:1250 as stated.

Balancing evaluation and conclusion:

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, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP25: The Historic Environment and LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan and the policies contained in the Scotter Neighbourhood Plan (Policy H4: Small Scale Residential Development, Policy D5: Design of New Development and Policy T9: Parking and Parking Standards) and guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

It is proposed to erect 1no.new two storey detached dwelling and convert existing outbuildings to form another dwelling. The principle for development on this site has already been established by the grant of outline planning permission (142090) in March 2021 for 2 bungalows.

It is also considered that the proposal will not have an unacceptable harmful impact on the living conditions of neighbouring occupiers or have an unacceptable harmful visual impact on the street scene. Furthermore, it is considered that the proposal will retain the range of outbuildings which are non-designated heritage assets and will not have an unacceptable harmful impact on highway safety.

Recommendation: Grant planning permission subject to the conditions below:

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

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

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

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

2. Notwithstanding the submitted plans and Drawing No. J561-004 B dated 07/11/2022 and J561-030 C dated 24/02/2023 in particular no development shall take place on the conversion of the existing outbuildings or work on the existing wall on the northern boundary until a structural report (to include a full specification and methodology of the repairs to be undertaken to safeguard the buildings) has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details (see notes to the applicant below).

Reason: To ensure the works will not result in the collapse of this Non-designated heritage asset and to ensure the use of appropriate methods of repair in accordance with the NPPF and Policy LP25 of the Central Lincolnshire Local Plan.

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

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: J561-010 D dated 03/03/2023, J561-030 C dated 24/02/2023 (see Condition No.2), J561-020 E dated 28/02/2023, J561-002 C dated 24/02/2023 and Drawing No. J561-004 B dated 07/11/2022 (see Condition No.2). The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

4. The new dwelling and converted dwelling shall not be occupied until the first floor window to an en-suite and first floor window to the master bedroom in the east elevation of the proposed new dwelling (Drawing: J561-010 D dated 03/03/2023) and a first floor window at the top of a staircase in the eastern elevation of the converted former granary (Drawing: J561-030 C dated 24/02/2023 and J561-020 E dated 28/02/2023) have been fitted with obscure glazing and retained as such thereafter.

Reason: To prevent unacceptable levels of overlooking on neighbouring properties, in accordance with the National Planning Policy Framework, Policy LP26 of the Central Lincolnshire Local Plan and Policy D5 of the Scotter Neighbourhood 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 this non-designated heritage asset in accordance with the NPPF, Policies LP25 and LP26 of the Central Lincolnshire Local Plan and Policy H4 and D5 of the Scotter Neighbourhood Plan.

6. No development, other than to foundations level shall take place until details of all new external timber windows and doors at a scale of no less than 1:20 and glazing bars at scale of 1:1 to include method of opening, cills, headers and lintels, colour and finish are submitted and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of this non-designated heritage asset in accordance with the NPPF, Policies LP25 and LP26 of the Central Lincolnshire Local Plan and Policy H4 and D5 of the Scotter Neighbourhood Plan.

7. No development, other than to foundations level shall take place until a 1m square sample panel of the proposed new brickwork/stonework, showing the coursing of the brickwork/stonework, colour, style and texture of the mortar and bond of the brickwork/stonework have been provided on site for the inspection and approval in writing by the Local Planning Authority (the sample is to be retained on site until the new development is completed). The development shall thereafter be constructed in accordance with the approved details (see notes to the applicant below).

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of this non-designated heritage asset in accordance with the NPPF, Policies LP25 and LP26 of the Central Lincolnshire Local Plan and Policy H4 and D5 of the Scotter Neighbourhood Plan.

8. 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. The approved drainage must be retained thereafter.

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

9. The development shall be carried out in full accordance with the recommendations contained within the Protected Species Survey (Andrew Chick Ecological Consultant, January 11th 2021).

Reason: To safeguard wildlife in the interests of nature conservation in accordance with National Planning Policy Framework and Policy LP21 of the Central Lincolnshire Local Plan.

10. 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.

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

11. Notwithstanding the provisions of Classes A, AA, B, C, D, and E of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the building hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the host dwelling, no new hardstanding and gates, walls or fences 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 living conditions of the host and neighbouring dwellings and the resulting amount of space around the host dwelling and to safeguard the character and appearance of the building and its surroundings in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and Policy H4 and D5 of the Scotter Neighbourhood Plan.

Notes to the Applicant

Condition No.2

The report required by this condition must be undertaken by a CARE (The Conservation Accreditation Register of Engineers) accredited professional.

Highways

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 road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

Human Rights Implications:

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

Legal Implications:

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



Planning Committee

Wednesday, 29 March
2023

Subject: Determination of Planning Appeals

Report by:

Assistant Director Planning and
Regeneration

Contact Officer:

Simon Wright
Locum Democratic Services Officer
simon.wright@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 JJLA Ltd against the decision of West Lindsey District Council to refuse planning permission for the erection of a single detached family dwelling at Land at Sunny View, Lincoln Road, Torksey Lock, Lincoln LN1 2EH

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse

- ii) Appeal by Mr Davide Molinario against the decision of West Lindsey District Council to refuse planning permission for 1 No single storey rear extension and 1 No two storey rear extension including internal re-modelling of the existing dwelling layout at Ormsby Place, Hall Drive, Burton, Lincoln LN1 2RD

Appeal Dismissed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse



Appeal Decision

Site visit made on 1 February 2023

by **John Morrison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 February 2023

Appeal Ref: APP/N2535/W/22/3307418

Land at Sunny View, Lincoln Road, Torksey Lock, Lincoln LN1 2EH

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by JJLA Ltd against the decision of West Lindsey District Council.
 - The application Ref 144200, dated 24 December 2021, was refused by notice dated 23 March 2022.
 - The development proposed is the erection of a single detached family dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. These are a) whether the proposed development would be at an unacceptable risk of flooding and; b) whether the proposed development would have an unacceptable effect on minerals with specific regard to safeguarding strategies.

Reasons

3. The appeal site is in flood zone 3 as it is defined by the Environment Agency's mapping. The highest risk area. The aim of the Sequential Test (ST), according to the National Planning Policy Framework (2021) (the Framework), is to steer new development to areas with the lowest risk of flooding from any source. Development should not be (in this case) permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The Strategic Flood Risk Assessment (SFRA) will provide the basis for applying this test.
4. I have not been made aware of a SFRA for the district or the county but accept the Council's logic that the scope of the ST for the proposed development be applied to the district given what it is and where it would be. That being a single open market dwelling on an otherwise undeveloped green field site. I am also mindful of the extent of the settlement, as one that the development plan considers has the potential to accommodate some limited growth, that is unavoidably within the highest flood zone. However, there is no compelling evidence before me as to why the dwelling needs to be in a flood zone and the highest one at that. There is limited information to sufficiently convince me that the development could not be, nor an exercise to show it has been, directed to an area at lesser or the lowest risk of flooding. I can therefore only conclude that the ST has not been passed.

5. The Framework goes on to state that if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the Exception Test (ET) may have to be applied. The ET has two strands, and both need to be satisfied for a given development to pass. It requires it to be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
6. I have sufficient information set out in the appellant's site specific Flood Risk Assessment that the development could be safe for its lifetime and not increase flood risk elsewhere. I.e. that occupants could be sufficiently protected from a modelled flood event. The appellant has advanced a number of other matters in support of the scheme such as the contribution it would make to housing, the local economy in terms of employment and expenditure and the provision of energy efficient infrastructure to the building.
7. Whilst worthy of some weight though these matters may be, taken together, any would be tempered by the scale of the development as a single dwelling and the short term nature of the construction phase. I also have limited information pertaining to the viability of local services and thus how the appeal scheme would make a significant difference thereto or whether any are necessarily in danger from a lack of support. Environmentally sustainable construction methods and any retrofitted technology would obviously be welcomed but I don't have any precise details of the type or extent thereof to attach any more than limited weight thereto.
8. In this regard therefore, I have no compelling evidence before me to set out that the appeal scheme would provide wider sustainability benefits to the community that may outweigh flood risk. Even if the ST was satisfied then, the proposed development would not pass the ET. With this and the above in mind, the proposed development would be at an unacceptable risk of flooding. It would accordingly conflict with the aims of the Framework in that regard and Policy LP14 of the Central Lincolnshire Local Plan (2017) which defers to the Framework on matters of new development and flood risk, the sequential and exception tests specifically.

Minerals

9. Policy M11 of the Lincolnshire Minerals and Waste Local Plan sets out, amongst other things, that applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Whilst one does not appear to have been submitted with the planning application or the appeal, I am mindful of M11's appreciation of minor development which would have a negligible impact with respect to sterilising the mineral resource. As a single dwelling on a contextually small site, it strikes me that this would qualify as such.
10. I am therefore satisfied that the extraction or safeguarding of minerals would not be adversely affected and, taking a common sense approach and the wording of Policy M11 on face value, a minerals assessment would likely reveal such. This would, theoretically speaking, address the requirements of Policy M11 so far as they are relevant to the proposed development.

Conclusion

11. Even if my findings in regard to the second main issue were to be the case, it would not address or make less the harm that I have found in regard to the first. I am also mindful of the lack of harm the appellant has set out in regard to other matters such as, but not limited to, character and appearance and the living conditions of existing and future occupiers. Being a lack of harm in each case, by definition, they cannot be used to weigh against it. The harm and development plan conflict I have found would attract substantial weight and, in the absence of any sufficiently weighty material considerations pointing me otherwise, leads to me dismissing the appeal.

John Morrison

INSPECTOR



Appeal Decision

Site visit made on 7 February 2023

by **M Russell BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Appeal Ref: APP/N2535/D/22/3310626

Ormsby Place, Hall Drive, Burton, Lincoln LN1 2RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Davide Molinaro against the decision of West Lindsey District Council.
 - The application Ref 144194, dated 23 December 2021, was refused by notice dated 16 August 2022.
 - The development proposed was originally described as '1 No single storey rear extension and 1 No two storey rear extension including internal re-modelling of the existing dwelling layout'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. My assessment is based on the amended proposal which was before the Council when it made its decision and which is described on the decision notice as 'single storey extension, insertion of roof lights, repositioning of dormer windows on east elevation and replacement flat roof to garage'. However, it is clear from the 'officer's report' provided that the Council's concerns solely relate to the design of the single storey extension. I have taken this into account in defining the main issue.

Main Issue

3. The main issue is whether the single storey extension would preserve or enhance the character or appearance of the Burton Conservation Area (CA) including the setting of the Grade II Listed Building at The Granary.

Reasons

4. The significance of the CA mainly lies in its buildings and spaces which form a traditional village character. The high quality built environment includes several listed buildings. The majority of the older buildings in the village are constructed of limestone, as are many of the walls that often flank the roads and gardens. Roofs are mainly covered in slate or pantiles.
5. The West Lindsey District Council Burton Conservation Area Appraisal (CAA), notes that Hall Drive derives from some of the service and domestic buildings that were associated with Burton Hall. Following the break up of the estate, some buildings were demolished, others were converted to housing and some new dwellings were also built.

6. The Granary is a late C18 building in residential use. Its distinctive three-storey form, traditional materials and its former use as a stable block to Burton Hall are integral to its significance. The north facing elevation of this listed building is experienced as sitting in the vicinity of a compact grouping of buildings including Ormsby Place.
7. Ormsby Place has some detracting elements in terms of its flat roofed garage and large windows with PVCu frames. Even so, this dwelling and the other buildings to this part of the CA more often include stonework to their facades and roofs covered in slate or clay pantile. These elements positively contribute to the prevailing traditional character and appearance of the CA and to the setting of The Granary, adding to its significance.
8. The modest height of the extension, its stonework walls and its pitched roof form would correspond with the adjoining section of the host building and the neighbouring dwelling at Deeping Cottage. However, the design would be a hybrid of traditional and modern elements. In particular, the expanse of the roof slopes coupled with the contemporary appearance of the black zinc profiled roof sheeting would not harmonise with the clay pantile roofs of its host or Deeping Cottage. It would also negatively contrast with the profile, texture and colour of the other traditional roofing materials in the CA.
9. The zinc roof would be highly visible from the north facing windows of The Granary as well as in the foreground of The Granary in views from the upper floor windows serving Mexborough House. The incongruous roof material would also be discernible in views over boundary treatments on Hall Drive and from the garden of Deeping Cottage.
10. During my site visit, I also saw the other developments in the CA referenced by the appellant. The Aviary is a detached dwelling of individual contemporary design whereas the extension before me would link into a traditional pantile roof. The zinc cladding used to a section of the dwelling at 'Robinswood' formed part of a comprehensive design for a replacement dwelling in a more rural part of the CA where the built context is different to the appeal site. Therefore, I do not find these examples directly comparable to the appeal proposal.
11. With regards to an extension allowed at appeal at Standon House, Standon, Stafford¹, the appellant confirms that dwelling is neither listed or within a CA. I have therefore considered the proposal on the basis of its site-specific circumstances taking into account the way it would respond to the distinctive qualities of its immediate surroundings within the CA and the setting of The Granary.
12. Having regard to the requirements of the National Planning Policy Framework (the Framework), the proposal would result in less than substantial harm to the character and appearance of the CA and the setting of The Granary. The Framework does not set out a scale of harm to be applied in terms of less than substantial harm. It states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

¹ Appeal Ref APP/Y3425/D/15/3006786

13. The proposal would provide additional living space resulting in a private benefit for any occupiers of the host dwelling. The other alterations to the east elevation of the dwelling would provide more sympathetically scaled dormer windows to those that presently exist. However, any public benefit derived in this regard would be somewhat diminished by the olive grey framed PVCu double-glazed units within the new dormers. The composition of these windows would themselves be out of keeping with the CAs overriding traditional built vernacular. Overall, there would not be public benefits sufficient to outweigh the less than substantial harm to the significance of the identified heritage assets and the great weight that I must apply to their conservation.
14. I conclude, the single storey extension would not preserve or enhance the character and appearance of the CA including the setting of The Granary. In that regard it would conflict with the character and setting, conservation and design requirements of Policies LP17 (Landscape, Townscape and Views), LP25 (The Historic Environment) and LP26 (Design and Amenity) of the Central Lincolnshire Local Plan (2017) and the Framework.

Conclusion

15. The proposal would not preserve the significance of the CA or the setting of the Grade II listed building, The Granary. The proposal therefore conflicts with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR