

Guildhall Gainsborough
Lincolnshire DN21 2NA
Tel: 01427 676676 Fax: 01427 675170

AGENDA

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

Planning Committee
Wednesday, 26th April, 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 - 35)
 - i) Meeting of the Planning Committee held on 29 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.

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

Large Clear Print: Braille: Audio: Native Language

5. **Update on Government/Local Changes in Planning Policy**

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

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

6. **Planning Applications for Determination**

- a) 145047 - Land at Good's Farm, Meadow Lane, Reepham (PAGES 36 - 61)
- b) 145735 - Wesley Road, Cherry Willingham (PAGES 62 - 89)
- c) 146151 - Land adjacent Sudbrooke Park, Off West Drive, Sudbrooke (PAGES 90 - 97)
- d) 146082 - Land off Deepdale Lane, Nettleham (PAGES 98 - 130)
- e) 145353 - Land off Deepdale Lane, Nettleham (PAGES 131 - 144)

7. **Determination of Appeals** (PAGES 145 - 153)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 18 April 2023

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 29 March 2023 commencing at 6.30 pm.

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

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

In Attendance:
Russell Clarkson Development Management Team Manager
Rachel Gordon Development Management Team Leader
George Backovic Development Management Team Leader
Martha Rees Legal Advisor
Danielle Peck Senior Development Management Officer
Ian Elliott Senior Development Management Officer
Richard Green Development Management Officer
Andrew Warnes Democratic and Civic Officer

Also In Attendance: 17 Members of the Public

Apologies: Councillor David Cotton
Councillor Steve England
Councillor Cherie Hill

Membership: No Members were substituted.

109 PUBLIC PARTICIPATION PERIOD

No statements were made during the public participation period.

110 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 1 March 2023 be confirmed and signed as an accurate record.

111 DECLARATIONS OF INTEREST

In relation to agenda item 6b planning application 145047, and agenda item 6c planning application 145735, Councillor Ian Fleetwood declared a non-pecuniary interest that he was County Councillor for Bardney and Cherry Willingham. He stated he had not been actively involved in any of the respective Parish Council discussions. He had heard comments made in passing by some residents but had not expressed a personal opinion and would therefore continue to chair the meeting during the applications and participate in the discussions concerning these applications.

In relation to agenda item 6a planning application 145688, Councillor Mick Devine declared that he had expressed his opposition to the proposals during the initial stages of the planning process at the outline approval. As such, he expressed that was pre-determined and would declare a prejudicial interest when the Committee reached this item. He stated he would leave the chamber whilst this item was to be considered.

In relation also to agenda item 6a planning application 145688, Councillor Boles stated that he was a local Member but that he had had no previous involvement in the application and would therefore participate in the debate.

112 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

Before inviting the Planning Officer to present his regular update on local and national planning issues, the Chairman referred briefly to the possibility of RAF Scampton being used for providing accommodation for immigrants whilst their applications for asylum were being processed and stated that this matter would not be discussed at this evening's meeting. It was probable that the issue would arise at a future date.

The Planning Officer advised that in relation to the consultation on changes to the National Planning Policy Framework (NPPF), West Lindsey's comments had been submitted last month.

The Department for Levelling Up, Housing and Communities (DLUHC) had issued a consultation in relation planning fees and performance. Details could be found at <https://www.gov.uk/government/consultations/increasing-planning-fees-and-performance-technical-consultation>

The consultation sought views on the following proposals relating to planning fees and improvements in the performance of local authorities:-

- An increase in planning fees by 35% for major applications and 25% for all other applications.
- The introduction of additional fees for bespoke or 'fast track' services.
- The imposition of an annual inflation-related adjustment to planning fees.
- The ring-fencing of additional fees income.
- The doubling of the fees for retrospective applications.
- The removal of the 'free-go' for repeat applications.
- The introduction of a prior approval fee for the permitted development right allowing

the Crown to develop sites within the perimeter of a closed defence site.

- The building of planning capacity and capability within local authorities, including dealing with the challenges in recruitment and retention, and how these could be addressed.
- The reduction of the Planning Guarantee from 26 weeks to 16 weeks for non-major applications.
- Improvements in the quality of the local authority planning service by monitoring more performance measures.

A response was being prepared which would be shared with the Committee in due course.

Further consultations had been initiated by the DLUHC relating to the following:-

DLUHC Environmental Outcomes Reports: A new approach to environmental assessment – The consultation would close on 9th June 2023. Details could be found at: <https://www.gov.uk/government/consultations/environmental-outcomes-reports-a-new-approach-to-environmental-assessment>

DLUHC – Technical Consultation on the Infrastructure Levy – The consultation would close on 9 June 2023 and details could be found at: <https://www.gov.uk/government/consultations/technical-consultation-on-the-infrastructure-levy/technical-consultation-on-the-infrastructure-levy>

The implications of these consultations for WLDC were being assessed within the context of formulating an appropriate response.

It was reported that the draft Local Plan had been found to be sound subject to a number of modifications and a report would be taken to the Central Lincolnshire Joint Strategic Planning Committee Meeting on 13 April. In the event that the Plan was adopted on 13 April, it would become the Development Plan against which all decisions were made. This meant that at the next Committee meeting decisions would be taken against the policies contained in the new Plan.

With regard to local issues, the following information concerning Neighbourhood Plans (NPs) was submitted:-

- A referendum on the Keelby NP would be arranged following a successful examination outcome.
- The examination process on the Hemswell Cliff NP had commenced and the Planning Inspector had undertaken a site visit.
- The Submission version of the Scothern NP had been submitted for consultation.

Details of the progress of all Neighbourhood Plans within the District could be found at: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

The Chairman expressed the hope that all those Members unable to be present at this evening's meeting would receive a summary of the current position as now reported.

113 145688 - LAND TO THE WEST OF HORSLEY ROAD, GAINSBOROUGH

Note: Councillor M. Devine left the Chamber for the item at 6.39 pm.

The Chairman introduced the first application of the meeting, planning application 145688, which sought the 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 on land to the west of Horsley Road, Gainsborough. (Access had been determined at the time outline permission had been granted, and was not a reserved matter seeking approval).

The application had been submitted to the Committee at the request of the local Member and at the request of this Committee on 1 May 2019 when it had been resolved to grant outline permission. The Minutes of the Committee had recorded that any future applications for planning permission, outline permission or reserved matters for this site should be heard by the Committee. The Planning Officer presented the report, concerning which there were no updates, and summarised the history of the site.

The Chairman explained the arrangements for speaking at the Committee and invited Mr Brian Reynolds, the applicant, to address the Committee:-

“Good evening, Chairman and Members. My name is Brian Reynolds and I am the London director for North Country homes and, not surprisingly, I am in support of this application. I will not keep you any longer than necessary and so simply, I'd like to thank the Planning Officers, their supporting consultants and staff for the professional and timely manner in which this application had been dealt with. I would ask the Committee to support their professional advice. I would like to say thank you for hearing me; I am here to lend my physical support to the application.”

The Chairman then invited the Democratic Services Officer to read out a statement from Mrs Dawn Anderson (on behalf of herself and her husband), who had objected to the application:-

“Our objection to the building of 49 houses on the land next to our property has previously been submitted. Whilst we appreciate Gainsborough is being 'rejuvenated', there are already new build sites all over the town, these being Foxby Lane, Bowling Green, Hillcrest Developments, Warren Wood and Thonnock Vale. Yes, people need a place to live but surely these developments are more than adequate and there is no need for more residential development. It would be more prudent to develop the infrastructure of the town to offer more facilities than building another 49 properties. Two GP surgeries were inadequate before all of the above building works commenced. The Council should consider the size of the town itself and how all these new residents are to be catered for in a relatively small market town. A further 49 payments of council tax from the building of these new properties will not revive the town's fortunes but it will seriously impact the existing residents of the immediate area. If the “voting committee” were directly involved and living next to a building site would they be prepared to have their lives turned upside down for the months (possibly years) ahead?

Greystones Road and Horsley Road are notoriously difficult to navigate due to the volume of vehicles that park on the road and pavements and the volume of traffic. The access to

Horsley Road is already at breaking point with the volume of traffic; most households in Horsley Road own at least two vehicles with insufficient space on their drives to park more than one vehicle. Adding potentially a further 60 vehicles to these roads will increase the risk of accidents and will make access to the existing properties increasingly difficult, if not impossible. Any vehicle larger than a bin lorry will struggle to access the site via these two roads or indeed from the other side of the site. The increase in traffic will also impact emergency services. As we are at the end of the road, next to the access to the site, we already experience difficulty getting in and out of our drive with the constant stream of deliveries, people dropping off and picking up their children from the local childminder's property and vehicles parked on the pavements opposite to our property. The attached photographs were taken at Sunday lunch time and it is much worse during the week. Have you considered where these people will park if the building goes ahead?

We are aware of the flood risk to Horsley Road and it is difficult to obtain insurance without paying a high premium. Surely removing the natural land that absorbs the rain with concrete is going to add to these problems. In addition, the existing sewer system struggles during heavy rain and there is a constant smell from the drain located on the corner of Greystones Road and Horsley Road.

The level of disturbance that large volumes of plant, vehicles and building work will make, will have a significant impact on the existing residents. We believe that the building work as proposed will have a detrimental effect on the mental health of the residents who work from home or do not go out to work. As we are living directly next to the site I am very concerned about my husband as he is at home all day, every day, suffering with mental health issues. I also work from home and the disturbance for me, as my office backs on to the site, will be detrimental to my own health and wellbeing. There is of course no indication of timescale for the proposed work, hours to be worked etc. but this will not be a short term project and therefore this needs to be taken into consideration. This building work will cause turmoil from which some may not recover.

We do not believe that this proposal is viable in any way, shape or form and the Committee should consider all the residents that will suffer if this goes ahead. Please do take my comments into consideration when making your decisions.”

The Chairman thanked the Democratic Services Officer for reading out the statement and invited him to read out a further statement on behalf of Mr Leigh Street:-

“I wish to object to the proposal based on all my comments made to the original application, no. 136577, as they are all still relevant. Can the Committee confirm all comments from application 136577 are being considered and explain why the application number has been changed to 145688? I would like the Committee to make sure the original planning number is referenced so all the original objections and constant extensions of time are being discussed before voting for its approval. There has been no consideration for anyone who purchases these properties as everyone on Horsley road struggles to get house insurance now and pays at a premium. The development will increase the flood risk already highlighted to St. Paul's Road with the surface run off in heavy rainfall. Access roads through to and including Horsley Road are extremely poor and heavy construction traffic will pose a significant hazard to the local residents, especially during school start and finish times. Floss Mill Lane is not an appropriate alternative access route either and will be very disruptive for local residents, including the access road at Front Street. The significant impact of this on

local residents needs to be seriously considered especially while they make access to the site as there isn't a suitable holding area for vehicles on Horsley Road.

On the application they're suggesting building 2 storey buildings and disregarding the original recommendations and assessments for 3 storey buildings due to the location close to the River Trent, within 50 meters in fact. I understand my comments probably will not influence the decision of this Committee but I wish to highlight that the engagement with the community has been poor and changing the application reference number was poorly communicated. This area would serve the community of Gainsborough much better if developed into a nature reserve or another community facility to enhance the experience of the riverside walk. Building more housing, especially with at least 4 other developments currently ongoing in the town, is not a priority for Gainsborough. Other options for this land should have been explored before it was sold to developers."

The Chairman thanked the Democratic Services Officer for reading out Mr Street's statement and invited the Planning Officer to comment on them.

The Planning Officer advised that infrastructure and flooding matters had been dealt with at the outline application stage. With regard to the hours of working, there was a condition on the outline permission which had to be adhered to by the applicant, who was required to obtain agreement from the authority to a construction management plan. In relation to the comments about reference numbers, it was indicated that there was one reference number for the outline application and one for reserved matters. It was confirmed that the properties were three storey.

Note: Councillor M. Boles declared a non-pecuniary interest for the purposes of transparency, that one of the objectors, namely Mr. Leigh Street, was known to him but he had not discussed the application with Mr. Street.

Reference was made to flood mitigation measures and Members were advised that this had been dealt with at the outline application stage. The water management issues had been dealt with in the applicant's flood risk assessment report submitted with the outline application. The drainage report submitted with the outline application had been deemed to be acceptable. There was a condition relating to water management in the event that the situation should change as the development progressed.

A concern was raised about the access arrangements both during and after completion of the development. Questions were also raised about infrastructure provision and in particular the existing pressures on the local health services. Reference was also made to green infrastructure provision. Members were however again reminded that this development had already been granted outline planning permission which provided for a fixed access point, concerning which the Highway Authority had raised no objection, and that the matters before the Committee this evening related only to the layout, scale and appearance of the buildings and landscaping issues.

Having been proposed and seconded, the Chairman put the application to the vote, and it was agreed by majority vote that permission should be **GRANTED** 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 in 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

Note: Councillor M. Devine returned to the Chamber at 6.57 pm.

114 145047 - LAND AT GOOD'S FARM MEADOW LANE REEPHAM

The Chairman introduced the next application of the meeting, planning application 145047, seeking permission for the erection of 8 dwellings on land at Good's Farm, Meadow Lane, Reepham. The application had been brought before the Committee because of objections from the Parish Council and other third parties and having regard to the history of the site.

The Planning Officer presented the report and in so doing referred to an objection from Mr. D World of 1 Church Lane. This address was one of those referred to in the report as objecting to the proposal. Mr. World had commented along the following lines:-

"My comment from more than 2 weeks ago about the process relating to the above application has never appeared on the WLDC website and no apparent reference to it has been made. I wrote expressing my concerns at the manner in which this application had been communicated to the public: -

"The latest amendments to the application fail to respond to the many comments, concerns or objections submitted. They do, however, appear to respond to the Conservation Officer's and other local authority officers' comments which have not been made public. It leads me to question whether the 9-month long process/evolution of this application is fair or transparent."

Mr. World disagreed with the conclusion of the Conservation Officer and with the limited weight applied to the Draft Neighbourhood Plan.

The Planning Officer advised that the Neighbourhood Plan had undergone Regulation 14 consultation last year. It was now undergoing its final stages of consultation, with the final draft production after addressing feedback. This was prior to submission by the Parish Council for inspection. (The next Stage was submission to WLDC – Regulation 16 (submission), and then WLDC would consult on the plan. All comments received were then collated, and would form part of the consideration of the Inspector appointed for the Examination)

As the Neighbourhood plan was at Regulation 14 stage only, limited weight could be attached to its policies. WLDC had no knowledge of what representations might be made in support or objection other than those made by WLDC when the Neighbourhood Plan had undergone Regulation 14 consultation last year. It was now undergoing its final stages of consultation, with final draft production after addressing feedback. This was prior to submission by the Parish Council for inspection.

Mr. World had stated that only now that the Conservation Officer's report had been communicated to Members of the Planning Committee, could Members of the public access it. His concern was over incorrect assumptions and the omission of factors for consideration, namely: -

The re-positioning of the Highway on "The Green". He had stated that the Conservation Officer had indicated this this would harm the character of The Green by some loss of the green verge, however, the proposal mitigated this with the extension of green verges on the northern side of the road. Mr. World felt that This would lead to an alteration of the curb-less green verge.

He had stated that the Officers had not acknowledged that this “mitigation” only partially balanced the gains of green extension to the North side of the road - which would exclude the increased width of the extended Tarmac road. This failed to equate to the loss of the entire length of green verge on the opposite side of the road. The consequence was a net loss of Green verge - thus turning “The Green” increasingly “black”. It had been contended that this conflicted with the Officers’ conclusion that “it would not harm the character that The Green offers” and had questionable balance and validity.

Mr. World had asked whether adequate safety considerations had been given to reduction of the green verge which also served as a pedestrian refuge? (There were no pavements at this newly created junction). Traffic movement considerations had appeared to have been given precedence over pedestrian safety.

He had contended that the applicant had used the Farmyard for the parking of an Articulated Lorry, which had negotiated the entrance successfully on an almost daily basis for an extended period. He felt that it was very difficult to justify the need to remove any of the green verges to accommodate movements of much smaller vehicles.

He had stated that there had been a failure to identify that this point in the village had a heavily used footpath entry/exit to the village. It was a transition between the Conservation Area and surrounding countryside. The proposed development was, in his view, starkly different from existing bungalows and older properties. This would increase the perceived separation between the Conservation Area and countryside and represented an impact on the character experienced by those arriving and leaving on foot.

He had also stated that the officer report also identified views to open countryside and into the Conservation Area (CA) that would be lost and although the report described mitigation measures to lessen the impact, the proposal did not satisfy LP25. He had stated that 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.

As previously mentioned the Neighbourhood Plan had undergone Regulation 14 consultation last year. It was now undergoing its final stages of consultation, with final draft production after addressing feedback. This was prior to submission by the Parish Council for inspection. The more advanced its preparation, the greater the weight that may be given.

Reference had been made to a number of the policies included within the draft Plan, including:-

- Policy 1: Historic Environment
- Policy 3: Residential Development on Infill site
- Policy 4: Housing Type, Mix and Affordability

The Planning Officer indicated that the Highway Authority had not raised any concerns in relation to this application.

Note: Councillor R. Patterson arrived into the Chamber at 7.02 pm.

The Chairman then invited the applicant, Mr. Ollie Clawson to address the Committee which

he did so along the following lines:-

“Thank you Chairman. My name is Ollie Clawson and I am a chartered Town Planner with Knights and as agent for the application, I am here to speak in favour of the proposal.

The applicant had previously sought planning permission for the erection of 25 dwellings on a much larger site than that which is currently before you. That site incorporates a significant portion of undeveloped land to the north of the existing farm yard and was refused planning permission in October 2018 before being dismissed at appeal in December 2020.

The scheme before you this evening is materially different to the appeal scheme - a fact acknowledged by the case officer. The site, which is the subject of this application, comprises solely of the existing farmyard, which the Inspector had confirmed is part of the line of development on the northern side of the green and is therefore physically part of the village. The site can therefore be defined as a formerly developed brownfield site which, as per the wording of policy LP4 of the Central Lincolnshire Local Plan, is the most sequentially preferable location for new development within medium villages such as Reepham.

This is re-affirmed by the Officer's report which considers the proposal in detail and confirms that the application would retain the core shape and form of the village and would therefore be an appropriate location for development.

As the planning policy position has not altered since the 2020 appeal, the Officer's report considers the current application against each individual reason set out by the dismissal.

I do not consider it expedient to discuss each of those issues in turn, but crucially, it should be noted that the applicant has worked closely with Council Officers in order to achieve a scheme which is acceptable from a highways, drainage and flood risk, Tree and landscape, archaeology and conservation perspective.

Accordingly, the Officer's report confirms that this application adequately addresses each of the reasons considered at appeal and is therefore consistent with all relevant local planning policies.

It is, however, noted that the Councillor call-in request cites some concern over the proposal, the first of which questions the proposed site access arrangements and the impacts these would have on the existing properties along the Green.

Lincolnshire County Council's Highways Department has confirmed that the proposal would not result in any unacceptable harm in relation to matters of highway safety and that all works associated with the minor amendment of the junction between Meadows Lane and The Green will take place within the extent of Highways owned land.

The number of daily trips associated with the proposed dwellings is not considered to be significant and all dwellings benefit from off-street parking space for at least three vehicles.

With regard to accessibility, the application also presents an opportunity to formalise the existing routes of the public right of way which currently traverses the site. A separate

application has been submitted to do so, and the applicant is committed to preparing and signing a section 106 agreement, which would prevent the construction of any plots which would interfere with the existing route until such a time as when that diversion is confirmed.

The call-in request also raises concern about the scale and mass of the proposed dwellings. The height of those properties would not significantly exceed the height of the existing agricultural buildings and as such, the case Officer confirms that this would not represent a reason to withhold consent for the scheme.

Additionally, the Trees and Landscape Officer confirms that the proposed soft landscaping arrangements would ensure that the scheme suitably assimilates with its wider context.

The call-in also queries the impact the proposal would have on the character of the Conservation Area and upon neighbouring residents. The Council's Conservation Officer has confirmed that the minor works to the site access would have no unacceptable impact on the Conservation Area and the Conservation Officer has played a central role in the design of the proposed scheme, providing the applicant with examples of design approaches and materials that they would like to see on site.

The applicant subsequently revised the proposals to account for the Conservation Officer's input and, in doing so, also took the opportunity to reposition some of the proposed dwellings by separating the distance, between both existing and potential future residents. On that basis it is not considered that there is any valid reason to withhold consent and I would therefore respectfully urge Members to vote in accordance with the Planning Officer's recommendation, and grant planning permission. Thank you."

The Chairman indicated that Councillor Patterson had joined the meeting during the item and reminded him that whilst he could participate in the debate, he could not vote on the item, having not heard all the information made available thus far.

The Chairman then invited Louise Carder and Fiona World to jointly address the Committee. Louise Carder spoke first, followed by Fiona World:-

"Good evening. My family and I live in the property directly opposite the proposed development, and I have just three points - one is personal and two are general. My personal comment relates to the impact of policies LP25 and 26.

The Officer's report refers to the movement of the green verge; not referenced at all is the loss of amenity to my property if the verge is moved. The proposed relocation of the green towards our property by 1.4 metres would reduce our off road parking to our two drives by approximately 16% and 20% respectively, resulting in less parking space. Approximately a whole car's worth. This would mean that we can no longer park our car on our own driveway or safely access our garage as our car would be partially obstructing the road while we opened the garage. Moving green verges includes moving our two driveways. Be under no illusion, a driveway parking amenity for our property will become dangerous. Solving the problem on one side of the road is simply leading to another on the other side, and the Highway Authority has not responded to our queries on this.

My second point is about the setting of the church and planning policies LP17 and 25. The farmyard has a fine view of the Grade II listed St. Peter and St. Paul's Church. This is not recorded in the report or noted by the Conservation Officer. The view is visible from the corner of the current boundary of the Conservation Area from the public footpath in the farm yard. This view, and therefore the historical setting of the church, which affords a crucial historical connection from the farmyard to the church, will be lost with the proposed development.

The current documentation focuses only on the church views from the countryside and does not reference the view to the cathedral that will also be lost with the footpath change and development.

I know my technical history because I co-authored the Reepham Neighbourhood Plan, character assessment and page 25 of the officers' report actually does have incorrect statements on it.

We think Reepham is a medium size village and the location is defined as needing to retain the core shape and form. Therefore, most of the proposed development sits outside the core shape and form, and does not meet policy LP24 or 25, and there are other sites available.

It is also not a brownfield site. In addition, the development would crucially increase the separation of the Conservation Area and the countryside at what has been defined as its most vital point, the north-east quadrant, where LP17 is also relevant. Lastly, nowhere are any enhancements to the Conservation Area noted which, in addition to preserving, is a key part of the test. This is no ordinary Conservation Area, so we would ask that you come and visit the site yourself, see the church setting, see my driveway and see that the decision is being made on partially flawed information. Thank you.”

Fiona World then began her statement:-

“My first point against this development is the appearance of the houses in the submission. They are at odds with the surrounding dwellings, which are bungalows and small terrace houses. That is a stark contrast which will dominate and form significant harm to the character and appearance of the Conservation Area. They will spoil views looking into and out of the development.

Please note the Parish Council's objections. The houses being built off Fiskerton Road are now significantly higher than planned because of no topographical survey, and there are no bungalows. These houses will dominate the north side of the village, as it is already higher when viewed or approached from that direction. There is a clear contradiction of LP17 concerning the creation and protection of views. Please view this site if you have not already done so.

Next, the impact on our community. The Green is an essential part of the Conservation Area. It is a lane, not a road - wide grass, verges no footpaths, children playing people walking dogs and stopping to chat to one another away from the busy road which passes

through Reepham. Shared vehicle and pedestrian use; carving out one side at the junction being created, will remove the green verge, prioritise traffic and reduce and harm the character of the Conservation Area. This removal is not being questioned by the Highways Authority or they would have noticed the impact on the drive opposite. With regard to the proposed new junction, the traffic increase, will far outweigh the seasonal farm use. Add in building traffic and delivery vehicles, and the green soon becomes very grey.

Come and see for yourselves before making a final decision.”

The Chairman thanked Louise Carder and Fiona World for their comments and then invited the Democratic Services Officer to read out a statement from Mr. Mark Doughty:-

“Regarding planning application 145047, it is apparent the interests of all properties including and not excluding, 2 and 4 The Green, Blacksmiths Cottage and all properties located on Althea Terrace have been disregarded by the Good Family. All these properties have had historical views for over 60 years, in a large majority of cases for over 100 years.

Due to the proposed size of the properties and associated impact, it is apparent very little consideration has been given regarding the location of the development being in a Conservation Area. The proposed properties are out of character and very large in comparison to a large majority of surrounding residential properties, mainly consisting of bungalows and small cottages. It is my understanding, the size and types of properties – all large houses - is purely influenced by commercial viability and profitability, rather than that of the impact within an established, and protected Conservation Area.

If the development is to be permitted and results in the transfer of the farm to another location, it is evidential the brick built barn (at the entrance to the proposed development) will no longer serve any purpose at all. Therefore, and as informed by the Good family, it is their intention to convert the barn into a residential property. Understandably, this raises further concerns, not just for ourselves but many of our neighbours. Thank you.”

The Chairman thanked the Democratic Services Officer for reading out Mr. Doughty’s statement.

The Chairman then invited the Planning Officer to comment on the statements. The Planning Officer advised that the grass verge was actually part of the adopted highway and was not in private ownership. It was under the control of the County Council as the Highways Authority, so it was not a private piece of land that was going to be taken away as a consequence of this development.

Members noted that the proposal had not been the subject of objections from the Highway Authority or the Conservation Officer and met the requirements of the NPPF and local planning policies. With regard to the footway, it was confirmed that the applicant had submitted an application for its re-alignment. They had been asked to enter into a legal agreement, the effect of which would preclude any construction works that would affect the footway until it had been legally diverted.

Reference was made to the size of the proposed dwellings and Members were advised that the Officers had taken care during discussions with the applicant to ensure that there was little or no detrimental impact on existing properties at this location. Members also learned

the distances between the dwellings were set out in the report, and that consideration was given to not impact on the nearby residents.

During the discussion, several Members felt that having a site visit to review the character of nearby dwellings, the size and the keeping with the village, alongside access concerns, would be beneficial. It was justified that it would allow to gain a better understanding of the likely impact of the proposed development, including dwelling size and the effects on the local character of the area.

Having been proposed, and seconded and, on taking the vote, it was

RESOLVED that the application be deferred for decision at the next available meeting, in order for a site visit to be undertaken.

115 145735 - WESLEY ROAD, CHERRY WILLINGHAM

The Chairman introduced the next item, planning application 145735, which sought permission for the erection of 20 affordable dwellings on land to the south of Wesley Road, Cherry Willingham. The proposed development comprised 4 one bedroomed bungalows, 10 two bedroomed houses and 6 three bedroomed houses. The application had been brought before the Committee for determination as it was a re-submission of planning application 142360 which had also been considered by the Committee.

The Chairman invited the Planning Officer to present the report, concerning which there were no updates. The report detailed the background to the site and summarised the previous consideration given to development on this site.

The Chairman welcomed the agent for the applicant, Mr. James Collins, who addressed the Committee along the following lines:-

“My name is James Collins and I am speaking on behalf of the applicant, Cherry Tree Homes. The proposal is for an entry level exception site for 20 affordable homes which meet the requirements of paragraph 71 of the NPPF. The application is a re-submission following the refusal of a planning application for 21 affordable homes on the same site in November 2021.

The proposed scheme for affordable homes demonstrates exceptional reasons to justify the granting of a residential scheme in such a location. The proposal will help to meet the identified unmet need for affordable housing in the Cherry Willingham area in response to the West Lindsey housing register.

We have prepared a Section 106 agreement to ensure that the site is designated for affordable houses only. The 106 agreement has been agreed with the Council.

The layout, scale and density of the proposed scheme complies with the relevant design principles from the Cherry Willingham Neighbourhood Plan and policies LP17 and 26 of the Central Lincolnshire Local Plan.

At the previous Planning Committee in November 21, Members had raised concerns over

the roadway running through the previous Phases 1 and 2 of the site, suggesting it was unsuitable to support a third phase of residential development. Further objections had suggested that the site is not in a sustainable location. The Committee had subsequently refused the application on the basis that the proposal does not prioritise safe, easy and direct pedestrian access, contrary to Policy D1 of the Cherry Willingham Neighbourhood Plan.

It is the view of the applicant and the consultant team that this reason for refusal is deeply unfair and is not justifiable for a number of reasons. The existing roadway running through phases 1 and 2 has been designed to an adoptable standard to ensure safe and direct pedestrian and vehicular access. As an adoptable road it is suitable for construction vehicles and the Highways Authority has accepted this. The adoption agreement for the roads is nearing completion.

Concerns were also raised that the road network through phases 1 and 2 has many bends and that this makes the phase 3 site less accessible. This is incorrect. The access routes through the previous phases have been designed in accordance with the manual for streets, which supports the use of bends and shared surfaces as this slows down traffic and provides different character areas which help pedestrians to orientate themselves through the site.

A planning application for 19 market-led houses on the same site was refused by the LPA in April 2016. Whilst this application was dismissed at appeal, the Planning Inspector had determined that, for locational purposes, the site is acceptable for the development of residential housing. He went on to say that the appeal site is situated within an accessible and sustainable location for new development and would make a social contribution to the local housing market.

The existing network of roads and footpaths provide safe, easy and direct pedestrian access. There is, in fact, a continuous, safe footpath route from the phase 3 site into the centre of Cherry Willingham. In addition to this, a unilateral undertaking has been agreed with West Lindsey and the adjoining landowner to provide a public right of way from Green Lane, providing an additional, safe walking route to Cherry Willingham and the Local Highways Authority has supported the proposals, both for this planning application and the one refused at Committee in November 2021.

This is not a retirement or over 55 scheme. The 20 affordable housing units will be split into 70% affordable rented housing and 30% shared ownership affordable houses, as stated in the Section 106 agreement. The second reason for the refusal of the previous application was that a design and extension into the countryside would have an urbanising effect. It is our view that this is not a justifiable reason for refusal for the following reasons. The layout scale and density of the proposed scheme closely matches that of the previous two residential phases to the north. The scheme therefore complies with the relevant design principles of the Cherry Willingham Neighbourhood Plan and policies LP17 and LP26 of the Central Lincolnshire Local Plan. However, as part of our re-submission we have amended the scheme, layout and density, reducing the number of units from 21 to 20 to facilitate a softer edge to the adjacent countryside.

In response to the Committee's previous comments, the same materials are proposed as the previous schemes. The application proposes a large net gain of boundary hedges and trees across the site. This softens the impact of the proposals from the surrounding area and further supports local ecology - all in accordance with LP17 and LP26 of the Central Lincolnshire Local Plan. We have added further soft landscaping in this re-submission to assimilate the development into the site and wider surroundings. Bird and bat boxes have also been provided in accordance with the recommendations of the ecology report to further enhance this. Thank you all very much for your time and attention."

The Chairman thanked Mr. Collins for his comments and opened the item up for debate by the Committee.

Members mentioned the issue of the large number and variety of vehicular movements at this location and the road layout on the site itself. In a separate query, the case officer confirmed that there were no speed mitigations proposed.

Other comments made in relation to the application concerned the conditions for the occupation of the proposed dwellings, the materials proposed for the footpath, and the access/egress layout. In response to a query about the contour of the area, the case officer explained the site was relatively flat, and was fairly well elevated to the south of the site, rolling down to the Witham Valley.

In response to a question about the criteria for buying one of the proposed dwellings, the officer confirmed that this was to be in accordance with the Cherry Willingham Neighbourhood Plan regarding any requirements.

Some members felt that it was difficult to reach a conclusion in the absence of some greater knowledge of the site without a site visit, though a small amount noted the Parish Council's support for the application with conditions attached. A site visit was proposed and seconded to see the extent of the development, access, the footpath near the site, and the impact on the existing properties.

Having been proposed, and seconded and, on taking the vote, it was

RESOLVED that the application be deferred for decision at the next available meeting, in order for a site visit to be undertaken.

116 145788 - LAND ADJACENT TO 16 WESTGATE, SCOTTON

The Chairman introduced the next item, planning application number 145788, which sought outline planning permission for the construction of four dwellings and access on land adjacent to Westgate, Scotton. The application had been brought to the Committee for determination because of objections received from the local Member and the Parish Council. The report set out the history of the site.

The Chairman invited the Planning Officer to present the report and in doing he made reference to a further objection which had been received after the publication of the report.

The objection had been submitted by the owners of the restaurant at 20 Westgate. It had been contended that there were discrepancies in the plans submitted in that the distance between garage number 18 and garage number 20 could not be achieved. It was however reported that these distances had been checked and were accurate and the objection did not warrant any material change the report recommendation.

The Chairman invited the Democratic Services Officer to read out a statement of objection submitted by Karen Ibbeson as follows:-

“Westgate is the main thoroughfare through Scotton. It is not a wide road and buses do struggle to pass on certain sections of the road. It is also used by multiple HGVs, farming traffic, residents and visitors vehicles. The road regularly has cars parked from the local pub past the entrance/exit of the proposed planning application. The single vehicle width entrance/exit means a driver’s vision is restricted by a property that is further up that road. Parked cars on the road will make the single vehicle entrance/exit even more dangerous for everyone.

Would all emergency vehicles be able to access the proposed dwellings safely without having to reverse down the private access road?

The application is for four dwellings and now altered to 3 bedrooms. This means you are going to have a lot of vehicles and pedestrians using this single vehicle width entrance/exit that narrows towards the end of the proposed private access road. I do understand that there is going to be a passing place were the dwellings are going to be built, but there is going to be a lot of reversing up and down this narrow private access road.

Each dwelling will have a minimum of two vehicles, eight vehicles estimated, and even more when they have children with cars, or visitors to the dwellings, who arrive by car. There are no pavements on this private access road, therefore pedestrians cannot safely enter/ exit the proposed dwellings safely if a car is using the private access road. The health and safety of pedestrians and vehicles using a narrow single track private access road definitely has not been addressed by the developers.

Who is going to be responsible for the maintenance of this private access road? We already have a private access road off Middle Street and it’s a very damaged road full of deep potholes. Private access roads are fine for a single dwelling, but not a good idea for multiple dwellings. The existing private access road off Middle Street is proof of that.

Is there going to be adequate lighting down this private access road, so that pedestrians can use the private access road safely? Who would be responsible for the maintenance of the lighting (if there is any) as It is a private access road?

The acoustic reduction tunnel/wall maintenance. When this tunnel/wall needs maintenance because of wear and tear who will be responsible for the maintenance? If this wall/tunnel is lost then neighbours will be affected by the sound and headlights of the cars entering/exiting the private access road, affecting their quality of life and mental health. Everyone has a right to peaceful night sleep.”

The Chairman thanked the Democratic Services Officer and invited him to read out a further

objection received from David and Christine Sylvester:-

“My wife and I are objecting to the above planning application for the following reasons:-

1). The application shows the minimum entrance width to the site from the shared drive as being 3.623M (See applicants drawing 1137-1005 dated 10/08/21 Option 1 & the enlarged view of narrowest point supplied).

The actual measurement of the narrowest point from the rear corner of my garage No. 20 at an angle of 90 degrees to the side wall of No18 garage is 3.10M. (As marked in green on the exploded view of the site application entrance supplied). This dimension was verified in the presence of our District Councillor, Mrs Lesley Rawlings.

Depending on where No18's boundary finishes, the maximum entrance width to the site is 3.10M, minus 2 x the width of the "Acoustic fencing". Therefore the dimensions supplied on the Design & Statement - Access - page 10 of 3.20 metres on the drawing supplied are incorrect & cannot be achieved.

2). The Noise Reducing Acoustic Fencing will only be 2.40M from the side of my bungalow including my drive. This side of my bungalow consists of all my 3 bedrooms and is therefore detrimental in a domestic setting such as this, as this type of fencing is normally used in heavy traffic locations such as main roads & motorways.

Due to the inaccuracies of the dimensions on the drawings supplied I think the entrance does not meet the criteria for a private road and it is therefore imperative that the Planning Committee undertakes a site visit to look at these very important points and the other points that Nos18 and No16 raise on this shared drive that they also use.”

The Chairman thanked the Democratic Services Officer for reading out the statement and invited the Planning Officer to comment. The Planning Officer indicated that the plans submitted with the application indicated a driveway width of 3.2 metres. The acoustic fencing was a reserved matter and would be agreed at a later stage.

The Chairman then opened up the meeting for comments to Members of the Committee.

There were concerns expressed about the proposed access but the Committee appreciated that this was an allocated site for development within the Neighbourhood Plan (NP) which had successfully gone through all of the NP approval processes. Also the Highways Authority was satisfied with the access arrangements.

The position around land ownership and making application for planning permission was clarified and it was confirmed that all the necessary documentation in this respect had been completed.

Reference was made to the need perhaps for a condition regarding the hours of working to avoid any unnecessary disruption to existing residents at this location.

Accordingly, it was proposed, seconded and unanimously agreed that planning permission should be **GRANTED** subject to the following conditions and the submission to the Council for approval prior to the commencement of work on the site, a Construction Method

Agreement relating to the hours of construction work at the site:-

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. No development must take place until a construction method statement has been submitted and agreed in writing by the Local Planning Authority. The approved statement must be adhered to throughout the construction period. The statement must provide details for:

- (i) the routeing and management of traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site.

Reason: To reduce disturbance during the construction period in the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan and Policy 3 of the Scotton Neighbourhood Plan.

6. 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:

7.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:

8.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.

9. 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.

10. 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.

117 145741 - THE OLD RECTORY RESIDENTIAL HOME, STURTON ROAD, SAXILBY

The Chairman moved on the next item, planning application number 145741, for the removal of existing buildings and the construction of four dwellings at The Old Rectory Residential Home, Sturton Road, Saxilby. The application had been brought before the Committee for determination at the request of Saxilby Parish Council who were concerned that the proposed development conflicted with the policies contained in the Neighbourhood Plan.

The Planning Officer's report summarised the history of the site. It was confirmed that there were no updates to draw to Members' attention.

The Chairman invited Mr. James Rigby, agent for the applicant to address the Committee which he did so along the following summary:-

"Thank you Chairman and good evening Members. My name is James Rigby, I am a Senior Associate at Knights plc and a chartered member of the Royal Town Planning Institute. I am here this evening to speak in favour of the application on behalf of the applicant.

Firstly, I am pleased that the application is supported this evening with a strong recommendation from your Officers that the application before you should be approved. Indeed, the report prepared by your Officers is comprehensive and provides a detailed appraisal of the scheme against the policies of both the Local Plan and the Neighbourhood Plan.

This application was originally submitted in October last year and we have carried out extensive discussions with your Officers which have seen the scheme revised for the number of dwellings reduced from six to four. Alongside the reduction in dwellings, a number of important changes have been made in relation to the siting of the dwellings, ensuring that the footprints are set outside the root protection areas of the boundary trees. This generous setback allows these trees, which are typically between 15 and 20 metres in height, to continue to dominate the street scene on the approach into the village from the north. The Council's Tree and Landscape Officer has raised no objection to the application.

The amended scheme has also sought to address a number of concerns raised by the Parish Council outlined in their initial consultation response. The existing access to certain roads will now no longer be utilised and this will be stopped up if planning permission is granted.

All four dwellings will be served from an improved access from Broxholme Lane. The homes immediately east of Sturton Road will continue to face onto the road and contribute positively to the street scene as set out in your Officer's report. The application seeks approval for the demolition of the existing structures on the site. It is important to state

that the Council's Conservation Officer has raised no objection to the loss of the Old Rectory stating that, and I quote, "there is no architectural interest visible to consider. This a non-designated heritage asset through its architectural merit."

The application was also supported by a Heritage Impact Assessment prepared by an historic building specialist. This assessment concludes that the fabric of the former Old Rectory has been altered considerably since conversion to a care home in the 1980s. Much of the original fabric has been lost through insensitive interior alterations or poorly designed extensions. In the opinion of the applicant, therefore, conversion of the building to apartments is simply not a viable proposition.

In policy terms, the National Planning Policy Framework is clear that local planning authorities should give substantial weight to the value of using suitable brownfield land, such as this site, within sustainable settlements, for new homes. Also Local Plan policy LP 2, sets a strong presumption in favour of development within designated large villages, such as Saxilby, which result in appropriate infill, intensification or renewal of an existing developed footprint.

In conclusion, there are no objections from statutory consultees on technical matters and the scheme fully accords with the aims of the NPPF and both the Local Plan and the Neighbourhood Plan. Thank you for your time."

The Chairman thanked Mr. Rigby for his contribution and opened up the matter for debate by the Committee. The Planning Officer had no comments at this stage.

Whilst Members were sorry to see the loss of the original building, they recognised that it was in a poor state of repair and noted the comments of the Historic Buildings Officer that it was not of architectural merit.

Accordingly, it was proposed, seconded and unanimously agreed that planning permission should be **GRANTED** subject to the following conditions:-

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

1. The development hereby permitted 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.

118 145504 - WILLOWBANKS STABLES, PELHAM ROAD, MARKET RASEN

The Chairman introduced application item 6(f), number 145504, seeking planning permission to erect a replacement dwelling and change the use of an existing log cabin accommodation to staff facilities in association with the business at Willowbanks Stables, Pelham Road, Claxby, Market Rasen.

Although the report recommended approval, the development would conflict with criteria d of LP55 of the Central Lincolnshire Local Plan. Therefore, in accordance with Section 1j of Part IV of the Council's Constitution the application was required to be considered by this Committee.

The Chairman invited the Planning Officer to present the report which set out the history of the site and other relevant matters.

The Chairman then invited the applicant, Sophie Richmond, to address the Committee:-

"My partner and I have built the equestrian business from scratch, along with the continued

support of West Lindsey. We have grown the business from a willow coppice plantation to a thriving equestrian centre where we attract visitors from all over the country, including many Olympic and Team GB members who come to train and compete on our site.

We employ two full-time and three part-time members of staff and we also employ many casual workers during our busy show season. We currently live in the 1 bedroom log cabin, which was built a few years ago when the business was much smaller.

My partner and I now have a six month old daughter called Poppy. The log cabin size and location is not really suitable to bring up a family of any size as it only has one bedroom. Therefore, the replacement dwelling will allow us to live in a suitable home on site, which meets modern family living standards.

We have worked with a Planning Officer and agent and have come up with the design of a property that we believe satisfies all parties. We believe that the replacement dwelling will enhance the area of Claxby and allow us a chance to grow our family and business.

We currently do not have any staff or mess room facilities on site, so this proposal allows the log cabin to become an essential part of the business as a staff welfare unit for our ever increasing number of staff. Thank you for your time.”

The Chairman thanked the speaker for her comments, and opened up the debate to Members of the Committee.

The Committee was very supportive of the application which would allow the continued operation of what had now become a successful business, with all the economic benefits that this brought to the District, and the attraction to the site.

Accordingly, it was proposed, seconded and unanimously agreed that planning permission should be **GRANTED** subject to the following conditions:-

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

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

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

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

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 landscape 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.

119 146066 - LAND ADJACENT TO 12-14 HIGH STREET, SCOTTER

The Chairman introduced the final application, planning application number 146066, seeking permission for the erection of a two storey dwelling with garage and orangery; the renovation of an existing granny flat/summer room and the renovation and extension of a granary/workshop and covered garage space to form one new dwelling on land adjacent to 12-14 High Street, Scotter. The application had been referred to the Committee for determination following objections from the Parish Council and other third parties, particularly around the scale of the development.

There were no public speakers on this application and the Chairman invited the Planning Officer to present the report. The Planning Officer reported that since publication of the report another objection had been received – from the occupier of 20 Sands Lane, Scotter who had stated:-

“When I purchased my property I was happy with the two bungalow proposal but the new 2 to three storey dwelling would inhibit my privacy.”

The Planning Officer had a further update. He advised that since the publication of the Committee report, a Structural Condition Inspection Report by Mason Clark Associates dated 16 March 2023 had now been submitted and approved by the Conservation Officer.

It was now proposed to replace recommended pre-commencement condition No.2 in the published Planning Committee report with the following to be observed during the course of development:-

“2. The development shall be carried out in full accordance with the recommendations contained within the Structural Condition Inspection Report by Mason Clark Associates dated 16 March 2023.”

Members noted this amendment to the report.

With no registered speakers, the Chairman opened the item for discussion and many thanked the Planning Officer for the high quality photographs/illustrations of the site/proposed new dwellings. In response to a query about the usage of 12-14 High Street, the case officer explained that these were the address points for knowing where the site was situated.

it was proposed, seconded and unanimously agreed that planning permission should be **GRANTED** subject to the following conditions (which now included the new condition referred to above):-

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. The development shall be carried out in full accordance with the recommendations contained within the Structural Condition Inspection Report by Mason Clark Associates dated 16 March 2023.

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, J561030 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: J561010 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.

120 DETERMINATION OF APPEALS

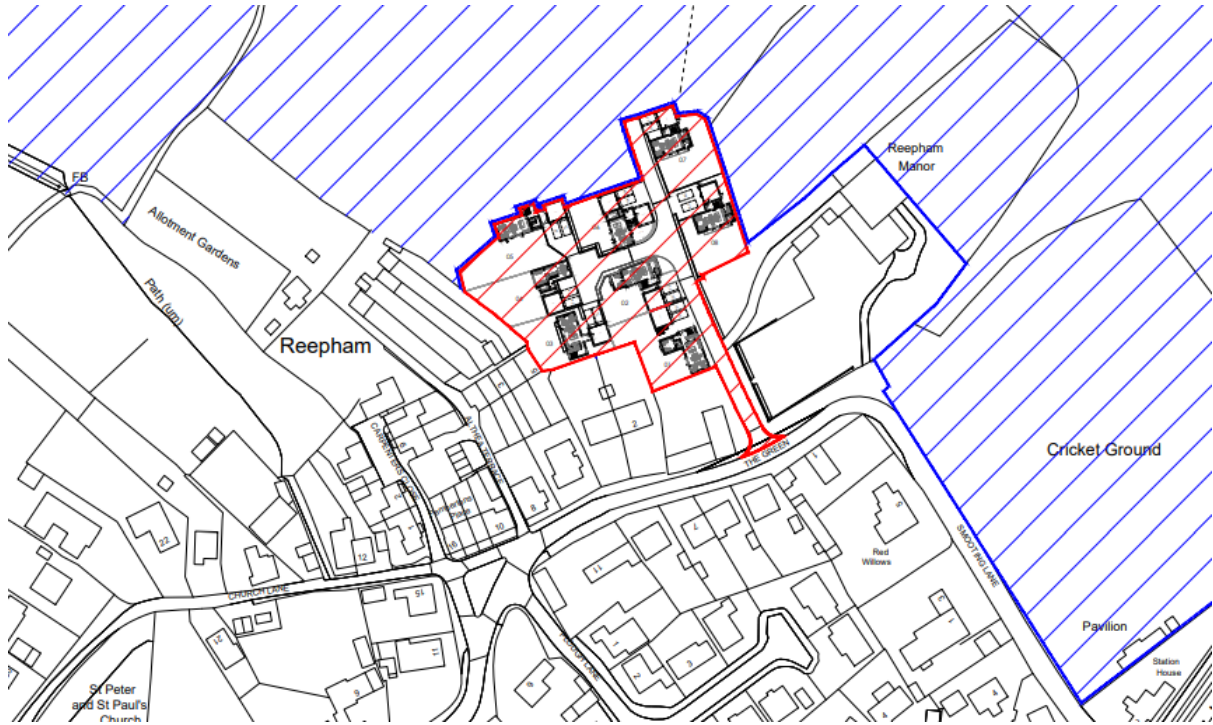
The determination of appeals was **NOTED**.

The meeting concluded at 8.23 pm.

Chairman

Agenda Item 6a

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 C. Darcel, Cllr Cherie Hill and Cllr Mrs Anne Welburn

APPLICANT NAME: M Good and Son Ltd.

TARGET DECISION DATE:

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 was deferred for a site visit at the last planning committee of 29th March 2023, which was scheduled for 20th April.

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 “r” 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 of 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:

The latest amendments to the application fail to respond to the many comments, concerns or objections submitted. They do, however, appear to respond to conservation officer's and local authority officer's comments which have not been made public. It leads me to question whether the 9-month long process/evolution of this application is fair or transparent.

Disagree with the conclusions of the Conservation Officer and with the limited weight applied to the Draft Neighbourhood Plan.

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 2023); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

On the 28th March, the Planning Inspectorate published their "Report on the Examination of the Central Lincolnshire Local Plan Review". The report concludes that the Central Lincolnshire Local Plan Review provides an appropriate basis for the planning of the City of Lincoln and the districts of North Kesteven and West Lindsey, provided that a number of main modifications are made to it (supplied by the Inspectors).

At the time of writing - The Central Lincolnshire Local Plan Review is expected to be considered at the meeting of the Central Lincolnshire Joint Strategic Planning committee (CLJSPC), scheduled for Thursday 13th April. In the event the Committee resolve to adopt the new Plan, it will become the Development Plan against which planning decisions must be considered and taken against.

This assessment has therefore been made against the provisions of the 2023 Central Lincolnshire Local Plan, in anticipation that it will be part of the statutory development plan against which the Planning Committee will need to make its decision, at its meeting on 26th April 2023.

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 S22: Affordable Housing
Policy S47: Accessibility and Transport
Policy S49: Parking Provision
Policy S53: Design and Amenity
Policy S57: The Historic Environment
Policy S60: Protecting Biodiversity and Geodiversity

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).

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. West Lindsey District Council has no information on representations received to the plan with the exception of those made by WLDC. On this basis limited weight is attached to it.

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 former Central Lincolnshire Local Plan) and whether the adoption of the Central Lincolnshire Local Plan 2023 results in any change to the officer recommendation of approval

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. Reepham is defined as a medium village by policy S1, with policy S4 stating

“Large, Medium and Small Villages, as defined in the Settlement Hierarchy in Policy S1, will experience limited growth to support their role and function through allocated sites of 10 or more dwellings in the Local Plan, sites allocated in neighbourhood plans, or on unallocated sites in appropriate locations within the developed footprint** of the village that are typically up to 10 dwellings in Large Villages and Medium Villages; and • up to 5 dwellings in Small Villages. Proposals on unallocated sites not meeting these criteria will not generally be supported unless there are clear material planning considerations that indicate otherwise.”*

The definition of “appropriate locations” reflects that of the previous iteration of the CLLP as does the definition of developed footprint” and it is acknowledged that this does not include “agricultural buildings and associated land on the edge of the settlement; This was also before the Inspector who in dismissing the appeal made the finding that “*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*”. This is considered a material planning consideration as set out in S4 above.

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)



Viewpoint 03 - View from PRoW Reep 129/1 footpath looking south towards the site

VP3 (application)



Viewpoint 03 - View from PRoW Reep 129/1 footpath looking south towards the site

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.”

The proposal was previously found to be in accordance with LP25. Policy S57 of the new CLLP is virtually identical to LP25, and on this basis it is reasonable to conclude that it is in accordance with S57.

“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. Policy S22 of the new CLLP contains the same criteria for identifying whether a contribution would be sought

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 S1, S4 and S53.

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.

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 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.

Policy S53: Design and Amenity, 7 (uses) states that proposals: "will be compatible with neighbouring land uses and not result in likely conflict with existing uses and that the amenity of occupiers of the new development will be satisfactory with the ongoing normal use of the neighbouring site;" and

“not result in adverse noise and vibration taking into account surrounding uses nor result in adverse impacts upon air quality from odour, fumes, smoke, dust and other sources” It would be in accordance with S53.

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. Policy S47 states “development that has severe transport implications will not be granted planning permission”. Additional plans have been provided which demonstrate that each plot can accommodate 3 car parking spaces on site (excluding garages). Policy S49

Part B: All Other Locations” sets out parking standards and it is in accordance with these. It is considered that highway safety does not represent a reason to withhold consent. It would be in accordance with S47 and S49.

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 S21.

Landscaping and Biodiversity.

Policy S60 seeks to protect and enhance biodiversity. 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 Policy S60: Protecting Biodiversity and Geodiversity

Policy S61 requires measures for biodiversity opportunity and net gain. The submitted ecological appraisal concludes the existing site to be of fairly low ecological value and does propose measures to improve biodiversity on site. It does not however quantify this through a recognised metric.

Policy S61 does state that “Where conflict between the policy below and the provisions of Government regulations or national policy arises, then the latter should prevail.” A mandatory 10% BNG requirement for 8 dwellings is not expected under the provisions of the Environment Act until at least April 2024.

Consequently, it is considered appropriate for a planning condition to secure a final demonstration of BNG to be achieved on the site against a recognised metric, following the mitigation measures proposed within the Ecology Statement.

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:

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>)

“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.”

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 S57

Other matters

Policy S7 requires an Energy Statement to be submitted. However, this application was submitted in May 2022 – significantly before the adoption of the April 2023 Local Plan, and when the plan was at an early draft stage. The application was not determined by the statutory timescale (by July 2022), and was subject to an agreed extension of time in order for the applicant to work with, and address concerns that the Local Planning Authority had. It is therefore not considered to be reasonable to require the energy statement retrospectively.

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 has been assessed against the newly adopted CLLP. It would be in general accordance with policies Policy S1: The Spatial Strategy and Settlement Hierarchy; Policy S4: Housing Development in or Adjacent to Villages; 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 S60: Protecting Biodiversity and Geodiversity; Policy S61 Biodiversity Opportunity and Delivering Measurable Net Gains; 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. Prior to any development an addendum to the Ecology Statement shall be submitted for the written approval of the Local Planning Authority, which calculates the anticipated biodiversity net gain that will be achieved through the proposed mitigation, against Natural England's Biodiversity Metric

Reason: In order to demonstrate how the development will deliver measurable net gains in biodiversity in accordance with policy S61.

3. 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 S57 of the Central Lincolnshire Local Plan.

4. 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 S21 of the Central Lincolnshire Local Plan.

5. 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 S53 of the Central Lincolnshire Local Plan.

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

6. 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 S57 of the Central Lincolnshire Local Plan.

7. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 3 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

8. Following the archaeological site work referred to in condition 3 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 policy S57 of the Central Lincolnshire Local Plan.

9. The report referred to in condition 8 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 policy S57 of the Central Lincolnshire Local Plan.

10. 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
Materials Plan 825-2C-102
General Arrangement VD22649 Revision P01

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:

11. 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 S47 of the Central Lincolnshire Local Plan.

12. 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 S53

13. 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 S53 and S57 of the Central Lincolnshire Local Plan.

Agenda Item 6b

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 28 April 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.

The application was deferred for a site visit at the last planning committee meeting of the 29th March 2023, which was scheduled to take place on 20th April 2023.

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://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?id=145735&nb=1>

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 it 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.

ECM Checked: 11/04/2023

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 2023); the Cherry Willingham Neighbourhood Plan (made 2019); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

On the 28th March, the Planning Inspectorate published their "Report on the Examination of the Central Lincolnshire Local Plan Review". The report concludes that the Central Lincolnshire Local Plan Review provides an appropriate basis for the planning of the City of Lincoln and the districts of North Kesteven and West Lindsey, provided that a number of main modifications are made to it (supplied by the Inspectors).

At the time of writing - The Central Lincolnshire Local Plan Review is expected to be considered at the meeting of the Central Lincolnshire Joint Strategic Planning committee (CLJSPC), scheduled for Thursday 13th April. In the event the Committee resolve to adopt the new Plan, it will become the Development Plan against which planning decisions must be considered and taken against.

This assessment has therefore been made against the provisions of the 2023 Central Lincolnshire Local Plan, in anticipation that it will be part of the statutory development

plan against which the Planning Committee will need to make its decision, at its meeting on 26th April 2023.

Relevant policies of the CLLP include:

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 S22: Affordable Housing
Policy S23: Meeting Accommodation Needs
Policy S47: Accessibility and Transport
Policy S49: Parking Provision
Policy S51: Creation of New Open Space, Sports and Leisure Facilities
Policy S53: Design and Amenity
Policy S60: Protecting Biodiversity and Geodiversity

[Local Plan Review | Central Lincolnshire Local Plan \(n-kesteven.gov.uk\)](https://www.n-kesteven.gov.uk/local-plan-review)

- ***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)**

Main issues

- Principle of Development;
- Design and Character Impacts;
- Residential Amenity;
- Highways;
- Flood Risk and Drainage;
- Ecology and Trees;
- Developer Contributions and Open Space;
- Other Matters

Principle of Development

The application site is located south of Wesley Road within Hawthorn Avenue, 'Little Cherry'. Hawthorn Avenue, 'Little Cherry' is now recognised a medium village under policy S1: The Spatial Strategy and Settlement Hierarchy of the Central Lincolnshire Local Plan.

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. (emphasis added)

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: Affordable Housing, 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.*

The proposal is for a fully rural affordable exception site which is immediately adjacent to the existing built form of 'Little Cherry' (Wesley Road) located directly to the north of the application site. It can therefore be considered to accord to the provisions of S4 and S22 in principle. Further details of the other points of policy S22 (including the identified need) are discussed below.

The NPPF (a material consideration) also 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 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. 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 S22.

Sustainability and accessibility of the location

The previous opinions of planning inspectors regarding this site and the adjacent site differ. One found compliance with the now superseded policy LP13 (Accessibility and Transport) 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 S47 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.

Concluding assessment: Overall, in relation to the principle of development, the Central Lincolnshire Local Plan is supportive of rural affordable exceptions sites that lie directly adjacent to medium villages, such as Hawthorn Avenue 'Little Cherry', the proposal would therefore accord to policies S4 and S22 of the Central Lincolnshire Local Plan. The proposal would also meet the provisions of paragraph 72 of the National Planning Policy Framework and is therefore considered to be acceptable in principle.

Design and Character Impacts

Policy S53 states that development proposals will; *Contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness; and Reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style.*

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.

Residential Amenity

At point 8 of Policy S53 it states that development proposals will;

a) Provide homes with good quality internal environments with adequate space for users and good access to private, shared or public spaces;

d) not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare;

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 S53 of the CLLP and Policy D1 of the CWNP.

Highways

Policy S47 requires that developments should demonstrate, where appropriate that they have had regard to the following criteria:

- a) Located where travel can be minimised and the use of sustainable transport modes maximised;*
- b) Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, car clubs, walking and cycling links and integration with existing infrastructure;*
- c) Making allowance for low and ultra-low emission vehicle refuelling infrastructure.*

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.

Policy S49 of the CLLP details the parking provision required for residential development. Appendix 2 of the CLLP details the car parking standards that are applicable within Central Lincolnshire.

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. The proposals accord to the standards detailed in Appendix 2.

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 settlement of Cherry Willingham.

Overall, the proposal would not cause any detrimental highway safety impacts, subject to conditions the proposal accords to Policies S47 and S49 of the CLLP as well as Policy D1 of the CWNP.

Flood Risk and Drainage

Policy S21 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SUDS) in to the proposals unless they can be shown to be inappropriate; to show that that there is no unacceptable increased risk of flooding to itself or existing land or buildings; 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.

Ecology and Trees

Policy S60 seeks to protect and enhance biodiversity. 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.

Policy S61 requires measures for biodiversity opportunity and net gain. The submitted ecological appraisal does propose measures to improve biodiversity on site. It does not however quantify this through a recognised metric.

Policy S61 does state that “Where conflict between the policy below and the provisions of Government regulations or national policy arises, then the latter should prevail.” A mandatory 10% BNG requirement for 20 dwellings is not expected under the provisions of the Environment Act until at least November 2023.

Consequently, it is considered appropriate for a planning condition to secure a final demonstration of BNG to be achieved on the site against a recognised metric, following the mitigation measures proposed within the Ecology Statement.

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 S60 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 S51 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 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

Energy Statement- Policy S7 of the CLLP requires an Energy Statement to be submitted. However, this application was originally submitted in October 2022, significantly before the adoption of the April 2023 Local Plan, and when the plan was at a draft stage, prior to its examination. The application was not determined by the statutory timescale (by January 2023), and was subject to an agreed extension of time in order for the applicant to work with, and address matters raised by the Local Planning Authority. It is therefore not considered to be reasonable to require that an energy statement is supplied in this instance.

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 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 S22: Affordable Housing, Policy S23: Meeting Accommodation Needs, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S51: Policy S53: Design and Amenity, Policy S60: Protecting Biodiversity and Geodiversity of the Central Lincolnshire Local Plan, the policies contained within the adopted Cherry Willingham Neighbourhood Plan and the provisions of the NPPF, with particular regard to paragraph 72 and the guidance contained within the NPPG.

In light of this assessment, the principle of development is supported by the policies within the CLLP which are supportive in principle of such affordable housing sites. 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, and is considered to be in accordance with the requirements of paragraph 72 of the NPPF.

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 S21 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 S60 of the Central Lincolnshire Local Plan.

5. No development shall take place until an addendum to the Ecology Statement shall be submitted for the written approval of the Local Planning Authority, which calculates the anticipated biodiversity net gain that will be achieved through the proposed mitigation, against Natural England's Biodiversity Metric.

Reason: In order to demonstrate how the development will deliver measurable net gains in biodiversity in accordance with policy S61.

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

6. 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 S53 and S60 of the Central Lincolnshire Local Plan and D1 of the CWNP.

7. 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 Policy S53 of the Central Lincolnshire Local Plan and D1 of the CWNP.

8. 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 S21 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:

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 S53 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

10. 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 in accordance with policy S47.

11. 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 S53 and S60 of the Central Lincolnshire Local Plan.

12. 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 S51 of the Central Lincolnshire Local Plan.

13. 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 on 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 policy S53 of the Central Lincolnshire Local Plan.

14. 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 S51 and S53 of the Central Lincolnshire Local Plan.

15. 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 S53 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:

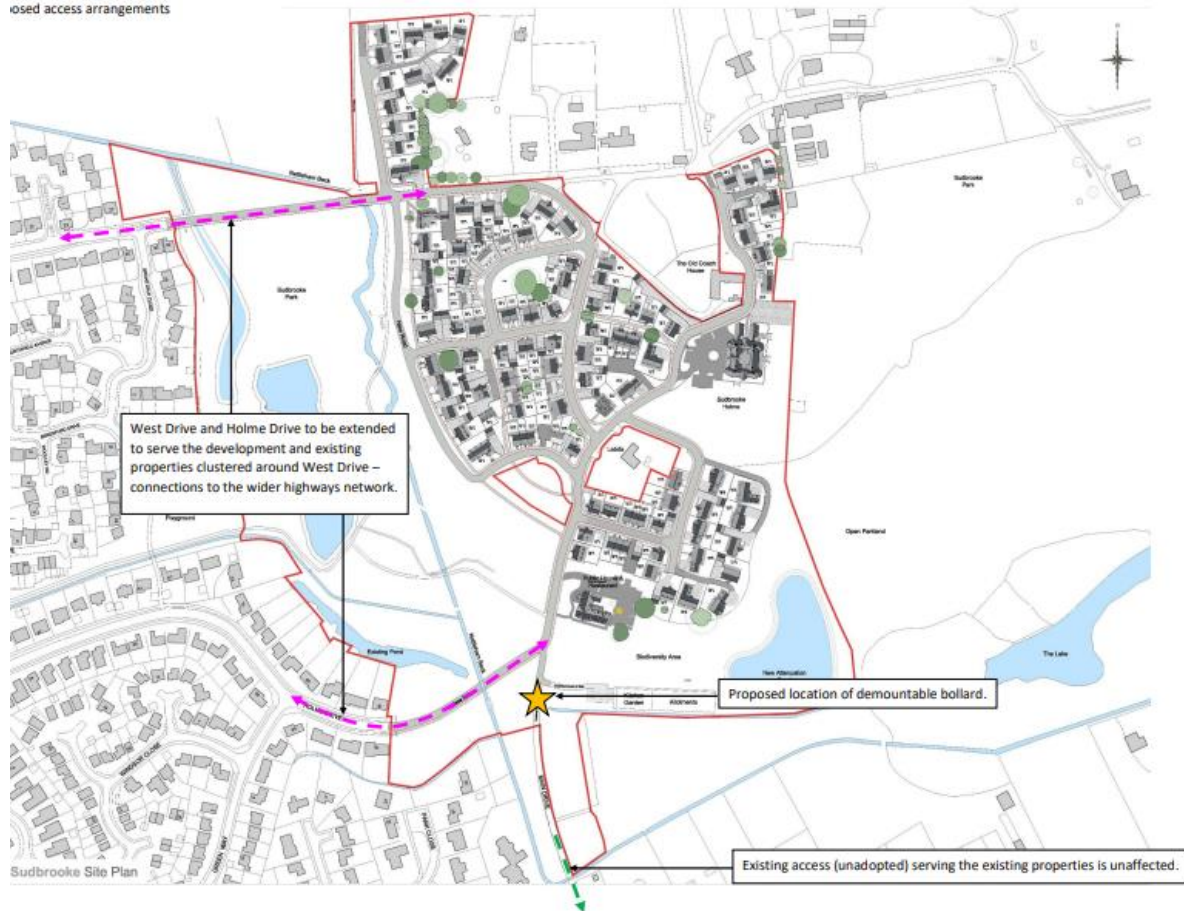
Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

Agenda Item 6c

Location Plan 146151

Consented Scheme Shown

Parklands, Sudbrooke
Proposed access arrangements



Officers Report

Planning Application No: 146151

PROPOSAL: Application seeking to vary condition 13 (for the developer to accord with the proposed scheme to prevent vehicles from accessing the private drive that connects in a southerly direction with the A158) of planning permission 133284 (granted on appeal for the erection of up to 130 dwellings and a new building to provide up to 25 apartments for retirement living, associated hard and soft landscaping, together with the change of use of land to provide a new area of open space, including the provision of new footpaths and sustainable drainage infrastructure, and to provide new community allotment facilities)

LOCATION: Land adjacent Sudbrooke Park Off West Drive Sudbrooke Lincoln
WARD: Sudbrooke
WARD MEMBER(S): Cllr Robert Waller
APPLICANT NAME: The Parklands Sudbrooke Limited

TARGET DECISION DATE: 18/04/2023
DEVELOPMENT TYPE: Major - Dwellings
CASE OFFICER: George Backovic

RECOMMENDED DECISION: Refuse permission.

This application is referred to the planning committee as a result of the planning history, and representations received from concerned third parties including Sudbrooke Parish Council.

Introduction:

This relates to a housing development that was granted permission, on appeal, in Sudbrooke in 2016 that is still under construction. The permission was subject to a number of conditions and this application seeks to amend the following condition:

“13: No development shall take place until a scheme, including the timing of its implementation, to prevent vehicles from accessing the private drive that connects in a southerly direction with the A158 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.”

Main Drive, is the “private drive” which runs a distance of over 400m, connecting Holme Drive in the north (which serves the residential development) to the A158 (Wragby Road) to the south. It directly serves three residential properties – Silvertrees, Park House and The Spinney. Along its entire length runs a Public Right of Way (PRoW) – Sudb/160/1.

Details have previously been submitted to satisfy the requirements of this condition - which were subsequently formally approved in 2019. The scheme approved utilised

demountable bollards, at the northern point of Main Drive, where it connects to Holme Drive.

The applicant now claims that the obstruction of the “highway” that would occur on implementation of the approved bollard scheme may not be lawful.

This it is stated has prompted the current submission which relies on a “psychological” rather than a physical barrier with a “*Change in surface treatment and the use of estate railing to create a gateway feature to further reinforce the public to private transition. Two signs stating “No unauthorised vehicles beyond this point “are to be installed”*”.

The application seeks a new permission with condition 13 to be reworded as per the following:

“The development shall be carried out in accordance with Drawing Reference 0900F received by the local planning authority on [insert date] in order to deter vehicles from accessing the private drive that connects in a southerly direction with the A158. The scheme detailed in Drawing Reference 0900F shall be implemented within 3-months of the date of this permission and retained for the lifetime of the development, unless otherwise agreed in writing with the local planning authority.”

Relevant history:

133284: erection of up to 130 dwellings and a new building to provide up to 25 apartments for retirement living; the extension and widening of West Drive and Holme Drive to serve the development; associated hard and soft landscaping and the demolition of existing poultry sheds; together with the change of use of land to provide a new area of open space, including the provision of new footpaths and sustainable drainage infrastructure, and to provide new community allotment facilities. Appeal against non-determination allowed 27.06.2016.

136348: Request for confirmation of compliance with conditions 7 (Surface water drainage), 8 (Foul water drainage), 13 (scheme to prevent vehicles from accessing the private drive that connects in a southerly direction with the A158) and 16 (Construction Method Statement) of planning permission 133284 allowed on appeal 21 June 2016. Condition 7 (Surface Water drainage) details were approved on 06.12.18. Condition 8 details approved on 13.08.18. Condition 13 details approved on 10.10.19 and condition 16 approved on 17.08.18.

Representations:

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

Sudbrooke Parish Council: Request the application be put to the full Planning Committee for a decision to be made.

Sudbrooke Parish Council wish to **object** to planning application 146151 on the grounds that the proposal completely negates the intention of condition 13 of the appeal decision. Main Drive is a narrow private road maintained by the residents who have a right of way written into the deeds of their properties. It has Footpath 160 running along its length. At its junction with the A158 it has an entrance bordered by

Grade II listed gateway comprising two former estate houses and ornate iron gates. It also has a listed grade II stone parapet bridge spanning the beck to the north of the gates. (Historic England UID 1166024 and 1391395 respectively). Since the initial application to build the Parklands estate was made, Sudbrooke Parish Council has expressed concern over access through Main Drive for vehicular traffic. We have held many discussions with representatives of the developers to seek a solution. Ideas put forward have ranged from lifting barriers, lockable gates, and rising bollards. None have been adopted by the developers, indeed we have been told by the developer on multiple occasions that such a restriction would be illegal because of footpath 160. The Parish Council Find it difficult to believe that Her Majesties Inspector should place a condition of appeal that would be illegal.

Currently there are signs at either end of Main Drive stating that it is a private road and that construction traffic are not to use it. The visual deterrent to entry that these signs offer is ineffective. Google maps shows Main Drive as an accessible road and is the most direct route to the Parklands development from the A158. As such it is an easy route for delivery drivers from the supermarkets and online firms. It is also now being used as a rat run by current village residents to circumvent traffic problems at the junction of Scothern Lane and the A158. Sudbrooke Parish Council believes that the historic listed gates and bridge on Main Drive are in danger of being damaged by increased use of Main Drive if the “deter” amendment is accepted to replace “prevent”. The additional use by unauthorised vehicles is damaging the road surface and causing confrontation by Main Drive residents with said drivers. The only way to prevent further use and reduce tensions is to complete condition 13 of the appeal which should have been done before commencement of the development. Sudbrooke Parish Council asks the planning committee to reject this application.

Local residents:

Objections to Condition 13 alteration:

Silvertrees, West Drive; (x3), Headway, West Drive; Garden House West Drive; Southlawn 3 West Drive (x2); The Lodge 63 Wragby Road; The Spinney Main Drive; Willowside West Drive; Southlawn;

Summary of objections, with full details available on website:

The traffic increase through the park gates is not acceptable and requires bollards to limit traffic and to preserve amenity;

Concerns that bollards are not in place:

All 23 properties holding the right of way along Main Drive have signed the petition in favour of bollard control in December 2021 and issued to the developer and planning officer in January 2022;

Application lacks credibility

Submitted legal opinion is belated

Financial motive for the application:

Inability to satisfy required conditions reflects poorly on developer and lack of enforcement reflects poorly on the planning process;

Summary of objections with full details available on website:

Objection to more houses:

1 Windsor Close; 20 Northfield Avenue; 12 Park Close Sudbrooke;
43 St Edwards Drive; 12 Broad Dale Close;

Roads serving used by construction vehicles as a cut through resulted in deep holes and very dangerous for families and children biking and walking;
Increased housing will cause increased traffic and place strains on primary school and Nettleham surgery;
Existing issues with speeding along West Drive increasing the existing already dangerous situation;
Will lead to a further loss of woodland

LCC Highways:

30.03.23: The intent is to protect the public right of way from illegal misuse. There is only so much capacity for vehicles on Main Drive and little safe capacity for contra-directional traffic to pass without causing edge over-run and the likelihood of associated deterioration. The value of a public footpath to the public is as a safe, lowly trafficked pedestrian route, and that value is essentially and proportionately compromised as the volume of vehicular traffic increases. Furthermore, the route is not and will not be maintained for vehicles by the highway authority, rather there is an expectation that those limited numbers of homes enjoying private vehicular rights will collectively attend to the repair of any potholes attributable to their domestic vehicular access. Any unchecked surface deterioration caused by the illegitimate vehicular use you propose to facilitate will be to the further detriment of the walking public.

In granting the appeal PINS imposed a condition to safeguard the public right of way from misuse and to prevent increased access along the footpath and through the ornate gateway, which is considered by the Highway Authority as not an appropriate means of safely accessing the new development.

20.02.23: The Highway Authority objects to the planning application in its current form. The condition of a bollard solution must remain to prevent conflict arising through unauthorised vehicular access by the new households. This should be delivered through a legal narrowing of the highway (public right of way) through the Highways Act s.118 so that whatever solution is not sited in the public highway. This will still require the consent of any household(s) with existing private vehicular access rights via Main Drive.

Environment Agency: No objections

Lincolnshire Police: No objections

Anglian Water: No comments

Historic England: We suggest that you seek the views of your specialist conservation and archaeological advisers

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 2023); the Sudbrooke Neighbourhood Plan (made 2020); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

On the 28th March, the Planning Inspectorate published their "Report on the Examination of the Central Lincolnshire Local Plan Review". The report concludes that the Central Lincolnshire Local Plan Review provides an appropriate basis for the planning of the City of Lincoln and the districts of North Kesteven and West Lindsey, provided that a number of main modifications are made to it (supplied by the Inspectors).

At the time of writing - The Central Lincolnshire Local Plan Review is expected to be considered at the meeting of the Central Lincolnshire Joint Strategic Planning committee (CLJSPC), scheduled for Thursday 13th April. In the event the Committee resolve to adopt the new Plan, it will become the Development Plan against which planning decisions must be considered and taken against.

This assessment has therefore been made against the provisions of the 2023 Central Lincolnshire Local Plan, in anticipation that it will be part of the statutory development plan against which the Planning Committee will need to make its decision, at its meeting on 26th April 2023.

Relevant policies include:

Policy S47: Accessibility and Transport
Policy S53: Design and Amenity

- *Sudbrooke Neighbourhood Plan (NP)*

Relevant policies of the NP include:

Policy 7 Rights of Way

- *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.

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

Main issues

Under s73 (2), *“the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted”*.

As Planning Practice Guidance ([Use of Planning Conditions Paragraph: 031 Reference ID: 21a-031-20140306](#)) states, *“In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.”*

The National Planning Policy Framework states planning conditions should only be imposed if they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. These are referred to as “the six tests” in planning practice guidance.

Assessment:

A letter expressing a legal view has been submitted by the applicant, as part of the application submission that purports to demonstrate that the original condition was not lawful.

Notwithstanding this it is still lawful as the opportunity to seek a judicial review of it would have been within 6 weeks of the date of the decision in 2016. The applicant did not seek a Judicial Review of the Appeal decision or seek to challenge its perceived lawfulness at that time. They are now out of time for doing so. The argument advanced is that installation of a barrier in itself may be unlawful. This is on the grounds that under s137 of the Highways Act, it is a criminal offence for any person to *‘without lawful authority or excuse, wilfully obstruct the free passage along a highway’*. On this basis it is argued that it would be unlawful and unenforceable, failing the six tests for the imposition of conditions.

Legal Advice was subsequently sought by WLDC which did not confirm these findings indicating that the matter was not as clear cut as presented. Having reviewed the case law they consider it is important to determine whether there is a significant interference in order to determine whether it is an offence. As can be noted below the previously approved bollard scheme is actively supported by the local highways authority who have proactively put forward suggestions to prevent interference. It is important to note that the legal advice referred to the approved scheme in terms of a “barrier” rather than the actual condition itself and appears more to be an argument against implementation of the approved bollard scheme.

The inspector in his decision letter addressed the issue at paragraph 53:

“Access is before me at this stage and conditions are needed to stop up any direct access from the site to the A158, to ensure that estate roads and footways are laid out before dwellings they serve are first occupied; and to protect and improve the existing Public Right of Way (PROW) that crosses the site.” (Officer underlining).

It was therefore considered necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Furthermore, it is to be noted that the Local Highways Authority – responsible for the Public Right of Way – actively support the previously approved bollard solution and in fact object to this application to remove it – citing concerns with conflict that would arise between additional vehicular traffic, and users of the public right of way. They advise:

“The Highway Authority objects to the planning application in its current form. The condition of a bollard solution must remain to prevent conflict arising through unauthorised vehicular access by the new households. This should be delivered through a legal narrowing of the highway (public right of way) through the Highways Act s.118 so that whatever solution is not sited in the public highway. This will still require the consent of any household(s) with existing private vehicular access rights via Main Drive.”

It is noted that the potential adverse impacts on the existing right of way feature prominently in the objection from the Highways Authority. Impacts on public rights of way are a material planning consideration. Approval of the condition as proposed would have an adverse impact on Sudb/160/1 as set out in the most recent response from Highways above.

LCC Highways have also suggested an alternative route to delivering the approved scheme, namely “a legal narrowing of the highway (public right of way) through the Highways Act s.118 so that whatever solution is not sited in the public highway”.

Consequently, the previously approved bollard scheme has been approved under the remit of the Planning Acts, and is actively supported by the Local Highways Authority in order to protect the PRow. The applicant has not therefore demonstrated that they are unable to obtain “lawful authority” for the proposed bollard scheme or that the scheme would actively invoke separate provisions under the Highways Act that would prevent the development being able to take place, and therefore render the condition no longer reasonable.

Conclusion and planning balance

The original condition meets the six tests and the alternative condition would undermine the original intent of this condition in terms of protection of rights of way and refusal is recommended.

Recommendation

That the application be refused permission, for the following reason:

1. The original Condition 13 is still considered to be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The proposed amendment would undermine the intent of this condition, the protection of public rights of way, in particular public footpath Sudb/160/1. It would lead to a conflict between users of the public right of way and vehicular traffic.

Agenda Item 6d



Officers Report

Planning Application No: 146082

PROPOSAL: Planning application for construction of 30no. affordable homes and associated infrastructure - Phase 2b

LOCATION: Land off Deepdale Lane Nettleham Lincoln LN2 2LT

WARD: Nettleham

WARD MEMBER: Cllr Mrs J White, Cllr Mrs A White

APPLICANT NAME: Allison Homes

TARGET DECISION DATE: 31/03/2023 EOT 12/04/2023

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Rachel Gordon

RECOMMENDED DECISION: Grant permission, subject to conditions

The application is presented to committee due to a call in from Cllr Mrs A White.

Description:

The site is located to the west of Nettleham. The proposed site is situated off Larkfleet Home's previous scheme (Nettleham Chase) on land north of Deepdale Lane. The application site was used for construction purposes as a compound for the previous scheme, this will be referred to as phase 1.

The site is bounded to the west by the Deepdale Lane enterprise park. The northern boundary of the site is bound by an established hedgerow and beyond this agricultural land.

The application seeks permission for the construction of for construction of 30no. affordable homes and associated infrastructure - Phase 2b

The site is to be considered as an "Entry Level Exception Site".

An "Entry Level Exception Site" is defined in the National Planning Policy Framework (NPPF) as "*A site that provides entry-level homes suitable for first time buyers (or equivalent, for those looking to rent), in line with paragraph 72¹ of this Framework.*"

A unilateral agreement has been submitted which secures the affordable housing in perpetuity and a NHS contribution of £18,975.00.

¹ Paragraph 72 of the National Planning Policy Framework <https://www.gov.uk/guidance/national-planning-policy-framework/5-delivering-a-sufficient-supply-of-homes#para072>

Relevant history:

135567 – Planning application for residential development comprising: a new access road and road junction to Deepdale; 50 dwellings with estate roads, public open space and associated development; a scheme of 22 apartments and 14 bungalows for the over 55s with communal areas, shared open space and off street car parking. Permission granted 08/11/17

138469 – Application for non-material amendment to planning permission 135567 granted 8 November 2017 (amendments to flat block, site sections, apartments and bungalows). Permission granted 01/11/18

140110 – Application for non-material amendment to planning permission 135567 granted 8th November 2017 re: sprinkler tank. Granted 06/12/20

140938 – Planning application for construction of 33no. Entry Level homes and associated infrastructure - Phase 2. Permission refused 25/08/20 for the following reasons –

1. The proposal would not be in-keeping with the character of the area contrary to policy LP26 of the Central Lincolnshire Local Plan and D-6 of the Nettleham Neighbourhood Plan. The design and density of the development would be contrary to the principles of policy D-6 of the Nettleham Neighbourhood Plan. The proposal would therefore be contrary to the requirements of paragraph 71(b) of the NPPF. Furthermore the proposal would not provide adequate parking contrary to policy D-3 of the Nettleham Neighbourhood Plan.

This was subsequently allowed at appeal 13/01/2022 (APP/N2535/W/21/3269692) with the inspector concluding –

I have found that the proposals comply with local design policies and standards, namely Policies LP13 and LP26 of the LP and Policy D-6 of the NP, and consequently with paragraph 72 of The Framework. This compliance with the more recent national planning policy is a material consideration which carries significant weight in support of the proposals, and it outweighs the conflicts that arise with those development plan policies that set out the parameters for new housing.

141032 – Planning application for erection of 2no. affordable elderly persons bungalows and 5no. homes. Granted 04/02/2021

142065 – Planning application for construction of 30no. Entry Level homes and associated infrastructure - resubmission of 140938. Permission refused 04/02/2021 for the following reason –

1. The proposal would not be in-keeping with the character of the area contrary to policy LP26 of the Central Lincolnshire Local Plan and D-6 of the Nettleham

Neighbourhood Plan. The design and density of the development would be contrary to the principles of policy D-6 of the Nettleham Neighbourhood Plan. The proposal would therefore be contrary to the requirements of paragraph 71(b) of the NPPF.

This was subsequently allowed at appeal 13/01/2022 (APP/N2535/W/21/3271598) with the inspector concluding –

I have found that the proposals comply with local design policies and standards, namely Policies LP13 and LP26 of the LP and Policy D-6 of the NP, and consequently with paragraph 72 of The Framework. This compliance with the more recent national planning policy is a material consideration which carries significant weight in support of the proposals, and it outweighs the conflicts that arise with those development plan policies that set out the parameters for new housing.

145353 - Planning application to erect 8no. affordable dwellings. Under consideration.

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

Cllr Mrs Angela M White: I am calling in this application as a West Lindsey District Councillor for Nettleham, following a request from Nettleham Parish Council. Nettleham Parish Council has objected to this application on the grounds that it will impact the safety and environmental condition of the residents, by introducing agricultural access through a residential area. I have spoken to the farmer and he states that he has no alternative access. He will require occasional access depending on the time of year and for what purpose he is using the upper field. So, this application requires further clarification and consideration. A resident has also raised concerns about surface water posing four questions relating to the footpath and the infiltration pond.

Nettleham Parish Council: This application provides detail to an existing approved proposal. It does not increase the number or alter the type of properties. It does however change the layout significantly in a way which will impact the safety and environmental condition for the residents, by introducing agricultural access through a residential area. Agricultural access is already available via a track through the neighbouring Enterprise Park, the roads on which are wider. There is no reason to alter the plans to enable access for farm vehicles when an already satisfactory track is available. A councillor who spoke to the farmer who rents the field was told by the farmer that he was unaware of the change and that he agreed that entering the field through the estate would be difficult, highlighting the liability to spillage of load, causing damage to the area. The development planned is for a high density, residential estate with narrow roads. The roads will be quiet in the approved development plans. Children of the young families, resident in the properties, can be expected to play and move freely through the estate. The proposed amendments will introduce noise and hazard to the roads. The mud left by the farm vehicles moving through the estate will cause a significant deterioration in the quality of life for the residents.

Local residents: Support received from Deepdale House; 48 Deepdale Lane:

- A great improvement on the present unsightly scrub land.

General observation from 61 All Saints Lane, The Apiory, 4 Honey Pot Close, North Greetwell –

The agricultural land to the north of the development slopes very gently towards the new properties. There is an access road which crosses the 'new' footpath at the top which was developed when the first phase of the development took place. Following the heavy rains of the autumn 2022 and its use by far vehicles, the field has begun to leak onto the foot path at this crossing point. A pleasant walk is now being affected by the seepage and has become muddy.

Question 1: who is responsible for the state of the footpath?

Linked to this, there is no provision on the plan for the future drainage of the access road. With an increasing number of extreme weather events and an incline of at least 2 metres from the top five bar field gate (31.50) to Baker Drive opposite No.10, it would seem probable that more water will be moving down on the road

Question 2: what measures will be taken to prevent to this?

Deepdale Lane is at the south side of the development. Motorists turning off the A46 will tell you how heavy rain leads to a growing stream of water seeping out of the fields and the Deepdale Enterprise Park and down past Baker Drive, the White House, Green Lane and beyond on the north side of the road. I have no data on this beyond my own observation that I don't remember this volume of water when we first came to the village in 1986.

It is good to see an infiltration pond is planned for the south-west corner

Question 3: will the pond be large enough for the development ?

Question 4: could the pond also be used to take run-off from Deepdale Lane?

Please be aware the owners of the field to the North (of which I am one) that has been long term leased to a local farmer do not have an alternative access in to the field from neighbouring land. You will be aware there is already field gate access in to this land from Baker Drive and the applicants are now seeking to modify the route. The applicants are required to ensure farm/field access can be maintained from Deepdale Lane in to the land to the North and despite the observations made this cannot be denied.

Objections received from 8 Baker Drive, 43 All Saints Lane, 10 Baker Drive, 31 Deepdale Lane, 41 High Street, 40 Baker Drive and 35 Cotton Smith Way with the main concerns –

- It flies in the face of the Nettleham Parish development plan to restricted development sites to 50 dwellings. This will bring Baker Drive to more than 80 dwellings.
- There is only a single access/egress point from Deepdale Lane, which already creates traffic and safety issues for residents.
- Approved applications for new developments in Nettleham, including entry-level properties, already exceeds identified local needs.

- It imposes a disproportionate share of Central Lincolnshire's entry-level needs on this small village and, contrary to comments of "Strategic Housing", it does not reflect local housing needs in Nettleham.
- Facilitating the movement of agricultural vehicles onto and through this residential development will impact significantly on residential traffic and local safety, particularly of young children.
- Moving the farmer's access to go through the new development is totally inappropriate in that;
 - 1) The development road will get extremely muddy.
 - 2) A tractor and trailer will require a wide space and any car badly parked will stop the access. It will cause a great many problems as reversing a tractor and trailer is not easy.
- We believe that insufficient allowance has been made for keeping the bins tidy.
- Infrastructure is at a maximum
- Speed limits are ignored
- Parking is an issue
- Nettleham already has plenty of housing stock
- Does not comply with the Nettleham Neighbourhood Plan
- Will cause traffic congestion at Deepdale Junction
- Will detract from the local amenity due to over-development

LCC Highways and Lead Local Flood Authority: 13/02/2023 - The proposed development is acceptable in principle, the submitted Transport Statement is a fair and reasonable representation of the developments likely impact on the public highway and it is considered acceptable.

The following amendments will be required:

- The Transport Statement will require updating to reflect the amended layout submitted, including swept path analysis.
- Vertical deflections shown on the layout will require removal.
- A shaded plan showing areas proposed for adoption will be required

A frontage footway link, to include a level access bus stop, will be required from the footpath on the western boundary to the main site access on Deepdale Lane. To form part of final recommended conditions to the Local Planning Authority.

Drainage

A revised Flood Risk Assessment and drainage strategy will be required for the proposed layout, to include all supporting information.

03/04/2023 – No objects subject to 4 conditions (Construction Management, Footway and Bus Stop, Tactile Crossing and Surface Water Drainage)

Anglian Water: The foul drainage from this development is in the catchment of Nettleham Water Recycling Centre that will have available capacity for these flows.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Strategic Housing: In accordance with paragraph 72 of the NPPF (2021) 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.

On the basis of data taken from the Central Lincolnshire Housing Needs Assessment 2020, it is concluded that the need for Entry-level homes is not currently being met within the authority's area which, in this instance, is defined as Central Lincolnshire as a whole.

The site in Nettleham is in a sustainable location for affordable housing, within walking distance of amenities such as shops, doctors surgeries, schools etc and close to a bus route allowing access to both Lincoln and Gainsborough.

The applicant has liaised with Strategic Housing for some time in relation to the site, and this new application reflects these discussions. The proposed mix of property types and tenures will help to address the broader need for entry-level homes within Central Lincolnshire, while also reflecting the local housing need in Nettleham.

A Section 106 agreement will be required in order to secure the Entry Level nature of the scheme, the affordable housing status of all the properties, the affordable tenure mix and the mechanism to ensure that occupancy is restricted in the first instance to first-time buyers or those looking to rent their first home, whenever a property is sold or re-let.

NHS Lincolnshire: The development will impact Nettleham Medical Practice, Welton Family Health Centre, Brayford Medical Practice, Glebe Park Surgery, Lindum Medical Practice and Minster Medical Practice as the development is within their catchment areas. Request a contribution of £18,975.00.

LCC Education: Contribution of £36,734 to mitigate 2 primary school places.

Environment Agency: No objections

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 2023); the Nettleham Neighbourhood Plan (made March 2016); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Under planning law², if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP), adopted April 2023***

Relevant policies of the CLLP include:

- S1: The Spatial Strategy and Settlement Hierarchy
- S4: Housing Development in or Adjacent to Villages
- S6: Design Principles for Efficient Buildings
- S7: Reducing Energy Consumption – Residential Development
- S12: Water Efficiency and Sustainable Water Management
- S20: Resilient and Adaptable Design
- S21: Flood Risk and Water Resources
- S22: Affordable Housing
- S47: Accessibility and Transport
- S48: Walking and Cycling Infrastructure
- S49: Parking Provision
- S53: Design and Amenity
- S57: The Historic Environment
- S60: Protecting Biodiversity and Geodiversity
- S61: Biodiversity Opportunity and Delivering Measurable Net Gains
- S66: Trees, Woodland and Hedgerows

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

- ***Nettleham Neighbourhood Plan (NP), adopted March 2016***

Relevant policies of the NP include:

- D-1 Access
- D-2 Pedestrian and Cycle Access
- D-3 Parking Provision (New Housing)
- D-4 Water Resources and Flood Risk

² S38(5) of the Planning & Compulsory Purchase Act 2004

D-6 Design of New Development
H-2 Housing Mix
H-4 The Provision of Affordable Housing

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/nettleham-neighbourhood-plan-made/>

- **Lincolnshire Minerals and Waste Local Plan (LMWLP), adopted June 2016**

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

<https://www.lincolnshire.gov.uk/downloads/file/2361/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)."

Paragraph 30 states:

"Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently."

Paragraph 72 states:

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 them ³³, not compromise the protection given to areas or assets of particular importance in this Framework ³⁴, and comply with any local design policies and standards.

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

((34) 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.)

- **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).

- **Nettleham Neighbourhood Plan Review (NNPR)**

A review of the Nettleham Neighbourhood Plan is in progress. Nettleham Parish Council has completed Regulation 14 consultation on its Draft Plan Review July 2022 and supporting Character Assessment March 2021.

The Nettleham Neighbourhood Plan review carries limited weight at this time.

Main issues

- Principle
- Highways
- Infrastructure
- Flood Risk and Drainage
- Design
- Open Space
- Residential Amenity
- Minerals
- Ecology

- Archaeology

Assessment:

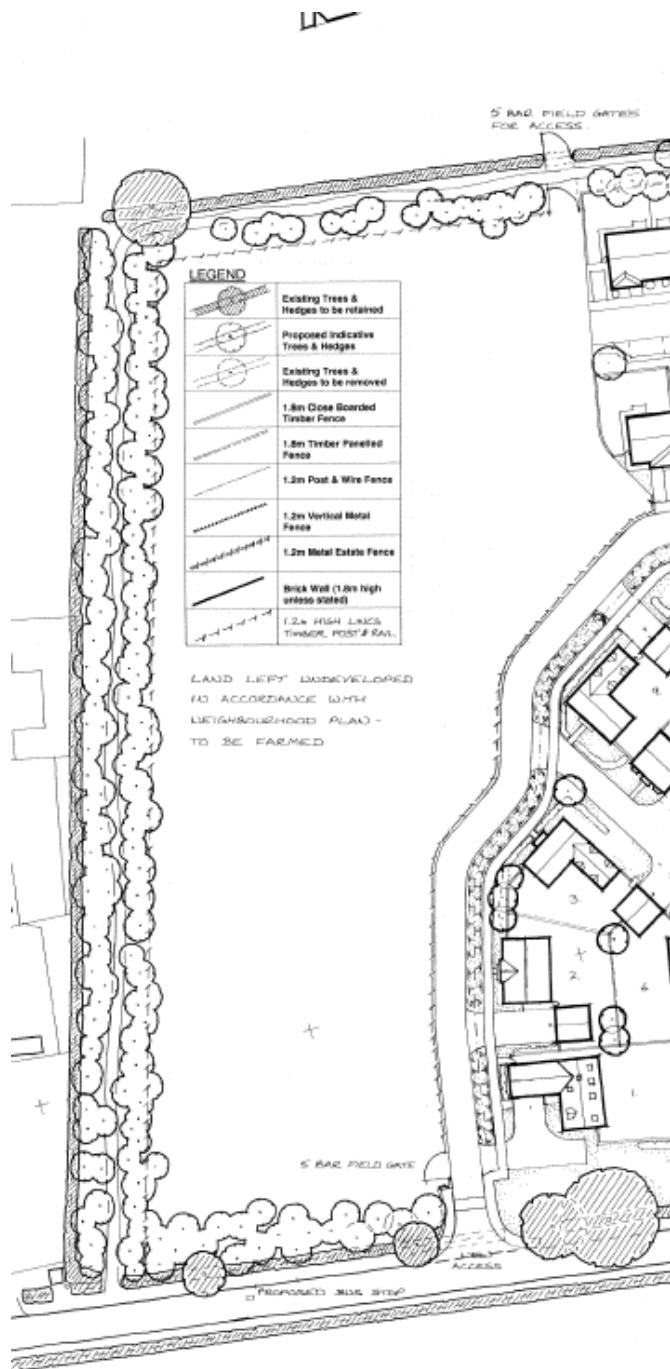
Principle

The principle of entry level housing at this site has already been established in the appeals of APP/N2535/W/21/3269692 and APP/N2535/W/21/3271598.

The change in this application is for an alternate route for the farm vehicles to access the land to the north.

Application 135567 which was for the dwellings to the east of the site shows the field access as below -



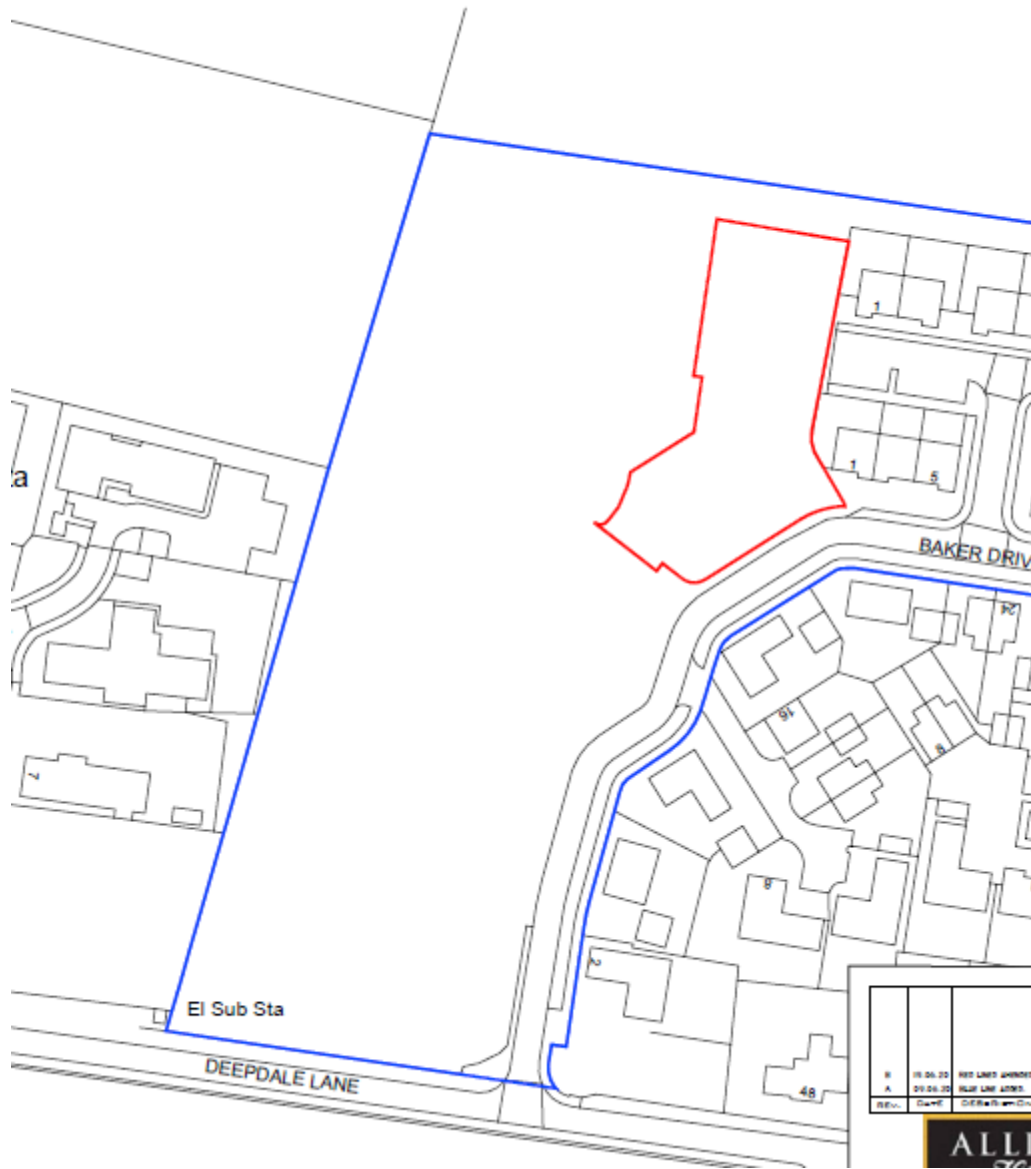


Field access is shown by the green arrow.

Appeal APP/N2535/W/21/3269692 was allowed for 33 entry level homes with the below layout –



The field access is highlighted by the green arrow. This was approved in application 141032. The site of 141032 is shown below –



Appeal APP/N2535/W/21/3271598 allowed 30 entry dwellings with the below layout –



The field access is highlighted by the yellow arrow.

This application seeks permission for the same site and for 30 dwellings, with a slightly altered red line, to allow for a change to the field access. The site still remains unallocated bar a small amount of the access off Baker Drive. The dwellings proposed are all on unallocated land, a requirement of paragraph 72 of the NPPF.

The site plan below shows the new layout with proposed new field access –



The proposed field access is highlighted by the green arrow. The area in blue above is under consideration under application 145353.

The principle for 30 level entry level houses on the site is considered to have been previously established, and is therefore acceptable subject to the following considerations.

Highways

Policy S47 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.

Policy D-1 states that new residential developments (other than infill and extensions) must demonstrate that there is sufficient capacity within the local highway network to ensure the free and safe flow of traffic from the sites concerned both to the village centre and development to either the A158 or A46 trunk roads.

Policy D-2 states that proposals for residential and commercial development will be expected to incorporate both pedestrian and cycling access into their design. Where relevant and appropriate development proposals should:

- a) Incorporate routes and access arrangements that minimize distance to travel to the village centre; and
- b) Connect with existing cycle routes and rights of way; and
- c) Address existing physical impediments to safe and easy pedestrian and cycle access; and
- d) Safeguard any wider strategic opportunities for cycling and walking facilities in the immediate locality.

A Transport Statement and Transport Statement Addendum have been prepared to demonstrate that the revised layout, with it's the altered field access will not represent a material increase in traffic and will still accord with the principles set out in the NPPF. It shows that safe and suitable access can still be achieved, and the layout will still be acceptable.

LCC Highways have been consulted on the application and state that the submitted Transport Statement is a fair and reasonable representation of the developments likely impact on the public highway and it is considered acceptable.

The previous applications were approved with the following parking spaces –

1 bedroom	1 space
2 bedroom	2 spaces
3 and 4 bedrooms	3 spaces

Policy S49 states the following parking spaces –

1 bedroom	1 space
2 bedrooms	2 spaces
3 bedrooms	3 spaces
4 or more bedrooms	3 spaces

The Nettleham Neighbourhood Plan Review proposes the same level of parking as the current Neighbourhood Plan. However, limited weight is attached to the NNPR.

The proposal provides the same level of parking as previously approved and is considered acceptable.

Furthermore, under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

This is the newly adopted Central Lincolnshire Local Plan.

Concern from residents, the Parish Council and the Ward Member have been raised that this proposal provides an alternative access to the farmers field and the safety of residents. There is already field gate access approved in to this land from Baker Drive. Therefore, it is not considered that an alternate proposal that is accessed off Baker Drive and through this part of the site would cause a significant highway impact given the current access arrangements.

The applicant has stated that

“As part of a contractual obligation, the field gate access must be built to the equivalent width of an adoptable highway, however, on the original application, this was not provided due to an error and there was no scope to increase the width of the original access. There was also issue with third party land on the original access.”

Therefore, this application *“amended this and the field now has access that is the equivalent of adoptable highway standards and accords with the obligation in our contract with the landowner and does not involve third party land.”*

Furthermore they state *“As part of the new application, a Transport Statement Addendum has been provided to West Lindsey District Council and Lincolnshire County Council, and no objections were received from Lincolnshire County Council Highways.”*

There is currently an application considered alongside this application which removes the existing approved access in lieu of the access being repositioned in this application.

Concern from objectors have also raised traffic congestion and highway safety issues.

The principle of 30 dwellings has already been approved at this site which remains extant.

Concerns are noted with regards to farm vehicles and the potential conflict with kids playing and parked cars. However, it is not considered that the proposed access for

farm vehicles would raise a severe highways issue to withhold permission. LCC Highways have been consulted on the proposal and do not raise any objections to a farm access through the site.

LCC Highways have requested a 1.8m metre wide frontage footway, from the western boundary footpath to the junction of Baker Drive, to connect the development to the existing footway network, and a level access Bus Stop at a suitable location.

They have also requested a tactile crossing.

However, a bus stop and tactile crossing were not conditioned on the previous application. Therefore, it is considered unreasonable to request these for this application.

With regards to mud on the road from the tractor, this is a matter for the farmer and to accord with separate legislation under the Highways Act 1980 and the Road Traffic Act 1988 for which planning has no jurisdiction.

The proposal is considered to be in accordance with policy S47 of the Central Lincolnshire Local Plan.

Infrastructure

Policy S45 states that developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments.

LCC Education have requested £36,734 to mitigate for the 2 primary school places the development would generate.

The applicant has provided the following evidence with regards to primary school places

–

Lincolnshire County Council have provided insufficient detail as to why the two schools cannot cope with an extra two places created from this scheme. However, the table below demonstrates the pupil numbers from the Nettleham Infant School and the Nettleham Church of England Voluntary Aided Junior School.

Year	School Type	School	Total Offers Made	Pupil Admission Number	Free Places
2022	Primary	Nettleham Infant School	58	60	2
2021	Primary	Nettleham Infant School	60	60	0
2020	Primary	Nettleham Infant School	46	60	14
2019	Primary	Nettleham Infant School	52	60	8
2018	Primary	Nettleham Infant School	48	60	12
2018	Primary	Nettleham Infant School	46	60	14

The above has been taken from the Lincolnshire County Council School Admissions data, which is in the public domain and holds information from 2018-2022 for all schools in Lincolnshire County Council's authority. As evidenced from the tables above, in 2022, both the Nettleham Infant School and the Nettleham Church of England Voluntary Aided Junior School had spare capacity for an additional two places, with the latter having 5 free places based on its 2022 roll figures, and the former having 2 free spaces based on the 2022 roll figures.

Further evidence contained within the applicant's response³ states

"Combined, the two schools had 7 spare places in 2022 and 12 in 2021, and with pupil numbers expected to drop in West Lindsey between 2022 and 2025, we expect that there will still be spare places, especially as no other development (10+ dwellings) is currently in planning as of April 2023, so there is not expected to be a significant rise in the need for primary places in the Nettleham Primary Planning Area."

LCC Education responded with the following –

"The methodology employed by the County Council for forecasting pupil numbers is validated annually by Central Government through its School Capacity (SCAP) Survey process. Information about the methodology is set out below.

The County Council groups schools across the County into 'pupil planning areas'. For this application the Nettleham Planning area consists of Nettleham Infant School, Nettelham Junior School and Scothern Ellison Boulters Primary School.

Forecasts for Lincolnshire primary planning areas reflect data relating to:

- *the local population. This data is taken from the Office for National Statistics, and includes information relating to the migration of pre-school children between different planning areas*
- *the children and young people attending our primary schools. This data is taken from the DfE's statutory schools census*

³ Nettleham Education Consultation Response (Applicant) <https://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?id=146082&nb=1>

- *pupils moving between schools during academic years (i.e. an in-year 'cohort flux') new housing that has been identified by the relevant planning authority as having a high probability of delivery within the next 5 years*
- *school reception year places allocated, via the current admissions process, for the start of the next academic year*

In order to forecast school capacity, the projected demand for places (as described above) is compared with the known capacity figures of schools in the given pupil planning area. When determining a school's capacity, the County Council adheres to the DfE's SCAP guidance.

It should be noted that the DfE anticipates that Local Authorities will maintain a margin to allow for in-year movement between. This does not include new families moving into an area as a result of them occupying newly built houses. Therefore, seemingly 'spare' capacity at a school does not necessarily equate to there being sufficient capacity. Lincolnshire ascertain that if a planning area is 95% or over an education ask will be made to mitigate the additional children.

Some further detail to behind the education ask from this development is that the planning area (with schools included mentioned above) is 102% FULL and does not have enough spaces for the children already predicted to be within the planning area.

If we remove Scothern Ellison Boulters from the equation the position is still the same with Nettleham Infant School (which is restricted further by infant class size regulations) projected to be at 95% FULL in 2025/2026 and Nettleham Junior School predicted to be 102% FULL additional children cannot be accommodated naturally."

However, an education contribution was not requested in the previous scheme which is extant. As permission can be started without this requirement, it is not considered reasonable to secure in this application. Furthermore, the evidence provided does indicate a fall in birth rates and that there is some capacity available.

The secondary contribution that would have been requested falls under the Community Infrastructure Levy under the Developer Contributions Supplementary Planning Document.

NHS Lincolnshire have requested £18,975 as the development will impact Nettleham Medical Practice, Welton Family Health Centre, Brayford Medical Practice, Glebe Park Surgery, Lindum Medical Practice and Minster Medical Practice as the development is within their catchment areas. They wish for the monies to contribute to the refurbishment of existing rooms at Nettleham Medical Practice to increase clinical capacity.

This contribution is secured in the unilateral undertaking.

Flood Risk and Drainage

Policy S21 states that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.

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

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

Policy S21 states that development proposals should demonstrate:

- g) that water is available to support the development proposed;*
- h) that adequate mains foul water treatment and disposal already exists or can be provided in time to serve the development. Non mains foul sewage disposal solutions should only be considered where it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible;*
- i) that they meet the Building Regulation water efficiency standard of 110 litres per occupier per day or the highest water efficiency standard that applies at the time of the planning application (see also Policy S12);*
- j) that water reuse and recycling and rainwater harvesting measures have been incorporated wherever possible in order to reduce demand on mains water supply as part of an integrated approach to water management (see also Policy S11);*
- k) that they have followed the surface water hierarchy for all proposals:*
 - i. surface water runoff is collected for use;*
 - ii. discharge into the ground via infiltration;*
 - iii. discharge to a watercourse or other surface water body;*
 - iv. discharge to a surface water sewer, highway drain or other drainage system, discharging to a watercourse or other surface water body;*

- v. discharge to a combined sewer;
- l) that no surface water connections are made to the foul system;
- m) that surface water connections to the combined or surface water system are only made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments) and where there is no detriment to existing users;
- n) that no combined sewer overflows are created in areas served by combined sewers, and that foul and surface water flows are separated;
- o) that development contributes positively to the water environment and its ecology where possible and does not adversely affect surface and ground water quality in line with the requirements of the Water Framework Directive;
- p) that development with the potential to pose a risk to groundwater resources is not located in sensitive locations to meet the requirements of the Water Framework Directive;
- q) how Sustainable Drainage Systems (SuDS)/ Integrated Water Management to deliver improvements to water quality, the water environment and to improve amenity and biodiversity net gain wherever possible have been incorporated into the proposal unless they can be shown to be impractical;
- r) that relevant site investigations, risk assessments and necessary mitigation measures for source protection zones around boreholes, wells, springs and water courses have been agreed with the relevant bodies (e.g. the Environment Agency and relevant water companies);
- s) that suitable access is safeguarded for the maintenance of watercourses, water resources, flood defences and drainage infrastructure; and
- t) that adequate provision is made to safeguard the future maintenance of water bodies to which surface water and foul water treated on the site of the development is discharged, preferably by an appropriate authority (e.g. Environment Agency, Internal Drainage Board, Water Company, the Canal and River Trust or local Council).

Policy D-4 states that applications for planning permission will be required to demonstrate that they have satisfactorily addressed the water resources available in the plan area and the associated flood risks.

Flood Risk:

Proposals for development in flood zone 2 as identified on the plan at Appendix L will be required to demonstrate through reference to the West Lindsey Strategic Flood Risk Assessment and to a site specific flood risk assessment that the proposed development will not increase the flood risk to the site and to other parts of the Plan area in general, and to the Nettleham Beck in particular.

Sewage and Drainage:

Applications for new development (other than for minor extensions) will be required to demonstrate that:

- a) The development contributes positively to the water environment and to its ecology where possible and does not adversely affect surface and ground water quality; and*
- b) Any development that has the potential to pose a risk to ground water resources is not located in a sensitive location; and*
- c) Appropriate sustainable urban drainage systems have been incorporated into the proposals unless they can be shown to be impractical; and*
- d) The design of the scheme incorporates appropriate measures that contribute to the conservation and enhancement of biodiversity and green corridors in the Plan area in general, and to the Nettleham beck in particular.*

A flood risk assessment has been submitted with the application. This concludes that –

- The assessment of flood risk undertaken for this development confirms that the risk of flooding is **LOW** from all sources of flooding.
- The recommended mitigation measures will provide further protection to the development and reduce any residual risk (however low) as far as practicable. It is recommended that compliance with the recommendations of this FRA are conditioned as part of any planning permission.
- This assessment concludes that the site is suitable for development for residential use without unacceptable risk of flooding from all sources to the site itself and elsewhere as long as the essential and recommended mitigation measures are implemented.

It is considered that the proposal would be acceptable in terms of flooding subject to a condition for the proposal to be in accordance with the flood risk assessment.

With regards to drainage, Anglian Water have confirmed that there is capacity for foul waters.

The site is currently 100% Greenfield, with no formal surface water drainage and therefore the surface water run-off has been calculated using the UK SuDS Greenfield run off estimation tool. These results are contained within Appendix C of the flood risk assessment.

The results suggests infiltration is likely and would be the preferred method of disposal of surface water.

Infiltration testing has been undertaken within the development boundary. Soakaway testing was undertaken in the south western corner of the site. There are clays to the north and limestone to the south of the site. The results concluded that there is natural infiltration.

Infiltration would be at the top of the SUDS hierarchy⁴ and a final drainage scheme can be conditioned.

The proposal, subject to conditions, is considered to be in accordance with policy S21 of the Central Lincolnshire Local Plan.

Design

Policies S23 and S53 of the Central Lincolnshire Local Plan and policy D-6 and H-2 of the Nettleham Neighbourhood Plan set the design criteria and housing mix for the development.

The dwellings design and appearance of the homes will very much echo those within Phase 1, with some of the house types being the same as Phase 1 and of the dwellings already approved.

The previous mix of dwellings consisted of a mix of 4 one bed roomed 10 two bed roomed, 18 three bed roomed and 1 four bed roomed dwellings.

The application proposes a mix of 8 one bed roomed 13 two bed roomed, 8 three bed roomed and 1 four bed roomed dwellings.

This is still considered to be acceptable.

The proposal is not considered to be over-development as stated within objection to the application.

The principle has already been established for the level of dwellings and density.

All the dwellings are proposed are still at two storeys and would be in keeping with the surrounding areas. In terms of massing, the properties would be seen in context with the other properties adjacent, is relatively well contained by the surrounding existing buildings and the topography and landscaping of the area.

A limited palette of materials is again envisaged, comprising of red and/or buff facing brick, white painted render and red and/or grey roof tiles. The materials used in construction will be sympathetic to the local context, and in particular phase 1, whilst enhancing the distinctive identity of the development.

A detailed landscaping scheme has not been provided but this can be conditioned. This can detail boundary treatments.

It is therefore considered that the proposal would be in accordance with policies S23 and S53 of the Central Lincolnshire Local Plan and policy D-6 and H-2 of the Nettleham Neighbourhood Plan.

⁴ Paragraph: 080 Reference ID: 7-080-20150323, <https://www.gov.uk/guidance/flood-risk-and-coastal-change#sustainable-drainage-systems>

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.

Policy D-6 and H-2 of the NNP are consistent with the NPPF and are attached full weight.

Open Space

Policy S51 states in all new residential developments of 10 dwellings or more, development proposals will be required to provide new or enhanced publicly accessible open space, sports and leisure facilities to meet the needs of their occupiers in accordance with this policy.

Appendix 3 states that open space should be provided as per the following –

Table A3.2. Thresholds for On-Site and Off-Site Open Space Provision

Type of Open Space	Development Scheme Thresholds for Open Space Provision				
	<10 dwellings*	10-49	50-99	100 -499	500+ Sustainable Urban Extension
Allotments and Community Growing Spaces	No requirement	Off-site	On-site or off-site	On-site or off-site	On site
Amenity Greenspace	No requirement	On-site or off-site	On-site or off-site	On-site or off-site	On site
Provision for Children and Young People	No requirement	On-site or off-site	On-site or off-site	On-site or off-site	On site
Outdoor Sports Facilities (Public)	No requirement	Off site	On-site or off-site	On-site or off-site	On site
Natural and Semi-Natural Greenspace	No requirement	On site or off site	On site	On site	On site

* Smaller developments may be required to make a contribution where the development creates or exacerbates a deficiency of open space in the area.

Within the red line plan is an area to the south of the pond which can be utilised for providing open space in accordance with the above. There is a requirement for off-site contributions for allotments. As permission can be started without this requirement, it is not considered reasonable to secure in this application.

A condition is recommended to be attached to secure details of a final landscaping scheme along with the management and maintenance of the area.

Residential Amenity

Policy S53 states all development proposals will be compatible with neighbouring land uses and not result in likely conflict with existing uses.

The proposal is not deemed to give rise to any adverse impact upon residential amenity for both existing and proposed residents. There is considered to be appropriate separation throughout and opposite existing dwellings with adequate circulation space.

The garden sizes of the proposed are considered to be acceptable.

The 1 bedroomed properties do not have garden space however they can utilise the open space beyond the pond and the existing open space on the adjacent site.

The proposal is considered to be in accordance with policy S53.

Minerals

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

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

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

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

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

A Minerals and Waste Assessment has not been submitted with this application but was submitted in the previous application.

This concluded that –

- The amount of mineral at risk is miniscule even compared to the current, consented extraction sites, which are themselves miniscule compared to the total amount of Limestone available in the MSA.
- There is a general decline in the demand for Limestone in the area as highlighted in the Minerals and Waste Local Plan and whilst this may change, the Plan also acknowledges that it is of rather poor quality.
- It is not viable to extract the Limestone on this scale (one hectare) and whilst it could be developed with the open land to the north, the implications in terms of the impacts on the living conditions of those living close to the site, would make it very much a suboptimal site.
- For the same reasons, prior extraction is also not appropriate on this site.
- In respect to Policy M11 it is clear that the development is of a minor nature which would have a negligible impact on the mineral resource.

The Minerals and Waste Team concluded that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11 prior extraction of the mineral would be impracticable and the site is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource. Accordingly, the County Council has no safeguarding objections.

The conclusions are considered unchanged and the proposal is therefore deemed to be in accordance with policy M11 of the Lincolnshire Minerals and Waste Core Strategy.

Ecology

Policy S60 states that all development should protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance

Policy S61 states that all qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric.

The site is of little ecological value with the site currently being used as a construction compound.

The creation of the pond however will improve on the ecological value of the site.

It has not been requested that exact figures be submitted using Natural England's Biodiversity Metric as permission can be started without this requirement.

Archaeology

Policy S57 states that development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance.

This site has previously been subject to archaeological evaluation and therefore no further archaeological input required.

Other matters

Speeding is a matter for the police.

The responsibility for the footpath to the rear of the site is the owner which is the applicant. It does not form part of this application. However, the Public Right of Way, is expected to be transferred into a management company, who will maintain the public right of way and ensure that it is kept to a usable standard.

A final drainage strategy is to be conditioned which will detail surface water run-off.

It is not clear what the concern is over the bin storage as each plot has ample space to store bins.

The newly adopted Central Lincolnshire Local Plan includes a suite of climate change policies which include the following –

S6: Design Principles for Efficient Buildings

S7: Reducing Energy Consumption – Residential Development

These require design expectations and an energy statement. However, as permission can be started without this requirement, these have not been requested.

Conclusion

The proposal has been considered against the Development Plan namely policies S1: The Spatial Strategy and Settlement Hierarchy, S4: Housing Development in or Adjacent to Villages, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S12: Water Efficiency and Sustainable Water Management, S20: Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S22: Affordable Housing, S47: Accessibility and Transport, S48: Walking and Cycling Infrastructure, S49: Parking Provision, S53: Design and Amenity, S57: The Historic Environment, S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains and S66: Trees, Woodland and Hedgerows in the Central Lincolnshire Local Plan, policies D-1 Access, D-2 Pedestrian and Cycle Access, D-3 Parking Provision (New Housing), D-4 Water Resources and Flood Risk, D-6 Design of New Development, H-2 Housing Mix and H-4 The Provision of Affordable Housing in the Nettleham Neighbourhood Plan, policy M11 of the Lincolnshire Minerals and Waste Core Strategy including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance.

The principle of entry level dwellings has already been established in the appeals of APP/N2535/W/21/3269692 and APP/N2535/W/21/3271598.

The proposal is considered to be appropriate in its scale, design and density and would be in-keeping with the character of the area in accordance with policy S53 of the CLLP and D-6 of the NNP. The proposal would provide a suitable mix of dwellings in accordance with policy S23 of the CLLP and H-2 of the NNP

The proposal would be in accordance with the affordable housing policies of S22 of the CLLP and H-4 of the NNP

The proposal would not have a detrimental impact on the highway, residential amenity or ecology in accordance with policies S47, S53, S60 of the CLLP and H-1 of the NNP.

The proposal includes the provision of open space in accordance with policy S51 of the CLLP. There is also pedestrian and cycle connectivity in accordance with S48 of the CLLP and D-2 of the NNP.

The proposal would not have a detrimental impact on archaeology or a minerals resource in accordance with policy S57 of the CLLP and M11 of the Lincolnshire Minerals and Waste Core Strategy.

The proposal would be acceptable in terms of drainage subject to conditions, would not increase the risk of flooding elsewhere and is at low risk of flooding in accordance with policy S21 of the CLLP and D-4 of the NNP.

The proposal is recommended for approval with the following conditions –

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

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

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

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

2. No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include;

- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.
- construction working hours

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.

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 details shown on the approved plans:

L162-NET-SL-03 C
L000-A102-DS-01 AS
L000-A102-DS-01 OP
L000-B204-E-DS-01 AS
L000-B204-M-DS-01
L000B204-E-DS-01 OP
L000-C305-DS-01 AS
L000-C305-DS-01 OP
L000-C308-DS-01 AS
L000-C308-DS-01 OP
L000-C308-E-DS-01
L---/C308A/DS/01
L---/C308A/DS/01
L---/D407/DS

and in any other approved documents forming part of the application.

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

4. No development other than to foundation level shall take place until full details of foul and surface water drainage has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with policy S21 of the Central Lincolnshire Local Plan.

5. Prior to occupation, a scheme of landscaping to include an area of open space including details of the size, species and position or density of all trees to be planted, fencing and walling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with policy S53 of the Central Lincolnshire Local Plan.

6. Prior to occupation, a schedule of landscape management and maintenance for a minimum period of five years from the completion of the development shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation and the development shall be carried out in accordance with the approved details.

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 S53 of the Central Lincolnshire Local Plan.

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

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene in accordance with the NPPF and Policies S53 of the Central Lincolnshire Local Plan and D-6 of the Nettleham Neighbourhood Plan.

8. The development shall be carried out in accordance with the submitted flood risk assessment dated March 2023 by Millward Consulting Engineers. Any mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to people and property in accordance with policy S21 of the Central Lincolnshire Local Plan and policy D-4 of the Nettleham Neighbourhood Plan

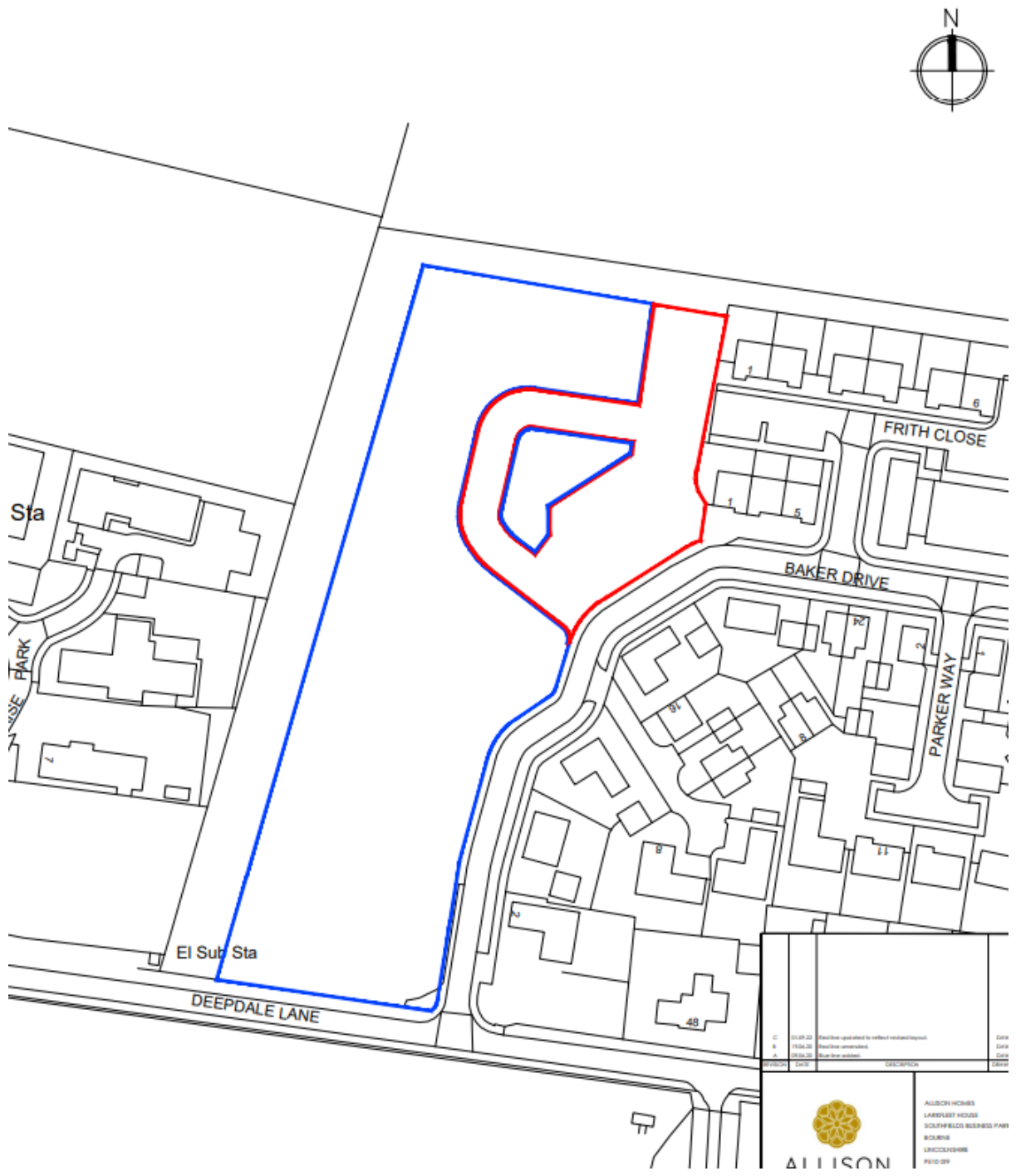
9. The development hereby permitted shall not be occupied before a 1.8 metre wide frontage footway connecting the western footway to the access, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall 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.

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

None

Site Location Plan 145353



Officers Report

Planning Application No: 145353

PROPOSAL: Planning application to erect 8no. affordable dwellings

LOCATION: Land off Deepdale Lane Nettleham Lincoln LN2 2LT

WARD: Nettleham

WARD MEMBER(S): Cllr J Oliver and Cllr A White

APPLICANT NAME: Mr G Wilkinson

TARGET DECISION DATE: 06/01/2023 (Extension of time agreed until 27th April 2023)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant permission subject to conditions and the signing of a Unilateral Undertaking securing the proposal as affordable housing.

The application is referred to the planning committee due to the objections received from Nettleham Parish Council and in order for it to be considered alongside 146082- Planning application for construction of 30no. affordable homes and associated infrastructure - Phase 2b.

Site Description: The application site comprises of an area of land off Baker Drive to the north west of the settlement of Nettleham. The site is currently being used as a mix of fenced off overgrown land and the construction compound for the adjacent estate development.

The Proposal: Planning permission is sought for the erection of 8no. affordable dwellings. The dwellings are to be two storey in scale and comprise of 4no. two bedroom dwellings and 4no. three bedroom dwellings.

Relevant history:

135567- Planning application for residential development comprising: a new access road and road junction to Deepdale; 50 dwellings with estate roads, public open space and associated development; a scheme of 22 apartments and 14 bungalows for the over 55s with communal areas, shared open space and off street car parking. Approved 8/11/2017.

138469 – Application for non-material amendment to planning permission 135567 granted 8 November 2017 (amendments to flat block, site sections, apartments and bungalows). Permission granted 01/11/18.

140110 - Application for non-material amendment to planning permission 135567 granted 8th November 2017 re: sprinkler tank.

140938 Planning application for construction of 33no. Entry Level homes and associated infrastructure - Phase 2. Refused 25/08/2020, **allowed on appeal** 13/1/2022. (APP/N2535/W/21/326969692).

141032- Planning application for erection of 2no. affordable elderly persons bungalows and 5no. homes. Granted permission 27/4/21.

146082- Planning application for construction of 30no. affordable homes and associated infrastructure - Phase 2b. Under consideration, to be determined concurrently with this application.

Representations:

Cllr A White: Can you tell me when the consultation ends on this application? There is concern that a local farmer has told me that the only point of access to the upper field is through this part of the lower field.

I am surprised that there is such a demand for affordable housing in Nettleham and would like to see the evidence. I would also be surprised if people owning properties c£500K can downsize, so I would like to check this. Longhurst Housing has recently sold a property on Jubilee Court. On the advertisement to sell the property it included 'No homeowners.....'

Nettleham Parish Council- Objects: This is an amendment to an existing proposal. It does not increase the number or alter the type of properties. It does change the layout significantly in a way which will impact the safety and environmental condition for the residents, by introducing agricultural access through a residential area.

Agricultural access is already available via a track through the neighbouring Enterprise Park, the roads on which are wider. There is no reason to alter the plans to enable access for farm vehicles when an already satisfactory track is available.

The development planned is for a high density, residential estate with narrow roads. The roads will be quiet in the approved development plans. Children of the young families, resident in the properties, can expected to play and move freely through the estate. The proposed amendments will introduce noise and hazard to the roads. The mud left by the farm vehicles moving through the state will cause a significant deterioration in the quality of life for the residents.

Local residents:

10 Baker Drive, Nettleham- Objects: The road going through phase 1 of the development was not Designed to have phase 2 traffic, the road snakes and I have to

stop before the bend when other cars are coming. I hope phase 2 has more parking than phase 1 we live in a 4 bedroom property and have two parking spaces.

16 Baker Drive, Nettleham- Objects: We are not happy to have the farmers access track running through Nettleham Chase when there is perfectly adequate entrance through the fields straight off the main Deepdale road.

4 Honey Pot Close, North Greetwell- General observation: Please note the owners (of which I am one of) of the agricultural field to the North do not own/have access or a right of way over the adjacent industrial estate and as such access must be preserved to this land from Deepdale Lane. You should be aware that field access has always been available from the newly developed estate/Baker Drive and whilst the plans have now been modified and the access moved it is essential that there is a route to the field to the North sufficient for farm traffic. The land is let on an agricultural tenancy to Mr and Mrs Bowser and their access for same should not be denied. The developers are required to ensure access is preserved.

LCC Highways/Lead Local Flood Authority: No objection subject to conditions. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

WLDC Strategic Housing: The site in Nettleham is in a sustainable location for affordable housing, within walking distance of amenities such as shops, doctors surgeries, schools etc. and close to a bus route allowing access to both Lincoln and Gainsborough. There is a high identified need for affordable housing in Nettleham, the surrounding areas and West Lindsey as a whole with an increase currently in applications for our housing register.

The site layout plan details the tenure of affordable housing to be split between affordable rented and shared ownership which on this site reflects the tenure split of the larger site.

The affordable housing will need to be secured via a S106 with triggers to include the developer to be in contract with an RP for delivery of the affordable housing prior to commencement on site.

Archaeology: No representations received to date.

ECM Checked: 18/04/2023

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 2023); the Nettleham Neighbourhood Plan (made 2016); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S2: Growth Levels and Distribution
Policy S4: Housing Development in or Adjacent to Villages
Policy S21: Flood Risk and Water Resources
Policy S22: Affordable Housing
Policy S23: Meeting Accommodation Needs
Policy S47: Accessibility and Transport
Policy S49: Parking Provision
Policy S53: Design and Amenity
Policy S60: Protecting Biodiversity and Geodiversity

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

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

Relevant policies of the NP include:

D1 Access
D2 Pedestrian and Cycle Access
D3 Parking Provision (New Housing)
D4 Water Resources and Flood Risk
D6 Design of new development
H1 Managed Housing Growth
H3 Housing for Older People
H4 The provision of Affordable Housing
H5 Site A Land behind Deepdale Lane

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

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

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

<https://www.lincolnshire.gov.uk/downloads/file/2361/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)*
- *National Design Code (2021)*

Main issues

- Principle of Development;
- Minerals;
- Design and Visual Amenity;
- Residential Amenity;
- Highways;
- Flooding and Drainage;
- Other Matters.

Assessment:

Principle of Development

The proposal is for 8no. fully affordable dwellings. Nettleham is designated a large village in Policy S1 which will be a focus for accommodating an appropriate level of growth mostly via sites allocated in the plan.

The site was previously allocated in the now superseded Central Lincolnshire Plan, it does not form part of any allocation in the adopted 2023 CLLP. However, its non-inclusion is due to the site currently delivering/delivered the 86 dwellings has permitted by planning application 135567.

The principle of development on this site has previously been established by the planning permissions listed in the history section of this report. The site has an extant permission, ref 141032, granted on the site for 7no. dwellings in April 2021. Weight is given to this extant permission and site history and therefore the principle of development is considered to be acceptable and accords to the policies within the CLLP and the Nettleham Neighbourhood Plan.

Minerals

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

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

A Minerals Assessment has not been submitted with this application but was submitted in the previous application, 141032. The assessment concluded that;

- *The amount of mineral at risk is miniscule even compared to the current, consented extraction sites, which are themselves miniscule compared to the total amount of Limestone available in the MSA.*
- *There is a general decline in the demand for Limestone in the area as highlighted in the Minerals and Waste Local Plan and whilst this may change, the Plan also acknowledges that it is of rather poor quality.*
- *It is not viable to extract the Limestone on this scale (one hectare) and whilst it could be developed with the open land to the north, the implications in terms of the impacts on the living conditions of those living close to the site, would make it very much a suboptimal site.*
- *For the same reasons, prior extraction is also not appropriate on this site.*
- *In respect to Policy M11 it is clear that the development is of a minor nature which would have a negligible impact on the mineral resource.*

Whilst the waste and minerals team have not commented on this application they have previously provided comments to say that they the applicant has demonstrated that they would be in accordance with the criteria of Policy M11.

The conclusions remain the same in this proposal and therefore accords to policy M11 of the Lincolnshire Minerals and Waste Core Strategy.

Design and Visual Amenity

Policy S53 states that development proposals will; *Contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness; and Reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style.*

Policy D-6 states that new development, including infill development and residential extensions, should preserve and enhance the village of Nettleham.

The proposal consists of 4 two bedroom and 4 three bedroom two storey dwellings. The design of the dwellings would integrate well with the dwellings proposed on the site to the west/south west as well as those on the existing development to the east. External finishing materials are described on the form as 'to match phase 1' which will require final details to be secured by condition along with landscaping details.

The proposal would be viewed in the context of the surrounding housing estate and is relatively well contained by the surrounding existing buildings and the topography and landscaping of the area.

The design and impact on the character of the area is considered acceptable in accordance with Policy S53 and D6.

Residential Amenity

At point 8 of Policy S53 it states that development proposals will;

a) Provide homes with good quality internal environments with adequate space for users and good access to private, shared or public spaces;

d) not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare;

The proposed site layout does not give rise to any unacceptable impacts upon residential amenity for both the existing residents and those future occupiers of the dwellings proposed. The proposal offers adequate separation distances between properties and the garden areas are of an appropriate size.

The proposal accords to the aims of policy S53 of the CLLP.

Highways

Policy S47 requires that developments should demonstrate, where appropriate that they have had regard to the following criteria:

a) Located where travel can be minimised and the use of sustainable transport modes maximised;

b) Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, car clubs, walking and cycling links and integration with existing infrastructure;

c) Making allowance for low and ultra-low emission vehicle refuelling infrastructure.

Policy D-1 states that new residential developments (other than infill and extensions) must demonstrate that there is sufficient capacity within the local highway network to ensure the free and safe flow of traffic from the sites concerned both to the village centre and development to either the A158 or A46 trunk roads.

Policy D-3 states that new residential developments must provide the following minimum number of off street car parking spaces per dwelling:

1 or 2 bedrooms 2 spaces
3 or 4 bedrooms 3 spaces
5 or more bedrooms 4 spaces

All of the properties show adequate parking spaces for the number of bedrooms. This would also meet the aims of upcoming Policy S49: Parking standards and the standards contained within Appendix 2 of the policy.

The comments regarding the agricultural access road are noted. It is noted that the agricultural access as shown within the blue line on the submitted site location plan does not currently have planning permission and its positioning has altered from that previously approved. The agricultural access will be removed in this amended layout.

As it does not fall within the red line of this application, it has not formed part of the consideration of these 8no. affordable dwellings. It should be noted that an application on the adjacent site (west), for 30 affordable dwellings under reference 146082 is running concurrently with this proposal. This application (146082) includes the agricultural access in an alternative position to that approved under reference 141032.

The highways authority have reviewed the proposals and have no objections on highway safety grounds.

Flooding and Drainage

Policy S21 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SUDS) in to the proposals unless they can be shown to be inappropriate; to show that that there is no unacceptable increased risk of flooding to itself or existing land or buildings; and that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

A flood risk assessment has been submitted with the application. This concludes that;

- *The assessment of flood risk undertaken for this development confirms that the risk of flooding is LOW from all sources of flooding.*
- *The recommended mitigation measures will provide further protection to the development and reduce any residual risk (however low) as far as practicable. It is recommended that compliance with the recommendations of this FRA are conditioned as part of any planning permission.*

- This assessment concludes that the site is suitable for development for residential use without unacceptable risk of flooding from all sources to the site itself and elsewhere as long as the essential and recommended mitigation measures are implemented.

It is considered that the proposal would be acceptable in terms of flooding subject to a condition for the proposal to be in accordance with the flood risk assessment.

With regards to drainage. The foul drainage from this development is in the catchment of Nettleham Water Recycling Centre that will have available capacity for these flows.

The site is currently 100% Greenfield, with no formal surface water drainage and therefore the surface water run-off has been calculated using the UK SuDS Greenfield run off estimation tool. These results are contained within Appendix C of the flood risk assessment.

The results suggests infiltration is likely and would be the preferred method of disposal of surface water. Infiltration testing has been undertaken within the development boundary. Soakaway testing was undertaken in the south western corner of the site. There are clays to the north and limestone to the south of the site. The results concluded that there is natural infiltration.

Infiltration would be at the top of the SUDS hierarchy and a final drainage scheme can be conditioned. The proposal therefore accords to policy S21.

Other Matters

Energy Statement- Policy S7 of the CLLP requires an Energy Statement to be submitted. However, this application was originally submitted in October 2022, significantly before the adoption of the April 2023 Local Plan, and when the plan was at a draft stage, prior to its examination. The application was not determined by the statutory timescale (by January 2023), and was subject to an agreed extension of time in order for the applicant to work with, and address matters raised by the Local Planning Authority. It is therefore not considered to be reasonable to require that an energy statement is supplied in this instance.

Conclusion and reasons for decision: The proposal has been considered against the following 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 S22: Affordable Housing, Policy S23: Meeting Accommodation Needs, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S51: Policy S53: Design and Amenity, Policy S60: Protecting Biodiversity and Geodiversity and policies D-1 Access, D-2 Pedestrian and Cycle Access, D-3 Parking Provision (New Housing), D-4 Water Resources and Flood Risk, D-6 Design of New Development, H-2 Housing Mix and H-4 The Provision of Affordable Housing in the Nettleham Neighbourhood Plan, policy M11 of the Lincolnshire Minerals and Waste Core Strategy

including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance.

In light of this assessment it is considered that the principle of development is acceptable. The proposal would deliver a fully affordable scheme where there is an identified need for such housing. No harm has been found with regard to residential amenity or visual impact. The proposal would not have an unacceptable impact upon highway safety. Matters of drainage are acceptable in principle subject to conditions.

It is therefore recommended that permission is granted subject to conditions and the signing of a Unilateral Undertaking to secure the dwellings as affordable.

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 Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include;

- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction. The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the

permitted development during construction and to ensure that suitable traffic routes are agreed.

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 details shown on the approved plans:

Site Location Plan- L162/NET2/LOCATION/01 REV C
Site Layout Plan- L162-NET-SL-02 REV C
C305 Floor Plans and Elevations OP L000-C305-DS-01
C305 Floor Plans and Elevations AS L000-C305-DS-01
B204 End Floor Plans and Elevations OP L000-B204-E-DS-01
B204 End Floor Plans and Elevations AS L000-B204-E-DS-01

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

4. No development other than to foundation level shall take place until full details of foul and surface water drainage has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with policy S21 of the Central Lincolnshire Local Plan.

5.No development other than foundation level shall take place until details of external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out 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 policy S53 of the Central Lincolnshire Local Plan and D-6 of the Nettleham Neighbourhood Plan.

6.Prior to occupation, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with policy S53 of the Central Lincolnshire Local Plan.

7.The development shall be carried out in accordance with the submitted flood risk assessment dated March 2020 by Millward Consulting Engineers. Any mitigation

measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to people and property in accordance with policy S21 of the Central Lincolnshire Local Plan and policy D-4 of the Nettleham Neighbourhood Plan.

8.All planting, seeding or turfing comprised in the approved details of landscaping, as required by condition 6 of this permission, shall be carried out in the first planting and seeding season following the first operation of the lagoon 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. The landscaping should be retained thereafter.

Reason: To ensure that appropriate landscaping is implement and that initial plant losses are overcome in the interests of visual amenity to accord with the National Planning Policy Framework and policy S53 of the Central Lincolnshire Local Plan.

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

None.

Notes to the Applicant

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>.

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>



Planning Committee

Wednesday, 26 April
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 Mr M Jeffs against the decision of West Lindsey District Council to refuse planning permission for a front extension to form an extended kitchen and sitting room, additional bedroom and ensuite at Coach House, Holmes Lane, Dunholme, Lincoln, LN2 3QT.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse



Appeal Decision

Site visit made on 28 February 2023

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5 April 2023

Appeal Ref: APP/N2535/D/22/3310526

Coach House, Holmes Lane, Dunholme, Lincoln, LN2 3QT

- 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 M Jeffs against the decision of West Lindsey District Council.
 - The application Ref 144554, dated 19 February 2022, was refused by notice dated 6 September 2022.
 - The development proposed a front extension to form an extended kitchen and sitting room, additional bedroom and ensuite.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the proposal relates to the settings of listed buildings, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the host building and; whether the proposal would preserve the settings of the nearby Grade I listed building Church of St Chad, Holme Lane (Ref: 1064139) and the nearby Grade II listed building The Vicarage, Holme Lane (Ref: 1359446).

Reasons

The coach house and the settings of the listed buildings

4. The appeal property is a two storey detached dwelling that was previously the coach house to the neighbouring former vicarage which is associated with the Church of St Chad to the east. It is set back from Holmes Lane with a double garage to the front and a tall boundary wall and gates.
5. The parish church dates to the early 13th century and is built in coursed limestone rubble with a slate roof and stone coped gables. It is dominated by a lofty tower in three stages with string courses and a battlemented parapet with corner pinnacles. This attractive traditional building of some considerable rural charm sits in an elevated position in a generous walled and leafy churchyard in the centre of the settlement. It is a distinctive feature of the rural village and a building of the highest national significance.

6. In so far as relating to this appeal, the significance of the church is derived from its architectural and historic interest as an important long standing place of worship, along with its role and status in the settlement and relationship with the rest of the village, notably the vicarage and its coach house to the west which relate closely to it.
7. The former vicarage is built of squared limestone rubble with ashlar quoins and dressings and hipped and gabled slate roofs. It dates to 1864 and has been considerably altered and extended, notably to its frontage facing Holmes Lane where it has seen the removal of a two storey element, boundary wall and gateway to provide a garage and driveway. Nevertheless, it remains an interesting and attractive example of a higher order Victorian dwelling and has retained its fanciful Tudoresque features and decorative style as well as its sense of historic connection with the church.
8. In so far as relating to this appeal, the significance of the vicarage stems mainly from its architectural and historic interest as a traditional Victorian residence. It also originates from its clear association with the church and its relationship to this and the rest of the rural village including the coach house.
9. Despite their different ages and architectural styles, and accepting that they have their own particular features of interest and significance, there is nevertheless a cohesiveness to this small pocket of village buildings in the centre of the settlement. They are within Character Area H of the Dunholme Parish Neighbourhood Development Plan which contains some of the settlement's most handsome and historically significant buildings and is recognised as an attractive and memorable historic village core.
10. The settings of these two listed buildings, and the contribution they make to the significance of those assets, in so far as relating to this appeal, is derived mainly from the rich historic character of the village townscape and its traditional buildings as well as their relationship to each other. These collectively provide evidence of the role and status of the settlement and its historic development and contribute positively to the understanding and the special interest and significance of the church and the vicarage along with the ability to appreciate them.
11. The National Planning Policy Framework (the Framework) defines setting as the surroundings in which a heritage asset is experienced. Although not listed itself, as the former coach house to the vicarage the appeal building has a historic functional association with the two listed buildings and forms part of this small distinct group of buildings in the core of the village.
12. The appeal building has seen a considerable number of alterations and extensions to the side, rear and the front, as well as the construction of a detached double garage forward of its building line. Despite these, it remains smaller in scale to the vicarage and has a less ornate more simple design which affirm its subservient position in the hierarchy of the three buildings.
13. The coach house adjoins the western boundary of the vicarage, and despite its set back position and boundary enclosures, there is some inter-visibility to varying extents between the appeal property and the vicarage and the church beyond. Additionally, some contextual views of the vicarage and the church taken on the Holmes Lane frontage include the appeal property. Furthermore,

some views of the two listed buildings looking back across the churchyard from Holmes Lane on its eastern side include the appeal building as a backdrop.

14. As such, as well as a historic functional association, the appeal building has a close and direct visual relationship with the vicarage and the church and therefore contributes to the settings of both those listed buildings. I have had special regard to this matter in considering the appeal.

The effect of the proposal

15. The proposal would see the addition of a two storey front extension and single storey front extension and would provide an extended kitchen and sitting room with an ensuite and two bedrooms on the first floor.
16. The two storey front extension would remain behind the neighbouring property at the vicarage and would not extend forwards of the existing single storey front utility room element of the host building (which would remain as a forward projection). Even so, it would extend across the entire main part of the frontage of the house at two storey level. Its pitched hipped roof would be slightly lower than that of the main roof, and would not intrude on the skyline. However, it would have the same eaves height as the main roof and in practical terms would introduce an additional long narrow section of two storey development in front of the main dwelling, and create a further pitched roof and roof ridge there.
17. The single storey element of the proposal would project at an angle from the front of the house and run along the slanting boundary wall to adjoin the detached garage. It would have a pitched roof with sky lights to its western side adjacent to the adjoining lane which runs down the property's western boundary. It would result in the currently detached garage being attached to the front of the house.
18. I appreciate that a Heritage Statement has been produced, and that time and effort has been taken to establish an acceptable layout for the extension to meet the needs of the occupiers. I also note the appellant's view that an evolutionary design approach has been adopted to reflect what is already a significantly altered building.
19. Nevertheless, the proposed extensions would be considerable in size, prominent in siting and somewhat contrived in design. Despite the use of traditional matching materials they would appear as unduly large and dominant features on the host dwelling. They would overwhelm its appearance and introduce incongruous and uncharacteristic additions to the essentially traditional dwelling. The proposal would also create an awkward and discordant footprint. In extending forward of the main elevation and stretching development up to the garage, effectively joining it to the house, the proposal would almost completely fill in the front courtyard area. This would result in a cramped and unsatisfactory overdevelopment of the already somewhat constrained site frontage which narrows towards Holmes Lane.
20. I accept that the appeal property is set well back from Holmes Lane and is not highly visible in the street scene. It is screened to some degree by the detached garage and is enclosed by a tall boundary wall adjoining the lane to the west and is gated to Holmes Lane. Even so, given its scale the incongruent and over-dominant proposal would be appreciated from Holmes Lane above the

garage and the gates. It would also be seen from the adjacent lane to the west, and from the vicarage and the churchyard to the east. Additionally I saw at my visit that it would be visible in some views looking westwards from Holmes Lane across the churchyard, albeit at some distance.

21. In increasing the bulk and massing of the coach house and introducing obtrusive additions, the proposal would also increase the dominance of the coach house and elevate its status in relation to the vicarage. This would be so even in light of the alterations and enlargements that have taken place at the vicarage, and would further undermine any sense of the coach house's former status as an ancillary building. In undermining the primacy of the vicarage, the proposal would also upset the well-established and characteristic hierarchy between the church, the vicarage and the appeal building.
22. As set out above, these traditional buildings and their relationship to each other and the surrounding area contribute much to the historic townscape of the village. Thus the proposal would detract from the pleasant appearance of the picturesque historic core of Dunholme.
23. The Council also raises concerns about the loss of the existing bricked up arched doorway feature on the appeal building's front elevation. Whilst the original historic opening to the coach house was square, the arch feature was constructed when the property was previously extended as a nod to the building's former role. Even given the already significantly altered appearance of the appeal property, I am mindful that this feature was purposefully provided to represent the traditional characteristic opening of a coach house.
24. Whilst it is obscured from view from the street, as a remaining vestige of the building's previous role I have some sympathy with the Council's view that the loss of this feature would diminish the ability to understand the building's historic function and undermine its traditional appearance. In doing so it would also serve to further weaken the building's historic association with the vicarage. This matter adds to my concerns regarding the scheme.
25. Bringing matters together, in causing harm to the character and appearance of the host property, and unacceptably undermining the historic character of the village townscape and affecting the relationship between its important traditional buildings (which are elements that contribute positively to the special interest and significance of the listed buildings), the proposal would detract from the settings of the listed buildings, and the ability to appreciate them. For these reasons, I find that the proposal would fail to preserve the settings of the nearby listed buildings.

The heritage balance

26. I therefore conclude on the main issues that the proposal would harm the character and appearance of the host building, and would fail to preserve the settings of the nearby listed buildings. I give this harm considerable importance and weight in the balance of this appeal.
27. The Framework advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have

- a clear and convincing justification. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
28. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
 29. The appellant argues that the proposal would see investment in the property that would enhance its durability and secure a sustainable future for the coach house as a sound desirable dwelling in the village. It is suggested that this in turn would allow it to positively contribute to the settings of the nearby listed buildings and thereby help to secure their future and contribute to sustainable village life. However, since the appeal property has an established residential use which would not cease in the absence of the proposed extensions, I am not persuaded that any such public benefits are necessarily dependant on the appeal scheme. Whilst reference is also made to the improved living standards and well-being of the occupiers of the building, I am conscious that these are private benefits only.
 30. Bringing matters together, I find that overall, the public benefits of the proposal would not outweigh the harm to the significance of the designated heritage assets I have identified.
 31. The proposal would be contrary to Policy LP17 of the Central Lincolnshire Local Plan (LP) which seeks to protect and enhance the intrinsic value of the landscape and townscape and requires proposals to respond positively to historic buildings. It would conflict with LP Policy LP25 which seeks to protect, conserve and seek opportunities to enhance the historic environment and protect the significance of designated heritage assets (including their setting), and with LP Policy LP26 which requires proposals to take into consideration the character and local distinctiveness of the area and create a sense of place.
 32. It would also be at odds with Policy 4 of the Dunholme Parish Neighbourhood Development Plan (NP) which requires proposals to preserve or enhance the village of Dunholme by (amongst other things) recognising and reinforcing the distinct local character in relation to height, scale, spacing, layout, orientation, design and materials of buildings (1), and respecting and protecting designated and non-designated local heritage assets and their settings (2). Furthermore, it would fail to support NP Policy 12 which seeks to resist development that would lead to an inappropriate alteration or extension to a listed building or undermine the wider setting of a listed building.
 33. For these reasons the proposal would fail to satisfy the requirements of the Act and paragraph 197 of the Framework and would be in conflict with the development plan.

Other Matters

34. The appellant refers to the findings of a previous Planning Inspector dealing with an appeal¹ in 1995 against an enforcement notice relating to the erection of the existing double garage at the appeal property in an alternative position to that permitted. This found that the single storey detached garage did not obscure views of the vicarage or have an adverse effect on its setting. I have had regard to that Inspector's conclusions in relation to the nearby heritage

¹ APP/C/94/N2535/634892

assets, but since it concerns a different proposal and was determined under different circumstances, it does not alter my findings in relation to the appeal scheme.

35. I appreciate that the appellant has a strong local connection over five generations including in the building industry. I am aware they feel that they have developed the appeal building sensitively over the last 30 years, have respected the historic character of the area, and are committed to its improvement. I also acknowledge that there is support for the proposal from neighbouring occupiers including those at the vicarage. However, these matters do not affect my conclusions in relation to the main issues in this case and are not reasons to allow development that I have found to be harmful.
36. The appellant raises concerns about the handling of the planning application and does not consider the Council to have acted positively and proactively. Reference is made to a lack of negotiation, misleading information on the website and a shift in the Council's position. The appellant also questions the research done by the Conservation Officer as well as the advice provided and refers to the influence of internal politics within the planning department. However, those are all matters between the appellant and the Council. I confirm that I have considered the appeal scheme on its individual planning merits and made my own assessment as to its impact.
37. I am aware that planning permission has been granted for a single storey store room extension to the rear of the garage that has not been implemented. Whilst I have not seen any further details relating to this, the appellant indicates that the appeal proposal seeks to cover an additional ground floor area of 33 square metres. As such, the proposal before me is larger than this permitted scheme and includes a two storey element. Accordingly, this fallback position would not have the same effect as the appeal scheme and lends no weight in favour of it.

Conclusion

38. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR