

Guildhall Gainsborough
Lincolnshire DN21 2NA
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AGENDA

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

Planning Committee

Wednesday, 31st May, 2023 at 6.30 pm

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

Members: To be confirmed at Annual Council 22 May 2023

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 - 30)

- i) Meeting of the Planning Committee held on 26 April 2023, previously circulated.

4. Declarations of Interest

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

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) 142460 - Land West of North Moor Road, Scotter

(PAGES 31 - 59)

- b) 146226 - Land off Owmbly Wold Lane, Owmbly, (PAGES 60 - 89)
Barnetby
- c) 146210 - "Land at Top House Farm", 23 Grimsby Road, (PAGES 90 - 109)
Caistor

7. Determination of Appeals

(PAGES 110 - 125)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Monday, 22 May 2023

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 26 April 2023 commencing at 6.30 pm.

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

Councillor Michael Devine
Councillor David Dobbie
Councillor Cherie Hill
Councillor Mrs Jessie Milne
Councillor Peter Morris
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Jeff Summers
Councillor Mrs Angela White

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

Also In Attendance: 13 Members of the Public

Apologies: Councillor Matthew Boles
Councillor David Cotton
Councillor Steve England

Membership: No Members were substituted.

121 PUBLIC PARTICIPATION PERIOD

No statements were made during the public participation period.

122 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 29 March 2023 be confirmed and signed as an accurate record.

123 DECLARATIONS OF INTEREST

In relation to agenda item 6(a), planning application 145047, Land at Goods Farm, Meadow Lane Reepham, the Chairman, Councillor Ian Fleetwood, declared a non-pecuniary interest that he was the County Councillor that covered Reepham and had been lobbied on a number of occasions in connection with the proposal. Accordingly, he would not vote or take part in the discussions, would vacate the Chair and hand over to the Vice Chairman, who would preside over the discussion on this particular item. Councillor Fleetwood would leave the chamber whilst this item was being considered.

In relation to item 6(b), planning application number 145735, Land to the south of Wesley Road, Cherry Willingham, the Chairman, Councillor Ian Fleetwood, declared a non-pecuniary interest that he was a member of the Parish Council. However, he had not discussed the application either within the Parish Council or with anyone within the local community and had not been the subject of any lobbying. He would remain in the Chair for the item.

In relation to agenda items 6(d) and 6(e), planning application 146082 and planning application 145353, both at Land off Deepdale Lane Nettleham, Councillor Angela White declared a non-pecuniary personal interest, that she had objected to these applications in the past and, having spoken on them, she would leave the Chamber whilst both items were discussed.

In relation to agenda items 6(a), planning application 145047, Land at Goods Farm, Meadow Lane, Reepham), and 6(b) planning application 145735 Land to the south of Wesley road, Cherry Willingham, Councillor Cherie Hill declared a non-pecuniary personal interest that she was the Ward Member for both sites, and that as she had not attended any of the original discussions or site visits she would be abstaining from the voting, although she would remain in the Chamber.

Also in connection with agenda items 6(a) and 6(b), referred to in the preceding paragraph, Councillor Judy Rainsforth indicated that she had not attended the site visits and would abstain from the voting on these items.

In relation to agenda item 6(a), planning application 145047, Land at Goods Farm, Meadow Lane, Reepham, Councillor Jeff Summers declared a non-pecuniary personal interest that though he had made a comment which possibly indicated his views whilst at the site visit, he stated that his decision would be based on the information received this evening and during the site visit, and would remain a Member of the Committee and sit with an open mind.

In relation to agenda item 6(c), planning application 146151, Land adjacent to Sudbrooke Park, off West Drive, Sudbrooke, Councillor Bob Waller declared a non-pecuniary personal interest that he would be speaking on the item as Ward Member, and would leave the chamber whilst the item was discussed after his statement.

124 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee was advised that the new Central Lincolnshire Local Plan (CLLP) had been formally adopted on 13 April 2023 and was with immediate effect the development plan

against which all planning decisions, including those this evening, had to be considered. Indeed, two applications considered at the previous meeting of the Committee and which were subject to further consideration this evening had been reviewed by the officers within the context of the new CLLP policies.

A schedule showing the position in relation to Neighbourhood Plans across the West Lindsey District was submitted and included the weighting that they currently held within the context of the new CLLP. Details could be found at <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

Particular reference was made to the following Neighbourhood Plans:-

- The Keelby NP had been successful at examination and a referendum date was awaited.
- The Hemswell NP examination was nearing completion and the Examiner's clarification note had been issued.
- The Scothern NP review had been submitted for consultation and examination.
- The Nettleham NP was subject to a second Regulation 14 Draft Plan Consultation following comments received during the previous consultation. The second consultation would end on 13 June 2023.

Members welcomed the adoption of the new CLLP and the policies it contained, particularly mentioning the section on RAF Scampton.

Note: Councillor I. Fleetwood left the Chamber, in advance of the next item, at 6.38 pm.

125 145047 - LAND AT GOOD'S FARM, MEADOW LANE, REEPHAM

The first application before the Committee was planning application 145047, relating to the proposed erection of 8 dwellings on land at Good's Farm, Meadow Lane, Reepham. The application had been deferred at the previous meeting to enable a site visit to take place.

As referred to in the Declarations of Interest, the Chairman had vacated the Chair and handed over to the Vice-Chairman, in the Chair, who presided over the consideration of this item.

The Planning Officer presented the report advising the Committee that several late representations had been received which had been placed on the Council's website. These representations did not however raise anything that had not already been included in the report. The Planning Officer clarified the position in relation to the grass verge which had been raised at the last meeting.

Having received the Planning Officer's presentation, the Vice-Chairman welcomed the agent for the applicant, Mr Ollie Clawson, who addressed the Committee along the following lines:-

“Thank you Members for your time on site last week. I am conscious that I spoke at last month's meeting, and so I simply want to reaffirm several key points for you this evening.

Firstly, the appeal decision confirms that the site is physically part of the village. The scheme is therefore compliant with Policy S2 of the new CLLP with regards to the principle of development. The applicant has worked at length with Highways Officers and this included pre-application discussions and a recognition that the existing access arrangement is less than ideal.

To address this, the application proposes to take a minimal amount of land from the south of the existing carriageway to realign the highway and achieve adequate visibility. The Highways Authority owns the entirety of that verge and has confirmed that the proposals are deliverable without the need to utilise any third party land.

The works would not therefore impact on any right to private vehicle parking, and residents of existing properties would simply have to park their vehicles within their plots rather than across Highways owned land as they may currently do.

The verge taken from the south, will be replaced at the northern side of the highway, as shown in green on the proposed site access drawing in order to maintain the character and feel of the Conservation Area.

Each of the proposed dwellings has been designed to be as energy efficient as they possibly can be, and your officer's report confirms that it would be unreasonable to ask for any further information in this respect.

All Council Officers, including the Conservation and Case Officers, are satisfied that the proposed development is consistent with the policies of the Local Plan. It is therefore respectfully suggested that you vote in accordance with the Officers' recommendation. In doing so, you would enable the applicant to move their current operations to more appropriate sites away from the village core. Thank you.”

The Vice-Chairman, in the Chair, thanked Mr. Clawson for his contribution.

The Democratic Services Officer was then invited to read out a statement submitted by a supporter of the proposal, Mr Vernon Stuffins:-

“Bringing a farm up to modern specifications is a difficult task, and one that those who do not work in the sector cannot begin to understand. The proposal that has been put forward is a well put together solution that (with moving the farm out of the village core) can continue a business that has been in the Parish for five generations.

This can be accomplished whilst remaining sympathetic to the Conservation Area and general aesthetic of the village. The layout proposed is an effective use of space; one that is not a linear development, something the village has previously voiced disquiet about. The proposed gardens are set away from pre-existing dwellings and there is ample space left around the old barn to maintain the Conservation Area. Previous developments of former businesses within the village have neglected some or all these points but this proposal (and by extension, the applicants) have given full consideration to these historic issues.

The amendment to the proposal on this brownfield site has a nice layout, whilst still maintaining views on The Green due to the natural drop of the site. In addition, the reduction of heavy-duty traffic will be of great benefit to the immediate area and in conjunction with this parking has been well provided for within this proposal, that would not impact on on-road parking, something that has been apparent in the village core for quite some time now.

The residents of the Parish have voted in favour of developing this brown field site twice now and yet a persistently aggrieved minority have objected to all proposals despite the applicants going above and beyond to address concerns.

In addition, this select quorum of discontent have held the majority share of seats on the neighbourhood planning group since its infancy and now presumably are the only ones left, bar the chairman. I say presumably because there has been a woeful lack of public communication from this group for the past few years. One of the mission statements from the start was to be open and transparent, yet this has not been the case and members that differ in their views have been made to leave the group with no credible reason as to why. I speak from first-hand experience and for other members of the Parish that were deemed to have pecuniary interests in this regard, despite no neighbouring steering groups with similarly interested individuals being asked to do the same. We were told this came under the general rules of participation akin to any Parish Councillor's declarations etc, but this was not the case when we initially signed up.

Through this last year's harvest, the Goods have had to endure much hardship from surrounding malcontents, one of which is a current Parish Councillor. This harassment has included intentionally inconsiderate parking near the main access point and road cones placed on land owned by the county council with "24/7 hour surveillance". I have also fallen foul of these individuals with verbal abuse, such as being called the "village idiot" and the threat of legal action against me for taking photos of this ridiculous behaviour.

The reason I raise the above is because this group is running rough shod over local politics and trying to bend democratic processes to their will and ignoring the ample evidence sourced from the Parish. As we are all well aware, interest in local politics is difficult to begin or maintain and it is precisely because of malicious and ridiculous behaviour like the above, more and more people feel like it just isn't worth it. It is my hope that common sense can finally rule the day and thoughtful developments such as this that are respectful of communities' wishes can be assessed properly and not undermined by local busy bodies polishing their own egos under the guise of public service. Thank you."

The Vice-Chairman, in the Chair, thanked the Democratic and Civic Officer for reading out the above statement and then invited an objector, Mr Chris Carder, to address the Committee along the following lines:-

"I speak on behalf of several residents of Reepham. This application fails to meet key 2023 CLLP Policies and as this plan has now been adopted as we have just heard I ask the Committee to reject the application, which should be judged against the CLLP policies.

The 2023 CLLP Policy S4 requires that proposed developments lie fully within the developed footprint. The application paperwork does not provide evidence that it is compliant.

Map 1 in our submission illustrates that it is not. The black line represents the edge of the current developed footprint, drawn between the 2 most northerly properties in the village located either side of the proposed development, 5 Althea Terrace and The Manor House.

This, the line, which the Planning Committee walked, is a continuation of the “line of development along the northern side of The Green” identified by the Appeal Inspector. The agricultural buildings were built in open countryside beyond this line.

Map 1 clearly shows that plots 4-8 all fall outside of the developed footprint. Any proposed development North of the line fails the test of an “appropriate site within the developed footprint”.

The 2023 CLLP also states.... “agricultural buildings and associated land on the edge of the settlement” are excluded from the footprint. Land outside the footprint does not qualify for development just because it adjoins land that does.

The same applies to the undeveloped land behind 2 The Green and next to 5 Althea Terrace. This land also straddles the developed footprint and is in open countryside as you can see on map 2. It is excluded from the developed footprint. The 2023 CLLP states: “undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement” is not suitable for an unallocated site development.

By developing outside of the footprint, the proposal further challenges the transition to open countryside due to the situation of the plots. Map 1 again clearly shows plots 5 – 8 would directly abut open countryside with no long garden interface like the rest of the historic north-east quarter. Lack of transition to countryside is at odds with the settlement’s character and appearance and also with historic environment policy as well as the Neighbourhood Plan.

Policy S57 states that “significant weight will be given to the protection and enhancement of Conservation Areas, and that existing street patterns should be retained to contribute to the character and appearance of the area.”

Let’s not forget also the views of the Church, which relate to its historical setting and would be lost with plot 1, contrary to Policy S57 and the 2017 CLLP. By basing his approval for this site on material considerations, the Planning Officer avoids crucial policies in the 2023 and 2017 CLLP. He also side-steps the settlement hierarchy sequential test which neatly ignores the Neighbourhood Plan’s alternative sites. He also incorrectly states that the site has not been included for development in that plan. In fact, it has but with a lower dwelling count.

So it needs to be spelt out that supporting this application would change the shape of the Historic settlement forever. It would entirely change the developed footprint of the village and encroach into open countryside to the North and harm the Conservation Area. Land Registry documents for the site define their space as the whole entrance to the yard, whereas the Good’s application does not appear to match this. Which one is correct?

In relation to the asbestos within the farm buildings and concrete flooring pads, safe removal is critical. Neighbouring residents may be impacted by health risks and disruption. They may have to vacate their homes during the dismantling period. Does the application budget for all of this? We don’t think so and we seek assurances.

Finally, with regards to the movement of grass verges on The Green even the Conservation Officer noted that moving The Green would cause harm and is against Policy. Highways did not object, but they also gave no consideration to the fact this is a Conservation Area. It was

pleasing to hear finally that the drawings have been admitted to be incorrect and shows that there are measurement inaccuracies. The measurements are at least a metre out.

We have shared documents with the Planning Officer and Highways, but our concerns have also never been directly addressed, either with regards to the actual move or mitigation for our loss of parking amenity. There are other options that could be considered rather than reducing my parking amenity to potentially one useable space and reducing safety around my property. The reduction means that any visitors would need to park vehicles on the grass verge at the junction and near the blind corner of the Lane, which reduces safety for all road users, including pedestrians.

A decision that permits this application cannot be reversed, but by rejecting it, the applicant could apply again, this time with a plan that fits the 2023 CLLP without question and the Neighbourhood Plan and also still delivers profit, or the farm move that the applicants seek.

To conclude, we are not against development on this site, but we are against this particular application and would welcome a further application that we can all, including the Parish Council, support.”

The Vice-Chairman, in the Chair, thanked Mr. Carder for his contribution and invited the Officers to respond to the statements made.

The Case Officer pointed out that the issue of asbestos removal was not a planning consideration and was a matter covered by other legislation. He also indicated that the application had been looked at within the context of the new CLLP and he read out the relevant policies against which the application had been judged.

The Vice-Chairman, in the Chair, reminded Councillor Dobbie that as he was not present at the last meeting he could not vote on this application but he could speak. The Committee was also reminded that only those Members who were present at the site meeting could vote. The application was then opened up to discussion by the Committee.

During the debate, reference was made to the fact that the application would result in a reduction in heavy vehicle and agricultural machinery movements which would be of benefit to the local community. There was some concern raised about the condition proposed by the Highways Authority, but it was confirmed that it was their view that the condition was necessary in the interests of highway safety. The scheme as submitted had been the subject of detailed negotiations between the applicant and the Highways Authority.

Having been proposed and seconded, the Vice-Chairman, in the Chair, put the application to the vote, and it was agreed by majority vote that the application should be deferred and approval delegated 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 and subject to the following conditions:-

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

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

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

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

2. Prior to 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 routeing 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.

Note: Councillor I. Fleetwood returned to the Chamber at 7.13 pm.

126 145735 - WESLEY ROAD, CHERRY WILLINGHAM

The Chairman introduced the next application of the meeting, Item 6(b), application number 145735, relating to the construction of 20 affordable dwellings on land south of Wesley Road, Cherry Willingham. This application had been deferred at the last meeting to enable a site visit to be undertaken. The site visit had taken place on 20 April 2023. The proposal was a re-submission of application number 143260 which had been refused by the Committee on 4th November 2021.

This application proposed the erection of 20 fully affordable dwellings in a semi detached and terraced format. This also included 4 bungalows in the south east corner of the site. The dwelling types were 4 one bed bungalows, 10 two bed houses and 6 three bed houses.

The Planning Officer presented the report, concerning which there were no updates.

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

“My name is James Collins and I am the agent acting on behalf of Cherry Tree Homes, the applicants, which is a small local family business. I would like to thank the Committee for taking the time to visit the site last week.

During that visit, the Committee raised some questions about the adjacent development land. I would just like to point out that this land is not owned by Cherry Tree Homes, and we have no intention of developing that land in the future.

This application is a re-submission of a previously rejected scheme considered by the Committee in November 2021 which had a recommendation for approval from the Planning Officer, Highways Authority and the Parish Council.

We have revised the scheme in light of the Committee's previous comments, reducing the density from 21 units to 20 units. The revised scheme also has a recommendation for approval from the Planning Officer, Highways Authority and the Parish Council.

The roads on the site will be built to adoptable standards and we have submitted a swept path analysis which demonstrates the roads are adequate for bin wagons and emergency vehicles and delivery vehicles. The site has access and egress from both Hawthorn Road and Wesley Road via Hawthorn Avenue. There are two link roads between our site and the adjacent Cherry Paddock site, which is not owned by Cherry Tree Homes and was not developed by Cherry Tree Homes.

The Parish Council has wanted to provide a footpath link from Little Cherry to Green Lane for many years to improve pedestrian access to the village. This scheme would deliver that link and whilst this would not be a tarmac footpath or have street lighting, it would offer an additional link to the village which would be of benefit to the community.

The connecting road to the adjacent undeveloped land has been provided to ensure continuity for future development, providing a cohesive design which considers pedestrian and vehicular movements through the applicant's site and the adjacent Cherry paddock site. As previously stated, Cherry Tree Homes do not own this land and will not be developing it.

We have taken into account the Committee's previous comments. We have reduced the density of the site and softened the scheme with additional landscaping. We have amended the position of the letter boxes, and the scheme will help to meet the identified unmet need for affordable housing in Cherry Willingham in response to the West Lindsey housing register, providing much needed affordable housing to support the local community. Thank you again for your time and consideration."

The Chairman thanked Mr Collins for his contribution, concerning which the Planning Officer had no observations.

Note: Councillor I. Fleetwood declared that he was a Member of Cherry Willingham Parish Council but had not discussed the application with the Parish Council, and had not been lobbied on the application.

The Chairman then opened up the application for debate by the Committee.

Members welcomed the type and mix of dwellings to be constructed on the site and the proposal to create a footpath link to the village. Reference was also made to the intention to protect a large mature tree on the site.

It was commented that showing dimensions on the applicants' site/design drawings might have been helpful to the Committee in its consideration of the proposal. Members noted that there would be a construction site management plan.

Having been proposed and seconded, the Chairman put the application to the vote, and it was agreed that permission should be **GRANTED** subject to the completion of a Section 106 Agreement securing the dwellings as fully affordable and to secure the NHS contribution, as well as the signing of a Unilateral Undertaking and subject to the following conditions:-

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

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

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

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

2. No development shall take place until a 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.

127 146151 - LAND ADJACENT SADBROOKE PARK, OFF WEST DRIVE, SADBROOKE

The Chairman introduced the next application, item 6(c), application number 146151 seeking permission to vary condition 13 (for the developer to accord with the proposed scheme to prevent vehicles from accessing the private drive that connected 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.

The Chairman invited the Planning Officer to present the report. The Planning Officer indicated that he had been copied into correspondence sent to the Highways Authority by the applicants' agents in relation to a potential revised scheme. However, this had no bearing on the current application concerning which a decision could be made. The report detailed the background to the site.

The Chairman welcomed Parish Councillor Andrew Cottam from Sudbrooke Parish Council who addressed the Committee along the following lines:-

"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 gateways comprising two former estate houses and ornate iron gates. It also has a listed grade II stone parapet bridge spanning the back to the north of the gates.

Since the initial application to build a parkland estate was made Sudbrooke Parish Council has expressed written concern over access through the 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 but 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. However, the Parish Council find it difficult to believe that Her Majesty's Inspector would place a condition on 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 but these signs are 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 of 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 therefore asks the Planning Committee to reject this application."

The Chairman thanked Councillor Cottam for his contribution, and invited Mr Keith Millard, another objector to the proposal, to address the Committee. Mr Millard commented along

the following lines:-

"I represent the residents of Sudbrooke Park who hold the rights of way along Main Drive from the A158. Since 2016 we have been living under the safe umbrella of condition 13, the appeals inspector and the developers' own commitment to install a rising bollard to discharge condition 13 to control traffic flow along Main Drive. We assumed he exercised due diligence prior to submitting this bollard option.

Further, West Lindsey District Council approved the bollard on Main Drive as an overarching condition when granting the full planning permission. Installation was to happen at the end of the construction of the Phase 1 houses or at the end of March 2022 whichever came first. The imposition of condition 13 gave us comfort that Main Drive would not become the "rat run" that has ensued.

What was an unknown at the time of the original application was that when residents started to move in, all service vehicles would be routed down main drive under satnav. There are large numbers of home delivery service vehicles and supermarket deliveries, effectively magnifying the "rat-run" analogy. The road surface on Main Drive has completely crumbled under the sheer weight of vehicles.

So what is the developer's view of Main Drive and I refer to the following documents. I refer to the developer's construction management plan where, in the local highway network section on page 3 he describes Main Drive as... "Main Drive, provides a further access to the site from the south via a priority junction with the A158." What he fails to mention is that Main Drive is a single track road not suitable for two-way traffic, with access passing through the historic Grade II listed gates and gate lodges and passes over the listed bridge, halfway along its length. It has public right of way status as a footway with occasional vehicular access.

Here is a copy of a register of title from the new Parklands development. Note 3 of the title deed states... "the land has the benefit of a right of way over main drive." This shows contempt of the planning laws, contempt to the existing rights of way holders and to the new owners of the houses when knowingly, he agreed to stop up Main Drive.

I would seriously question the legality of selling something that is not yours to sell. To mislead the existing residents, several tactics were used to deceive the rights of way holders. A scenario was created whereby the existing residents in a Northern group did not want the bollard, and a southern group of residents, who did want the bollard. I disproved this with a petition in December of 21 which proved categorically that all 23 property holders required the bollard. Then they changed the argument to the bollard installation stating that it was illegal.

If you refer to the Highways Authority response to this application, you can see that LCC Highways are most insistent that the bollard control should be installed. Another document shows how to achieve this.

The final attempt to confuse the residents into submission was to suggest that the appeals inspector, was acting ultra vires by imposing condition 13. Nothing could be further from the

truth; every relevant authority, including the emergency services, have approved the bollard installation.

One other relevant point is that Main Drive was closed to all traffic for 18 months to allow the construction of infrastructure. That closure did not present any problems to the circular walk around the village. People enjoyed the quiet and amenity that this afforded.

The proposal to change the wording of condition 13 from “prevent traffic” to “deter traffic” is a complete nonsense. It is inconceivable to come along five or six years later to change the wording of a condition that has been etched in stone since day one.

Bearing in mind that we are 13 months past the deadline date of March 2022, could consideration be given to recommend that the West Lindsey District Council Enforcement Team be asked to issue a prohibition notice to cease construction until a bollard is installed.”

The Chairman thanked Mr Millard for his contribution and then invited the Local Member, Councillor Waller to address the Committee. Councillor Waller spoke along the following lines:-

“I am speaking as a Ward Member regarding this application, and, as indicated at the start of the meeting, will retire from the Chamber after this speech.

This development has been ongoing since 2016 when a developer won an appeal against this Committee's refusal to grant permission. The development has had various issues over the years that have caused a lot of destruction, disappointment, and inconvenience to existing and new residents of Sudbrooke.

However, tonight we are only dealing with the issue of the installation of the bollard on Main Drive to prohibit unauthorised access. I know this development very well, as I lived in a village for 12 years, only moving out last year. When the original application was submitted, I was Vice-Chairman of the Parish Council (a year before I was elected to West Lindsey). I feel I can speak on this application with some knowledge.

