

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, 9th August, 2023 at 6.30 pm

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

Members:

- Councillor Matthew Boles (Chairman)
- Councillor Jim Snee (Vice-Chairman)
- Councillor Emma Bailey
- Councillor John Barrett
- Councillor David Dobbie
- Councillor Ian Fleetwood
- Councillor Sabastian Hague
- Councillor Peter Morris
- Councillor Tom Smith
- Councillor Baptiste Velan
- Vacancy

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 Meetings**

a) 5 July 2023

To confirm and sign as a correct record the Minutes of the Meeting (PAGES 3 - 10) of the Planning Committee held on 5 July 2023, previously circulated.

b) 12 July 2023

To confirm and sign as a correct record the Minutes of the Meeting (PAGES 11 - 27) of the Planning Committee held on 12 July 2023, previously circulated.

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

Large Clear Print: Braille: Audio: Native Language

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) 146617 - Nettleham Community Hub, 1 East Street, Nettleham (PAGES 28 - 45)
- b) 146223 - Rudies Root Nurseries, Scothern Road, Nettleham (PAGES 46 - 57)
- c) 146370 - Land at 20 Church Street, Hemswell (PAGES 58 - 79)
- d) 146448 - 20 Church Street, Hemswell (PAGES 80 - 89)

7. **Determination of Appeals** (PAGES 90 - 99)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 1 August 2023

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in The Epic Centre, Lincolnshire Showground, Lincoln LN2 2NA on 5 July 2023 commencing at 6.30 pm.

Present: Councillor Matthew Boles (Chairman)
Councillor Jim Snee (Vice-Chairman)

Councillor Emma Bailey
Councillor John Barrett
Councillor David Dobbie
Councillor Ian Fleetwood
Councillor Sabastian Hague
Councillor Peter Morris
Councillor Tom Smith
Councillor Paul Swift

In Attendance:
Sally Grindrod-Smith Director Planning, Regeneration & Communities
Russell Clarkson Development Management Team Manager
Martha Rees Legal Advisor
Danielle Peck Senior Development Management Officer
Chris Bradley Conservation Officer
Julie Heath Communications Manager
Ele Snow Senior Democratic and Civic Officer
Andrew Warnes Democratic and Civic Officer

Also In Attendance: 120 Members of the Public

Apologies: Councillor Baptiste Velan

Membership: Councillor Paul Swift substituted for Councillor Baptiste Velan.

9 CHAIRMAN'S STATEMENT

The Chairman advised that the purpose of this meeting was to determine the application for listed building consent as detailed in the Officer's report (and referred to in the following Minute). Members were not present to discuss other plans or arrangements for the site at Scampton. Those who had registered to speak had been advised of the need to remain focused on the details of the application before the Committee, and should it become apparent that any speaker was diverting from the purpose of this meeting, they would be asked to return to the application in question. If any such comments continued to be made which were unrelated to the application, the person speaking would be requested to make

way for the next registered speaker.

Likewise, all those involved in the meeting had been advised that it would not be acceptable for the name of Wing Commander Guy Gibson's dog to be used. Should anyone present choose to name the dog, they would be requested to step down from speaking immediately.

The meeting this evening was taking place at the Epic Centre in order to ensure that the level of public interest could be accommodated. It was important that the Committee made a fully informed decision on this (and for that matter) any application put before it. It was indicated that should there be any kind of disturbance, within this venue or outside of it, that might detract from the Committee's ability to perform its duties or interfered with the decision-making process, the meeting would be adjourned and members of the public asked to leave the hall.

10 DECLARATIONS OF INTEREST

Councillor Tom Smith referred to his employment by Sir Edward Leigh MP and the fact that he had family who had served at RAF Scampton. However he had not discussed this matter in any way, shape or form with anybody and had come to this meeting with a completely open mind.

Councillor Ian Fleetwood referred to his past membership of the RAF Scampton Working Group in the previous Council but had come to this meeting with a completely open mind and would base his decision on the information presented this evening.

Councillor Sabastian Hague indicated that he had previously been a member of the RAF but that this would not in any way influence his decision which would be based on the information presented this evening.

11 PUBLIC PARTICIPATION SCHEME FOR THIS MEETING

The Chairman then introduced the next item, which was an amended public participation scheme, following his decision, that was in place for this meeting only.

With no comment, the amended Public Participation Scheme was **NOTED**.

12 LISTED BUILDING CONSENT APPLICATION FOR DETERMINATION - 146711, HANGER 2 RAF SCAMPTON, LINCOLN, LINCOLNSHIRE LN1 2ST

The Chairman invited the Planning Officer to introduce the report on application no. 146711 for Listed Building Consent to remove the railings, excavate and remove the grave marker and any zooarchaeological material for relocation. This was the site of the grave of the late Wing Commander Guy Gibson's pet dog.

The Chairman reminded the Committee that the public participation scheme had been extended for this meeting only, given the widespread public interest and advised that all those registered to speak had been informed about the process.

Hangar 2 had been the base of the then newly formed 617 Squadron, who led by the late Wing Commander, had undertaken the raids on the Ruhr dams in 1943 under the code name "Operation Chastise", now commonly referred to as the "Dambusters' Raid".

The application had been brought before the Committee for determination having regard to the significant public interest expressed in this particular application. The Planning Officer proceeded to report on the nature and extent of the application. The Planning Officer indicated that two further objections had been received since the publication of the report – one from a Councillor and the other from a member of the public. They had been made available on the Council's web site. Neither objection however raised anything new and did not affect the recommendation contained in the written report circulated to Members of the Committee. The report summarised all of the objections received in relation to this application. Members were also advised that references to Section 54 (a) of the Town and Country Planning Act should be replaced by Section 38 of the Planning and Compulsory Purchase Act 2004. The report set out a detailed history of the site and the historical importance of the site and the activities carried out from the base during the second world war.

It was considered by the Officers that the proposed removal and relocation of the grave site would lead to substantial harm, through its historic significance no longer being linked to Hangar 2 and the late Wing Commander Guy Gibson's office. Substantial harm would also be caused to the setting and significance of the principal listed buildings, - these being the Grade II Listed Hangars, and specifically Hangar 2 containing the late Wing Commander's office, as well as causing harm to the heritage value of RAF Scampton as a whole.

The Chairman then invited the first of the public speakers to address the Committee, namely Parish Councillor Mr Tony Somerville of Scampton Parish Council who spoke along the following lines:-

"The applicant, on behalf of the MOD and the RAF, recently assured representatives of all levels of local council, at numerous community engagement meetings, that RAF Scampton's unique and nationally important heritage would be preserved. This memorial and grave is an incredibly important part of our heritage, and it is essential that it remains at RAF Scampton to provide a focus for the future development of a Heritage Centre. To date, 5000 supporters have signed the change.org petition opposing this proposal. Additionally, in accordance with section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990, paragraphs 198 and 199 of the National Planning Policy Framework and Policy S75 of the Central Lincolnshire Local Plan, the planning authority should not approve the proposed development".

The Chairman thanked Mr Somerville for his comments and then invited the objectors who had registered their wish to address the Committee. The first to address the Committee was Mr Terry Rumble.

Mr Rumble asserted that to remove the zoological remains would significantly harm the integrity of the remains. The statement progressed to state that relocating the remains would be morally wrong and highly disrespectful to the wartime veterans whose ashes had been scattered in the vicinity of the grave. No attention had been paid to the legislation relating to the exhumation of animal remains. The speaker also stated that to remove the remains of

Guy Gibson's dog, would be a disrespect to the memory of those who lost their lives in "Operation Chastise", and to the history and heritage of Lincolnshire and Bomber Command, alongside the wish for the dog to be buried at the site.

The Chairman thanked Mr Rumble for his statement and invited Alek Yerbury to address the Committee. The speaker stated that this grave was part of the famous Dambusters raid and should not be tampered with, and emphasised the importance of Guy Gibson's contribution to the actions of the British Royal Air Force in the Second World War. The speaker stated that it was a crime against the memory of the late Wing Commander Guy Gibson. The speaker emphasised RAF Scampton had played a huge role in the course of WWII and had important historical significance because of this. The dog's remains was known throughout the political world, and spoke about a separate event organised in nearby Lincoln.

The Chairman thanked Mr Yerbury for his contribution and then invited Mr Peter Hewitt of Scampton Holdings to address the Committee. Mr Hewitt drew attention to the historical importance of the site and the need to protect it for future generations. The site was extremely important within the context of promoting the economic wellbeing of Lincolnshire and therefore the Listed Building consent should be refused. The speaker also stated that the dog was the mascot of that particular group of men forming 617 squadron at that time in history. It had no connection with RAF Marham.

The Chairman thanked Mr Hewitt for his contribution and then invited Mr Keith Batty, Chairman of the Scampton Heritage Group to address the Committee. The Heritage Group had submitted representations along the following lines, concerning which Mr Batty emphasised specific points:-

"The application form submitted by the proposer describes the affected site as the grave of Wing Commander Guy Gibson situated immediately in front of Hangar 2 on the former operational 'water front' of the airfield". It does not refer to Wing Commander Gibson's dog. Wing Commander Gibson's body parts are interred in the municipal cemetery at Steenburgen in the Netherlands.

The single National Heritage List entry 1391594 includes 'HANGARS 1-4 (C-TYPE HANGARS)' at the former RAF Scampton. The dog's grave is specifically cited as being within the curtilage of Hanger 2 by the proposer and is recognised as such by WLDC. Hence, even if the application was meant to reference Gibson's dog's grave, the assertion on the proposer's application that the works do not include alterations to a listed building is incorrect and grossly misleading. Indeed any proposal to relocate the grave and remains would constitute a removal of part of a listed building.

If removed from the Scampton site, Heritage Listing 1391594 would become significantly inaccurate. According to Heritage England, the removal of a significant part of a listed entity constitutes a "Major Alteration."

Although we accept that both are branches of the UK Ministry of Defence, we understand that management of the Scampton site has now passed from the Royal Air Force (RAF) to the Defence Infrastructure Organisation (DIO). We wish to question whether the DIO has given consent for an RAF officer to submit the proposal to WLDC and whether this is permissible under Planning regulations. We further question whether the undertakings given in the Certificate of Ownership section can possibly be correct in these circumstances.

Notwithstanding that the application is to remove Gibson's grave and not his dog's, the Trustees of Scampton Heritage Group dispute with the utmost vigour some of the misleading assertions made in the proposer's "Heritage Statement". Scampton Heritage Group is a charity (Charity Number 1193701) formed by the civilian volunteers who curated and provided guided tours of the Heritage Centre in Hangar 2 at Scampton. The RAF has done virtually nothing to protect the grave in the last two decades. It is better protected by the new owners and the same volunteers who have so lovingly tended it hitherto.

Rather than detracting from the heroism of the personnel who bravely served on 617 Squadron 80 years ago, it enables links to be made between their acts of heroism and the everyday relationships that are as much a part of the story. In no way has the dog's grave ever detracted from the poignancy of the heroism and sacrifice.

It is the explicitly stated objective of our Charity, and that of the likely future owners, to maximise the access of the public to this important heritage site and the stories that underly its past. Although visits have been permitted by the RAF, this has been by prior arrangement and subject to lengthy security checks and narrow visit windows. RAF Marham is the home of the RAF's F35 force and will be subject to even greater security restrictions than the former RAF Scampton. This will further restrict access to this important historical artefact and may even exclude members of the public. Under civilian ownership, the heritage trails at RAF Scampton will vastly improve access to the public and help us all meet our educational aspirations for the site. The dog's grave needs to stay at Scampton to be properly safeguarded and to remain available for public viewing.

The Heritage case makes no mention of the ashes of ten airmen that have also been interred on the site. Over a period of several years, relatives of deceased contemporaries of 617 Squadron personnel have requested the RAF's permission to have their loved one's ashes interred at the unofficial mascot's grave within spiritual sight of the squadron offices that overlook it. Volunteer civilian tour guides have overseen the interments and comforted the relatives.

We consider the exhumation of the remains of a dead dog macabre in the extreme. Moreover, on top of the dog are the ashes of ten airmen who served on 617 Squadron, the exhumation of the dogs remains is offensive to public decency and completely unacceptable.

The late Wing Commander Gibson's dog was his own personal pet. It was a dark brown labrador (not black as the current headstone erroneously states) and was not a squadron mascot. Indeed, although the late Guy Gibson's personal bravery is beyond question, both he and his dog were not well-liked by Squadron personnel. The key link is between the dog and his master, Guy Gibson, and not between the dog and the modern 617 Squadron.

Gibson was never based at RAF Marham, nor was his dog. Moreover, 617 Squadron has been based at RAF Coningsby, RAF Binbrook (briefly) and RAF Lossiemouth as well RAF Marham and has had a least three intervals (1955-58; 1981-1983 and 2014-2018) in which it was disbanded.

The remaining historical evidence presented in the proposer's Heritage Case is also seriously flawed. The Heritage Case presents First World War Plans, Cold War Plans and

Second World War Plans showing concrete/ tarmac runways but Gibson and his dog were only present for a few months in 1943. It was only after 617 Squadron left Scampton in 1943 that hard runways were constructed. The Dams' raid was trained for, and launched from, a grass airfield and Gibson's dog was buried in the curtilage of Hangar 2 on the edge of that grass airfield. 617 Squadron did return in the 1950's but Gibson was killed in 1944 and had no direct association with the Squadron after 1943.

Many people worked hard to ensure that the Central Lincolnshire Plan contained robust protection for RAF Scampton's heritage, developing the mechanism of protection through planning control agreed through extensive consultation. We were aware that disposal, not preservation, was the RAF's primary aim. Against this backdrop, it is unacceptably disappointing that RAF Heritage Branch are the ones proposing destruction that that protection was designed to prevent. In their current location, the "Gibson's office; grave and squadron HQ triptych" has a strong presumption in favour of heritage conservation in the Central Lincolnshire Plan and an equally strong focus on access by the public to a key part of their heritage. The people of Lincolnshire have a long history of support for the personnel of the RAF and have shown that they will not baulk at even the threat of thermonuclear annihilation.

We note that RAF Heritage Branch is described as "... a small department within the RAF with the responsibility of providing the Air Staff, the wider RAF and MOD, and other government departments with RAF related historical support on operational and other matters". (see Air Historical Branch | Royal Air Force (mod.uk) . The proposal submitted by the RAF's Air Historical Branch reaches far beyond their remit".

The Chairman thanked Mr Batty for his contribution and invited Councillor Mrs Jackie Brockway, a neighbouring Ward Member, to address the Committee.

Councillor Mrs Brockway emphasised that the removal of the dog's remains was tantamount to the destruction of a national monument which would be lost to future generations. The grave was also a site on which former RAF servicemen's ashes had been scattered and the removal of the dog's grave would result in the desecration of a site on which human remains had been laid to rest.

The Chairman thanked Councillor Mrs Brockway for her contribution and invited Councillor Mr Roger Patterson, Ward Member for Scampton to address the Committee. Councillor Patterson affirmed the importance of the site as part of the nation's wartime history. The grave was intrinsic to the Dambusters' story and its removal was tantamount to cultural vandalism. In urging the Committee to refuse the application, Councillor Patterson commended the Planning Officers on the comprehensive report prepared for the Committee's consideration.

The Chairman thanked Councillor Patterson for his contribution and then invited Sir Edward Leigh MP to address the Committee. Sir Edward Stated that he fully supported the sentiments expressed by previous speakers and was attending this meeting to demonstrate his support for the views of the local community. He was and continued to be disappointed at the Government's handling of the future of this historic site and had made these views known to relevant Government Ministers. It was his strong belief that the country should continue to honour the memories of the brave young men who made the ultimate sacrifice in the service of their country by preserving the site in its entirety for future generations. He

urged the Committee to reject the application.

The Chairman thanked Sir Edward for his contribution and invited the planning Officer to comment on the representations that had been made. It was noted that reference had been made by some of the speakers to particular legislation and the Planning Officer reminded Members that the application should only be considered within the context of the legislation relating to Listed Buildings. The Committee was asked to concur with the Officers recommendation that the application should be refused for the reasons set out in the report.

The Chairman then opened up the application for debate by the Committee. Councillor Fleetwood having indicated his support for the report recommendation, nevertheless considered that perhaps a site visit should be undertaken prior to the Committee making a final decision.

Having been proposed and seconded, upon being put to the Committee, the motion for a site visit was, by a majority vote, was **LOST**.

Members then proceeded to debate the report before the Committee. A number of Members spoke in favour of the recommendation contained in the report, concurring in the main with the views already expressed by the public speakers and the sentiments expressed within the officers' report. Members made numerous comments, which included the importance of the grave, the history behind it, and the events that led to the application being put in the first place.

Members also echoed comments from the public speakers, including the issue of the scattered human remains on the site, the importance of remembering local history, and the hypothetical issue of the 617 Squadron moving again. In a related query, officers explained that the change for the previous plaque was filled correctly, and that there was no requirement to have an application to do so.

A Member requested and proposed that a recorded vote be taken place, with this being seconded, to accept the Officer's recommendation for refusal.

Votes were cast in the following manners: -

For:- Councillors Bailey, Barrett, Boles, Dobbie, Fleetwood, Hague, Morris, Smith, Snee, Swift (10)

Against:- None (0)

Abstain:- None (0)

It was duly proposed and seconded that the application be unanimously **REFUSED** for the following reasons and that a recorded vote be taken:-

1. The proposal, comprising of the removal and relocation of the grave of the Wing Commander Guy Gibson's black Labrador would wholly remove the heritage value of this Grade II curtilage listed grave site, thus not preserving its special historical interest. Substantial harm would also be caused to the setting and significance of the principal listed buildings, being the Grade II Listed Hangars, specifically Hangar 2

containing Guy Gibson's Office as well as causing harm the heritage value of RAF Scampton as a whole. There are no identified public benefits that would outweigh the level of substantial harm that would arise from the proposals.

2. Having given special regard to the desirability of preserving the building its setting and features of historic interest in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and the provisions of paragraphs 198, 199, 200, 201 and 202 of the National Planning Policy Framework (2021), it is determined that listed building consent is refused.

The meeting concluded at 7.38 pm.

Chairman

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 12 July 2023 commencing at 6.30 pm.

Present: Councillor Jim Snee (Vice-Chairman, in the Chair)

Councillor Emma Bailey
Councillor John Barrett
Councillor Adam Duguid
Councillor Ian Fleetwood
Councillor Sabastian Hague
Councillor Peter Morris
Councillor Baptiste Velan
Councillor Trevor Young

In Attendance:

Russell Clarkson	Development Management Team Manager
Martha Rees	Legal Advisor
Ian Elliott	Senior Development Management Officer
Danielle Peck	Senior Development Management Officer
Andrew Warnes	Democratic and Civic Officer

Also In Attendance: 11 Members of the Public

Apologies:

Councillor Matthew Boles
Councillor David Dobbie
Councillor Tom Smith

Membership:

Councillor Trevor Young substituted for Councillor Matthew Boles.
Councillor Adam Duguid substituted for Councillor Tom Smith.

13 PUBLIC PARTICIPATION PERIOD

No statements were made during the public participation period.

14 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 31 May 2023 be confirmed and signed as an accurate record.

15 DECLARATIONS OF INTEREST

In relation to agenda item 6(a), (application number 142460 – Land West of North Moor Road, Scotter), Councillor Peter Morris indicated that he had been unable to attend the site meeting and would not therefore be voting on this application.

Councillor Peter Morris also indicated that in respect of item 6(b) (application number 146461 – Land at Hillcrest Park, Caistor) the applicant was well known to him and accordingly he would not be taking part in the discussion or voting on this item and would leave the meeting whilst this matter was considered.

Councillor John Barrett indicated that in connection with item 6(b) (application number 146461 – Land at Hillcrest Park, Caistor), he had been involved in correspondence with a Director concerning this application. However, he had a completely open mind and would therefore participate in the discussion and vote as a Member of the Committee.

Councillor John Barrett also stated, that in relation to item 6(c) (application number 146424 – Land adjacent to 51A Washdyke Drive, Nettleham), which was within his District Ward, he had had correspondence with a local resident. However, he had a completely open mind and would therefore participate in the discussion and vote as a Member of the Committee.

In connection with item 6(a) (application number 142460 – Land West of North Moor Road, Scotter), Councillor Sabastian Hague had not been able to attend the site visit and would not therefore be voting on this item.

Also in connection with item 6(a) (application number 142460 – Land West of North Moor Road, Scotter), Councillor Trevor Young advised that he too had been unable to attend the site visit and would not be voting on the application.

Councillor Adam Duguid also indicated that he had been unable to attend the site visit in relation to item 6(a) (application number 142460 – Land West of North Moor Road, Scotter) and would not be voting on this item.

16 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee was advised that the Levelling Up and Regeneration Bill had been returned to the House of Lords for its final report stage on 11 July 2023. Changes had been tabled to the proposed Infrastructure Levy, centred around affordable housing. (<https://bills.parliament.uk/bills/3155/stages>)

The Bill contained a number of proposed reforms to the Planning System, previously reported to the Committee. (<https://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information#wider-improvements-to-planning-procedures>)

As far as Neighbourhood Plans (NP) were concerned, the Committee was advised as follows:-

- The Keelby NP had been successful at Examination and a referendum would take

place on 20 July 2023.

- The Hemswell Draft NP Examination had been completed and the Examiner's Fact Check report had been received.
- The submission version of the Scothern NP had been received for Examination and the consultation period would expire on 14 July 2023.
- With regard to the Nettleham NP, the review had been subject to a second Regulation 14 Draft Plan consultation which ended on 13 June 2023.

The Planning Officer reminded Members that progress on all Local Neighbourhood Plans with West Lindsey District could be viewed using this link: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

17 142460 - LAND WEST OF NORTH MOOR ROAD, SCOTTER

The first application before the Committee was item 6(a), application number 142460, seeking approval of reserved matters for 43 dwellings, considering only the outstanding matters of appearance, landscaping, layout and scale, following the granting of outline permission on 19 December, 2017 on land west of North Moor Road, Scotter. The application had been referred to the Committee following the receipt of third party objections, including from the Local Ward Member and Scotter Parish Council.

The application had previously been considered by the Committee on 31 May 2023 when it had been resolved that there should be a site visit prior to determination of the application. The site visit took place on 15 June and had taken in the views of the site from North Moor Road and from within the site.

The Planning Officer presented the report and gave an update. Since the report had been published, two further representations had been received. The first was from Scotter Parish Council along the following lines:-

The Parish Council had concerns over the proposed footpath that linked the development to the centre of Scotter. Due to the third party ownership of the footpath, it could not run the full length of North Moor Road on the same side as the development. Therefore, the Parish Council contended that the elderly and those with young families in particular would have to cross the busy North Moor Road twice, which would deter them from visiting facilities in Scotter. Whilst appreciating that third party ownership was not within the control of the Planning Authority or the developer, the Parish Council was of the view that further investigations should be undertaken to find a satisfactory solution such as the provision of a Zebra Crossing or Pelican Crossing.

The second representation had been submitted by a resident of "Applegarth", Messingham Road. This was similar to the statement to be read out by the Democratic Services Officer.

Reference was made during the Planning Officer's presentation to a revised drainage plan submitted by the applicant. Reference was also made to the proposed ridge heights.

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

"Thank you and good evening everyone.

At the previous Committee meeting concerns were raised regarding the height of the 3 bedroom bungalow at Plot 43 and its potential impact on the neighbouring property known as "The Rustlings".

Since then, a site visit has been carried out and we have submitted an additional site section drawing showing the relationship of the proposed bungalow and the existing property which you have just seen as part of the presentation.

I would like to reiterate some of the key points illustrated by that drawing, which is that the ridge of the proposed bungalow is 0.88 metres lower than the ridge of the existing property, "The Rustlings". The eaves of the proposed property are 0.51 metres lower than the eaves of "The Rustlings" and the proposed properties are 89 square metres smaller in footprint than "The Rustlings", which is a significant difference. And the other adjacent properties, are of similar height and proportions to "The Rustlings", so it is therefore quite clear that the proposed bungalow is smaller in all regards than the existing neighbouring properties and entirely in keeping with the scale, form and massing of properties in the area.

On this basis, we do not think that it is reasonable to call the proposal excessive in scale given the fact that it is substantially smaller than all of the existing adjacent properties. We also believe that the proposal clearly demonstrates that there will not be any significant impact on the amenity of the existing properties and that good separation distances have been achieved.

I would also just like to reiterate that we have already lowered the roof of a property by about half a metre to accommodate the neighbour's request, and we have achieved that by lowering the roof pitch to 30 degrees, which is lower than an average roof pitch for this type of property. To lower it any further would compromise the aesthetics of the property and result in a squat and unattractive appearance.

The roof pitch again of "The Rustlings" is around 41 degrees which is significantly steeper than the proposed bungalow.

I would also just like to draw attention to some previous comments from the neighbour suggesting that his view of the field may be lost due to the proposed development. However as I am sure you are all aware that is not a planning policy matter or a valid reason for refusal as there is no protection of views over privately owned fields in this instance.

In summary, we have designed the proposed plots in accordance with urban design good practice, and we have considered the amenity of the existing residents at all stages of the design development. During the planning process we have made further compromises to

the design to accommodate the feedback from the neighbours. We have demonstrated that our proposals are in keeping with the scale form and the massing of the neighbouring properties and have no impact on their amenity. On that basis I hope that the Committee will consider approval of the application. Thank you”.

The Vice-Chairman thanked Mr Dawkins for his contribution and then invited Mr Russ Murray to address the Committee. Mr Murray commented along the following lines:-

“Good evening I am Russ Murray, of “The Rustlings”, Messingham Road, Scotter.

Because of my earlier statement it was agreed to have a site visit. The fact that the site visit was arranged without informing Scotter Parish Council or any of the residents, I believe it was a one-sided meeting. You did not want to hear about the facts, related to and relevant to the site and you decided not to invite anyone and obtain any factual information or witnesses. What was the actual point? I just do not understand what you are frightened of. You are public servants and you fail to invite the public. You made us feel irrelevant. We do not live in China or Russia.

Steamrollers come to mind. If things were simple and easily resolvable, why did you not ease our minds at that meeting and take all this anxiety and stress away. I just find it unbelievable.

Two miles away from Scotter in the next village, Messingham a far larger development has been held up because of concerns with a rainwater issue. Permission will not be approved until it has been resolved. What a difference between the two authorities - one with rainwater one with sewerage – it is not right, unfair and unbelievable. It was stated at the last planning meeting that it was only hedge and environment issues that needed to be resolved. However, surely sewerage is a part of the environment.

I question why the planners approved the development without a sewerage scheme, vetted and approved by the relevant water authority when there was common knowledge of the sewerage problems. “Coach and horses” comes to mind!

Building Control would not pass the building of one dwelling without full approval of important calculations i.e. roof structure, insulation, drainage, etc and you will pass a development without an approved sewerage system for the site and any future developments.

With the increase in traffic speed in North Moor Road and with access to the motorway this is going to be even greater, and we have to take that into account. I would suggest a small circle similar to the one at Messingham at the junction with Holme Lane.

Could the access to the north end of the site be changed to slow down the traffic. Traffic is only going to get greater over this road with access to the M180. Could we please consider this and ensure there are no more serious accidents. I just thought that this would be a sensible move for the benefit of everyone.

In conclusion, we should think about the future. I thought the planners would have a duty to

care more about the existing residents, and yet here we have approval of a site in a future flood risk area. The water tables are rising all over the world and there are sites in the village well above it. Foresight and logic comes to mind. The site access on the road has safety issues and the development has inadequate sewerage arrangements. I would respectfully ask the Committee to defer approval until the receipt of a full and complete report with regard to the surface water run-off and the foul sewers and road safety.

My neighbour is still awaiting a reply to a letter sent on the 26th of June with a picture of the outfall in the garden. The main drain runs through their land. A large timber building on their land was taken down the river, which again shows future problems with the water table. Thank you”.

The Vice-Chairman thanked Mr Murray for his contribution and invited the next speaker to address the Committee, Councillor Karen Carless, one of the District Ward Members for Scotter, who commented along the following lines:-

“Good evening Councillors and attendees. Firstly, can I thank Council for this opportunity to represent and speak on behalf of the residents in Scotter Ward. There may be references within my speech heard before by the Committee, but I feel the need to reflect on them again because of their importance.

The residents of Scotter Ward have brought to my attention as a serving District Councillor of their ward, a number of issues. There are ongoing issues and concerns regarding the road safety aspects of North Moor Road, Messingham, Road and the proposed entrances to the new housing development site. My prepared statement is as follows:

I visited the Ward in question on the 12th of July 2023 at 2.35 p.m. alongside two Scotter residents. They brought to my attention the severity of their concerns. May I also add these are not just concerns of the residents already living at this location, but also for the residents who may come to live on the new development. There are a few key points of consideration and interest that I would like to put forward.

There are no clear footpaths available on the side of North Moor Road and where the proposed site entrance is to be established. It cannot be presumed that any resident who may come to reside on the proposed new housing development site will have access to a mode of transport and therefore, would likely use walking as their main mode of travel. Consideration is needed regarding the age and mobility issues of any resident who may come to reside on the proposed new housing development and their access to safe passage within Scotter Ward.

Vehicles are legally allowed at present to park on either side of North Moor Road. I feel that this is a major safety issue. I witnessed yesterday a parked Transit van on North Moor Road creating a blind spot. Further consideration must be given to North Moor Road as it hosts 24/7 a diverse range of vehicles of all sizes and weight.

Whilst I can appreciate North Moor Road has stipulations in place for a 30 miles an hour, speed restriction zone, North Moor Road junctions with another major road through Scotter, that of Messingham Road. It can be argued, that there are peak and quiet flows of traffic on

the said roads, but I have witnessed first-hand a vehicle at 2.45 p.m. yesterday, exceeding the speed limit.

I therefore conclude that this is still a priority issue of concern for the residents who seek only transparency and clarity around this road safety issue and this is why I have brought this matter to tonight's meeting. Can the residents be assured that either a viable footpath, alternative, safe crossings or any other viable option is delivered so that North Moor Road allows safe passage to all its residents to access all of Scotter's roads and amenities? Thank you".

The Vice-Chairman thanked Councillor Carless for her contribution and invited the Planning Officers to comment on any of the views expressed. The Planning Officer reminded the Committee that permission had already been granted for the development. This was an allocated site within the Central Lincolnshire Local Plan and the Neighbourhood Plan. The only matters for consideration this evening were appearance, layout, landscaping and scale. The Highway issues (access) had been considered and approved by the local Highway Authority and the drainage issues (both foul and surface water) had been through the statutory processes and the scheme submitted for the development had been accepted.

The Vice-Chairman then duly opened the item up for debate by the Committee.

Concerns were still expressed regarding the suitability of the drainage arrangements and the highways safety aspects. It was felt that the site visit had been helpful to Members of the Committee in having an overview of the site and the possible impacts of the highway and drainage arrangements. A number of Members were unconvinced that these matters had been addressed satisfactorily.

The Committee's Legal Advisor reminded Members that there were two types of planning permission - outline permission establishing the principle of the development, which had previously been agreed, and thereafter subject to detailed approval relating to appearance, landscape and scale of the development – the subject of this evening's discussion. Condition 3 actually required a footpath scheme to be submitted to and approved by the Council, so whilst appreciating the speakers' and some Members' concerns, those details would come forward in due course and be dealt with in liaison with the Local Highway Authority. With regard to drainage matters, these had been addressed as a condition on the outline permission. The scheme had been shaped in accordance with the requirements of the water authorities and Members were advised that a satisfactory scheme had been approved.

Having been proposed and seconded, the Vice-Chairman put the application to the vote, and it was agreed by a majority vote that permission should be **GRANTED** subject to the following 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)
- 10401 Rev P2 dated September 2020 - Mawbray Floor Plans (3B6P)
- 10407 Rev P1 dated April 2021 – Mawbray Floor Plans (Handed) (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)
- 10604 Rev P3 dated July 2021 – Grasmere Option A Elevation Plans (3B6P)
- 10612 Rev P3 dated July 2021 – Grasmere Option C Elevation Plans (3B6P)
- 10410 Rev P1 dated April 2021 – Coniston Floor Plans (Handed) (4B7P)
- 10403 Rev P4 dated October 2020 – Coniston Floor Plans (4B7P)
- 10621 Rev P1 dated April 2021 – Coniston Option A Elevation Plans (4B7P)
- 10622 Rev P1 dated April 2021 – Coniston Option B Elevation Plans (4B7P)
- 10404 Rev P2 dated September 2020 – Harrington Floor Plans (4B8P)
- 10606 Rev P2 dated September 2020 – Harrington Option A Elevation Plans (4B8P)
- 10607 Rev P3 dated October 2020 – Harrington Option C Elevation Plans (4B8P)
- 10405 Rev P4 dated October 2020 – Harrington Plus Floor Plans (5B10P)
- 10609 Rev P4 dated October 2020 – Harrington Plus Option C Elevation Plans (5B10P)
- 10415 Rev P1 dated March 2023 – Buttermere Floor Plans (2B4P)
- 10630 Rev P1 dated March 2023 – Buttermere Option A Elevation Plans (2B4P)
- 10631 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.

Note: Councillor P. Morris left the Chamber at 7.15 pm in advance of the next item of the meeting.

18 146461 - LAND AT HILLCREST PARK, CAISTOR

Note: Councillor S. Hague left the Chamber at 7.15 pm.

The Chairman introduced the next application of the meeting, Item 6(b), application number 146461 seeking permission for the erection of a wind turbine on land at Hillcrest Park, Caistor. The application had been referred to the Committee for determination as the applicant was a close family member of a serving District Councillor.

Note: Councillor S. Hague returned to the Chamber at 7.17 pm, missing part of the presentation. This meant that he could not vote on the application.

The Planning Officer presented the report and gave an update. It was reported that the applicant had been in contact to query the first reason for refusal and had questioned the reference to the proposal being contrary to Policy 12 of the Caistor Neighbourhood Plan.

The Planning Officer stated that the Neighbourhood Plan did say that to maximise the proportion of electricity source locally, residential and commercial developments were encouraged to incorporate appropriate energy generation technologies, either on-site or off-site. However, it was the view of the Officers that the proposal would not amount to an appropriate energy generation technology and therefore did not benefit from the support of Policy 12, although it was accepted that it would not be directly in conflict with the policy and it was therefore recommended to that reference to the policy be removed from the first reason for refusal.

The Chairman welcomed the applicant Mr Oliver Lawrence who addressed the Committee along the following lines:-

“My name is Oliver Lawrence and I own the redeveloped Hillcrest Park in Caistor. It is written all over this (office) building that West, Lindsey District Council is entrepreneurial and committed to achieve a Net Zero carbon footprint. This wind turbine would serve 17 small local businesses.

West Lindsey District Council press releases have highlighted the success of this site and I have been asked how you can replicate and improve the business model which has been featured on “Look North”. The feedback we got was the need to protect small businesses

from sudden energy price rises. Solar does not work on this site because the majority of our electricity consumption is in winter. We are on the top of the hill and it is a perfect location for a wind turbine.

One of the primary objectors is the national air traffic, who, ironically, are one of the fastest growing contributors to carbon pollution. Frustratingly, the correspondence with NATS is not included in the officer's report, but it was forwarded.

NATS have said that the turbine only might be an issue and there are two much larger turbines nearer to them that are not an issue and they could upgrade their system. If they needed to, but they do not really want to spend the money. I feel that NATS' budgetary policy is taking precedence over West Lindsey's planning policy in this instance. Please do not confuse this with a large commercial wind turbine. The Telegraph poles in the area are getting towards 10 metres and directly behind this site, are four radio masts over 70 metres tall.

I ask the Committee to please stand by West Lindsey District Council's commitment to net zero carbon and allow this and other local small-scale green energy solutions to go ahead, otherwise change will not happen. Thank you".

The Vice-Chairman then opened the application to debate by the Committee.

The Committee was advised that the Council had to consider the representations of NATS as a statutory consultee. The technical report from National Air Traffic Services had stated that this proposal would affect radar and that there was an aviation safety issue.

Officers further advised Members that the Development Plan supported renewable energy schemes but the application did include a number of criteria that had to be met. Members were advised that the Development Plan stated that any proposals for renewable energy schemes, including ancillary development, would be supported where the direct, indirect, individual and cumulative effect impacts were acceptable. A number of tests had to be met. It set out the need to consider scale and impacts on character and visual amenity and the impacts on aviation and defence navigation systems and communications. The application required the submission by the applicant of robust evidence of the potential impact on any aviation defence navigation systems and communications.

A diverse number opinions were expressed by Members of the Committee but after some debate, it was proposed and seconded that the application be refused for the reasons set out in the Officers' report, subject to removal of the reference to policy 12 of the Caistor Neighbourhood Plan.

Upon being put to the vote, the proposal was, by a majority decision, declared to be **LOST**.

It was thereupon proposed and seconded that the application be deferred to enable further information to be obtained by the officers as follows:-

From the applicant – how he intended to overcome the original reasons for refusal in relation to the landscaping, visual impact and effects on the biodiversity of the site of the proposed development and furthermore how the energy generated would be utilised within the site.

From NATS – clarification as to why, in its opinion the development would have a significant effect on air traffic control systems, extending to them an invitation to attend the Committee to expand upon their reasons for objection.

Upon being put to the meeting the proposal was, by a majority decision it was

RESOLVED that the application be **DEFERRED** for the reasons indicated above and that the officers be asked to proceed as stated.

Note: Councillor P. Morris returned to the Chamber, after the Committee had taken its decision, at 7.52 pm.

19 146424 - LAND ADJACENT 51A WASHDYKE LANE, NETTLEHAM

The Committee then moved on to consider the last application of the meeting, item 6(c) application number 146424 seeking outline planning permission (all matters reserved) for the erection of 3 dwellings on land adjacent to 51A Washdyke Lane, Nettleham. The application had been referred to the Committee following the receipt of third party representations including from Nettleham Parish Council, referring to the Neighbourhood Plan policy.

The Chairman invited the Planning Officer to present the report, concerning which there were no updates. However it was indicated that condition 5 referred to a construction method statement but unfortunately it referred to a demolition and construction method statement. The word “demolition and” should therefore be deleted from the condition as no demolition was involved.

The Chairman welcomed Parish Councillor Angela White, Chairman of Nettleham Parish Council to address the Committee. Parish Councillor Angela White commented along the following lines:-

“Good evening. I am Angela White, chairman of Nettleham Parish Council. I am here to represent the objections agreed by the Nettleham Parish Council, as listed on page 67 of the officers’ report.

I would query the comment on page 75 of the report that the existing Nettleham Neighbourhood Plan is silent on smaller residential development within the developed footprint of the settlement. Policy D6 Design of New Development includes infill and so D6C referring to housing proposals reflecting existing residential density in the locality of the scheme could be taken into consideration.

Despite the fact that Highways say that the driveways are of adequate width and visibility this is still an area of concern at this stage, although it will be finalised in reserved matters.

I do not know the exact length of the driveway, but it is much longer than the 10 metres recommended to be widened from 3.4 metres to 4.1 metres. It has three sharp turns and is the only access to four properties. There is mention of a turnaround area for emergency

vehicles, but will the driveway be wide enough for access? Furthermore has there been any consideration of pedestrian access: the definition of access on page 82 of the report includes vehicles, cycles and pedestrians.

Trees have already been removed on the proposed development site and numerous others will be felled if the application is approved. It will be desirable to retain enough trees to ensure that there is a green barrier between the properties and the adjacent houses.

So should the application be approved, condition 4, in response to the comments made by the West Lindsey Tree Officer should be closely monitored as there are no tree protection orders in force.

Most of the other provisions of D6 Design of New Development in the existing Neighbourhood Plan, and the review will be considered in reserved matters. But I will indicate some of them here, as they were important considerations in our response.

Protecting natural assets, incorporating adequate landscaping, to mitigate the visual impact and seeking to retain mature or important trees. Thank you”.

The Vice-Chairman thanked Parish Councillor Angela White for her contribution and invited the agent for the applicant, Mr Michael Orridge to address the Committee and he did so along the following lines:-

“Good evening Vice Chairman and Councillors. Thank you for allowing me to speak to you this evening on behalf of the applicant in support of this application. As agent and architect for the scheme, we have worked closely with the case officer during the formal pre-application stage with a view to gaining approval of this application.

As outlined in the officer’s presentation, the application complies with the relevant planning policies and there are no outstanding technical matters associated with this outline planning application. We have carefully considered all constraints; for example, we have considered the layout and the orientation of the proposed dormer style dwellings to respect the privacy of nearby existing properties and the tree constraints and to ensure that all new dwellings are located in Flood Zone1.

The overall site straggles all 3 flood zones and the flood risk assessment submitted demonstrates how the development will not flood on the application site or cause flooding to the community. The new dwellings will be located wholly in Flood Zone 1 along the private driveway shared service access which will come facilitate cars and pedestrians for safe ingress to and access from the site.

Therefore the development satisfies the criteria in the Local Plan and the NPPF to ensure the new dwellings are located in the area of lowest flood risk. Finally, neither the Environment Agency or the local planning authority have raised any objection about the potential of surface water flood risk. The full details of this project will be dealt with at reserved matters stage.

These details will ensure that the new dwellings provide enhancement to the future housing stock of the village of Nettleham, they also provide a windfall site for the sustainable settlement.

All matters raised by the Parish Council in April 2023 were taken account of by the revised proposed site plan, submitted on the 5th of May 2023.

In conclusion, there is no legitimate planning reason for refusing this application in front of you this evening, as it fully complies with the relevant planning policies in the Central Lincs Local Plan and the NPPF. And, further to this, the scheme complies generally with the applicable policies within the Nettleham Neighbourhood Plan review document, which only carries some weight in the decision making process currently.

Therefore I encourage you to support this well considered scheme in line with the officers' recommendation and grant outline planning permission this evening. Thank you for your time".

The Vice-Chairman thanked Mr Orridge for his contribution and invited Mr Michael Carling to address the Committee. Mr Carling commented along the following lines:-

"Good evening, ladies and gentlemen. Nettleham is blighted by flash flooding. If there are thunderstorms or heavy rain, the centre of the village floods although this does not occur if there is steady rain which the current system can deal with.

This is a problem that is getting worse in the 20 years that we lived in the village. When we arrived, thunderstorms would lead to large puddles around drains; what happens now is that the businesses and homes in the centre of the village flood and this has become almost an annual event.

If you look on Nettleham's Facebook page when a thunderstorm is predicted or is taking place, you will find desperate pleas for extra sandbags, and if you talk to friends of mine who live opposite the church by the beck, even these sandbags will not help because the flooding will come up through the floorboards. The reason for this is quite simple - it is the development of the village, particularly to the north side, where essentially the hill is now completely tarmacked over and completely developed, and also by the development to the west of the village, through the Beck, where the developments on the edge of the Beck increase the flow of water when you get flash floods.

What I would argue is that Nettleham has been the victim of weaknesses in the planning system and piecemeal developments, each of which add an incremental increase in the amount of water. In the event, flash floods have now got to the stage where they are blighting the life of the villagers themselves. Section 5.2, of the Nettleham Neighbourhood Plan states:- "in order to minimise the risk of the effects of flooding, especially flash flooding on the centre of the village, it is considered essential. that no new homes should be built on land that lies adjacent to the Nettleham Beck".

For anybody who lives in Nettleham, and I hope that the Chairman of the Parish Council

agrees, this is a statement of the blindingly obvious. There is a statement indicating it is considered essential that no new homes are built by the Beck because of our endemic flash-flooding problem. Paragraph 3.7 of the local policy, section 21 states the need for a sequential test risk based approach to the location of development. The officer presentation shows a flooding plan and that these houses are safe. The problem in Nettleham is the way in which the flash flooding affects the centre of the village and these houses will make that worse.

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding of any source. Again you have to consider flooding as a whole not just these three houses. What I would like to say is that there is an endemic flooding problem caused by development on the edges of the beck. This development is another incremental increase in flash flooding and should be rejected.

If you do decide that the flash flooding is not your concern, could I ask that paragraph 7 of and conditions include sewerage, because that comes through our house. It is already blocked and having three extra houses on that site will cause us problems. Thank you”.

The Vice-Chairman thanked Mr Carling for his contribution and invited the officers to comment.

It was indicated that in terms of flooding, the application included a flood risk assessment and there had been no objections from the Environment Agency. Access and landscaping were reserved matters and were not for determination at this stage. The trees on the site were category C and their removal was not seen as a constraint to development. There was expected to be some mitigation through the landscaping scheme which was a reserved matter.

The application was then open to debate by the Committee and Members indicated their concerns over a number of matters but particularly the flood risk issues having regard to the comments of the speakers.

It was reported in response to Members’ concerns about specific issues; particularly around flooding, that when determining a planning application, the Council had to be satisfied that the application could mitigate the impacts that it generated. The developer had to ensure that flooding was not made worse by the construction of the three dwellings on this site.

Officers explained that drainage schemes for the treatment of foul and surface water were going to be conditioned and thus would need to be submitted to the Local Planning Authority, taking expert advice as and when appropriate. These properties would be constructed within flood zone 1. Officers were of the view that this development was capable of mitigating itself and would therefore not make the wider village problems worse. That was the statutory test in determining planning applications. If officers felt that a development on this site would make matters worse this would have been explored with the applicant.

The purpose of the application was to consider the principle of development, which included the residential amenity, local character, flood risks and highway safety. It was a matter of

planning law that there was the ability to submit an outline application which simply sought agreement to the principle of development on a particular site, with the details to be approved in due course. The Legal Advisor stated that it was up to Members to decide whether they thought the three dwellings were capable of being sited on the proposed plot site, to which officers had recommended that the application met the relevant criteria.

After further discussion, it was proposed and seconded that permission be granted subject to condition 5 being amended to exclude the word “demolition and”. Upon being put to the vote the proposition was, by a majority vote, declared to be **LOST**.

Upon a proposal to refuse the scheme being made the Vice-Chairman agreed to a five minute adjournment to enable Members and Officers to gather their thoughts and consider possible reasons for refusal and how best to take the discussion forward in the best interests of the applicant and residents.

Note: The meeting was adjourned at 8.25 pm for 5 minutes to allow Members a discussion on the next steps. The meeting reconvened at 8.30 pm.

Note: Councillor I. Fleetwood declared a non-pecuniary personal interest that he was a Member of the Witham Third Drainage Board, and a Member of the Environment Agency Regional Flood Committee.

Upon return from the adjournment, it was proposed and duly seconded that the application be deferred to seek further information from the applicant on the type of dwellings proposed and details of the actions that were proposed to mitigate flooding showing in particular how this development would not make the flooding issues already experienced within the village worse.

Having been proposed and seconded, upon being put to the vote, it was

RESOLVED that the application be deferred for the reasons outlined above.

20 DETERMINATION OF APPEALS

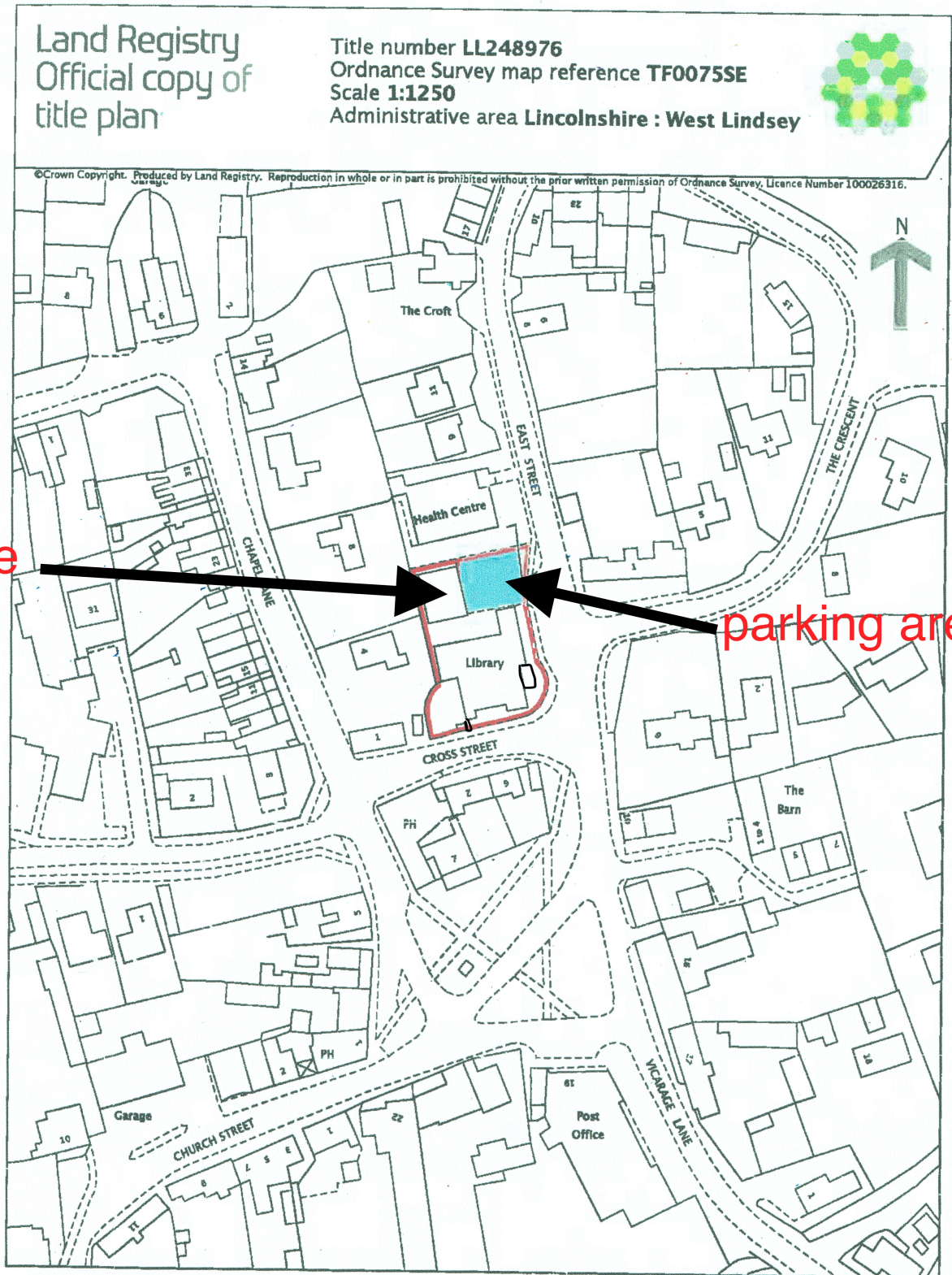
Members were advised about past Committee decisions, and the effect of them on possible appeals. In response to a query about the payment of costs awarded, Members heard that it was the Authority’s responsibility to pay out of existing budgets.

The determination of appeals was **NOTED**.

The meeting concluded at 8.46 pm.

Chairman

Agenda Item 6a



Officers Report

Planning Application No: 146617

PROPOSAL: Planning application for 1no. shipping container for storage for a temporary period of 36 months.

LOCATION: Nettleham Library 1 East Street Nettleham Lincoln LN2 2SL
WARD: Nettleham

TARGET DECISION DATE: 29/06/2023
DEVELOPMENT TYPE: Minor - all others
CASE OFFICER: Dan Galpin

Ward Members(s): Cllr F Brown, Cllr J Barrett
Applicant Name: Mr Mark Dodds

RECOMMENDED DECISION: Grant (subject to conditions)

The application is presented to Planning Committee due to the objection received from the Parish Council.

Description: Nettleham Community Hub is a mixed use facility in the centre of the village of Nettleham. The application site is located at the junction of Cross Street and East Street within the Nettleham Conservation Area. The site currently has two primary uses relating to Use Classes E (commercial, service and business) and F.2 (Local Community) of The Town and Country Planning (Use Classes) Order 1987 (as amended). To the rear of the main library and café area is a large double flat roof double garage which has a significant area of hardstanding to the front.

Planning permission is being sought for the installation of a shipping container for a temporary period of 36 months to support the use of a previously proposed soft play facility that was determined to have a lawful use via a Lawful Development Certificate application (146241). This application is retrospective as the shipping container was installed at some point between the determination of the previous application and the submission of this one. The shipping container is just over six metres in length and 2.4 metres in height. The shipping container has a pale or Reseda green colouration (RAL 6011/RAL 6021).

It is located within the Nettleham Village Centre as defined under Policy S35 of the Central Lincolnshire Local Plan 2023.

Relevant history:

144347 – Application for a lawful development certificate for the installation of planters and benches –Grant Lawful Development – dated 11th August 2022.

144977 – Application for a lawful development certificate for the installation of bike racks. Grant Lawful Development Certificate – dated 11th August 2022.

145126 – Application for a lawful development certificate to provide a small takeaway element and the showing of occasional films. Grant Lawful Development Certificate – dated 22nd November 2022.

146241 – Application for a Lawful Development Certificate for a Proposed use of the garage as a soft play and youth hub.

Representations:

Chairman/Ward Member(s)

No representations received to date.

Nettleham Parish Council

Objection – *‘The Parish council do not feel that the container is in keeping with the conservation area in which this site falls, and highlight Policy E - 4 of the current Nettleham Neighbourhood Plan, which states: “Historic buildings and the Conservation Area ... Within the conservation area development proposals will be expected to preserve or enhance the character of the area’*

Local Residents

One representation has been received raising an objection to the proposed development. The following comment was raised:

‘I consider the commercial container to be an eyesore in a conservation area which is easily visible from the path or road.’

LCC Highways/Lead Local Flood Authority

No objection – *‘The proposal is for the siting of a storage container and it does not have an impact on the Public Highway or Surface Water Flood Risk.’*

WLDC Archaeology

No reply received to date.

WLDC Conservation Officer

No objection (conditions) – *‘No objection - It is considered that the proposed development would be acceptable in the context of the existing garage which already has somewhat of an industrial appearance. It has been suggested that the shipping container could be moved back slightly to reduce to the visual intrusion. However, in the context of the existing garage, it is considered that the proposal would at least preserve the character and appearance of the Conservation Area. This is subject to the condition that the*

shipping container is removed as soon as the garage ceases to be used as a soft play area.'

ECM Checked: 23rd June 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); the Nettleham Neighbourhood Plan (made March 2016) 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 S21: Flood Risk and Water Resources

Policy S35: Network and Hierarchy of Centres

Policy S40: District, Local and Village Centres

Policy S47: Accessibility and Transport

Policy S50: Community Facilities

Policy S53: Design and Amenity

Policy S57: The Historic Environment

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

- **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.

- **Nettleham Neighbourhood Plan (Made 3rd March 2016)**

The relevant policies include:

Policy E – 4 Historic buildings and the Conservation Area

Policy D – 1 Access

Policy D – 4 Water Resources and Flood Risk

Policy D – 6 Design of New Development

Policy S – 1 Services and Facilities

The policies referenced above are considered to be consistent with the requirements of Sections 12, 14 and 16 of the NPPF and are therefore afforded full weight.

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

National Policy & Guidance (Material Consideration)

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

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

Paragraph 219 states:

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

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

Draft Neighbourhood Plan (Material Consideration)

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

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

- **Draft Nettleham Neighbourhood Plan Review**

The Regulation 14 Draft Nettleham Neighbourhood Plan was published on July 2022. Therefore, the relevant policies outlined below are considered to be at a stage where they are a material consideration in the determination of this application.

- Policy E3 – The Historic Environment

- Policy D3 – Water Resources and Flood Risk
- Policy D4 – Design of New Development and Parish-wide Design Code Principles

Therefore, the relevant policies outlined above are considered to be at a stage where they can be a material consideration in the determination of this application, where relevant. However, in accordance with paragraph 48 they can only be afforded very limited weight in the determination of this application.

Other:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main issues

- Principle of Development
- Visual Amenity
- Residential Amenity
- Heritage Conservation
- Highways
- Flood Risk
- Other Matters

Assessment:

Principle of Development

Section 55 of The Town and Country Planning Act 1990 outlines that the definition of development involves either building operations on, over or under land or a material change of use to land. Unless covered by the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), planning permission is required for anything that meets the definition of development in Section 55 of the Act.

The placement of a genuinely temporary structure such as a shipping container would normally not require planning permission as they can be considered as temporary structures. However, a previous Lawful Development Certificate (146241) determined that full planning permission would be required due to the proposed use of the shipping container having a degree of permanency in being ancillary to a soft play facility. This well established in case law via decisions such as *Skerritts of Nottingham Limited v SSETR* [2000] 2 P.L.R. 102 and *(Save Woolley Valley Action Group Ltd) v Bath and North East Somerset Council* [2012] EWHC 2161.

Policy S1 of the CLLP establishes a settlement hierarchy for development within Central Lincolnshire. This aims to steer development towards larger settlements and in line with other relevant material considerations, aims to ensure that development proposals are of an acceptable design, nature, siting and form for the location that they would occupy. Throughout the CLLP, the

terms ‘*appropriate locations*’ and ‘*developed footprint*’ are consistently used. These definitions are contained within the glossary of the CLLP. Essentially, they require that unless contained within a site allocation or brought forward by a Neighbourhood Plan that development proposals are located in a location that does not unacceptably impact the character, appearance or form of a settlement. Development should also be contained to the continuous developed footprint of a settlement unless material considerations indicate otherwise or they can comply with other relevant policies relating to development in the countryside.

The shipping container is currently sited within the curtilage of the Nettleham Community Hub which is located within the centre of the village of Nettleham. Therefore, given the location of the shipping container, it is considered that the application site is within the continuous developed footprint of Nettleham. Policy S35 of the CLLP establishes a network of centres in order to comply with the overall spatial strategy for employment within the District. The application site is situated within Tier 3 of Policy S35 and is therefore classified as a ‘District Centre’. Development proposals relating to ‘town centre uses’ should have regard to the following:

Development proposals for retail and/or other town centre uses will be directed to the Tier 1 to 4 centres identified in this policy, and will be appropriate in scale and nature to the size and function of the relevant centre and to the maintenance of the retail hierarchy as a whole. Within local and village centres in Tier 4 of the hierarchy, the scale of provision should be proportionate and strengthen their roles in providing mainly convenience shopping and local services to meet local needs.

It has been established in previous determinations that the application site already has a lawful use for both Use Class E and Use Class F2 of The Town and Country Planning (Use Classes) Order 1987 (as amended). In this specific instance 146241 established that it would be lawful to utilise the existing garage as a soft play facility as this would fall within Use Class E(d). Therefore, given that the proposed shipping container would be ancillary to this use, it is not considered that it would be in conflict with the overall strategy outlined within Policy S35 of the CLLP.

The proposed development is therefore also not considered to conflict with Policy S40 as Use Class E has already been established on site and the proposed development would be ancillary to the overarching use of the garage as a soft play facility. It is also proposed to be temporary in nature. Notwithstanding this, the proposed use of a shipping container in connection with a lawful use is considered to comply with the provisions of this policy as it would clearly be subservient in its nature and scale to the main use of the application site. Furthermore, weight should be afforded in favour of the expansion of existing community facilities against Policy S50 which states that ‘*The redevelopment or expansion of an existing facility to enhance, extend or diversify the level of service provided will be supported.*’ The proposed

development would comply with this provision as it would support the expansion of an existing community facility.

The policies in the Nettleham Neighbourhood Plan and to a lesser extent, the Draft Nettleham Neighbourhood Plan are considered to be a relevant material consideration to the determination of this application. Policy S – 1 of the Nettleham Neighbourhood Plan is consistent with Policy S50 of the CLLP in the sense that it does not support the loss of existing facilities or services. In this regard, the proposal would help facilitate the expansion of a community facility and therefore would enhance the viability of the Nettleham Community Hub.

In more general terms, weight is afforded in favour of the application in terms of paragraphs 81 and 92 of the NPPF. Paragraph 81 makes it clear that planning decisions should create the conditions for businesses to invest whilst paragraph 92 supports the creation of healthy and safe communities. Given that the development would support the lawful use of the garage as a soft play facility (see 146241), it is considered that weight should be afforded to paragraph 92 in favour of this application. The proposal would also support the expansion of the existing site and therefore paragraph 81 is also afforded weight in terms of this application.

Extensions, alterations or other changes to an existing site are also considered to be acceptable in principle in their own right subject to compliance with any relevant policies in the development plan and any other material considerations. The main technical material considerations are set out in the remainder of this report.

Heritage Conservation

Policy S57 of the CLLP requires that development proposals do not have an unacceptable impact on various heritage assets ranging from non-designated heritage assets to designated heritage assets which are primarily Listed Buildings and Conservation Areas. Any development proposal should aim to preserve or enhance the setting and/or the architectural significance of Listed Buildings and preserve and/or enhance the character and appearance of designated conservation areas. Any harm to such heritage assets should have a clear justification and where such a harm cannot be justified or outweighed by the public benefits, planning permission should be refused. These requirements are also contained within national legislation and guidance.

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. Section 72 of the same Act requires the Local Planning Authority to have regard for to the desirability of preserving or enhancing the character or appearance of the land and buildings within Conservation Areas.

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. Paragraph 206 supports development in Conservation Areas that better reveal their significance. For non-designated heritage assets, paragraph 203 requires that the impact of a development proposal on the significance of a heritage asset should be considered in determining an application. Paragraph 207 also makes it clear that not all elements of a Conservation Area will contribute to its significance.

One objection has been received from a local resident relating to the application stating that they feel the development is an 'eyesore' that is clearly visible from the public road/footpath. Concern has also been raised from