When the developer won the appeal, it was with various conditions. One of the main conditions was number 13 to prohibit access for traffic from the new development along Main Drive to link up with the A158 through Grade II listed gates where the carriageway is fairly narrow. The word “prohibit” was used, not the word “deter”.

You have heard from the Parish Council and an objector both of whom highlighted a lot of relevant and pertinent points. It is a private road; it is a single-track road not suitable for two-way traffic. There is a listed bridge along its route, and it is far from suitable for regular heavy traffic.

These are the main reasons the Inspector made a condition. The developer has in an open meeting, stated that residents of Main Drive do not understand what they are doing and what they are supporting by having a bollard in place. In my view this insults their intelligence and integrity.

The developer wants to change the wording from “prevent traffic” to “deter traffic”. I fail to understand why having agreed to a condition six years ago and having commenced building, the developer now says that having a bollard is illegal. The developer has included in the deed for of new properties on parts of the development that they have the right of way over Main Drive.

One questions whether this is this is legal. I mention this as it impacts on the residents of all 23 properties in Main Drive. The Highways Authority and every other authority, including the emergency services, have supported the installation of a bollard on Main Drive. At a public meeting, when asked why the bollard was illegal, the site manager stated that Deliveroo and other fast food companies were not happy. This, in my opinion, was a very flippant and unhelpful response.

If, as a Committee, we do not agree with the officers’ recommendations to reject this application, then I believe we will be failing in our duty to safeguard the rights of residents. I urge you to refuse this application in line with the Officers’ recommendation.”

Note: Councillor R. Waller left the Chamber for the remainder of the item at 7.40 pm.

The Chairman thanked Councillor Waller for his contribution and invited the Officers to comment on the statements made. The Case Officer indicated that there was nothing further to add to the report submitted.

Members were opposed to any amendment to the original condition imposed in relation to this development and indeed considered that having regard to the current position, the matter should be referred to the Council’s Enforcement Team for further investigation. This proposal was accordingly proposed and seconded.

Having been proposed and seconded, the Chairman put the application to the vote, it was unanimously agreed that planning permission, as detailed in the Officer’s recommendation, be **REFUSED**.

At the same vote, having been proposed and seconded, it was unanimously further

RESOLVED that the application be referred to the Planning Enforcement team for further investigation.

Note: Councillor R. Waller returned to the Chamber at 7.45 pm.

The Chairman paused the meeting for a few moments, so Members could return from a comfort break before re-commencing the meeting.

Note: Councillor D. Dobbie left the Chamber for a comfort break at 7.45 pm. He returned to the Chamber at 7.47 pm.

Note: Councillor J. Summers left the Chamber for a comfort break at 7.46 pm. He returned to the Chamber at 7.48 pm.

Note: Councillor M. Devine left the Chamber for a comfort break at 7.46 pm. He returned to the Chamber at 7.48 pm.

128 146082 - LAND OFF DEEPDALE LANE, NETTLEHAM

The Chairman introduced the next application, item 6(d), planning application number 146082, for the erection of 30 affordable homes and associated infrastructure on land off Deepdale Lane, Nettleham). The report set out the history of the site and the issues surrounding the application. The Chairman invited the Planning Officer to present the report and in doing so reference was made in particular to the following:-

The Committee was advised that the purple hashed area shown on the presentational plans was third party land owned by the LACE development already built. The original access in the appeal decision involved this land but the applicant could not come to a legal agreement with LACE to provide this access. This purple hashed area is shown on the original layout as a green hash to show the inability to build this access with third party land.

The applicants had a contractual obligation with the landowner to provide an access road that was built to adoptable standards, but unfortunately, the road could not be widened due to residential units already there. These two factors put together meant that the access could not go there, and that another alternative point needed to be looked at.

The applicants were contractually obliged to provide an access that could be used by any agricultural vehicle, so could not specify what type of vehicle exactly. However, they had stated that it was unlikely that this access would be used frequently, as the current tenant farmer, who had a longstanding agreement with the landowner, currently used a different access.

Two objections had been received since publication of the report from 41 High Street, Nettleham and 15 Shaw Way, Nettleham stating that the proposal did not accord with the Nettleham Neighbourhood Plan and also referring to the impacts on local services. These further representations did not however change the recommendation of the report.

It was reported that the unilateral agreement was yet to be finalised which secured the NHS contribution and the affordable housing. Therefore, for this reason it was being recommended that the application be granted (subject to conditions) and delegated back to officers to finalise this agreement.

The Chairman stated that there was one registered speaker to application, and welcomed Hannah Guy who addressed the Committee along the following lines:-

“Good evening ladies and gentlemen, thank you for the opportunity to speak this evening. My name is Hannah Guy and I am the Planning Manager at Alison Holmes. I am speaking to you today in support of both planning applications for this site (see item 128 below). I fully endorse the Officers' reports and recommendations for approval for both the 30 unit scheme and the 8 units scheme (next item).

These two applications have been summarised in the Committee reports before you. As the

Committee reports highlight, the principle of developing the site has already been deemed acceptable and this was by way of the appeal last year. There is approval for up to a potential of 40 units.

The submitted changes, as explained by the Planning Officer are due to the requirement for the provision of an access to the field to the rear. It was established after the appeal approval, that the proposed access was not adequate and we couldn't accommodate it in originally intended location, so we had to do a basically a layout replan.

To be in line with the contractual agreement, changes needed to be made to the access arrangements. Other than the call-in from the Parish Council and the other than Call-in (referred to in the Committee report) there were no objections from statutory consultees.

The Officer's report and presentation effectively explains the differences between the two schemes, so I won't go over that again and it's already been indicated that we will provide a Unilateral Undertaking for the financial contributions that have been requested, I therefore hope that the decision is a positive one. Thank you."

The Chairman thanked Hannah Guy for her contribution and invited the Planning Officer to comment. The Planning Officer had nothing further to add to the report in the light of the above presentation.

The Chairman then invited Councillor Mrs White as Local Ward Member to address the Committee:-

"Thank you. I will speak to this application and the next application referred to in the Minute below and then, as indicated at the beginning of the meeting, I will retire from the chamber.

These applications were won on appeal, the Parish Council having objected on the grounds of density, design and amenity. I would just like to make the point that when the original Baker Drive, application was submitted (application number 135567) the conditions for the path were set out. The path that goes around this site and ends at Deepdale Lane near the Enterprise Park is not up to the standards set out in the original application 135567 and there have been several complaints from residents about the access to that path for people with pushchairs or wheelchairs.

I note the affordable housing and I have asked the officers what type of affordable housing was to be provided and who would be the provider. Also, I asked whether the development complied with a ministerial statement that 25% should be first homes.

Another point that was made in the original application for the main development was the provision of a bus stop, and we are lobbying Lincolnshire County Council for an additional bus stop. The number of houses is quite confusing because the developers have two permissions - one permission for 33 and one permission for 30. I have also questioned the officers about this because this application is for 30 and 8.

I note the point about education but there is no contribution to education as this was not in

the original application for this site. For the main site, Baker Drive, there was a contribution that went to Monks Abby school in Lincoln for £124,000, so we didn't get anything in Nettleham.

I had assumed that these affordable houses are for the West Lindsey District, as provided for in the Central Lincolnshire Local Plan. However, I know from the people already living in the affordable housing here that the majority are not Nettleham residents. But I also know that Nettleham residents would get priority in the future. I would just like to say that we have had far more than our share of affordable housing. Thank you."

Note: Councillor A. White left the Chamber for the remainder of the item and the whole of the next item at 7.56 pm.

The Chairman thanked Councillor Mrs White for her contribution and invited a response from the Case Officer. The Planning Officer confirmed that the affordable housing related to the policies in the Central Lincolnshire Local Plan. The Planning Officer stated that discussions were taking place regarding the level and type of affordable homes to be provided, hence the recommendation for this application to be delegated.

In relation to the comments made about the type of affordable homes, the Council's legal advisor indicated that it was now a legal requirement that housing developments should provide a percentage of first homes. However on sites which were fully affordable, such as this, (which was going to comprise totally affordable homes), they were excused from providing "first homes" so that they could provide all of those traditional, affordable housing tenures, affordable rent and shared ownership.

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

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

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

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

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

2. No development shall take place until a 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

129 145353 - LAND OFF DEEPDALE LANE, NETTLEHAM

The Chairman moved on to the last application of the meeting, item 6(e), planning application number 145353, for the erection of 8 affordable homes, on land at Deepdale Lane, Nettleham. The application had been called in for Committee consideration due to objections received from Nettleham Parish Council and in order for it to be considered alongside application number 146082. The Planning Officer introduced the item indicating that an additional letter of objection had been received from 7 Parkway Nettleham.

It had been stated in the letter of objection that the new location of a farm track ran down Kevin Road in the middle of a 30 home housing estate. The road was narrow and could not provide access for farm vehicles. It could easily cause damage to vehicles. Silage for fields could drop from farm vehicles, causing serious health hazards to all concerned, especially children. The farm track had been ill-thought-out by the applicant. Having 8 affordable houses which were in fact homes up for rent in the middle of a private housing estate was considered inappropriate. The objector would much prefer to see homes for first-time buyers. Members sought clarification around the access width, but otherwise supported this application.

Accordingly, it was proposed, seconded and unanimously agreed that planning permission should be **GRANTED** subject to the signing of a Unilateral Undertaking to secure the dwellings as affordable and to the following conditions:-

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

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

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

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

2. No development shall take place until a 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.

Note: Councillor A. White returned to the Chamber at 8.09 pm.

130 DETERMINATION OF APPEALS

The determination of appeals was **NOTED**.

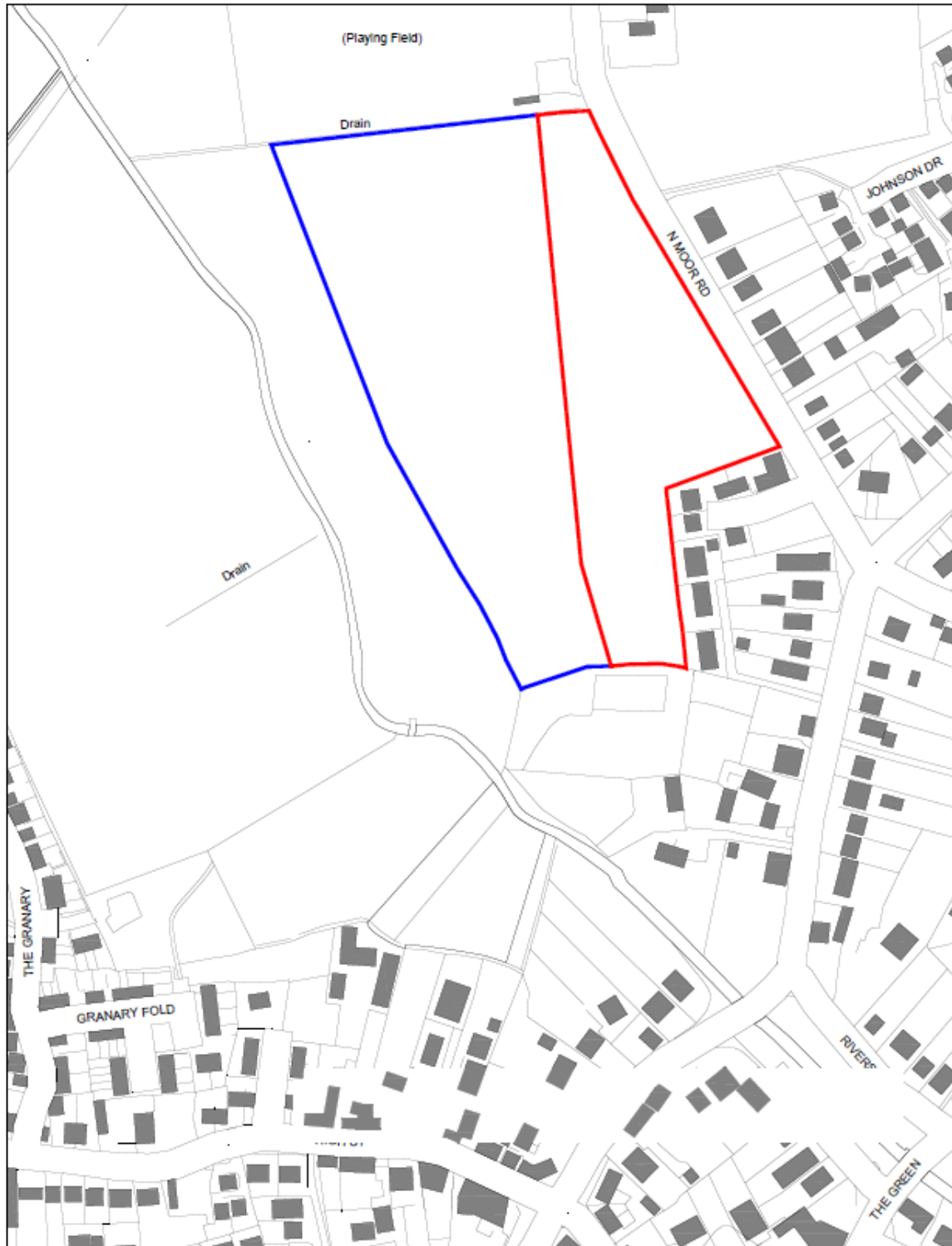
131 CHAIRMAN'S MESSAGE OF THANKS

The Chairman concluded the meeting by giving a holistic summary of the past four years of the Committee and thanked all those that had served on the Committee. He thanked the Legal Advisor and the legal team, the Democratic and Civic Officer and past democratic officers, and the Planners for all their support and hard work to the Committee.

Following the thanks to the Planning team, the Chairman stated that the team handled most of the applications, and the Committee only saw about 1% of the applications, being about 100 applications a year. The Chairman thanked everyone for their efforts and wished a happy retirement for those not re-standing.

The meeting concluded at 8.11 pm.

Chairman



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Officers Report

Planning Application No: 142460

PROPOSAL: Application for approval of reserved matters to erect 43no. dwellings considering appearance, landscaping, layout and scale - following outline planning permission 134677 granted 19 December 2017.

LOCATION: Land West of North Moor Road Scotter Gainsborough DN21 3HT

WARD: Scotter and Blyton

WARD MEMBER(S): Cllr Mrs L Clews, Cllr Mrs L A Rollings and Mrs K Carless

APPLICANT NAME: Mr Shaun Hunt

TARGET DECISION DATE: 14/05/2021 (Extension until 2nd June 2023)

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Planning Committee:

This application has been referred to the Planning Committee following third party objections including the Ward Member and Scotter Parish Council.

Description:

The application seeks approval of reserved matters for 43 dwellings, considering only the outstanding matters of **appearance, landscaping, layout and scale**, following outline permission 134677 granted 19th December 2017 with access considered.

The application site is a plot of agricultural land measuring 2.06 hectares adjacent the northern section of Scotter. The land is set just back from North Moor Road which has a 30mph speed limit. This increases to 60mph adjacent the Scotter Football Club vehicular access. The site has an existing wide access point to the east boundary adjacent 7 Arrandale which is effectively a gap in the hedging. The land slopes gently downwards from east to west.

The north boundary is screened by low hedging and a single tree with low hedging to both east boundaries. The south boundary shared with dwellings on Arrandale is screened by high hedging and fence panels. The southern-most south boundary is screened by high hedging with some gaps. The west boundary is fairly open with some low hedging.

To the north of the site is Scotter Football Club (Northmoor Park Playing Field). Neighbouring dwellings of mixed scale and design sit opposite or

adjacent the east and south boundaries. Additionally to the southern-most south boundary is an equestrian facility. Open fields sit to the west.

The site is located in flood zone 1 with flood zone 2/3 nearby to the west.

This application has been awaiting drainage and layout information from the agent for a number of months. On submission of the missing information the reserved matters application was increased to 43 dwellings and triggered a full re-consultation of 21 days commencing 23rd March 2023.

Relevant history:

134677 - Outline planning application to erect up to 51no. dwellings with access to be considered and not reserved for subsequent applications – 19/12/17 - Granted time limit and other conditions

144062 - Planning application to erect 11no. dwellings – Yet to be determined

Representations

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

Amended site plans received 23rd July 2021 and 23rd March 2023

Cllr L Rollings: Objections (summarised)

Affordable housing

I believe that the application should be considered in terms of the original application. Scotter's Neighbourhood plan has identified that the village does not need any more large, executive housing and that promises, by the applicant to build affordable housing in an additional application that may not happen, should not be considered.

Flooding and drainage - setbacks

The particular site in question, adjacent to this site regularly suffers significant flooding. As it currently stands, properties in this location would be internally flooded. I find the response from the Environment Agency to be inadequate and would suggest that perhaps the right team has not been asked to respond. I would ask that the District council pursue a more meaningful response from the EA.

I am fearful that this application and its lack of attention and awareness of drainage and flooding issues, will add to what is a very precarious situation and only make matters worse, in Scotter, where downstream problems cause water to back up into the village.

Safety of pedestrians and cyclists - Northmoor Road / Messingham Road.

The speed of traffic entering the village along Northmoor road need to be reduced significantly to allow children to turn right out of the proposed development, safely in order to cycle to school in the village.

A substantial footpath needs to be created on the same side of Northmoor Road up to Messingham Road and a crossing provided on Messingham Road to allow pedestrians to cross these roads safely, to access village amenities, as the current controls on speeding traffic are inadequate.

Impact on neighbouring properties

I support the comments made by others regarding the proposed height of the bungalows. Does this height allow for future conversion of the upstairs space? I do not believe it is necessary to overshadow adjacent properties.

Parking

The properties must have adequate parking for at least two cars. Less creates problems between neighbours.

Can I request that this application is considered at full planning committee.

Scotter Parish Council: Objections

Representation received in relation to previous versions of the site plan can be viewed online. The most up to date comments are summarised below:

Affordable Housing

The Parish Council are pleased to see that the affordable housing has now been included and welcome this amendment.

Drainage

However there are still serious concerns for drainage, both surface water and sewerage. The plans now show the addition of a pumping station, but no information has been provided as to the suitability/effectiveness of the pumping station. The existing system already struggles for capacity as evidenced by existing residents having issues with flash flooding and gardens flooding with sewerage during heavy down pours. The Parish Council have previously requested a capacity survey of the full system, has this been considered or actioned?

There are concerns that the new plan shows plot 34 & 43 as 3 bed bungalows where the rest of the row is 2 bed bungalows. There is a lack of information in respect of roof heights of the 3 bed bungalows. The elevation documents do not specify the heights therefore raising queries about roof height and overlooking for the existing properties. The Parish Council would expect a bungalow to have a roof height of 5.6m as noted in previous comments, if the height of the 3 bed bungalows exceed this the Parish Council would find this unacceptable.

All our other comments that have not been addressed in this comment still stand and still need to be taken into consideration.

Local residents: Representations received from:

(Representation received in relation to previous versions of the site plan can be viewed online) The most up to date comments are summarised below:

12 Messingham Road, Scotter
11 Johnson Drive, Scotter
22 North Moor Road, Scotter
Maracuja, Messingham Road, Scotter
Applegarth, Messingham Road, Scotter
4 Arrandale, Scotter
Cartmel, 10d Messingham Road, Scotter

Scale

- Property heights still too high.
- Height of bungalows needs to be addressed as too high at 5.7 metres.
- Should be a condition preventing properties from being increased in height.
- Height of Grasmere bungalows at 6.2 metres high should be conditioned.
- I am most concerned that 3 bedroom property at the rear of 10d Messingham Road will be wider than the two bedroom properties therefore been of a greater height of the roof.

Landscaping

- Could you please ensure that the existing hedge is retained to allow for the existing wildlife to flourish over 25 years

Residential Amenity

- The height of the bungalows in particular need to be addressed so that they are not able to overlook the residences that are already there. They should not be allowed to convert to enable them to have a second storey.

Highways

- Should be considered with all other developments
- Safe access to and from the site is an issue as North Moor Road is already a fast and dangerous road, with a steady stream of traffic after the early morning and evening peaks.
- Traffic exceeds 30mph which makes crossing the road dangerous and difficult.
- Plot 1 has its own drive off North Moor Road and is not a sensible option on the bend into the village and should not be permitted.

Footpath

- Connection to existing footpath would not be possible due to crossing land in private ownership. Some form of crossing would be required.
- Footpath situation will be dangerous to people.
- no evidence provided in this application to demonstrate how pedestrians some of whom are highly likely to be children can safely walk from the site into the village centre where the school and other amenities are situated.

Drainage

- Complete check of existing drainage system should be undertaken including CCTV.

- There needs to be confidence that the design of the drainage considers all of the factors for all three developments.
- Need to reconsider the drainage for the site including a secure outfall, source control and attenuation.
- There is well documented drainage and sewerage problems at properties this side of the road (Johnson Drive) and the development will only compound the issue.
- Needs upgrading before all new dwellings built on two planned developments.
- Amount of dwellings will be a strain on the sewerage system.
- Taking account of the already recorded issues regarding the inadequacy of the current sewerage system, feasibility studies prior to this application being passed should be conducted

Affordable Housing

- There is an underrepresentation of affordable housing in the application.

LCC Highways/Lead Local Flood Authority: No objections

Representation received 4th May 2023:
No objections subject to conditions

Representation received 18th March 2021: Additional Information Required

Drainage

With the evidence of clay identified within the on-site testing and the groundwater levels monitored and recorded at 0.80m below ground level, it is unlikely infiltration can be achieved on site in accordance with Lincolnshire Development Road Specification. Groundwater levels should be at least 1.0 metre below the base of the SuDs component. When infiltration forms the proposed strategy, soaked CBR testing is required to determine that the CBR is greater than 3%.

Highways

- Please consider tree lined streets within the adoptable areas, this authority will consider the adoption of trees (subject to type and location)
- A service margin is proposed at 600mm. In accordance with the HAUC Specification a minimum of 2.0 metres is required and this should be a soft service margin.
- A drawing is to be submitted identifying the proposed tactile crossing points.

Environment Agency: Does not wish to comment

The application does not appear to match any of the criteria on our consultation checklist.

WLDC Environmental Protection: No objections subject to a condition.

Representation received 20th October 2021:

I've reviewed the Site Investigation Report (S200901 dated November 2020) by Solmek that has been submitted with this application.

I found the report confusing as it should be read in conjunction with other investigation reports which have not been submitted with this application.

Only 3 soil samples were analysed across the Phase 2 area for this report and although no contamination was found the report refers to cyanide contamination that was found during the testing of the Phase 1 area (in another report not provided) and advises caution and further testing.

In the circumstances I would suggest that you add the full contaminated land condition to ensure that the ground contamination investigation is revisited. Then the applicant can submit all of the relevant reports for the site and the further information that will be required (testing and remediation statement) moving forward.

Representation received 10th March 2021:

I've just had a quick look at this one and can't readily see even the basics of a surface water management strategy outside of permeable surfaces and foul sewers as set out in the Preliminary Drainage Strategy Drawing

Nothing is readily evident in these applicant documents as to how surface water will be managed, stored, attenuated or disposed of outside of reference to permeable surfaces that have no supporting information around capacity and infiltration and as such I can't readily see how 'appearance, landscaping, layout and scale' can reasonably be approved without knowing how the site is going to be drained or protect and be protected against flood impact.

Reference in the Design and Access Statement includes that of a Flood Risk Assessment (not included) and to changed (reduced) flood risk from that historically apparent and in relation to flood zones – however these matters need to be addressed as part of this application in order to provide assurance that 'appearance, landscaping, layout and scale' can be assured as having the best sustainably available drainage strategy.

WLDC Tree and Landscape Officer: Comment

Representation received 10th March 2021:

This plan is insufficient regarding the amount of proposed soft landscaping and the necessary details. Further tree and native hedge planting is required, with details on species, size and form of trees, and density and planting layout of hedges. Some adjustments are required in addition to further soft landscaping required. A landscaping plan should be clear on what is to be planted in which position.

WLDC Senior Neighbourhood Planning Policy Officer: Comment and advice

Appearance - H2/D5/T7

Layout - H2/D5/T7/T8/T9/T10/013

Scale of the buildings - H2/D5/T7

Landscaping - H2/D5/T7/L10/010
Accessible dwellings 30% - H3?/D5
Maximum of 51 dwellings - H2/H3?
Two storey dwellings 20 meters from existing - H2/D5
footway to football ground - H2/D5/T8/T10

I would also advise making reference to the Scotter Character Appraisal which is a supporting document to the NP. Although the application site does not fall within an identified character area it does border three of them. For each the Appraisal provides design guidance which you might like to refer to. The Areas are: B (page 68on), C (see page 74on), and L9 (page 138on).

I note on the amended layout that many dwellings no longer front on to North Moor Road as they did on previous layout. In this connection, I would also like to refer you to the Character Appraisal page 72 figure 117 with supporting text.

Lincolnshire Police: No objections

NHS (North Lincolnshire CCG: Comment

The Kirton Lindsey Practice is already under pressure due to limitations with space at both their practices in Scotter and Kirton in Lindsey, and any increase in new housing is likely to impact on requests for new patient registrations, potentially increasing the list size and demand for clinical services.

We suggest the methodology used to determine a suggested amount of S106 funding is used from the Local Plan Housing and Primary Care Analysis, which uses a rate of £723.16 per dwelling: $£723.16 \times 42 \text{ housing units} = £30,372.72$ The Practice are already developing proposals for an extension and internal reconfiguration works to the surgery building, to provide additional space for delivery of primary care services, and to potentially provide space for the delivery of some wider community services, which will benefit local patients.

Should the request for S106 funding be successful, it would be used towards the proposed works at the Kirton Lindsey Surgery building, retaining services in the local community through maximising space for clinical service delivery within the existing building. Whilst the North Moor Road site is one housing development in the local area, the cumulation of all new housing proposed is adding to the pressures already faced by the Kirton Lindsey Practice. It is felt that the request is reasonable and at scale in relation to the application, and will provide necessary development of the local GP Surgery to continue delivery of primary care service for local patients.

WLDC Developer Contributions and Enabling Officer: Comment

The proposal provides in excess of the requirements of the S106 agreement associated with the outline permission, through the provision of 10 affordable housing units on the site. The proposed affordable tenures are also in line with those stated within the agreement, with 7 of the units being for Affordable

Rent and 3 for Shared Ownership. The distribution of the affordable properties across the site is acceptable.

It is noted that all of the affordable housing units are proposed to be 3 bedroom houses, and that the proposed house type for these includes an en-suite bathroom. En-suite bathrooms are not normally required in affordable housing and so it would be advisable to obtain clarification from the Registered Provider seeking to acquire the affordable units, that the house type meets their requirements.

LCC Education: No comment to make.

LCC Archaeology: No representations received to date.

Lincolnshire Fire and Rescue: No representations received to date.

LCC Minerals and Waste: No representations received to date.

ECM checked: 16th May 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 Scotter Neighbourhood Plan (made 22nd January 2018) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2023 (CLLP)***

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy

S21 Flood Risk and Water Resources

S47 Accessibility and Transport

S49 Parking Provision

S53 Design and Amenity

S57 The Historic Environment

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

- ***Scotter Neighbourhood Plan (SNP)***

Scotter Neighbourhood Plan was formally made by West Lindsey District Council at a Full Council Committee meeting on the 22nd January 2018.

Relevant policies of the NP include:

H2 Housing Allocation on North Moor Road, Scotter

H3 Housing Mix

D5 Design of New Development

T9 Parking Standards
T10 Footpath and Cycle Routes
L12 Landscape and Countryside

Scotter Character Assessment dated January 2017 – Site outside character areas but adjacent character area B and C.

It is considered that the listed policies of the Scotter Neighbourhood Plan are consistent with the relevant guidance of the National Planning Policy Framework

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

- ***Lincolnshire Minerals and Waste Local Plan***

The site is within a Sand and Gravels Minerals Safeguarding Area. The site is an allocated site in the CLLP and SNP. This was considered at outline application stage and is not relevant to Reserved Matters. National policy & guidance (Material Consideration)

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

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

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

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

- ***National Planning Practice Guidance***

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

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

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

- ***National Model Design Code (2021)***

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

Main issue:

Planning permission has already been granted. This application considers only whether to approve the reserved matters of scale, appearance, layout and landscaping.

- Scale and Appearance

In planning law¹, these are defined as:

‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.

- Layout

‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

- Landscaping

‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

Assessment:

Objections have been received from the Scotter Parish Council and residents in relation to scale, appearance, layout and landscaping.

Scale and Appearance

Outline Planning permission 134677 includes condition “11: All dwellings proposed within 20 metres of the shared boundary with dwellings off Arrandale (No.3, 4, 5, 6 and 7) and Messingham Road (namely Applegarth, Maracuja and Rustlings) shall be single storey dwellings only”. The remainder of the site is unrestricted.

¹ Article 2, The Town & Country Planning (Development Procedure) (England) Order 2015 (as amended)

Objections have been received from residents in relation to the height of the bungalows proposed to plot 30 to 43.

Local policy S53 states that *“all development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.”*

Local policy S53 includes 10 criteria most importantly criteria 1 (Context), 2 (Identity) and 3 (Built Form)

Criteria a) of Policy H2 of the Scotter Neighbourhood states that *“the height, scale, mass and layout of the new properties should respect the scale, character and location of adjacent properties in Arrandale to the south”*

The site is not within a character area set out in the Scotter Character Assessment dated January 2017 but it is adjacent area B and C. Area B is formed along the edges of several of the key routes which radiate from the village centre with varied dwelling styles and scales. Area C is a small residential cul-de-sac of bungalows build in the 2000's with repeated designs and front facing,

Page 20 of the design and access statement outlines the external materials to be used. It states the use of different red bricks and a buff variant with some render. Roofs to be covered in red clay and dark grey concrete tiles. Windows to be white UPVC. The application includes specific details on the external materials plan (12062 - WMS - ZZ - 00 - DR - A - 10005 - S8 - P7 dated May 2023 and 12062 - WMS - ZZ - 00 - DR - A - 10007 - S8 - P6 dated March 2023) specifying:

- the brick type
- roof tile
- window and doors
- rainwater goods

The type of materials proposed would be expected to be acceptable and provide some interest through the use of different materials alongside the different house type. The material plans would be conditioned to be accorded with on the reserved matters approval.

The proposed dwellings will predominantly be two storey in scale with 14 bungalows on plots 30-43 sharing a boundary with dwellings off Arrandale. The positioning of the bungalows is important to meet the single storey restriction set out in condition 11 of outline planning permission 134677.

The dwellings are proposed to be (all approximate from submitted plans):

Design	Beds	Height	Eaves Height	Length	Width	Type
Warwick	3	8.2	5.1	10.8	5.8	2 Storey
Mowbray	3	8	5.2	14.5	7.2	2 Storey

Coniston	3	7.8	5	13	8.8	2 Storey
Harrington	4	8.4	5.1	13.2	12.4	2 Storey
Grasmere	3	6.2	2.7	12.3	13.1	Bungalow
Buttermere	2	5.7	2.6	10.5	11.7	Bungalow
Harrington+	5	8.3	5.1	15.4	13.2	2 Storey

The proposed development includes house types of different scale and appearance. None of the two storey dwellings proposed are overly large in terms of height ranging from approximately 7.8 metres to 8.4 metres. The scale of the bungalows has been objected to and have subsequently been reduced from 7.1 metres high to 5.7 and 6.2 metres high.

The variety of designs and the concept of positioning the same two storey dwelling design on different parts of the site is likely to provide a more appropriate development than if the designs were concentrated in one particular area. The bungalows have to be concentrated to plots 30-43 due to the single storey condition 11 of outline planning permission 134677.

It is therefore considered that the scale and appearance of the dwellings is acceptable and would not have an unacceptable harmful impact on the site, the street scene or the settlement edge and accords to local policy S53 of the CLLP, policy H2 of the Scotter Neighbourhood Plan and the provisions of the NPPF.

It is considered that policy H2 is consistent with the design, character and visual amenity guidance of the NPPF and can be attached full weight.

Layout

Local policy S49 (appendix 2) and S53 of the CLLP and policy H2a) of the Scotter Neighbourhood Plan again apply to the layout as well as H2 criteria g). Criteria g) of policy H2 states that *“to provide adequate parking standards relevant to the size of the property”*. Policy T9 of the Scotter Neighbourhood Plan sets out parking standards for each dwelling based on the amount of bedrooms.

The layout submitted with the original application included a number of vehicle access points onto North Moor Road which were not on the approved plans in outline permission 143677. This triggered the submission of an amended layout to replicate the access points approved in the outline permission.

The proposed layout provides a main estate road with branch cul-de-sacs initially to the north and then to the south. A second private driveway is proposed to the north of the north east boundary. The roads unless a private drive are served by pedestrian footpaths on at least one side providing safe access around the site and onto the North Moor Roads pedestrian footpath network. All of the dwellings are highway/private drive facing dwellings.

The different two storey dwelling types are spread throughout the site to add visual interest. The bungalows are concentrated in an area due to condition 11 of the outline permission as described below. The proposed dwellings are

positioned so that they are sufficiently separated from one another and are set back away from the pedestrian footpath. The plot sizes provide an acceptable amount of rear garden space. In accordance with local policy S49 of the CLLP and T9 of the SNP dwelling types Coniston (3 bed), Harrington (4 bed), Buttermere (2 bed) and Harrington Plus (5 bed) would have acceptable off street parking provision. House types Mowbray (3 bed) and Grasmere (3 bed) would have acceptable off street parking provision if you included the attached single garage. House type Warwick (3 bed) would be a parking space short having two and not three spaces therefore would not meet the parking standard set by local policy S49 (appendix 2) and neighbourhood plan policy T9.. Local policy S49 (appendix 2 – car parking standards) is a new addition to the CLLP 2023 and was not part of the revoked Central Lincolnshire Local Plan Review 2012-2036.

The Highways Authority at Lincolnshire County Council have not objected to the proposed level of off street parking provision.

The layout includes two areas of open space with natural surveillance from the proposed dwellings which breaks up the developments built form.

Condition 11 of outline permission 134677 requires any proposed dwellings within 20 metres of the listed properties have to be single storey. The development proposes bungalows to plots 30 to 43 which meets the condition.

The impact of the development on the living conditions of adjoining residents will be discussed later in this report. It is acknowledged that house type Warwick would not accord with the parking standards of local policy S49 (appendix 2) or policy T9 of the SNP. However weighed against this is the lack of objection from the Highways Authority.

it is therefore considered that the parking provision , on balance, is acceptable and the layout would accord with local policy S49 and S53 of the CLLP, policy H2 and T9 of the Scotter Neighbourhood Plan and the provisions of the NPPF.

It is considered that policy H2 and T9 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Landscaping

Local policy S53 of the CLLP and policy H2 of the Scotter Neighbourhood Plan again apply to the landscaping of the site. Criteria h) of the Scotter Neighbourhood Plan states that *“boundary treatments and landscaping must be appropriate to its rural setting particularly in relation to the open countryside to the north and west.”*

Details of landscaping originally submitted were not comprehensive. The Authority’s Tree and Landscape Officer (TLO) assessed the landscaping details and stated in summary that:

- Insufficient regarding the amount of proposed soft landscaping and the necessary details.
- Further tree and native hedge planting is required, with comprehensive details.
- Some adjustments are required in addition to further soft landscaping required.

In the most up to date plans details of landscaping are spread over a number of plans namely plan 12062 10001 Rev P18 dated May 2023 (Site and Landscaping Plan), 12062 10005 Rev P7 dated May 2023 (External Materials Plan) and 12062 10007 Rev P7 dated May 2023 (Roof Tiling and Road Surfacing Plan).

Plan 12062 10007 Rev P7 dated May 2023 (Roof Tiling and Road Surfacing Plan) provides clear and acceptable details of all hardstanding including the entrance bell mouth and 2 metre wide pedestrian footpaths which are to be completed in tarmac to the highway authority's specification.

As stated by the TLO on the original plans the soft landscaping detail still lacks detail in terms of planting details.

The landscaping details on site and landscaping plan (12062 - WMS - ZZ - 00 - DR - A - 10001 - S8 - P18 dated May 2023) provides details of all boundary treatments dividing the plots and on the outer boundaries of the site. The plots would be divided by fence panels and walls. The outer boundaries of the site would be screened by the following:

- North boundary by fence panels along the left half screening the rear garden of plot 1 and open along the right half.
- North east boundary adjacent North Moor Road would be open to the front of plot 1 and screened by fence panels to the rear of plots 2-16 and the side rear garden of plot 17. The front side boundary of plot 17 and 30 would be open. Fence panels would screen the rear side garden of plot 30.
- The south east boundary and east boundary shared with plots 30-34 and 36-43 would be screened by retained hedging.
- The south boundary would be screened by a mix of retained hedging and fence panels to the south rear garden boundary to plot 43.
- The west boundary would be screened by timber knee rail.

It is considered that the amended plan provides sufficient information on boundary treatments including the retention of hedging and the position of new trees. However as already advised the plan lacks details of the tree species and aftercare..

The outer north west boundary is within the street scene of North Moor Road but due to the approved access points in outline permission 134677 and the awkward shape of the site most of the dwellings rear elevation/garden space on this section of the site would face this North Moor Road boundary.

Therefore there is a conflict between retaining the street scene and privacy to the rear garden of plots 2 to 17. To retain the privacy of plots 2-17 substantial boundary treatments would be required up to 1.8 to 2 metres high. Whilst it would be preferred if a mix of hard and soft landscaping was introduced to the boundary adjacent North Moor Road it is not considered that fence panels are unacceptably harmful to the area.

Guidance within paragraph 131 of the NPPF states that unless there are clear, justifiable and compelling reasons not to “*planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards)*”. It is considered that local and neighbourhood plan policy does not specifically refer to tree-lined streets but they do encourage appropriate landscaping to be submitted. Some of the proposed trees on the site plan line the streets adjacent the open spaces but tree-lined streets would not be present throughout the development.

Whilst most of the landscaping detail is considered acceptable it lacks clarification of soft landscaping in relation to species, planting height and aftercare .

Therefore subject to further details through an additional condition the landscaping of the site would be expected to accord to local policy S53 of the CLLP, policy H2 of the Scotter Neighbourhood Plan and the provisions of the NPPF.

It is considered that whilst policy H-2 is not wholly consistent with the landscaping guidance of the NPPF and can be attached some limited weight.

Other Considerations:

Housing Mix and Affordable Housing

The Legal S106 Agreement dated 14th December 2017 signed in outline planning permission 134677 requires the delivery of no less than 20% affordable housing on the site to meet the policy requirements of local policy LP11 of the CLLP and policy H2 (j) of the Scotter Neighbourhood Plan. Schedule 5 paragraph 8 (pg23) of the S106 Agreement required:

8. The Reserved Matters Application shall specify the following matters(collectively referred to as “the Details”) namely the physical location, layout and specification (including that of any common parts serving the Dwellings), and whether the Dwelling has a parking space or garage, as well as the type and tenure of individual Dwellings.

23

The application includes plan 12062 - WMS - ZZ - 00 - DR - A - 10001 - S8 - P18 dated May 2023 which identifies the position and layout of the affordable houses on:

Plot 4, 14, 15, 23, 24, 27 and 28 – Affordable Rent Units
Plot 5, 7 and 8 – Shared Ownership Units

The elevation plans additionally identify the specification of the proposed affordable houses.

20% of the 42 dwellings (9 dwellings) would need to be affordable housing otherwise a breach of the Section 106 agreement would occur. This development would provide 10 affordable dwellings on a site of 43 dwellings. This equates to a percentage of 23.25% which meets the 20% policy requirement.

The Contributions Officer has raised concerns over the potential of a registered provider taking on housing with en-suite bathrooms. The Contributions Officer states that *“clarification from the Registered Provider seeking to acquire the affordable units, that the house type meets their requirements”* would be advised.

Schedule 5 paragraph 3 (pg22-23) of the S106 Agreement

3. Prior to the first Occupation of the first Open Market Unit to be constructed on the Site the Owner shall have entered into a contract for sale and purchase in writing with a Registered Provider (subject to the prior approval in writing by the Council or another Affordable Housing provider approved in writing by the Council) in respect of the Affordable Housing Units which the Owner is obliged to construct under paragraph 1 above and the Owner shall supply to the Council a certified copy of such agreement within 5 Working Days of it being completed

Whilst the comment of the Contributions Officer is acknowledged the Local Planning authority can only advise the applicant as it is their responsibility to enter into a contract with a registered provider prior to first occupation of the first open market house on the site.

The proposed housing on the site would provide:

- 19 three bedroom two storey dwellings
- 2 three bedroom single storey bungalows
- 12 two bedroom single storey bungalows
- 9 four bedroom two storey dwellings
- 1 five bedroom two storey dwelling

This is considered an acceptable mix of dwelling types on the site to provide potential accommodation for families of varying sizes plus couples.

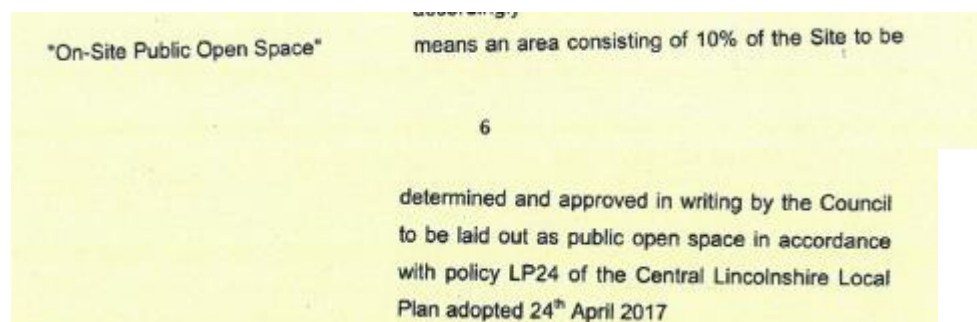
Amended site and landscaping plan 12062 - WMS - ZZ - 00 - DR - A - 10001 - S8 - P18 dated May 2023 identifies the 16 dwellings (37.2%) which will be constructed to meet the 30% requirement of dwellings to meet the Building

Regulation Part M4(2) standards (see condition 6 of outline planning permission 134677).

Therefore it is considered that the mix of housing is acceptable and the development would meet the 30% requirement of dwellings to meet the Building Regulation Part M4(2) standard.

Open Space

In the definitions and interpretation section of the signed Legal Agreement dated 14th December 2017 it defines on-site public open space to be:



The site is 20600m² (2.06 hectares) therefore the site is required by the legal agreement to provide 2060m² of open space on the site. Plan 12062 - WMS - ZZ - 00 - DR - A - 10001 - S8 - P16 dated February 2023 identifies two areas of open space. These are:

1. 2135m² centrally located to the north of plot 19-22 and adjacent the north west boundary.
2. 897m² to the south west corner of the site to the west of plots 35-43.

This equates to a total of 3032m² of open space on the site which is afforded natural surveillance by the dwellings which face them. The larger area would be the main open space and individually it meets the 10% requirement identified in the Section 106 Legal Agreement.

Residential Amenity

Local policy S53 section 8 criteria d) states that *"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."*

There is no direct reference to residential amenity in the Scotter Neighbourhood Plan but Policy H2 criteria a) states that *"the height, scale, mass and layout of the new properties should respect the scale, character and location of adjacent properties in Arrandale to the south"*.

It is reminded that condition 11 of outline permission 134677 requires any proposed dwellings within 20 metres of the listed properties have to be single storey in scale.

Objections have been received in relation to residential amenity particular in relation to the height of the bungalows which share a boundary with the dwellings off Arrandale.

The bungalows (Grasmere) proposed to plot 30 to 43 were originally submitted to have a height to the roof ridge of 7.1 metres which is relatively high for a single storey bungalow. Following negotiation with the agent new plans were submitted reduced to 6.2 (Grasmere) and 5.7 (Buttermere). The bungalows proposed would be between 12 to 13 metres from the shared boundary with dwellings off Arrandale and the height would be reduced further by the higher position of most of the Arrandale dwellings. It is therefore considered that the proposed bungalows due to their scale and position would not have an unacceptable harmful impact on the living conditions of the Arrandale residents.

Concerns have been raised in relation to the roof accommodation of the bungalows being converted to living accommodation. Condition 11 of outline planning permission 142460 requires all the bungalows to be single storey for reasons of residential amenity and separation distance. If approved and built the roof accommodation of the single storey bungalows could subsequently be converted into living accommodation without the need for planning permission in accordance with Schedule 2 Part 1 Class B (additions etc. to the roof of a dwellinghouse) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Given the separation distance it is not considered that removing this permitted development from plots 30-43 would be reasonable or necessary.

However given condition 11 of outline planning permission 142460 it would be considered reasonable and necessary to remove Schedule 2 Part 1 Class AA (enlargement of a dwellinghouse by construction of additional storeys) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The only other existing neighbouring dwellings are on the other side and to the east of North Moor Road. These dwellings are a considerable distance from the nearest dwellings therefore their living conditions would not be harmed.

It is additionally important to assess the living conditions of the potential residents who would occupy the dwellings. Most of the dwellings apart from areas where bungalows are located will be overlooked to a certain degree from each other or from dwellings off Arrandale but they would have adequate private rear garden space immediately outside their rear elevations.

Therefore overall the development would not have an unacceptable harmful impact on the living conditions of the existing or future residents and would accord with local policy S53 of the CLLP, policy H2 of the Scotter Neighbourhood Plan and the provisions of the NPPF.

It is considered that policy H2 is consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Drainage

Objections have been received in relation to drainage from the site.

Criteria k of the flood risk section of local policy S21 of the CLLP requires 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;*

Criteria e) of policy H2 of the Scotter Neighbourhood Plan requires that *“appropriate flooding and surface water drainage are mitigated and the development must not lead to further issues elsewhere. The applicant will also be required to submit a foul and surface water drainage strategy”*.

The application has included a Preliminary Drainage Layout Plan (PDLP) 12062 - WMS - ZZ - XX - DR - C - 39200 - S3 - P5 dated May 2023 and a Soaked CBR Letter Report dated 17th November 2022.

Surface Water:

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

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

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

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

Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out

those local situations where they anticipate particular sustainable drainage systems not being appropriate.”

The PDLP states in summary that all roof drainage to be discharged to the plots permeable driveway and utilise the sub base of the permeable driveway to infiltrate into the ground. Roof water is to be connected to the driveways via a perforated distributor pipe. The highways would be drained via infiltration basin or infiltration strip with filter strip.

The Soaked CBR testing included excavating 5 machine trial pits and the report provides a summary of the ground conditions. These are:

Topsoil:

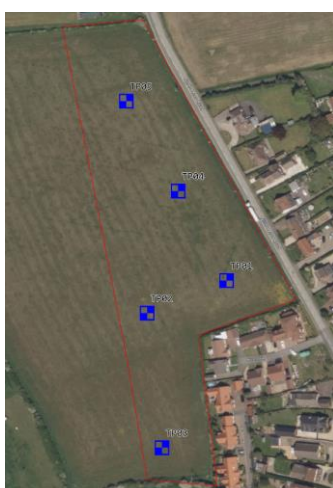
Within the trial pits slightly sandy gravelly clayey topsoil was proven to depths of between 0.25mbgl (TP05) and 0.40mbgl (TP01).

Natural Deposits:

Natural deposits underlying the topsoil generally comprised gravelly clayey sandy to a depth of between 0.50mbgl and 0.70mbgl with TP02 to TP05 underlain by sand to a termination depth of 0.70mbgl.

Table 1 summarises the testing results

Location	Position	Result (CBR%)	Average CBR %
TP01, 0.60m	Top	0.10%	0.15%
	Base	0.20%	
TP02, 0.60m	Top	0.50%	0.45%
	Base	0.40%	
TP03, 0.60m	Top	0.50%	0.50%
	Base	0.50%	
TP04, 0.60m	Top	0.60%	1.10%
	Base	1.60%	
TP05, 0.60m	Top	4.70%	2.90%
	Base	1.10%	



The Lead Local Flood Authority (LLFA) have previously raised concerns that infiltration would be unlikely to work on the site. However following receipt of additional information including percolation tests the Lead Local Flood

Authority have not objected to a surface water scheme using infiltration methods.

Foul Water:

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

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

The PDLP states that due to the site levels and the existing foul sewer levels it is necessary for a portion of the development to be served by a pumping station. The pumping station will discharge into new S104 foul sewers connecting to the existing sewer to the south of the site.

It is considered following comment from the LLFA that the layout submitted would be able to accommodate a suitable drainage scheme which is the main consideration at Reserved Matters. Outline permission 134677 includes a separate condition for surface water drainage and foul water drainage. These conditions require the submission of detailed information and plans for assessment by the relevant parties prior to commencement of works on the site.

The discharge of foul water to the existing sewer is acceptable but a final plan is required in line with the latest plan.

The application has not provided any details that the required capacity improvements have been delivered.

Therefore more comprehensive foul and surface water drainage details will need to be submitted for assessment through a condition discharge application at a later date.

It is considered that the proposed development would not be expected to have an unacceptable harmful impact on drainage and accord to local policy S21 of the CLLP, policy H2 of the Scotter Neighbourhood Plan and the provisions of the NPPF.

It is considered that policy H2 is consistent with the drainage guidance of the NPPF and can be attached full weight.

Highway Safety

Local policy LP13 of the CLLP States that *“development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.”*

Criteria d) of policy H2 of the Scotter Neighbourhood Plan states that the site needs to *“provide new well connected and integrated public footpaths and cycle ways that link into the existing settlement”*.

Criteria g) of policy H2 of the Scotter Neighbourhood Plan states that the site needs to *“to provide adequate parking standards relevant to the size of the property”*.

Policy T8 and T9 of the Scotter Neighbourhood Plan sets out criteria for the highways and off street parking spaces required for each dwelling based on its individual number of bedrooms.

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

Condition 13 of outline permission 134677 requires a 1.8 metre footpath along the frontage of the site prior to first occupation.

Condition 14 of outline permission 134677 requires the roads and footpaths to be constructed to a specification to enable them to be adopted as Highways Maintainable at the public expense.

Objections have been received in relation to highway safety and safe pedestrian access to the village centre from the main access. The amended site and landscaping plan (P12062 - WMS - ZZ - 00 - DR - A - 10001 - S8 - P18 dated May 2023) demonstrates acceptable roads and footpaths within the site and driveways for off street parking. The provision of off street parking for each dwelling has previously been assessed earlier in the layout section of this report. This concluded that in accordance with local policy S49 of the CLLP and T9 of the SNP house types Coniston, Harrington, Buttermere and Harrington Plus would have acceptable off street parking but house type Warwick (3 bed) would be a parking space short. However on balance with weight afforded to the lack of objection from the Highways Authority the off street parking provision for the development would be considered acceptable.

The condition requires the roads and footpaths to be constructed to an adopted standard and this would be considered through a Section 38 Agreement application with the Highways Authority at Lincolnshire County Council.

The site plan additionally demonstrates a pedestrian footpath adjacent the north east boundary which allows safe pedestrian access from plot 1 to plot 43 and terminates at 7 Arrandale. The footpath meets the 1.8 metre width. However details of specification are not submitted therefore are considered relevant and necessary to be conditioned. The grassed area between 7 Arrandale and North Moor Road is within the ownership of 7 Arrandale therefore cannot be used to extend the footpath without their consent.

The Highways Authority at Lincolnshire have requested a condition demonstrating a 1.8 metre footpath/tactile crossing connecting the development to the existing footway network. Whilst a footpath is identified on the site and landscaping plan it has no tactile crossing and there are no specification details. This is considered as reasonable and necessary and would be attached to any permission.

It is considered that the proposed development would not cause a severe impact on highway safety and accords to local policy S47 and S49 of the CLLP, policy T8 and T9 of the Scotter Neighbourhood Plan and the provisions of the NPPF.

It is considered that policy T8 and T9 are consistent with the highway safety guidance of the NPPF and can be attached full weight.

Flood Risk

The site is located within flood zone 1 but within close proximity to an area of flood zone 3 to the west. Condition 15 of outline permission 134677 requires the ground floor levels of the dwellings to be 150mm above ground level.

A Preliminary Levels Strategy Plan (39010-S3-P2) dated 1st February 2021 states the proposed level of the ground as 7.100. The plan identifies the ground level of each dwelling as meeting the condition which must be adhered to.

In email dated the 16th July 2021 the agent stated *“regardless of the requirements of the condition, it is standard design practice to set external ground levels at 150mm below the DPC (which is typically laid at floor level) in any case”. We have not developed full technical details at this stage, nor a full and exhaustive levels strategy, but if there are any instances where the ground level would be less than 150mm below FFL, we would look to incorporate a localised gravel strip/channel or similar adjacent to the house, set at 150mm below the floor level, in order to maintain this requirement”.*

Condition 15 of 134677 is a condition to be adhered and does not require any information to be submitted as part of a reserved matters planning application.

Community Infrastructure Levy (CIL)

The development is not liable to a CIL payment as the outline planning permission was granted before CIL came into force.

Conclusion and reasons for decision:

The decision has been considered against local policies S1 The Spatial Strategy and Settlement Hierarchy, S21 Flood Risk and Water Resources, S47 Accessibility and Transport, S49 Parking Provision, S53 Design and Amenity, and S57 The Historic Environment of the Central Lincolnshire Local Plan 2023, Policy H2 Housing Allocation on North Moor Road, Scotter, H3 Housing Mix, D5 Design of New Development, T9 Parking Standards, T10 Footpath and Cycle Routes and L12 Landscape and Countryside H2 Housing Allocation on North Moor Road, Scotter of the made Scotter Neighbourhood

Plan. Furthermore consideration has been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Model Code. In light of the assessment the scale, appearance, landscaping and layout of the development is acceptable. The development would not have an unacceptable harmful visual impact on the site, the street scene or the surrounding area. The proposal would not have an unacceptable harmful impact on the living conditions of neighbouring dwellings, highway safety or drainage or biodiversity.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

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

Prepared by: Ian Elliott

Date: 15th May 2023

Recommended Conditions

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

See Outline Permission 134677

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

NONE

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

1. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:
 - 12062 10001 Rev P18 dated May 2023 – Site and Landscaping Plan
 - 12062 10005 Rev P7 dated May 2023 – External Materials Plan

- 12062 10007 Rev P7 dated May 2023 – Roof Tiling and Road Surfacing Plan
- 12062 39200 Rev P5 dated 3rd May 2023 – Drainage Plan

Elevation and Floor Plans (unless stated all dated September 2018)

- 10400 Rev P2 dated July 2021 – Warwick Floor Plans (3B5P)
- 10600 Rev P3 dated July 2021 – Warwick Option A Elevation Plans (3B5P)
- 10601 Rev P4 dated July 2021 – Warwick Option C Elevation Plans (3B5P)
- 10407 Rev P1 dated April 2021 – Mawbray Floor Plans (3B6P)
- 10615 Rev P1 dated April 2021 – Mawbray Option A Elevation Plans (3B6P)
- 10616 Rev P1 dated April 2021 – Mawbray Option B Elevation Plans (3B5P)
- 10402 Rev P3 dated October 2020 – Grasmere Floor Plans (3B6P)
- 12062 Rev P3 dated July 2021 – Grasmere Option A Elevation Plans (3B6P)
- 12062 Rev P3 dated July 2021 – Grasmere Option C Elevation Plans (3B6P)
- 12062 Rev P1 dated April 2021 – Coniston Floor Plans (4B7P)
- 12062 Rev P4 dated October 2020 – Coniston Floor Plans (4B7P)
- 12062 Rev P1 dated April 2021 – Coniston Option A Elevation Plans (4B7P)
- 12062 Rev P1 dated April 2021 – Coniston Option B Elevation Plans (4B7P)
- 12062 Rev P2 dated September 2020 – Harrington Floor Plans (4B8P)
- 12062 Rev P2 dated September 2020 – Harrington Option A Elevation Plans (4B8P)
- 12062 Rev P3 dated October 2020 – Harrington Option C Elevation Plans (4B8P)
- 12062 Rev P4 dated October 2020 – Harrington Plus Floor Plans (5B10P)
- 12062 Rev P4 dated October 2020 – Harrington Plus Option C Elevation Plans (5B10P)
- 12062 Rev P1 dated March 2023 – Buttermere Floor Plans (2B4P)
- 12062 Rev P1 dated March 2023 – Buttermere Option A Elevation Plans (2B4P)
- 12062 Rev P1 dated March 2023 – Buttermere Option C Elevation Plans (2B4P)

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy S53 of the Central Lincolnshire Local Plan 2012-2036 and policy H3, D5 and T9 of the Scotter Neighbourhood Plan.

2. No development above ground level must take place until the following additional landscaping details have been submitted to and approved in writing by the Local Planning Authority. Details must include:

- Species, planting height and aftercare of all new trees.

The development must be completed in strict accordance with the approved details.

Reason: To ensure that appropriate landscaping is introduced and would not harm the character and appearance of the site or the surrounding area to accord with the National Planning Policy Framework, local policies S53 of the Central Lincolnshire Local Plan 2023 and D5 of the Scotter Neighbourhood Plan.

3. No development above ground level must take place until a detailed specification and plan for:

- a 1.8 metre wide footway with tactile crossing to connect the development hereby approved to the existing footway network to the north east and/or south east and
- a 1.8 metre wide footway to the front of the site to connect development hereby approved to Northmoor Park Playing Field to the north.

has been submitted to and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway. No occupation of the development must take place until the connecting footway and tactile crossing has been fully completed in strict accordance with the approved scheme.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property to accord with the National Planning Policy Framework, local policies S47 and S53 of the Central Lincolnshire Local Plan 2023 and T10 of the Scotter Neighbourhood Plan.

4. No occupation of a dwelling hereby approved must take place until, 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, must 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 to accord with the National Planning Policy

Framework, local policies S47 and S53 of the Central Lincolnshire Local Plan 2023 and D5 of the Scotter Neighbourhood Plan.

5. No development above ground level must take place until an Estate Road and Phasing Plan for the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The Plan must set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development. The development must be completed in strict accordance with the approved details.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development to accord with the National Planning Policy Framework, local policies S47 and S53 of the Central Lincolnshire Local Plan 2023 and D5 of the Scotter Neighbourhood Plan.

6. No occupation of each individual dwellings must take place until its individual driveway or parking space(s) has been completed in accordance with site layout plan 12062 Rev P17 dated May 2023 and retained for that use thereafter.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework, local policies S47 and S53 of the Central Lincolnshire Local Plan 2023 and policy D5 and T9 of the Scotter Neighbourhood Plan.

7. The development must be completed in accordance with the external materials plan 12062 Rev P7 dated May 2023 and Roof Tiling and Road Surfacing Plan 12062 Rev P7 dated May 2023.

Reason: To safeguard the character and appearance of the site, the area and the area of great landscape value and to ensure the proposal uses materials and components that have a low environmental impact to accord with the National Planning Policy Framework, local policies S53 of the Central Lincolnshire Local Plan 2023 and policy D5 and T9 of the Scotter Neighbourhood Plan.

8. As identified on site plan 12062 Rev P17 dated May 2023 plots 23, 24 and 30 to 43 must be completed to accord with standard M4(2) of the Building Regulations (access to and use of buildings) and retained as such thereafter.

Reason: To accord with the policy requirement to comply with the 30% M4(2) standard to accord with the National Planning Policy Framework and local policy S23 of the Central Lincolnshire Local Plan 2023.

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

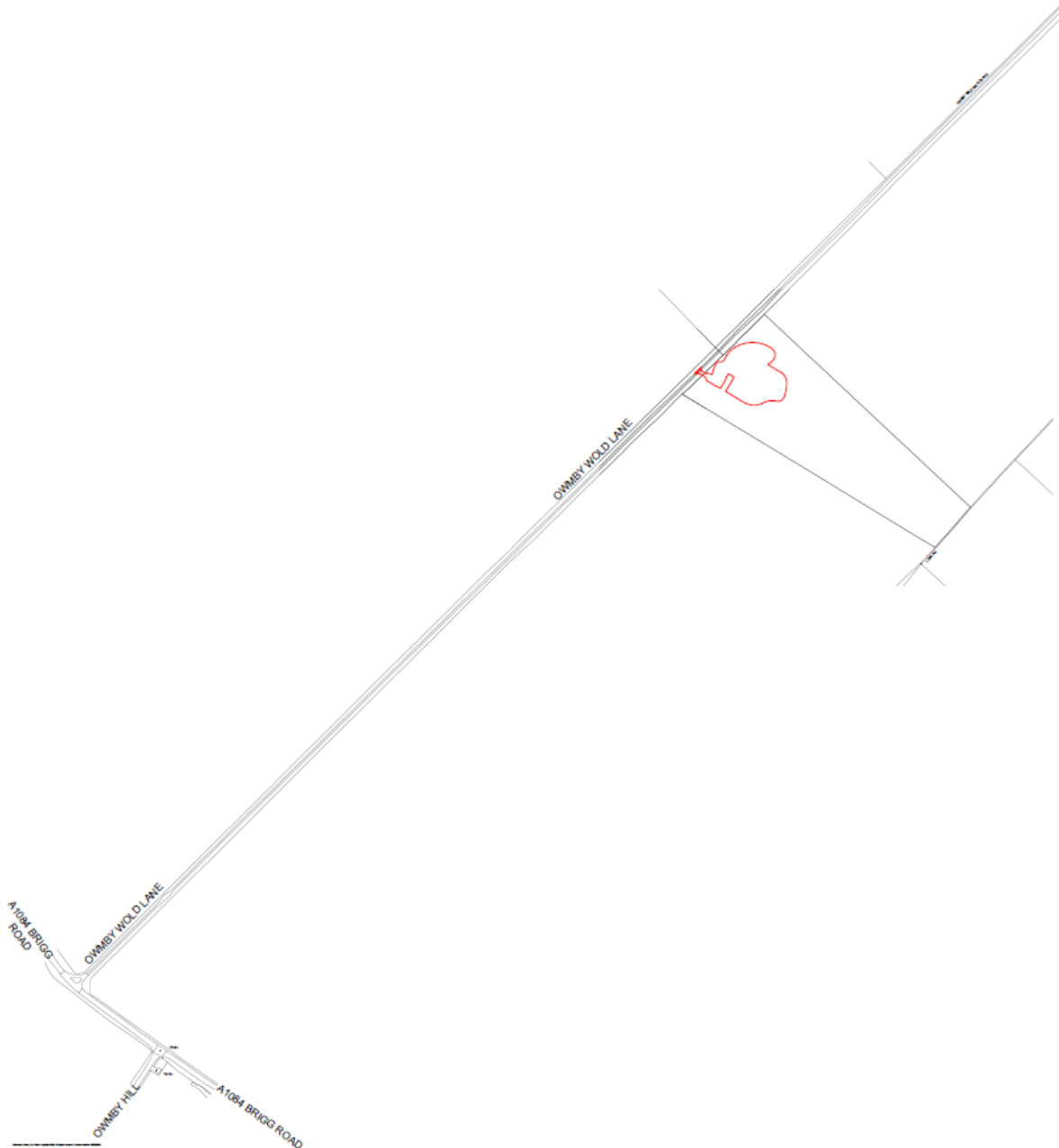
9. All planting or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development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

Reason: To ensure that additional trees are provided within the site to mitigate for the trees which are to be removed to accord with the National Planning Policy Framework, local policies S53 of the Central Lincolnshire Local Plan 2023 and policy D5 of the Scotter Neighbourhood Plan.

10. Notwithstanding the provisions of Classes AA of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the bungalows hereby approved on plots 30-43 must not be extended in the form of an additional storey (not including the conversion of the roof accommodation) 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 resulting amount of space around the dwelling to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

Agenda Item 6b



Officers Report

Planning Application No: 146226

PROPOSAL: Planning application to erect 1no. paragraph 80 dwelling.

LOCATION: Land off Owmbly Wold Lane Owmbly Barnetby

WARD: Kelsey

WARD MEMBER(S): Cllr P Morris

APPLICANT NAME: Ms Victoria Midgley

TARGET DECISION DATE: 19/04/2023 (Extension to 2nd June 2023)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Planning Committee:

This application has been referred to the Planning Committee following third party objections and a departure from the Central Lincolnshire Local Plan.

Description:

Proposal:

The development proposes to construct one single storey dwelling with attached annex. The dwelling would be a five bedroom dwelling including a games room and internal swimming pool. The attached annex would have 2 bedrooms. Vehicle access to the site would be among the north west boundary with associated garden space and at least 8 car parking spaces. The development has been submitted as an exemplar dwelling in an isolated location in consideration of paragraph 80 of the National Planning Policy Framework.

Concept:

The aspiration of the applicants is to *“create a landmark home that has truly unique and iconic architecture with the bonus of self-sustaining grounds”*. The dwelling is proposed to be a modern farmstead sustainably built and influenced by the agricultural ridge and furrow landscape. Construction would include sustainable hempcrete walls/ceilings, limecrete floor, red cedar timber wall finish and planted roofs.

Hempcrete is *“the popular term for a hemp-lime composite building material. It is created by wet-mixing the chopped woody stem of the hemp plant (hemp shiv) with a lime based binder to create a material that can be cast in moulds. This forms a non-load bearing, sustainable, ‘breathable’ (vapour permeable) and insulating material that can be used to form walls, floor slabs, ceilings and roof insulation, in both new build and restoration projects.”*

Limecrete is *“a combination of natural hydraulic lime and lightweight aggregate as sharp sand and glass fibres. This creates a breathable material which can be used as an alternative to concrete.”*

The gardens and grounds would be based on permaculture which is *“an intentionally planted integrated eco system of trees, shrubs and plants that provide food for humans and habitat for wildlife while continually improving soil quality.”*

Site:

The application site is an agricultural field (0.05 hectares) to the north of Grasby along Owmbly Wold Lane. The site slopes upwards to the north east and south east. The adjoining land to the south west and north west slopes upwards away from the site. Access to the site is via Owmbly Wold Lane which is a single track highway initially constructed from hardstanding and then turning to a more agricultural style track.

The site boundaries are open to the remainder of the agricultural field to north east and south east. The south west boundary is screened by field hedging with trees along the north west boundary. Agricultural fields are adjacent or opposite in all directions.

Public rights of way Sear/46/1 is adjacent to the north west boundary of the site and is part of Owmbly Wold Lane.

Relevant history:

143958 – Pre-application enquiry for 1 dwelling – 22/12/21

Extracts from letter:

“The proposed development has not to date been assessed by a design review panel and this process would be expected to be completed prior to any formal application being submitted. It is advised that a design review panel is only an advisory process and positive advice from the review panel does not automatically guarantee an approval of planning permission.”

“The site is located over 1000 metres from the nearest settlement/built form (Grasby, Owmbly and Searby) and sits within lower ground to the surrounding attached and adjacent fields which enhances the isolated feel of the site. It is therefore considered that the location would be likely to be considered as an isolated location in accordance with the high court judgement and paragraph 80 would be highly likely to be engaged.”

“The proposed dwelling is highly unlikely to meet an essential need to the effective operation of a rural operation. It would likely be a direct departure from the Central Lincolnshire Local Plan, namely policies LP2 and LP55.”

“It is highly likely that the site would be considered to be in an isolated location far away from places, buildings and people therefore triggers paragraph 80 of

the NPPF. The design has the potential to be sensitive to its location but the submission does not fully justify that the dwelling would meet the high bar set by paragraph 80 of the NPPF in terms of exceptional quality and truly outstanding.”

“The field is classed in Natural England’s East Midlands Agricultural Land Classification Map as grade 2 (very good). This designates the site as being very productive for agricultural use for crop growing therefore the proposed dwelling would mean the loss of grade 2 agricultural land which forms part of a wider agricultural field. No justification for this loss or results of soil testing have been submitted with this pre-application to determine the acceptability of building on this fertile land. It is therefore advised that soil testing would be required by a professionally qualified person and justification for the loss of fertile agricultural land.”

Representations

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

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

Parish/Town Council/Meeting: No representations received to date

Local residents: Representations received from:

Objections:

14 Station Road, Grasby

28b Grasby Road, Grasby

31 Vicarage Lane, Grasby

4 Church Hill, Grasby

Chime Cottage, 5 Church Side, Grasby

The Cottage Main Street, Searby

Manor Farm, Owmbly

Paragraph 80

- Part 1 of category one is subjective. Part 2 of category one is not met as does not enhance the rural setting. Therefore paragraph 80 not met.
- Does not have the qualities to outweigh loss of valuable land.
- Is not truly outstanding or of exceptional quality.
- Not enhance the immediate setting or sensitive to defining character of the local area.

Highway Safety

- Lane is used by tractors and not suitable for other vehicles.
- Owmbly Wold Lane does not appear to be satisfactory for proposed dwelling with proposed 8 parking spaces.
- Owmbly Wold Lane is narrow and unlit.
- With agricultural use particularly in busy periods Owmbly Wold Lane is not conducive to additional traffic.
- Difficult for refuse lorries/emergency vehicles to attend.

- Owmbly Wold Lane is tarmac for some distance then becomes green lane which dwelling is accessed off.
- Important construction and agricultural traffic will need to work around each other at busy times.

Visual Impact/Character

- Substantial harm on Area of Great Landscape Value.
- Peace and tranquillity of Area of Great Landscape Value and open countryside would be adversely impacted.
- Detract from rural landscape.
- Harm and spoil the special open countryside landscape which is visually uninterrupted by buildings or dwellings.

Use

- The field is for agriculture.
- Land has been farmed for 60 years and remnants of old farmstead no longer exist.
- On grade 2 agricultural land which is very good quality and vital not to lose for food production and high yield of quality crops.
- Concerns proposed tree line on south boundary which borders with Manor Farm agricultural land would overhang crops in field causing problems for machinery and shadow crops.
- Large should be left behind plating line for tractors.
- Like a condition that applicants cannot complain about farm activity disturbing them e.g. smell, mud, dust, spraying etc.

Public Right of Way

- Lane is used by dog walkers and horses
- Any vehicular traffic to and from development will force people off the bridleway.
- Deliveries/haulage vehicles during construction would further devalue the bridleway.
- Impact the enjoyment of the Public Right of Way.
- Loss of amenity to residents, dog walkers, hikers, cyclist, horse riders and other users of the bridleway.
- Isolated peaceful bridleway should not be spoilt.
- Use would be compromised.

Ecology

- Should be protected for geese, foxes, hare and deer.
- Development would disturb habitats of many native species.
- Disturb natural habitat which supports native species including skylarks, grey partridge, 3 species of deer, hares, golden dove, 3 species of owl, buzzards, red kites, sparrow hawk and kestrel.

Open Countryside

- Protected open countryside and views.
- Impact on enjoyment of open countryside.
- Dwelling would be situated within open countryside.

Infrastructure

- Any services to development above ground level would have negative effect on the surrounding nature of the area.
- Services below ground will disrupt users during construction.
- No reference to water supply.
- Concerned about availability of enough water to fill these water bodies and the stream. Understanding that run-off from house/buildings will be used along with rainfall. Concerned not enough so pull water from surrounding fields into dip of land where dwelling is.
- Concerned there will be a future application for a borehole.
- Concerned about lowering water table and affect crops close by.
- Water is a precious resource and essential for growing crops.

Scale

- Out of proportion for location as very large and detached annex. Previous buildings very small and presumably of traditional Lincolnshire vernacular design.

Other

- Provide holidays/outside activity.
- Will be another holiday development damaging landscape

General Observations:

Somerby Top Farm, Somerby

- Own land opposite to the North West.
- Likely to have significant impact on operations of business and business likely to have significant impact on occupants.
- Owmbly Wold Lane used by dog walkers/agricultural machinery.
- Agricultural machinery uses all times of day and at certain times late into the night or early in the morning which could cause nuisance to residents.
- Noise and Odour nuisance from farm activity.
- Spreading manure and slurry on the fields.
- Code of good agricultural practice requires us to “avoid spreading solid manure, slurry or dirty water in fields close to and upwind of houses.
- Livestock farm granted on this basis.
- Could risk viability of the farm and jobs.
- Condition that occupants cannot complain about nearby agricultural operations. If added no objections.

Supports:

17 Front Street, Grasby

9 Bentley Lane, Grasby

21 Riby Road, Keelby

Coppice House, Brigg Road, Moortown

2 Church View, Main Street, Searby

26 Victoria Road, Keelby

9 Lincoln Drive, Caistor

3 Keyworth Drive, Caistor

Rochford Farm, Smithfield Road, North Kelsey Moor
Willow Farm, Silver Street, Barton Upon Humber
Leden House, High Street, Barrow Upon Humber

Visual Impact

- Sensitive home farm design which is sustainable and benefit community providing organic vegetables and jobs for local people.
- Wonderful addition to the community.
- Carefully considered and fit well in landscape.
- Truly sustainable habitation.
- Appreciate the lengths gone to making as ethical and ecological as possible.
- Would not be obtrusive to view.
- Clear intention for property to be increasingly hidden as trees develop.
- Tree lined nature of Owmbly Wold Lane would serve to hide property from a distance.
- Visionary project reinstating demolished historic Top Farmhouse.
- The project is near a quarry and not far from a vineyard. It can hardly be described as an unspoilt area or out of place.

Highway Safety

- Narrowness of lane should not be a concern for period of construction.

Biodiversity

- Benefit from many trees being planted.
- Well thought out and every advantage from the ecological point of view.
- Would like to see more projects like this connecting people to nature.
- Have a positive ecological impact.
- Provide valuable and improved habitats for native species.
- Green roofs of dwelling will support more diversity than field.
- Very substantial Biodiversity Net Gain.
- Some areas for local wildlife like a lake.

Climate Change

- New trees represents most efficient carbon capture technique.
- The vision of a lower carbon footprint with a view to self-sufficiency and inter-generational living is the way forward.

Residential Amenity

- Would not overlook residents.

Use

- Comments are speculative about future use (holiday let).
- Environmental value of field is negligible.
- Existing monoculture of site interior will be replaced by diverse planting and new watercourse.
- One of first permaculture farmsteads and will be a beacon of light.

Other

- Rather see sustainable building with permaculture ethics as opposed to many other ways someone could utilise land.
- Wide range of environmental consideration and improvements embedded in project supported by expert analysis and evaluation.
- If approved by panel deserves to be built.
- Create rural jobs in community and in construction/maintenance.
- Well thought out sustainable family home and small environmental business providing organic produce to local community.

LCC Highways/Lead Local Flood Authority: No objections with advice 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.

- The site is accessed via a public right of way with no proven vehicular access rights over the track, the applicant should investigate whether this will have an impact on the proposals.
- There are no highway safety concerns with the proposed access to the site which has good visibility and a satisfactory access from the main A1084.
- The site provides sufficient parking and turning within the extent of the site.
- Although Owmbly Wold Lane is narrow it would not be reasonable to request any improvements for the provision of one dwelling however the applicant should consider the construction traffic to the site to minimise impact to the PROW.

WLDC Environmental Officer: Comments

Ground Water

I note from TLP Ground Investigations Ltd dated 25.2.2022 paragraph 3.5 entitled soakaway testing refers to *“the site being located within Zone III (Total Catchment) of a Groundwater Source Protection Zone. This may place restrictions the types of surface water / effluents that are permitted to be released to ground and into the aquifer”*. As such, I would recommend consultation with the Environment Agency.

Contamination

I am satisfied with the TLP Ground Investigations regarding contamination at the site, however, I would recommend that the following be included: -

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

Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Rainwater Harvesting – Private Water Supply

With reference to the main water supply I note from the information that a Rainwater Harvesting System is proposed at this development. As such, this would be classed as private water supply, and as such will need to be Risk Assessed and sampled in accordance with the Private Water Supply (England) Regulations 2018. This is to ensure the water supply is wholesome and does not present a potential risk to human health. (NB: This will still apply even if the grey water is solely used for flushing the toilets).

The Drinking Water Inspectorate (DWI), guidance on Regulation 13 of the Private Water Supplies (England) Regulations 2018, with regards to the Planning Application advises that local authority staff dealing with planning applications should have procedures in place to identify premises served by private water supplies. The purpose of these procedures is to ensure that no planning application is granted for any premises that is to obtain a supply of water for domestic purposes from a new or reinstated private supply before the relevant local authority staff with responsibility for private water supplies have risk assessed and monitored it in accordance with the private supply regulations.

Environment Agency: Does not wish to comment

It does not appear to fit any of the criteria on our consultation checklist, when to consult the Environment Agency.

LCC Archaeology: No objections

Lincolnshire Ramblers: Comment

Not against the development but concerned about the amount of traffic on Owmbly Wold Lane especially during construction phase. Lane is a narrow bridleway used by walkers and horse riders. Would like to see a low speed limit on Owmbly Wold Lane.

WLDC Tree and Landscape Officer: Comments

- Planting is unusual and can be invasive but selected in relation to permaculture so no objections.
- Boundary planting very important for screening/softening.
- Require substantial planting.
- Mixed native species provide low level screening.
- New boundaries for north east and south east boundaries.
- South west boundary has low level field screening. Additional infill planting and other additional trees, shrub planting required.

ECM Checked: 15th May 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) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2023 (CLLP)***

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy
S5 Development in the Countryside
S6 Design Principles for Efficient Buildings
S7 Reducing Energy Consumption –Residential Development
S20 Resilient and Adaptable Design
S21 Flood Risk and Water Resources
S23 Meeting Accommodation Needs
S47 Accessibility and Transport
S49 Parking Provision
S53 Design and Amenity
S56 Development on Land Affected by Contamination
S57 The Historic Environment
S60 Protecting Biodiversity and Geodiversity
S61 Biodiversity Opportunity and Delivering Measurable Net Gains
S66 Trees, Woodland and Hedgerows
S67 Best and Most Versatile Agricultural Land
<https://www.n-kesteven.gov.uk/central-lincolnshire>

- ***Searby cum Owmbly Neighbourhood Plan (NP)***

Searby cum Owmbly has to date not applied to have their parish designated as a neighbourhood area for the purposes of producing a neighbourhood plan. There is currently no neighbourhood plan to consider.

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

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

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

National policy & guidance (Material Consideration)

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

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

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 80 states:

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential building; or*
- e) the design is of exceptional quality, in that it:*
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

Paragraph 126 states:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

Paragraph 133 states:

“Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life⁵¹. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.”

Paragraph 134 states:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵², taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

Paragraph 174 states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;”*

The glossary of the NPPF defines the best and most versatile agricultural land as “land in grades 1, 2 and 3a of the Agricultural Land Classification”

Paragraph 219 states:

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

- **National Design Model Code (2021)**

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

Draft Local Plan/Neighbourhood Plan (Material Consideration)

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

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

Other:

Natural England's Guide to assessing development proposals on agricultural land dated 5th February 2012

<https://publications.naturalengland.org.uk/category/5954148537204736>

Main issues:

- Principle of the Development
Local Policy S1 and S5 of the Central Lincolnshire Local Plan 2023
Paragraph 80 of the National Planning Policy Framework
Concluding Assessment
- Best and Most Versatile Land
- Visual Impact
- Residential Amenity
- Highway Safety
- Public Right of Way
- Biodiversity
- Renewable Energy
- Archaeology
- Drainage
Foul Water
Surface Water

Assessment:Principle of the Development

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

Local Policy S1 and S5 of the Central Lincolnshire Local Plan 2023:

Local policy S1 sets out a spatial strategy and settlement hierarchy from which to focus housing growth. In this case it is important to assess where the sites sit within the settlement hierarchy.

The glossary section of the CLLP defines the 'developed footprint' of a settlement '*as the continuous built form of the settlement and excludes:*

- *individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;*
- *gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;*
- *agricultural buildings and associated land on the edge of the settlement;*
and
- *outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement."*

The site is located a considerable distance (at least 1020 metres) and is clearly dispersed and detached from the continuous built form of Grasby. Therefore the site is considered as being in the open countryside meaning tier 8 of local policy S1 applies as well as local policy S5 of the CLLP. Collectively local policy S1 and S5 (Parts A, B, D and G) of the CLLP protect the rural character of the open countryside from inappropriate housing development. S5 Part D states that *‘applications for new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in tier 8 of policy S1’*. The application does not include any details justifying an essential need for a rural operation and this is confirmed in section 16 of the application form. The proposed dwelling would therefore not be essential to the effective operation of a rural operation and would not accord with local policy S1 and S5 of the CLLP.

Paragraph 80 of the National Planning Policy Framework:

As referred to in the development plan section of this report paragraph 80 of the National Planning Policy Framework resists the development of isolated homes in the open countryside unless the development meets certain criteria. One of the criteria (criteria a)) is an essential need which has already been assessed above as not being met. Criteria b), c) and d) are not relevant to this development. The only relevant criteria is criteria (e) which states that:

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- e) the design is of exceptional quality, in that it:*
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

This application has been submitted putting a case forward that the proposed single dwelling meets the exceptional quality standards set out in paragraph 80(e) of the NPPF.

As previously stated the Local Planning Authority acknowledges paragraph 133 of the NPPF in that they must have regard to any recommendations made by a design review panel. However it is the Local Planning Authority that are the decision maker.

The applicants organised a face to face design review panel meeting with design midlands which took place on Wednesday 20th July 2022 and included a site meeting. Following the formal letter response from design midlands dated 1st August 2022 the applicants with their consultants reviewed the development and commissioned a landscape specialist.

Following amendments to the development the applicants organised a second virtual design review panel meeting over Microsoft Teams with design

midlands which took place on Wednesday 23rd November 2022. A formal response letter from design midlands was received on 14th December 2022.

Both letters from design midlands have been submitted with the application. Both meetings were attended by the case officer of this application in primarily a listening capacity only.

The formal letter dated the 14th December 2022 is the most up to date response based on amendments made through the design process of the applicants. The letter summarises that:

“The design approach has resulted in a scheme with a modern interpretation of a farmstead typology. The proposals promise an exemplary scheme which will enhance its immediate setting and raise the standard of design in rural areas.”

Therefore there are two important factors to assess in relation to paragraph 80. These are:

1. Is the site located in an isolated location in the countryside

The determination on whether the dwelling can be considered as in an isolated location is the responsibility of the determining Authority which in this case is the Local Planning Authority.

In terms of the isolated location of the site it is essential to reference and give significant weight to a high court judgement namely, Braintree District Council v Secretary of State for Communities and Local Government 2018 EWHC case C1/2017/3292, which expressly considered the meaning of “isolation” in planning policy terms. This upheld a previous judgement that the word ‘isolation’ should be given its ordinary meaning of **“far away from other places, buildings or people; remote”**. (emphasis added)

The site is located over 1000 metres from the nearest settlement/built form (Grasby, Owmbly and Searby) and sits within lower ground to the surrounding attached and adjacent fields which enhances the isolated feel of the site. It is therefore considered that the application site is in an isolated location in accordance with the high court judgement and paragraph 80 is engaged.

2. Is the design of exceptional quality

Objections have been received in relation to the development not meeting criteria e) of paragraph 80 with some acknowledgements of the subjective nature of the matter.

Criteria e) of paragraph 80 qualifies exceptional quality in that it:

- *“is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

The concept and objective of the proposed dwelling single storey dwelling (see plan below) is set out briefly at the start of the report.



The dwelling has been subject to detailed scrutiny and questioning by an experienced design review panel which has overall concluded positively to the amended proposal in terms of its architecture and enhancing qualities.

The application site is set within a dip in the agricultural field landscape with land levels climbing gently in all directions. The cumulative linear form of the dwelling has been created to reflect the gentle undulations of the land and the design references the ridge and furrow character which can characterise agricultural fields. The single storey height of the dwelling is influenced not only by its setting within the dip of the land but the overarching ridge and furrow concept. The proposal would include extensive soft landscaping to identify the boundaries of the site whilst increasing the biodiversity of the site.

The overarching design of the dwelling includes it being off the grid and being self-sustainable in terms of renewable energy technology. This is described within the submitted design and access statement and in summary the dwelling would utilise:

- Solar Photovoltaic Panels
- Battery Storage
- Solid Fuel
- Heating Recovery System (use of air from swimming pool/drying room)
- Triple Glazing
- Hempcrete (exceptional thermal mass capture)
- Microgrid System (Complete biomass that converts woody biomass into electricity)

- Limecrete (absorbs carbon dioxide)

Environmentally the proposed dwelling would be a super insulated building making use of natural light and hydrology.

West Lindsey is a rural district with a high percentage of open countryside land which is generally flat or gently undulating. The concept and architecture of the dwelling is not considered to be currently present within the West Lindsey district which represents such a design. It is acknowledged that the uniqueness of the design and setting does not automatically mean that the proposal meets paragraph 80 of the NPPF.

Concluding Assessment:

The proposed dwelling would be for occupation of Mr and Mrs Midgely and their family including their parents in an open countryside location and would not be essential to the effective operation of an existing rural operation. It would be a direct departure from the Central Lincolnshire Local Plan, namely policies S1 and S5.

The proposed dwelling would be located in an isolated location therefore paragraph 80 of the NPPF is engaged.

Consideration has been given to the recommendations of the design review panel, the supporting statements with the application and all representations based on paragraph 80 of the NPPF. The site has additionally been visited by the case officer to understand the context of the site and the surrounding area. The high bar set by paragraph 80 of the NPPF has been recognised throughout the design review process and assessment by the case officer. It is additionally recognised the extent of how subjective the matter of design and exemplary design can divide opinion and this is demonstrated by the representations received from residents within and outside West Lindsey.

It is the case officer's recommendation that the proposed dwelling is unique in its concept and meets the high truly outstanding bar require by paragraph 80 in terms of architecture and design in rural areas. The dwelling as discussed on the visual impact section later in the report would be concealed to the wider area by land levels but would enhance the immediate setting to the required significant benchmark.

- *truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."*

The development would not accord with local policy S1 and S5 of the CLLP therefore would be considered a departure from the CLLP. However the development would be considered to meet the high bar set by the criteria within paragraph 80 of the CLLP for isolated dwellings. In this particular case

significant weight is afforded to the development satisfying paragraph 80 of the NPPF and the written guidance of the design review panel.

On this basis this would outweigh the open countryside location.

Best and Most Versatile Land

Objections have been received from residents in relation to the loss of grade 2 agricultural land used for food production.

Paragraph 67 of the NPPF states that *“proposals should protect the best and most versatile agricultural land so as to protect opportunities for food production and the continuance of the agricultural economy.*

With the exception of allocated sites, significant development resulting in the loss of the best and most versatile agricultural land will only be supported if:

- a) The need for the proposed development has been clearly established and there is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations); and*
- b) The benefits and/or sustainability considerations outweigh the need to protect such land, when taking into account the economic and other benefits of the best and most versatile agricultural land; and*
- c) The impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions; and*
- d) Where feasible, once any development which is supported has ceased its useful life the land will be restored to its former use (this condition will be secured by planning condition where appropriate).*

Where proposals are for sites of 1 hectare or larger, which would result in the loss of best and most versatile agricultural land, an agricultural land classification report should be submitted, setting out the justification for such a loss and how criterion b has been met.”

The application site is classed in Natural England’s East Midlands Agricultural Land Classification Map as grade 2 (very good) land. The land therefore qualifies as best and most versatile land (BMV land).

Natural England defines grade 2 agricultural land as *“land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown. On some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops, such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than grade 1”.*

Consideration is additionally given to Natural England advice which states that *“You should take account of smaller losses (under 20ha) if they’re significant when making your decision.”*

The application form states that the site has an agricultural field use of 0.5 hectares (5750 square feet). The application has included some soil testing results from T.I. Soil Ecology Laboratory but the document lacks a professional opinion from the author on the agricultural land classification of the site.

Consideration is given to Natural England advice which states that *“You should take account of smaller losses (under 20ha) if they’re significant when making your decision.”*

The application includes a comment from the current landowner (the farmer) who declares that the field has been used for growing potatoes, Oil Seed Rape, Winter Wheat and Peas (arable use). The area covered by the application site is poorly suited for crop development and yield because:

- It is in a dip and often waterlogs.
- compaction has further degraded the area
- was formerly part of an old small farm yard (Owmby Top Farm) so was not originally arable and has been reclaimed from a compacted crew yard
- Yields are impossible to predict and can lead to a financial loss for the area.

The application also includes a professional opinion from Ashley Agronomy and Agroecology and from Caterina Di Garbo (landscape architect).

The opinion from Ashley Agronomy and Agroecology considers the soil testing completed by T.I. Soil Ecology Laboratory. The letter states that the results from T.I. Soil Ecology Laboratory demonstrates that:

“These show a bacterially dominant soil. No fungi were identified, and no protozoa (flagellate, amoebae, ciliates) or nematodes were present. This soil is biologically degraded and will depend on higher levels of artificial (fertilisers, pesticides) and organic (manures) inputs. The interpretation would be that the soil health is POOR.”

Caterina Di Garbo concludes that given the comments from the farmer the land at best can be classified as Class 3b (moderate quality agricultural land). The professional opinion states that the loss would be a *“negligible loss and that and that on balance the wider site aspirations would comprise of net moderate beneficial effects on soil health and overall increase in productivity and yields in a broader sense.”*

The land measures only 0.5 hectares and is part of a wider agricultural field which could still be farmed for very good crop production. Whether the development would lead to a loss of very good, moderate or poor agricultural land, its loss would not be considered as unacceptably harmful and would accord with local policy S67 of the CLLP and the provisions of the NPPF.

Visual Impact

Local policy S53 of the CLLP sets out 10 criteria's based on design and amenity. As a paragraph 80 of the NPPF dwelling the visual impact of the development would have an extremely high bar when it comes to design and enhancing the immediate setting.

As the submitted development is a paragraph 80 dwelling and design has been previously discussed it is considered that criteria 1 (Context), 2 (Identity), 3 (Built Form), 5 (Nature) and 8 (Homes and Buildings) of S53 are the most relevant to the development.

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

The Authority's Tree and Landscape Officer has no objections to the development but has placed a significant importance to the planting and landscaping of the site.

The site is within the setting of an Area of Great Landscape Value but this is 850 metres away to the north east.

The application has included a Landscape Visual Assessment (LVA) dated October 2022 by a professional landscape architect. In summary the LVA outlines:

- The hidden position of the proposed dwelling from wider views.
- The site is not a valued landscape in planning terms.
- The site is within the setting of an Area of Great Landscape Value.
- Mixed tree planting along the Site boundaries, would be perceived from the Area of Great Landscape Value as a new introduction in its setting and would be seen as a linear tree belt/small copse.

The proposed development would be single storey structure located in a dip in the landscape and would be well concealed from wider views by land levels and existing/proposed boundary screening. However just because the dwelling would be expected to be well screened it does not automatically mean it would not have an unacceptable harmful visual impact on the character and appearance of the site and its agricultural setting.

Whilst it could be argued that a proposed dwelling of exceptional quality should be viewed in the landscape it is considered that the ridge and furrow concept to this dwelling has been applied to purposely restrict its presence to blend into its immediate open countryside setting.

Conditions requesting comprehensive external material and landscaping details would be attached to any permission.

It is considered that the type, position and scale of the development would not have an unacceptable harmful visual impact on the character of the site and the surrounding area in its open countryside setting. In fact the proposal

would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. The development would therefore subject to further details accord to local policy S53 of the Central Lincolnshire Local Plan, and the provisions of the NPPF, particularly paragraph 80.

Residential Amenity

The proposed dwelling would be isolated from any residential uses therefore would not unacceptably harm the living conditions of neighbouring dwellings.

The occupants of the proposed dwelling would be living in an area surrounded by agricultural fields where farm activities would occur that at times could cause some disturbance to their living conditions. This has been commented on by local residents and the farmers that farm the land. It is likely that at times disturbance would be caused in the form of odour from slurry spreading and noise from agricultural machinery particular during busy times. Slurry spreading and machinery noise would not be expected to be to a degree that it would cause an unacceptable harmful disturbance on the potential future occupiers.

The development would therefore not be expected to have an unacceptable harmful impact on the living conditions of neighbouring dwellings and would accord to local policy S53 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Highway Safety

Objections have been received in relation to highway safety, particularly in relation to construction and domestic use meeting with agricultural vehicles during busy times of farm activity on the adjoining fields.

The proposed development would be accessed off Owmbly Wold Lane which is a single track no through lane which starts as a tarmac surface and becomes more of a farm track the further you travel along it. The lane is therefore primarily used by agricultural traffic and possibly dog walkers that park their vehicles along the lane.

Owmbly Wold Lane does not comprise any formal passing places but informal passing places do exist in the form of field access points or areas of wider grass verge. The lane has a speed limit of 60mph but this speed would be unlikely given its width and condition.

The proposed dwelling would be served by at least 8 off street parking spaces which is more than adequate and turning space within the site.

The Highways Authority at Lincolnshire County Council have no objections to the development including access from the A46, off street parking and no reasonable need for improvements to Owmbly Wold Lane. Advice has been provided in terms of vehicular access rights and construction traffic.

Therefore the development would not have an unacceptable harmful impact on highway safety and would accord to local policy S47 and S49 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Public Right of Way

Objections have been received in relation to potential disturbance the development would have on the use of the public rights of way by local residents, hikers, dog walkers, cyclists and horse riders.

Public rights of way Sear/46/1 runs along the length of Owmbly Wold Lane connecting to other public rights of way to the north east. The public right of way shares the surface with vehicles almost exclusively of an agricultural nature.

The development proposes a single dwelling therefore traffic generated would be modest. It is acknowledged that traffic generation would be more often during the construction process but this would be for a temporary period and would be controlled through a construction management plan being conditioned on any permission.

It is not considered that the proposed development would have an unacceptable harmful impact on the use or enjoyment of the public rights of way.

Biodiversity

Objections have been received in relation to the impacts of the development on biodiversity.

Local Policy S60 of the CLLP states:

“All development should:

- a) protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- b) minimise impacts on biodiversity and features of geodiversity value;*
- c) deliver measurable and proportionate net gains in biodiversity in accordance with Policy S61; and*
- d) protect and enhance the aquatic environment within or adjoining the site, including water quality and habitat.”*

Local policy S61 of the CLLP requires *“all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management”*. Local policy S61 goes on to state 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".

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

This application was valid on 22nd February 2023 when the adopted Local Plan was the Central Lincolnshire Local Plan 2012-2036. Whilst revoked policy LP21 of the Central Lincolnshire Local Plan 2012-2036 required some net biodiversity gain it did not require at least 10%. In this case with consideration given to the date of validation it is considered that it would be unreasonable to expect the applicant to satisfy the requirements of local policy S60(c) or S61 of the CLLP.

However this application has included a Preliminary Ecological Appraisal (PEA) by KJ Ecology Ltd dated February 2022. Whilst this report is 15 months old it is still considered as valid. In summary section 4.2 of the PEA sets out the following recommendations:

- Precautionary measured for badgers.
- A bird nesting survey if works commence between March and August (bird breeding season).
- On completion an area should be sown with a wildflower meadow mix and cut in late August. This will benefit wildlife from insects to birds. Other planting should include RHS Bee friendly plants.

In addition the proposed development would involve considerable planting which would enhance the fauna and flora value of the sites arable field use.

The application site does not include any protected trees within the site or on its boundaries. The only trees close to the site or on its north west boundary shared with Owmbly Wold Lane. The Authority's Tree and Landscape Officer has not objected to the development or requested any protective measures for trees along the north west boundary.

The proposed development subject to conditions would therefore not be expected to have an unacceptable harmful impact on protected species or trees and accords to local policy S60 and S66 of the CLLP and guidance contained within the NPPF.

Renewable Energy

Local policy S6 and S7 of the CLLP sets out design principles for efficient buildings and reducing energy consumption. Local policy LP7 states that:

"Unless covered by an exceptional basis clause below, all new residential development proposals must include an Energy Statement which confirms in addition to the requirements of Policy S6".

Local policy S7 provides guidance and criteria on the generation of renewable electricity and the limit on the total energy demand for each single dwelling (*"not in excess of 60 kWh/m²/yr"*).

As previously stated this application was valid on 22nd February 2023 when the adopted Local Plan was the Central Lincolnshire Local Plan 2012-2036. Revoked policy LP19 of the Central Lincolnshire Local Plan 2012-2036 required consideration of renewable energy developments but it did not require all development to reduce energy consumption.

In this case with consideration given to the date of validation it is considered that it would be unreasonable to expect the applicant to submit an energy statement.

However the development is proposed to be a self-sustainable off grid dwelling which uses renewable energy sources and construction materials which absorbs carbon dioxide from the atmosphere. This includes:

- Solar Photovoltaic Panels
- Battery Storage
- Solid Fuel
- Heating Recovery System (use of air from swimming pool/drying room)
- Triple Glazing
- Hempcrete (exceptional thermal mass capture)
- Microgrid System (Complete biomass that converts woody biomass into electricity)
- Limecrete (absorbs carbon dioxide)

Archaeology

The Historic Environment Officer (HEO) at Lincolnshire County Council has no objections to the development. The proposed development would not have an unacceptable harmful impact on archaeology and would accord to local policy S57 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Drainage

Foul Water:

The application form states that foul water would be discharged to a package treatment plant. Given the location this would be likely to be considered acceptable providing it can be evidenced that there is no mains sewer within reasonable proximity to the site. Planning Practice Guidance¹ states that *"Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered."*

¹ Planning Practice Guidance – Water Supply, wastewater and water quality Paragraph: 020 Reference ID: 34-020-20140306 <https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality#water-supply-wastewater-and-water-quality--considerations-for-planning-applications>

Surface Water:

The application form states that surface water is or would be discharged to a sustainable urban drainage system such as a pond or lake. No specific details have been submitted with the application.

It is considered that details of foul and surface water drainage can be addressed through a condition. The development would not be expected to have an unacceptable harmful impact on drainage and accord to local policy S21 of the CLLP and the provisions of the NPPF.

Contamination

The application has included the submission of a Site Investigation Report by TLP Ground Investigations Ltd dated 25th February 2022. The Authority's Environmental Officer has considered the submitted Site Investigation Report and is satisfied with its content recommending a pre-cautionary contamination condition is attached to any permission. This is considered as reasonable and necessary.

The proposed development would not be expected to have an unacceptable harmful contamination impact and would be expected to accord with local policy S56 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Other Considerations:

Landscaping

The application includes a landscape plan (01 Rev D dated 22nd February 20223) with details of hard and soft landscaping. Whilst the landscaping plan provides detail of where planting and hardstanding would be located it does not provide specific details such as planting (species, planting formation) or specific details on gates, railings, hardstanding type etc.

It is therefore considered relevant and necessary to attach a comprehensive landscaping plan to any permission.

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The development would be liable to a CIL payment.

Holiday Use

Comments have been received in relation to the site being used as holiday accommodation. This application has been submitted as a residential family home and not as holiday accommodation.

Pre-commencement Condition

The agent has formally agreed in writing to the single recommended pre-commencement condition.

Conclusion and reasons for decision:

The decision has been considered against policies S1 The Spatial Strategy and Settlement Hierarchy, S5 Development in the Countryside, S6 Design Principles for Efficient Buildings, S7 Reducing Energy Consumption – Residential Development, S20 Resilient and Adaptable Design S21 Flood Risk and Water Resources, S23 Meeting Accommodation Needs, S47 Accessibility and Transport, S49 Parking Provision S53 Design and Amenity, S56 Development on Land Affected by Contamination, S57 The Historic Environment, S60 Protecting Biodiversity and Geodiversity, S61 Biodiversity Opportunity and Delivering Measurable Net Gains, S66 Trees, Woodland and Hedgerows and S67 Best and Most Versatile Agricultural Land of the Central Lincolnshire Local Plan 2023 in the first instance and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide. In light of the above assessment it is considered that the proposed development would not accord to local policy S1 and S5 and is therefore considered a departure of the Central Lincolnshire Local plan 2023. However weight is afforded to paragraph 80(e) of the National Planning Policy Framework for isolated dwellings of exceptional quality in the open countryside and guidance provided by a design review panel. In this case it is considered that the application has demonstrated that the proposed dwelling is truly outstanding and would significantly enhance its immediate setting. Therefore the harm caused by the location of the development are outweighed by the satisfying of paragraph 80(e) of the National Planning Policy Framework. The development would not unacceptably visually harm the character and appearance of the site or the surrounding open countryside nor unacceptably harm the living conditions of the nearest neighbouring occupiers. Furthermore the proposal will not have an unacceptable harmful impact on highway safety, archaeology, drainage, ecology, trees or contamination.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(Highlight requirements):

Standard Letter ☐

Special Letter ☐

Draft enclosed ☐

Prepared by: Ian Elliott

Date: 15th May 2023

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

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

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

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

2. No development must take place until a construction method statement has been submitted and agreed in writing by the local planning authority. The statement must provide 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) wheel cleaning facilities;
- (vi) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

The development must be completed in strict accordance with the approved details.

Reason: To restrict disruption to the use of Owmbly Wold Lane for farm activity and recreational use of the public rights of way to accord with the National Planning Policy Framework and local policy S47 of the Central Lincolnshire Local Plan 2023.

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 must be carried out in accordance with the following proposed drawings:

- 499.10 Rev A dated 17th February 2023 – Site Plan
- 499.11 Rev A dated 31st January 2023 – Elevation and Floor Plans

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023.

4. No construction works above ground level must take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No occupation must occur until the approved scheme has been carried out in strict accordance with the approved details.

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 S21 of the Central Lincolnshire Local Plan 2023.

5. No development above ground level must take place until details (including the colour) of all external and roofing materials to be used have been submitted to and approved by the Local Planning Authority.

Reason: To safeguard the character and appearance of the site and its surroundings and ensure the proposal uses materials and components that have a low environmental impact and to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023.

6. No occupation must take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:

- Type, height and position of all soft and hard boundary treatments.
- Details of all new hard landscaping within the site such as gates, fencing, walls and railings.
- Details of all new turfing.
- Material finish of all hardstanding (access road, driveways, patios and paths).
- Species, planting height, formation, position and aftercare of all new trees and hedging.
- Species, planting height, formation, position and aftercare of all new infill hedging.

Reason: To ensure that appropriate landscaping is introduced and would unacceptably harm the character and appearance of the site or the surrounding area to accord with the National Planning Policy Framework and local policies S53 and S66 of the Central Lincolnshire Local Plan 2023.

7. No occupation of the dwelling must take place until the access, vehicle parking and turning space identified on site plan 499.10 Rev A dated 17th February 2023 has been fully completed and retained for that use thereafter.

Reason: To ensure safe access to the site and the dwelling in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework and local policy S47 and S49 of the Central Lincolnshire Local Plan 2023.

8. The development hereby approved must only be carried out in accordance with section 4.2 of the Preliminary Ecological Appraisal by KJ Ecology Ltd dated February 2022.

Reason: To respond to the enhancement recommendations of the updated survey by KJ Ecology Ltd to accord with the National Planning Policy Framework and local policy S60 of the Central Lincolnshire Local Plan 2023.

9. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) must be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the local planning authority. The contamination must then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and to accord with the National Planning Policy Framework and local policy S56 of the Central Lincolnshire Local Plan 2023.

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

10. All planting and turfing comprised in the approved details of landscaping (see condition 6 above) must be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure that additional trees are provided within the site to mitigate for the trees which are to be removed to accord with the National Planning Policy Framework and local policies S53 and S66 of the Central Lincolnshire Local Plan 2023.

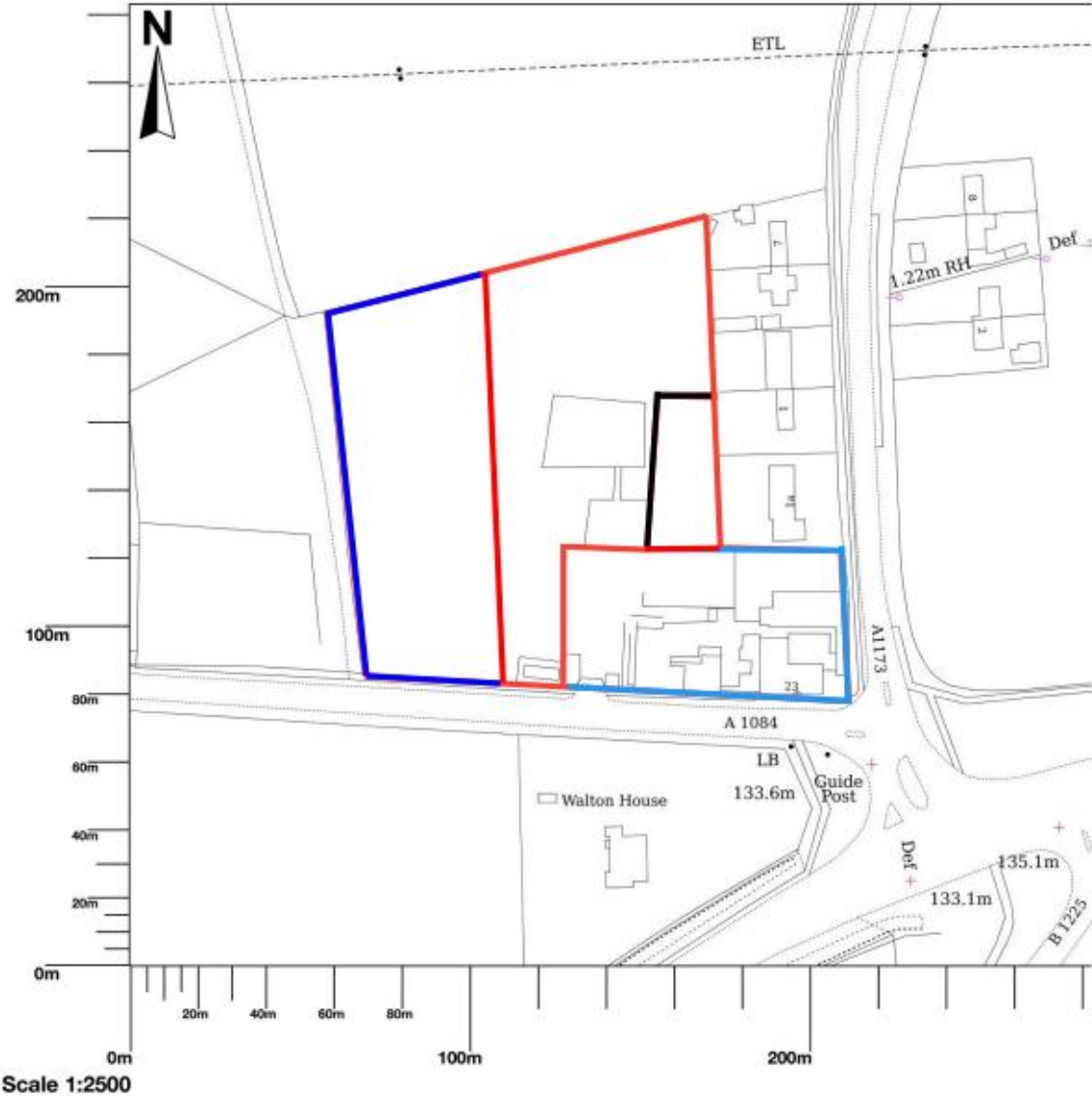
11. Notwithstanding the provisions of Classes A, AA, B, C, D, E, F and G of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling hereby permitted must not be extended, altered and no buildings or structures shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the character and appearance of the dwelling, the site and its surrounding in accordance with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023.

12. Notwithstanding the provisions of Classes 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) the dwelling hereby permitted gates, fences, walls or other means of enclosure must be erected within or on 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 character and appearance of the dwelling, the site and its surrounding in accordance with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023.

Rock Foundation



Officers Report

Planning Application No: 146210

PROPOSAL: Planning application for installation of solar PV panels.

LOCATION: Land at Top House Farm 23 Grimsby Road Caistor Market Rasen LN7 6RJ

WARD: Caistor and Yarborough

WARD MEMBER(S): Cllr Owen Bierley and Cllr Mrs Angela Lawrence

APPLICANT NAME: Mr Bruno Hickson

TARGET DECISION DATE: 04/05/2023 (extension agreed until 01/06/2023)

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Dan Galpin

RECOMMENDED DECISION: Grant (subject to conditions)

Description:

This application is situated on an agricultural/arable field to the rear (north) of land that is in the ownership of the Rock Foundation UK Ltd which is a charitable organisation that provides support to adults with learning disabilities. The Caistor site provides supported living accommodation for 12 individuals but also provides a range of workshops and activities. This use is supported by a Class E commercial use which is run from the Fleece Inn which is a Grade II Listed Building and a number of adjacent buildings.

The site is located at the north-eastern edge of Caistor at the junction of Grimsby Road (A46), Riby Road and High Street (B1225) with open countryside being situated to the north/north-west, south and east. However, the immediate spatial character is mixed with residential dwellings to the north and west with the closest residential dwellings being a small row along Riby Road and a greater number of dwellings at Spa Top to the west. There are a number of small-medium scale industrial buildings to the south-east. Several statutory and non-designated constraints are directly relevant to this application. Besides the site being within the setting of the Fleece Inn, the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) is located to the south-east of the application site, beginning of the opposite side of the intersection. There is also a Local Wildlife Site (LWS/Water Hills) within one kilometre to the west of the application site. The application site is within an Area of Great Landscape Value (AGLV).

The development relates to an area of 300 square metres on agricultural/arable land to the rear of the Rock Foundation UK. Although agricultural in nature, the wider site is a semi-managed grass field with only limited scale food production taking place on a small section of allotments closer to the main buildings. Access is obtained from Grimsby Road. The

solar panels will be situated approximately 30 metres to the west of the rear elevation of the closest residential dwelling on Riby Road.

Planning permission is being sought for the installation of 99 solar panels to the rear of the Rock Foundation UK as described above. The applicant has stated that the solar panels would generate a maximum of 33,679kw per annum which would provide on average more than 90% of the daytime electricity that is currently consumed on-site. Although the application area is approximately 300 square metres in area only a small fraction of this area would actually be developed with the ground underneath being retained. The total width of each panel is around three metres, but the height of each panel is 0.68 metres which reflects their ancillary nature the domestic nature of the operation being supported. For comparison, some of the tallest solar panels on solar arrays can exceed four metres in height. The cable route will run south and connected to the grid at the Fleece Inn. This will be required to obtain separate Listed Building Consent approval.

Relevant history:

There is no planning history that is directly relevant to the footprint of the land where the solar panels will be located but the applicant is proposing that the solar panels will support the operating of the existing café and supported living facility. The relevant history is as follows:

122049 – Planning application for change of use from tea rooms, workshop, and holiday accommodation to Montessori school. Also, internal alterations and two single storey extensions. GC – 4th July 2008.

122050 – Listed building consent for change of use from tea rooms, workshop, and holiday accommodation to Montessori school. Also, internal alterations and two single storey extensions. GC – 4th July 2008.

135594 – Planning application for change of use to provide workshops and supported living for young adults with learning disabilities. GC – 27th February 2017.

Representations:

Member of Parliament (MP)

Objection – One objection has been received from Sir Edward Leigh, MP for Gainsborough. This representation outlines that the principle of renewable energy is supported but the place for this should be on rooftops, logistics centres, industrial and commercial buildings.

For clarity, this objection was on behalf of a local resident, but objection has also been directly expressed to the proposed development by the Member for Gainsborough in the submitted letter of representation.

Chairman/Ward Member(s)

No representations received to date.

Caistor Town Council

Objection – ‘On balance councillors agreed with the objections submitted by neighbours in that the panels will spoil an area of natural beauty, use of roof space or wind turbine should be considered and a fear of further expansion. Caistor Town Council in the past have objected to all development in the area of Waterhills’.

Local Residents

Seven letters of representation have been received objecting to the proposed development. For procedural matters, 7 Riby Road is included twice in this figure as one objection is from the occupiers and the second is written on behalf of one of the occupiers from Sir Edward Leigh MP. This objection has also been summarised above and will be considered as a separate objection as the Member for Gainsborough has also directly raised objection. The following points were raised:

- The principle of renewable energy is generally supported but it is felt that a more appropriate location would be on rooftops and in the countryside in close proximity to residential properties;
- Development in this location would cause harm to Water Hills which is an area of natural beauty;
- General negative impact on the landscape character and spoil the view, visible from a public footpath;
- Loss of agricultural/arable land;
- Impact on an Area of Outstanding Natural Beauty;
- Negative impact on the amenity (enjoyment) of the local area which is used by ramblers, local people and dog walkers etc.;
- Concern regarding scale, urbanising effect and further expansion;
- Impact on wildlife; and
- Development is within the curtilage of a Grade II Listed Building;

LCC Highways/Lead Local Flood Authority

No objection – ‘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.

This proposal is for the installation of solar PV panels and the access and parking arrangements remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.’

WLDC Archaeology

No reply received to date.

WLDC Conservation Officer

No objection – The proposed development would result in a ‘*less than substantial harm*’ to the setting of the Fleece Inn which is a Grade II Listed Building. However, the harm is considered to be limited due to the concealed location of the solar panels, their low vertical profile and relative lack of visibility from public vantage points.

Fisher German

No reply received to date.

Lincolnshire Wildlife Trust

No reply received to date.

Ministry of Defence DE (Safeguarding)

No objection – *‘The application is a proposal to install ground mounted solar PV panels on 293 sq m of unused agricultural land. This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal’.*

National Air Traffic Service (NATS) Ltd

No reply received to date.

National Grid

No reply received to date.

The Health and Safety Executive

No objection – The HSE did not raise any objection to the proposed development but did note that there was at least one unidentified pipeline within the Local Authority area.

ECM Checked: 22nd May 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 (CLLP) (adopted in April 2023); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan (Adopted April 2023)***

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S2: Growth Levels and Distribution
Policy S5: Development in the Countryside
Policy S9: Decentralised Energy Networks and Combined Heat and Power
Policy S14: Renewable Energy
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
Policy S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value

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

The site is not in a Minerals Safeguarding Area and Policy M11 of the Core Strategy does not apply.

- ***Caistor Neighbourhood Plan***

Policy No. 1. Growth & The Presumption in Favour of Sustainable Development
Policy No. 2. Type, Scale and Location of Development
Policy No. 3. Design Quality
Policy No. 12. Renewable Energy
Policy No. 13. Allotment Provision
Policy No. 14. Community Infrastructure Requirements

National policy & guidance (Material Consideration)

- ***National Planning Policy Framework (NPPF)***
- ***National Planning Practice Guidance***
- ***National Design Guide (2019)***

Main issues

- Principle of Development

- Visual Amenity
- Residential Amenity
- Heritage Conservation
- Highways
- Ecology & Biodiversity
- Flood Risk
- Other Matters

Assessment:

Principle of Development (including location and business investment)

The principle of this application is twofold being a) the principle of renewable energy development in general and b) whether renewable energy development is acceptable in this location.

There are several relevant layers of planning policy that are directly relevant to the determination of this application. Firstly, paragraph 11 of the NPPF provides a presumption in favour of sustainable development where applications that accord with any policies in an up-to-date development plan should be approved without delay and where a development accords with provisions contained within the Framework. More specifically, Section 14 of the NPPF outlines a number of provisions relating to renewable and low carbon energy. Paragraph 152 of the NPPF makes it clear that the planning system should support the transition to a low carbon future and support renewable and low carbon energy alongside associated infrastructure. This is reiterated by paragraphs 154 and 155 of the NPPF. In addition, paragraph 158 of the NPPF does not require the applicant to demonstrate a need for renewable or low carbon energy and approve development where the impacts are, or can be made acceptable.

In April 2023, the new CLLP became the adopted development plan superseding the 2017 version. Whilst the overarching principles of many policies were carried forward, the new CLLP gives particular support to measures to combat climate change, improve energy efficiency, and enhance biodiversity. Policy S14 of the CLLP is committed to facilitating the transition to a net zero economy and supporting appropriately located renewable energy within Central Lincolnshire which includes solar development. There are three tests that are outlined in this policy which are outlined in full below:

- i. *The impacts are acceptable having considered the scale, siting and design, and the consequent impacts on landscape character; visual amenity; biodiversity; geodiversity; flood risk; townscape; heritage assets, their settings and the historic landscape; and highway safety and rail safety; and*
- ii. *The impacts are acceptable on aviation and defence navigation system/communications; and*
- iii. *The impacts are acceptable on the amenity of sensitive neighbouring uses (including local residents) by virtue of matters such as noise, dust, odour, shadow flicker, air quality and traffic;*

Provisions i-iii will only be assessed briefly in this section but will be assessed in the relevant sections throughout this report. It will be demonstrated that the impacts are not unacceptable, and the benefits substantially outweigh any harm or alleged harm that arises. Policy S14 goes on to explain that there is a presumption in favour of renewable energy unless there is a clear and demonstrable harm arising, the proposal fails to comply with Policy S67 relating to Best and Most Versatile (BMV) agricultural land or the application site is allocated for an alternative purpose. In addition, whilst Policy S9 relating to decentralised energy is only partially relevant to this application, this policy provides a clear presumption in favour of decentralised energy generation when from low carbon sources.

The final layer of policy relates to the Caistor Neighbourhood Plan (CNP). Although adopted in 2021, before the current CLLP, there are a number of policies in this plan that are considered to be consistent with the CLLP and Section 14 of the NPPF so are afforded full weight in the determination of this application. Policy No. 12 relates to renewable energy proposals and the policy is supportive in principle of localised energy production to community scale renewable energy development rather than large scale commercial energy projects. The policy does emphasise the need for the community to have a say in such projects and the need to avoid any unacceptable harms which will be discussed throughout this report.

Reflecting on the above policy position, it is considered that there is a clear presumption in favour of renewable energy at all levels. This is afforded great weight in the determination of this application and is also supported by other national level considerations. In April 2022 the Government released an Energy Security Strategy which aims for a fully decarbonised energy system by 2035 with a five-fold increase in solar energy capacity expected. The new CLLP carries through it, a presumption in favour of development where the primary aim is to address the climate crisis and move towards a net zero economy. Policy No. 12 of the CNP is also supportive in principle of localised renewable energy development that supports localised development. In this case, there should be a clear presumption in favour of the application as the proposed development will be ancillary to an existing charity/business that supports adults with learning disabilities whilst also providing a commercial enterprise in the form of the on-site tea rooms. The applicant has estimated that the proposed development would provide on average, over 90% of the electricity demand during the day which would cover the commercial aspect of the application site.

Location:

It must be stressed that whilst there is a strong policy environment in favour of renewable energy, the potential harms must be fully considered and/or mitigated wherever required. If any harms are to arise, a balanced judgement must be reached as to whether the benefits of the proposed development outweigh any harm. The most relevant consideration in this respect is development within a countryside location. It may be possible to argue that

the application site is located within the developed footprint of Caistor but the proximity of the application site to open countryside means that on the balance of probability, the application site is located in the countryside. Tier 8 of Policy S1 heavily limits new development in the countryside but provides an exception for renewable energy development which is considered to be appropriate in the countryside. The overriding principles of Policy S5 do not explicitly condone or condemn renewable energy development in the countryside but make it clear that non-residential development should be of an appropriate nature, scale and form which is compatible with surrounding land-uses. However, the location of development may also be considered acceptable by virtue of the proximity to an existing business which is applicable to this application. Based on this, it is considered that the principle of renewable energy in a countryside location is acceptable in principle.

Turning to the specifics of this site, the principal objection raised to this application is not that the principle of renewable energy is unacceptable but that the specific location and visual impact would be unacceptable. Notwithstanding any harms which will be summarised here and discussed in more detail in the relevant sections, the fact that the objections support the principle of renewable energy itself affords weight that in favour of the proposed development due to the policy position outlined above regardless of any harm the proposed development may cause.

There are three primary constraints that are relevant to this application being a) the setting of a designated heritage asset, the presence of the Lincolnshire Wolds AONB and an AGLV and the presence of an LWS (Water Hills) to the west of the application site. The representations note that rooftops would be a more appropriate location and not an open field which would result in an unacceptable visual impact. However, on balance, it is considered that the proposed development by virtue of its nature, scale and form would not result in an unacceptable impact on these constraints identified above. In fact, locating solar panels on the roof of a Grade II Listed Building directly facing Grimsby Road towards the Lincolnshire Wolds AONB would result in a much more prominent form of development that would be more likely to result in an unacceptable harm to both the Fleece Inn and the AONB. The location proposed, whilst further away from the Fleece Inn would generally be well concealed from public vantage points and would help to conceal it. The scale at 300 square metres is not considered to be inappropriate in a rural location and cannot be considered as a commercial operation (its scale is the same size or smaller than the housing plot of a single dwelling) and 0.68 in height, the proposed development has an incredibly low vertical profile. To reiterate, these harms will be fully addressed in the relevant sections of this report (mainly visual amenity, heritage and ecology and biodiversity) but it is considered that the application is clearly acceptable in principle and would outweigh the harms identified by these representations. Overall, the harms identified are considered to be minimal for reasons that will be fully discussed in this report.

Business/Charity Investment:

The Rock Foundation UK is a limited company but also operates as registered charity (1126626) operated primarily from Grimsby but with the Caistor site providing support to 12 adults with learning disabilities and the co-located Class E development in the form of a café/tea room. Paragraph 81 of the NPPF makes it clear that planning policies and decisions should support the need for business to invest and expand. Paragraph 84 d) of the NPPF also supports the retention of local services and community facilities. This is not directly applicable to the proposal but given the reduction in energy costs that the proposed development will provide, paragraph 84 should be afforded some weight. For the same reasons paragraph 85 should also be afforded weight as it states that planning decisions should recognise that sites may be located adjacent to or outside of existing settlements providing that a development is sensitive to its surroundings. Paragraph 92 is also applicable as planning decisions should aim for healthy, inclusive and safe places. The proposed development would support the operation of a development which supports 12 adults with learning disabilities and as such, would help to achieve the objective of paragraph 92 of the NPPF.

For the reasons explained in this section, it is considered that the proposed development is in accordance with Policies S9 and S14 of the CLLP, Policy No. 12 of the CNP and paragraphs 81, 84, 85, 92, 152, 154, 155 and 158 of the NPPF.

Visual Amenity

Policy S53 of the CLLP requires that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place which demonstrates a sound understanding on their context. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing, and form. Important views into, out of and through a site should also be safeguarded.

In terms of the potential harm that could arise from the proposed development, the impact on visual amenity was a primary concern raised in the representations that have been received. This consideration also forms the first provision outlined in Policy S14 which supports renewable energy providing that:

The impacts are acceptable having considered the scale, siting and design, and the consequent impacts on landscape character; visual amenity; biodiversity; geodiversity; flood risk; townscape; heritage assets, their settings and the historic landscape; and highway safety and rail safety; and

The application site is also located in an AGLV and is adjacent to the Lincolnshire Wolds AONB. Therefore, Policy S62 of the CLLP and paragraph 176 of the NPPF are also engaged. The Lincolnshire Wolds AONB is situated to the south-east of the application site and is a nationally designated

planning constraint and afforded the highest status of protection. Great weight should be given to the conservation of its qualities, character, and distinctiveness. The design, form and scale of any development should preserve and where possible, enhance the visual amenity of the landscape character. Very similar requirements are also applicable for an AGLV but these are local designations and are only afforded weight by Policy S62 of the CLLP but are still an important consideration. The general amenity considerations are Policy S53 are also applicable.

In assessing the proposed development against these policies there are a number of factors to take into consideration including the siting of the proposed development, its scale, design, form, appearance, and the overall cumulative impact that these factors would result in. This will then allow for the content of the representations to be fully accounted for.

Firstly, although it has been established that the location of the development is acceptable, this does not account for the individual constraints of a development site. The statutory and non-statutory designations described above therefore require that any development in this location reflect the highest standards. At first glance, it is easy to understand the concerns of the representations as the siting of the panels will be at edge of the applicant's ownership at the top of the field and appears to be visually isolated and prominent from public vantage points. This is indeed a valid concern but when the context is fully explored, the actual visual impact is very limited and where necessary can be fully mitigated for. In terms of its visibility from public vantage points, the only areas where the proposed development even has the potential to have an unacceptable impact is a small section where the access is to the south on Grimsby Road and to the west along the nearest Right of Way (Cais/31/1). Even in these locations, the visual impact is considered to be very limited. At the access on Grimsby Road, there are tall hedgerows on both sides of the road which constrain the already limited visual overspill to a small section of Grimsby Road that with the exception of the Fleece Inn, provide no real amenity value (the impact on the Fleece Inn will be described later). To the west, the proposed development would be inevitably visible along Cais/31/1 and only from a small section at the western boundary of the field which forms the edge of the applicant's ownership. Beyond this point, there is a significant amount of intervening vegetation, and the topography falls significantly to the west and rises to the north-west in a way that in combination with the vegetation prevents any visual overspill in the wider AGLV.

The above visual impact in itself is not considered to be unacceptable but with additional context, it is considered that the visual impact can be further reduced and potentially eliminated. The scale and design of the proposed development is vital context in this instance, the site area at 300 square metres is less than the plot size of the pair of semi-detached dwelling immediately to the east of the where the panels would be located. Perhaps most critically, the height of each individual panels is only 0.68 metres which is the height of a small table or alternatively, less than one tenth the height of the adjacent dwellings. The scale of the proposed development compared to

larger commercial solar panels is small as these are at least 2.5 metres in height and can occasionally exceed four metres in height for the tallest solar panels (e.g., tracking panels). Cais/31/1 is approximately 100 metres to the west of the application site and therefore the solar panels would only appear as a spatially contained, non-intrusive feature that is not considered to come close to causing an unacceptable impact on visual amenity. For further comparison, the adjacent hedgerows that back onto the dwellings on Riby Road were over 1.5 metres in height and would largely screen the solar panels from these dwellings. It may be possible to view the solar panels from a first-floor window, but this will be limited to dwellings on Riby Road, but loss of view is not a material consideration in this context and the very limited scale of the proposed development would only have a minimal impact on the landscape character from this vantage point. A development being visible from a first-floor window is also not a reason to warrant refusal. There would need to be a genuine harm to visual amenity both from a window view, which it is not considered that there is and also from public vantage points, which it is not considered that there is either.

Concern has been expressed in relation to further expansion of solar panels. This concern is understandable and noted, but it must be stressed that every application is determined on its own merits and speculation about future development can be afforded very limited, if any weight. Furthermore, the limited scale of the proposed development is not considered to be unacceptable and is clearly ancillary to the Rock Foundation UK. Given that the solar panels will support over 90% of the daytime energy needs of the applicant, it is considered that a further expansion is unlikely and would still need to be determined on its own merits and would be considered cumulatively with existing development.

The final relevant consideration is whether the location is favourable or whether an alternative location such as the rooftop would be more favourable. All of areas where the development would be visible from public vantage points have been described above. The proposed development would be screened from all other public vantage points to the south, east, north, and west with the exception of a small fraction of Cais/31/1. There are a number of intervening hedgerows to the north so there would be negligible, if any visual intrusion when viewed from Canada Lane. At most there would be glimpses given that the solar panels are only a fraction of the size of the existing hedgerows, this is considered unlikely. Moving the hedgerows to another section of the field would not alter the visual impact and may even increase the view from Grimsby Road or Cais/31/1. The solar panels are still sufficiently close to the Fleece Inn to be viewed as an ancillary development to the main buildings. With regards to developing solar panels on rooftops, the Energy Security Strategy is particularly in favour of this but in this instance, developing solar panels on available roof space would likely result in a greater visual intrusion. Not only is the Fleece Inn a designated heritage asset (and as such solar panels on its roof have a much greater potential to have a detrimental harm to its setting and significance) the buildings owned by the applicant face towards the Lincolnshire Wolds AONB so placing panels in this location would result in a greater visual impact than where the solar panels

are located now. The solar panels would need to be sited on the south elevation of these buildings at a minimum to maximise solar gains alongside the east and west elevation. In this location, it is hypothetically conceivable that an application would be refused due to heritage and the potential impact on the AONB. There are two dwellings to the north on Canada Lane which both have solar panels on their principal elevation, and these are much more visually intrusive and can be seen from multiple public vantage points and greater distances than what these solar panels would be. This is not a commentary on the merits of these panels as they appear to be permitted development, but it shows that rooftop panels are not necessarily less visually intrusive. In respect of the above, it is not considered that rooftop solar development would necessarily be more favourable in this specific context, especially due to the presence of a designated heritage asset and the AONB. The comments from the Parish Council are also noted, but it is considered that the installation of wind turbine(s) would have a far greater visual impact than solar panels.

A condition will also be attached to any grant of planning permission which would provide the opportunity to completely screen the solar panels from any relevant public vantage points (considering the need for not overshadowing the panels). The limited visual impact and any additional landscaping would likely have no impact on the enjoyment of the local area and is unlikely to unacceptably impact visitor numbers, if at all.

Paragraph 158 also makes it clear that an applicant does not need to demonstrate an overriding need for renewable energy, but the applicant has gone beyond this requirement by stating that rooftop solar panels which not produce a sufficient level of energy. This is conceivable given the number of adults in supported living alongside the commercial operation.

For the reasons explained above, it is considered that the proposed development is in accordance with Policies S53 and S62 of the CLLP, paragraphs 126, 130, 134 and 176 of the NPPF and Policies No. 1 and 2 of the CNP. The proposal would specifically accord with the first provision i) of Policy S14 as quoted above.

Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things. Furthermore, paragraph 130 f) of the NPPF requires that development proposals provide a high standard of residential amenity for both existing and future users.

The main consideration in this section is whether the solar panels would unacceptably impact the dwellings to the east on Riby Road in terms of their residential amenity. The closest residential dwelling is at least 30 metres from the application area with dwellings further south being at greater distances. Solar panels typically have no visual impact in terms of noise, vibration etc.

and are common fixtures on the rooftops of residential dwellings as had been made clear in this report. Therefore, it is considered that solar panels at least 30 metres from the nearest dwelling would have no unacceptable impact on the amenity of adjacent occupiers.

Solar panels do produce some glint and glare, but the siting and scale of the proposed development would mitigate this potential harm. The proposed solar panels are south facing to maximise solar gains, but this also has the effect that they would face away from the dwellings on Riby Road. Their angle and low profile would also help to ensure that glint and glare would not pose any harm to the residential amenity of the occupiers of these dwellings. This concern has also not been raised in any of the submitted representations. For context, no safeguarding concerns were raised by the MoD in terms of glint and glare (see Other Matters). The impact during the construction period would be limited and temporary in nature.

As such, it is considered that the proposed development would accord with Policy S53 of the CLLP and paragraph 130 f) of the NPPF. This is however, subject to a condition limiting working hours/delivery times. This is a standard condition and within the remit of paragraph 56 of the NPPF. It would prevent any operations taking place during unsociable hours.

Heritage Conservation

Section 66 of the Planning (Listed Buildings and Conservations Act) 1990 places a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a Listed Building, its setting, and any features of special architectural or historic interest.

Paragraphs 194 and 195 of the NPPF requires an applicant to describe the significance of any heritage asset that may be impacted. Paragraph 197 requires the Local Planning Authority to take account of the desirability of sustaining and enhancing the significance of heritage assets, the contribution that these assets can make to sustainable communities and the desirability of new development in making a positive contribution to the local character and distinctiveness of the area. Great weight should be given to the conservation of a designated heritage asset, regardless of the level of harm to its significance (paragraph 199) and in turn, any harm to, or loss of the significance of a designated heritage asset should require a clear and convincing justification under paragraph 200. Paragraph 202 allows for development that leads to a *less than substantial harm* to the significance of a designated heritage asset, this harm should be weighed against the public benefits of a proposal. These requirements are also contained within Policy S57 of the Central Lincolnshire Local Plan. Policy S57 is consistent with Section 66 of the Planning (Listed Buildings and Conservations Areas) Act 1990 and Section 16 of the NPPF and is afforded full weight.

The application site is located within the setting of the Fleece Inn which is a Grade II Listed Building. The list description is as follows:

Late C18 with C19 alterations, colourwashed brick with pantiled roof having brick coped tumbled gables with small kneelers single end stack and ridge stack. L-plan. 2 storeys originally 3 bay now 5 bay front with dentillated eaves course. Off centre plain door with 3 pane overlight under a segmental head, flanked by 2 C19 canted bay windows with glazing bar sashes and flat roofs. To right a 3 light C19 casement and beyond a single light, beyond a blocked opening. Above the door is a short glazing bar sash with to left a glazing bar sash and to right 3 further similar windows, all with segmental heads. Wing to rear, 2 storey, 2 bays, with glazing bar sashes.

As described in the visual amenity section, there will inevitably be some visual overspill onto Grimsby Road, but this is limited to the access to the site. However, this is still considered to result in a *less than substantial harm* for NPPF purposes. In reality, the harm to the setting and significance of the Fleece Inn is very limited and would not compromise its Victorian character. The view of the main architectural features from the access to the application site is mainly limited to the eaves, chimneys and to an extent the bay windows. However, when viewing the Fleece Inn from in front of the principal elevation, the most important features such as sliding sash windows and pantile roof are completely preserved in terms of their architectural significance. In any meaningful sense, the setting and significance of the Fleece Inn is preserved with the exception of one view towards the Listed Building from the west. Alternative locations within the field may result in a greater harm to its setting by bringing a form of development closer to the building. Solar panels on the roof would almost certainly have a more significant impact that would be viewed less favourably.

In instances where a *less than substantial harm* occurs, this must be weighed against the public benefits of a development proposal. In this circumstance, the public benefits are clear, being the annual generation of 34,000kw of low carbon electricity accounting for more than 90% of the daytime electricity consumption of the Rock Foundation UK. This has a clear benefit in also helping to secure the long-term viability of the business and to an extent the continued use of a Listed Building. There are also benefits in terms of any landscaping which would provide a biodiversity enhancement. No objection has been received from the Conservation Officer who agreed with this assessment and noted that the process installing solar panels is 100% reversible.

Therefore, subject to one condition requiring that the solar development is removed when no longer required, it is considered that the proposed development is in accordance with Policy S57 of the CLLP, Section 16 of the NPPF (specifically paragraph 202) and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highways

Paragraph 92 of the NPPF supports development proposals that allow for the creation of healthy and safe places. This is reinforced by paragraph 110 of the NPPF which requires that development proposals provide safe and suitable access to all users. Paragraph 111 of the NPPF in turn states that

development proposals can only be refused on highways grounds where there is an unacceptable impact on highway safety, or the wider cumulative impact would be severe. These requirements are echoed by Policies S47 and S49 of the CLLP which is consistent with the above requirements and is afforded full weight.

No objection has been received from the Local Highway Authority who concluded that the proposed development would not result in an unacceptable impact on highway safety or that the residual cumulative impact of the proposed development would be severe. There will inevitably be some increased vehicle movements during the construction period, but this will be limited to the delivery of the solar panels, their installation and the installation of the cable. Following the construction period, the only relevant vehicle movements would be related to any required maintenance of the solar panels which would generate a negligible number of vehicle movements and is not considered to be unacceptable. The only mitigation required in this respect is the condition limiting construction hours which has been described in the residential amenity section of this report.

In respect of the above, it is considered that the proposed development would accord with Policies S47 and S49 of the CLLP and paragraphs 92, 110 and 111 of the NPPF.

Ecology & Biodiversity

Policies S60 and S61 of the CLLP requires that development proposals do not have an unacceptable impact on ecology or biodiversity and should take opportunities to provide a net gain in biodiversity wherever possible. These requirements are also contained within paragraph 174 of the NPPF. Paragraph 180 states further that some harm to biodiversity is permitted but where there is significant harm, planning permission should be refused.

No reply was received from the Lincolnshire Wildlife Trust, but informal discussions highlighted that due to the limited scale of the application, they were unlikely to provide any formal comments. The application site is located on a semi-managed field with the grass being short. It is considered that the biodiversity value of the site is therefore low and solar panels do not result in an unacceptable impact on biodiversity or wildlife. To the contrary, there is often an opportunity for a substantial net gain in biodiversity and there is no known risk to protected species in this instance and all adjacent hedgerows will be maintained. Due to the application being received in February and validated in March, several weeks before the adoption of the current CLLP, it is not considered reasonable to impose the net gain requirements in Policy S61, but one condition will be imposed relating to the provision of landscaping. This may also provide the additional benefit of screening the proposed development and enhancing biodiversity. It does however need to be considered that any planting would have to avoid overshadowing the solar panels. For the reasons outlined above, it is not considered that there would be any impact on the Water Hills LWS which is at least 115 metres to the north-west of the application site.

Data on the Agricultural Land Classification is contradictory. Regional mapping data from Natural England appears to suggest that the application site is Grade 3 but interactive mapping from the Natural England Open Data Publication (supported by DEFRA) suggests that the application site could be on the boundary of Grade 2 and Grade 3 agricultural land. In any instance, there is a potential for the application to impact on BMV land. Policy S67 of the CLLP and paragraph 174 of the NPPF make it clear that development proposals should be protected and a Written Ministerial Statement (WMS) from 2015 is still applicable which states that development on BMV land should require the most compelling evidence. Similar guidance is also contained within the PPG and borne out in Policy S67 which makes it clear that alternative lower quality land should be preferred over BMV where available. In this instance, the applicant only has limited land availability. A clear need for the proposed development has also been established alongside the backdrop of high energy prices providing a systemic justification for decentralised and renewable energy to lower costs. The CLLP in the supporting text of Policy S14 makes it clear that the cost of solar has dropped by more than 85%. The proposed development is therefore considered to comply with the first provision of Policy S67. In terms of the other provisions, there are clear benefits to renewable energy, the impact of solar panels on the quality of the land is very limited due to solar panels only 'developing' a small fraction of the land they occupy. The process is also reversible. A condition will be attached to this decision that requires the solar development to be removed when no longer practicable. The development is also below one hectare and is not considered to be 'significant' development for the purposes of Policy S67.

Furthermore, there is no evidence that the land is currently being farmed or has recently been farmed and the field is just semi-managed grass. There appears to be a small section of allotment which would not be impacted by the proposed development.

It is therefore considered that the proposed development is in accordance with S60, S61 and S67 of the CLLP and paragraph 174 of the NPPF.

Flood Risk

Policy S21 of the CLLP requires that development proposals do not have an unacceptable impact on flood risk and implement appropriate mitigation (such as the use of SuDS) wherever possible. This policy is consistent with the requirements of paragraphs 159 and 167 of the NPPF and is therefore afforded full weight. Paragraphs 159 and 167 of the NPPF respectively require that development should be diverted away from areas at the highest risk of flooding and that all development proposals should not increase the risk of flooding elsewhere. Policy S21 is consistent with paragraphs 159 and 167 of the NPPF and is therefore afforded full weight.

The proposed development is located within Flood Zone 1 which is at the lowest risk of flooding. No specific drainage information has been provided by

the applicant. However, due to the limited scale of the application and the solar panels only marginally increasing the impermeable area of the site, it is not considered that any drainage mitigation is required. Solar panels only develop a small fraction of the land underneath to secure them to the ground and their grid connection. The requirements for these solar panels will likely be lower given the domestic scale of each individual panel. Even on commercial scale solar farms, the amount of developed land would be less than 1% and grass mixes are often planted alongside ongoing sheep grazing.

For these reasons, it is considered that there would be no impact on flood risk and the proposed development is in accordance with the policies outlined above.

Other Matters:

MoD Safeguarding

No objection has been received from the MoD as the proposed development is outside any of their safeguarding areas.

Health & Safety Executive Safeguarding

The response received from HSE is a standard response and merely outlines that there is more than one unidentified pipeline within West Lindsey. There is no objection from HSE and no indication that the application site is near any such pipeline. A note to the applicant will be attached to the decision notice as taking this consideration into account is independent from the requirements of The Town and Country Planning Act 1990.

Conclusion:

The proposal has been considered in light of relevant development plan policies namely S1: The Spatial Strategy and Settlement Hierarchy, S2: Level and Distribution of Growth, S5: Development in the Countryside, S9: Decentralised Energy Networks and Combined heat and Power, S14: Renewable Energy, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S57: The Historic Environment, S60: Protecting Biodiversity, Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains and S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value

In light of the assessment outlined in this report, it is considered that the potential impacts would not be unacceptable and can be mitigated by the imposition of the appropriate conditions. More specifically, the potential harms to visual amenity, heritage conservation, ecology and biodiversity and an inappropriate form of development in the countryside are either non-existent, very limited or can be mitigated via appropriate planning conditions. Notwithstanding the above, the benefits of renewable energy production contained within this report, benefits to an existing business/charity and any biodiversity enhancements through a landscaping condition are considered to

clearly outweigh these harms. Great weight is afforded in favour of granting planning permission based on Policies S9 and S14 of the CLLP, Sections 8, 9 and 14 of the NPPF and Policy No. 12 of the CNP.

The application is recommended for approval subject to the following conditions:

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Site Layout/Block Plan, Proposed Site Layout/Block Plan, Proposed Panel Details, Proposed Elevations and Site Location Plan (1:2500), received 7th March 2023 and Rock Foundation – Layout, received 31st March 2023. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

3. The development must be completed in strict accordance with the solar panel specification shown on the Proposed Panel Details and Proposed Elevations, received 7th March 2023.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

4. Any construction activities and deliveries of solar panels, equipment or machinery related to the development shall only be carried out during the following hours:

- i. Monday to Friday: Between 7:00 AM and 6:00 PM.

- ii. Saturdays: Between 8:00 AM and 1:00 PM.
- iii. No construction activities shall be permitted on Sundays and Bank Holidays.

Reason: To ensure that the construction period does not result in any unacceptable impact on the amenity of the occupiers of nearby dwellings in accordance with Policy S53 of the Central Lincolnshire Local Plan and paragraph 130 f) of the National Planning Policy Framework.

- 5. Prior to the first use of the development, full and final landscaping details, including the proposed enhancements and type of planting shall be provided to and agreed in writing by the Local Planning Authority.

Once the details have been agreed the planting shall be carried out in the first planting and seeding season following the completion of the development, whichever is sooner; and any planting which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure that appropriate landscaping is introduced to enhance the character and appearance of the site and to accord with Policies S60 and S61 of the Central Lincolnshire Local Plan.

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

- 6. The solar PV equipment shall be removed as soon as reasonably practicable when no longer needed.

Reason: To minimise the impact of the proposed development on the character and appearance of the area and to minimise the impact of the proposed development on the setting and significance of nearby heritage assets in accordance with the National Planning Policy Framework and Policies S53, S57 and S62 of the Central Lincolnshire Local Plan.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for their private and family life, their home, and their 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 7



Planning Committee

**Wednesday, 31 May
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

x

Key Decision:

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

Yes

☐

No

x

Appendix A - Summary

- i) Appeal made by Mr Andrew Giddens against the decision of West Lindsey District Council to refuse an application for a one and a half storey side extensions, new roof with accommodation within roofspace and new external finishes at 25 Torksey Avenue, Saxilby, Lincoln, LN1 2HY.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse

- ii) Appeal made under section 78 of the Town and Country Planning Act 1990 by Mr Sath Vaddaram against the decision of West Lindsey District Council to refuse planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted at Egmont, 23 Wragby Road, Sudbrooke, Lincoln, Lincolnshire LN2 2QU.

Appeal Allowed – See copy letter attached as Appendix Biia

Planning Committee Decision – Refuse

Application for costs – Refused - See copy letter attached as Appendix Biib

- iii) Appeal made by Mr Steven Harper against the decision of West Lindsey District Council to refuse an application for change of use of existing field to domestic use to grow seasonal fruit and vegetables and siting of a hobby greenhouse used for propagation and growing soft fruit and a shed/workshop to be used for storing gardening tools and machinery to maintain the area and the paddock beyond its perimeter at 3 Walmsgate, Barlings Lane, Langworth, Lincoln LN3 5DP.

Appeal Dismissed – See copy letter attached as Appendix Biii.

Planning Committee Decision – Refuse

Appeal Decision

Site visit made on 14 March 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/N2535/D/22/3312297

25 Torksey Avenue, Saxilby, Lincoln, LN1 2HY

- 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 Andrew Giddens against the decision of West Lindsey District Council.
 - The application Ref 144563, dated 11 March 2022, was refused by notice dated 29 September 2022.
 - The development proposed is one and a half storey side extensions, new roof with accommodation within roofspace and new external finishes.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant states that two case officers were assigned to the case and that this caused delays in determination as well as uncertainty to the appellant. These are matters between the appellant and the Council.

Main Issues

3. The main issues in this case are the effect of the proposed development on the character and appearance of the area; its effect on the living conditions of neighbouring occupiers, with regards to outlook; and whether the proposal would be acceptable with regards to flood risk.

Reasons

Character and appearance

4. The appeal property is a detached bungalow with a hipped roof. It is set back from the road within a garden which surrounds all four sides of the dwelling.
 5. The appeal property is located in a residential area. Torksey Avenue is characterised by the presence of detached bungalows set back from the road within comfortable garden plots.
 6. During my site visit I observed that, whilst many dwellings have been altered and/or extended, such changes generally appear in keeping with the host dwelling and neighbours.
-

7. Along Torksey Avenue, the presence of a wide grass verge, pavements and street trees combines with front gardens, hedgerows, the low height of dwellings and the absence of tall boundary features to the front, to create a green, open and spacious character.
8. Further to the above, I noted during my site visit that the regular set back of dwellings from the road, the common use of materials and the similar scale, height and hipped appearance of the roofs of bungalows results in a strong sense of uniformity and a satisfying rhythm of development along Torksey Avenue.
9. The proposed development would greatly extend the size and height of the existing dwelling a way that would greatly alter its appearance. A modest bungalow on a comfortable garden plot would be transformed into a large and bulky dwelling with a gable roof.
10. I find that this would result in an incongruous form of development, out of character with the appearance of other dwellings along Torksey Avenue.
11. Further to the above, the proposed changes would not appear subservient to the host property, but would overwhelm it and this would result in an unduly dominant form of development that would draw attention to itself and in so doing, would severely disrupt the area's identified uniform qualities.
12. Taking all of the above into account, I find that the development would harm the character and appearance of the area, contrary to the National Planning Policy Framework; to Local Plan¹ Policies LP17 and LP26; and to Policy 2 of the Saxilby with Ingleby Neighbourhood Plan (2017), which together amongst other things, seek to protect local character.

Living conditions

13. The appeal property is located such that the rear elevation of Number 47 Sykes Lane faces directly towards the side of the appeal property. During my site visit, I observed that No 47 has a rear facing conservatory and a small rear garden.
14. The proposed development would be set very close to No 47's conservatory, rear facing windows and rear garden. I find that the height, scale and close proximity of the proposal would be such that it would appear to "loom" above the rear of No 47 in an oppressive manner.
15. I find that this would be to the extent that the proposal would unduly dominate the outlook from that property.
16. Given this, I find that the development would harm the living conditions of neighbouring occupiers, with regards to outlook, contrary to the National Planning Policy Framework and to Local Plan Policy LP26, which together amongst other things, seek to protect residential amenity.

Flood risk

17. Flood risk maps show that the appeal property is located within Flood Zone 2. In the absence of any substantive evidence, it is not possible for me to surmise

¹ Reference: Central Lincolnshire Local Plan (2017).

that the proposed development would be flood resistant and would not increase flood risk elsewhere.

18. Given this, I am unable to conclude that the development would not give rise to an unacceptable flood risk and the proposal is therefore contrary to the National Planning Policy Framework and to Local Plan Policy LP14, which together amongst other things, seek to provide for flood protection and resilience.

Other Matters

19. In support of the proposal, the appellant states that the appeal property is not within Flood Zone 2. However, the plan provided by the appellant in this regard does not appear to show the correct location of the appeal property. In contrast, the Environment Agency flood risk map provided by the Council shows that the appeal property is located within Flood Zone 2.
20. In its officer's report and decision notice, the Council considered that the proposal would harm the living conditions of the occupiers of Number 23 Torksey Avenue. However, during my site visit, I noted the presence of tall rear boundary features between Nos 23 and 25 Torksey Avenue. Whilst I consider that some harm would arise as a result of the scale of the development proposed appearing dominant when seen from the rear of No 23, this would be mitigated to some degree by the presence of boundary features and the harm arising would not be so significant as to warrant dismissal of the appeal on this basis alone.
21. However, I have found that significant harm would arise in respect of other matters and hence the decision below.
22. In support of the proposal, the appellant refers to an approval elsewhere along Torksey Avenue. However, this relates to a corner plot and the circumstances associated with this other proposal are different to those associated with the proposal the subject of this appeal. Notwithstanding this, I have found that the proposal would result in harm and this is not a matter mitigated to any significant degree by an approval for a different form of development elsewhere.

Conclusion

23. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR



Appeal Decision

Site visit made on 25 April 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2023

Appeal Ref: APP/N2535/W/22/3313280

Egmont, 23 Wragby Road, Sudbrooke, Lincoln, Lincolnshire LN2 2QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Sath Vaddaram against the decision of West Lindsey District Council.
- The application Ref 145619, dated 30 September 2022, was refused by notice dated 1 December 2022.
- The application sought planning permission for demolition of existing house and construction of a new self-build replacement two and a half storey dwelling and detached garage with accommodation at first floor level without complying with a condition attached to planning permission Ref 139843, dated 24 October 2019.
- The condition in dispute is No 3 which states that: 'With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: L-ADD-025-04 REV D dated 01/10/2019, L-ADD-025-05 REV C dated 01/10/2019, L-ADD-025-06 REV C dated 01/10/2019, L-ADD-025-07 REV C dated 01/10/2019, L-ADD-025-08 REV C dated 01/10/2019, L-ADD-025-09 Rev C dated 01/10/2019 and L-ADD-025-10 A dated 26/09/2019. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.'
- The reason given for the condition is: 'To ensure the development proceeds in accordance with the approved plans in the interests of proper planning'.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing house and construction of a new self-build replacement two and a half storey dwelling and detached garage with accommodation at first floor level at Egmont, 23 Wragby Road, Sudbrooke, Lincoln, Lincolnshire LN2 2QU in accordance with the terms of the application, Ref 145619, dated 30 September 2022, subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Sath Vaddaram against West Lindsey District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. Since the Council issued its decision and following the submission of this appeal, a new Central Lincolnshire Local Plan (April 2023) (LP 2023) has been adopted. This supersedes the Central Lincolnshire Local Plan adopted in 2017, Policy LP 26 of which is referred to in the Council's decision notice. Therefore, I have considered the proposal against the policies of the up-to-date development plan including the LP 2023.

Background and Main Issue

4. Planning permission has previously been granted on the appeal site for demolition of the existing house and the construction of a new self-build replacement dwelling and detached garage. The appeal seeks to vary condition 3 of that planning permission¹ (the original planning permission) to amend the approved drawing numbers to allow for an alteration to the roof over a car port off the east elevation of the replacement dwelling.
5. On my site visit, I saw that the previously approved development has commenced and is substantially complete. Save for the proposed alteration to the roof over the car port, the proposal before me is substantively the same as the implemented planning permission. The original planning permission therefore represents a fallback position to which I attach significant weight in my assessment of this appeal.
6. Therefore, the main issue is whether the variation of condition 3 to include the amended plans would be reasonable having regard to the living conditions of occupiers of neighbouring dwellings with particular regard to light and privacy.

Reasons

7. There is a high close boarded fence to the boundary with No 25 Wragby Road next to the position of the car port. No 25 also has a detached flat roofed building which is situated next to the boundary with No 23 and aligns with part of the car port. The car port eaves height and footprint would be the same as that previously approved. The proposed alteration to the roof over the car port would retain a hip away from the boundary with No 25. Taking these factors into account, together with the limited extent of the increases in the height and bulk of the roof when compared with the previously approved roof, the proposal would not result in any material effect on levels of light experienced by occupiers of this neighbouring property when compared with the fallback position.
8. While not on their own determinative, the summer and winter sun studies provided by the appellant further persuade me that there would be no material loss of light for neighbouring occupiers. No detailed evidence to demonstrate otherwise has been provided by the Council or third-parties.
9. The proposal includes rooflight windows in the front facing roof slope of the proposed car port roof. Given their angle in the roof slope and position set away from the boundary with No 25, these rooflights would only provide oblique views towards the boundary with No 25. The other windows would be skylights within a flat section of the roof and would not facilitate views towards neighbouring properties. Consequently, I am satisfied that the main habitable windows and the more private garden area to the rear of this neighbouring property would not be materially overlooked as a result of the proposed amendments to the previously approved scheme. Therefore suitable levels of privacy would be retained for occupiers of this neighbouring dwelling.
10. Given the position of the proposed car port roof alteration to the eastern side of the replacement dwelling on the site, away from the neighbouring property at No 21 Wragby Road, I am also satisfied that there would be no material effects

¹ LPA Ref 139843

on the living conditions of occupiers of this other neighbouring property when compared with the extant planning permission on the site.

11. I conclude, the proposal would have an acceptable relationship with the living conditions of occupiers of neighbouring dwellings with particular regard to privacy and light. In that regard, it would comply with the amenity requirements in Policy S53 (Design and Amenity) of the LP 2023 and Policy 9 (Local Design Principles) of 'A Neighbourhood Plan for Sudbrooke 2018-2036' (made 2019) (the NP). In these respects the proposal also accords with the amenity requirements at Paragraph 130 of the National Planning Policy Framework.
12. The Council's decision notice refers to Policy 2 (Extensions and Alterations to existing dwellings) of the NP. The proposal relates to a replacement dwelling rather than an extension or alteration to an existing dwelling. In any case, given my findings, I am satisfied that the proposal would not conflict with the requirements in this policy to ensure that there shall be no significant reduction in the private amenity of the occupiers of neighbouring properties.

Other Matter

13. With regards to third-parties comments not covered under the main issue, there is no objective evidence before me to suggest that the proposal would result in a material increase in rainfall runoff when compared with the extant planning permission. Any noise and disruption experienced beyond that which could reasonably be expected during development would be a matter for the Council to investigate. The relationship of the wider proposal with the character and appearance of the area and neighbouring living conditions has been established through the original planning permission which has been implemented. I also note that the Council did not refuse planning permission on grounds other than that considered under the main issue.

Conditions

14. Other than condition 3, none of the other conditions attached to the previous planning permission on the site are being contested. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
15. A time limit for development to be begun is not required as the development has already been substantively completed. I have amended condition 3 (now condition 1) to include the revised plans subject of this appeal whilst also retaining the reference to drawing No L-ADD-025 – 10A which relates to the previously approved detached garage which is not proposed to be altered under this appeal.
16. The evidence before me indicates that several of the other conditions on the original planning permission have previously been discharged². The Council's suggested conditions include conditions seeking continued compliance with the previously approved details. The suggested conditions also include retention of the previous conditions requiring new hardstanding to be constructed from a porous material, requiring tree protection measures to be installed during

² LPA Ref 141658

development, requiring the provision of obscure glazing to specified windows and the removal of permitted development rights in terms of any additions to the roof of the dwelling house and garage. Where applicable the drawing numbers in these conditions have been updated to relate to the revised drawing numbers subject of this appeal. These conditions have not been contested by the appellant and I am satisfied that it is reasonable and necessary to include them on the varied planning permission.

Conclusion

17. For the reasons given, the appeal is allowed and condition 3 is varied.

M Russell

INSPECTOR

Schedule of conditions

- 1) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: L-ADD-025 -01A (Site Location Plan), L-ADD-025-04F (Proposed Site Plan), L-ADD-025- 05C (Proposed Ground Floor Plan), L-ADD-025-06E (Proposed First Floor Plan), L-ADD-025-07E (Proposed Second Floor Plan), L-ADD-025-08E (Proposed Roof Plan) and L-ADD-025-09G (Proposed Elevations) and L-ADD-025-10 A (Proposed Garage Floor Plans and Elevations). 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.
- 2) Development on the site shall proceed wholly in accordance with the details approved under 141658 in terms of full details of the materials and method of construction for the driveway. The driveway shall then be constructed in accordance with the approved details and thereafter retained as approved.
- 3) Development on the site shall proceed wholly in accordance with the details approved under 141658 in terms of the proposed new walling, roofing, windows, doors and other external materials. The development shall thereafter be constructed in accordance with the approved details.
- 4) Development on the site shall proceed wholly in accordance with the details approved under 141658 in terms of a scheme for the disposal of foul and surface waters. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwelling.
- 5) Development on the site shall proceed wholly in accordance with the details approved under 141658 in terms of all boundary treatments. The agreed details shall be implemented in full prior to the occupation of the hereby approved dwelling and retained thereafter.
- 6) New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

- 7) All existing trees and hedges shown as being retained on the plans hereby approved shall be protected by protective fencing prior to the commencement of development around the retained trees and hedges. The fencing should be positioned at the outer extents of the trees Root Protection Areas, as specified on Drawing No. L-ADD-025 - 04F. Such fencing shall be erected before development commences including ground scraping and shall be retained at all times whilst construction work is taking place. Nothing shall be stored or placed in any root protection area, nor shall the ground levels within those areas be altered, without prior written approval of the Local Planning Authority.
- 8) The dwelling and garage (with first floor living accommodation) hereby permitted shall not be occupied until the first floor window to an en-suite in the side (west) elevation of the proposed new house (Drawing No. L-ADD-025 - 09G) and until the first floor windows to a bedroom in the side (north) elevation of the proposed detached garage (Drawing No. L-ADD-025-10A) have been fitted with obscure glazing and retained as such thereafter.
- 9) Notwithstanding the provisions of Class B of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the buildings hereby permitted shall not have any additions to the roof of the dwelling house and garage unless planning permission has first been granted by the Local Planning Authority.



Costs Decision

Site visit made on 28 September 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2023

Costs application in relation to Appeal Ref: APP/N2535/W/22/3313280 Egmont, 23 Wragby Road, Sudbrooke, Lincoln, Lincolnshire LN2 2QU

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Sath Vaddaram for a full award of costs against West Lindsey District Council.
 - The appeal was against a refusal to grant planning permission for demolition of existing house and construction of a new self-build replacement two and a half storey dwelling and detached garage with accommodation at first floor level without complying with a condition attached to planning permission Ref 139843, dated 24 October 2019.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG provides that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. Examples of this include where a local planning authority fails to produce evidence to substantiate each reason for refusal on appeal or where vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The appellant suggests that the Council failed to have the correct personnel present at its Planning Committee meeting to present the key points of their application. However, the detailed position of the case officer was set out in the report that was before the Planning Committee. It is not unusual for another planning officer to present an application on that basis.
5. In terms of whether there was a misrepresentation of the scope of the application under consideration, I note that the report that was before the Council's Planning Committee included that there was an extant fallback position and that the focus of the proposal was therefore on the amendments to the roof over the car port. The declaration of interests by councillors present at the Planning Committee meeting are a separate matter for the Council to monitor.
6. Notwithstanding the above, the Council's case is particularly lacking in detail and largely relies on the minutes from the Planning Committee meeting. In the absence of any detailed evidence to support the Council's case I have a degree

of sympathy with the appellant. However, the members of the planning committee are not duty bound to accept the recommendations of its officers. While I have reached a different conclusion to the Council, there is a degree of subjectivity as to whether the proposal would be likely to effect neighbouring living conditions. Given the proposal increased the size of the roof over the car port and added windows, I do not find that it was unreasonable for the Planning Committee to come to its own view on such matters.

7. For the reasons set out, I therefore find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

M Russell

INSPECTOR



Appeal Decision

Site visit made on 24 April 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2023

Appeal Ref: APP/N2535/W/22/3309560

3 Walmsgate, Barlings Lane, Langworth, Lincoln LN3 5DP

- 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 Steven Harper against the decision of West Lindsey District Council.
 - The application Ref 144197, dated 29 December 2021, was refused by notice dated 28 April 2022.
 - The development proposed is described as: 'change of use of existing field to domestic use to grow seasonal fruit and vegetables and siting of a hobby greenhouse used for propagation and growing soft fruit and a shed/workshop to be used for storing gardening tools and machinery to maintain the area and the paddock beyond its perimeter'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development in the interests of clarity and brevity.
3. Whilst the application refers to constructing three buildings on the site over time, the application is clear that this would be through permitted development gained from a change of use. The application thus seeks a change of use of agricultural land to domestic garden in association with an existing dwelling. I have assessed the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. Barlings Lane in the vicinity of the appeal site is a narrow residential street on the fringes of Langworth. Residential properties are positioned to both sides of the road here. Rear gardens are typically generous and consistent in their length, with their continuous rear boundary lines forming a clear definition between residential use and countryside. I saw on the site visit that the garden lengths of the dwellings at 1, 2 and 3 Walmsgate are broadly reflective of others along Barlings Lane and reinforced the clear definition between the countryside and residential development.

6. The appeal site is a parcel of land, described as a paddock, with an open, agricultural character. It is located beyond the rear garden boundary of 3 Walmsgate, a residential property, and extends to the rear of the adjacent cemetery. A similar paddock is located to the rear of 1 and 2 Walmsgate. The appeal site is bounded by a hedgerow to the south. The boundary between the two adjacent paddocks is formed by a tall wire mesh fence.
7. Together the two paddocks form part of an area of open green countryside extending to the north east that is interspersed by trees and hedgerows. This landscape contributes to the rural setting of the village, evident from Sparrow Lane and on the approach from the north along the A158. In views from the north of the appeal site, an industrial style building housing a timber merchant is seen alongside distant dwellings located along the A158, leading out of the village.
8. It is proposed to change the use of the appeal site to a garden serving No 3. This would result in the garden extending out for 70 metres beyond its existing point, a significant encroachment into the open countryside, at odds with the consistent pattern of rear boundaries and detrimental to the established character.
9. Whilst the appellant sets out their intention to use the land for growing fruit and vegetables, a change of use to domestic garden would likely lead to the introduction of domestic and urban characteristics into the landscape, to the detriment of its rural character. The appellant has stated their intention to construct buildings including a greenhouse and workshop on the site which could be carried out under permitted development. It is likely that further buildings could be sited without planning permission in the future.
10. Furthermore, the proposal could lead to hardsurfacing, refuse storage, outdoor seating, washing lines, children's play equipment, domestic planting, and other such domestic paraphernalia. Such development would appear incongruous and would urbanise this countryside setting. Many of these characteristics are unlikely to be capable of being controlled through planning conditions.
11. I accept that the appellant may not intend to carry out all of the works listed above straightaway, or at all, however it is important to consider the consequences of allowing the appeal and thus what works future occupiers would be able to carry out without planning permission.
12. Through the construction of buildings and other works on the site, the urbanisation of the countryside and conflict with the existing pattern of development outlined above, would likely be visible in fleeting views from Sparrow Lane, the adjacent cemetery and at points along the A158. It would also be visible from many of the residential properties along Barlings Lane. Visibility is likely to increase significantly at times when hedgerows and trees are not in leaf. I accept that the appellant states they would site any buildings sensitively, however ultimately there would be little control over where such structures could be constructed.
13. I accept that there is a caravan site further along Barlings Lane, of which some of the caravans are visible above the hedgeline, however the scheme before me is not for a caravan site. Moreover, evidence of existing harm to landscape character from a different use is not justification for further harm from an unconnected use. For the same reasons, the presence of the timber merchants

on the A158, remote from the appeal site, does not justify this proposal. Stables are located immediately adjacent to the appeal site beyond the existing boundary hedge. However, this is an expected use in the open countryside and does not result in its urbanisation or encroachment.

14. As such, for the above reasons the proposal would result in significant harm to the character and appearance of the area. The proposal would therefore conflict with the aims of Policy LP55 of the Central Lincolnshire Local Plan (2017) which seeks to protect the countryside.
15. There would also be conflict with paragraph 130 of the Framework which sets out that planning decisions should ensure new developments add to the overall quality of the area, are visually attractive, and sympathetic to local character. Conflict would also occur with Framework paragraph 174 which seeks to ensure planning decisions contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other Matters

16. I have had regard to the local support for the scheme at the application stage, notably from the Parish Council. However, local support does not always equate to a lack of harm as I have found above.
17. The appellant has referred to the need for a building to store machinery to maintain the land. Whilst that may be the case, I do not have precise details of such a building, and that is not the scheme that is before me.
18. The appellant is intending to donate any surplus food grown to local food banks. Although I am provided with little information in this respect, such a commitment would certainly represent a benefit of the scheme. However, this is likely to be limited by the scale of the enterprise and given the lack of information, I can therefore only afford this limited weight.
19. I accept that the proposal would help to contribute to healthy lifestyles in accordance with paragraph 92 of the Framework, albeit that this would be primarily limited to the appellant's family. Nonetheless, I am not convinced that such a benefit is dependent upon the precise nature of the scheme that is before me. Furthermore, as set out at paragraph 3, the Framework should be read as a whole. In this regard, the public harm identified above and conflict with Framework paragraphs 130 and 174 would not be outweighed by the relatively small benefit arising, in this instance, from supporting healthy lifestyles.

Conclusion

20. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR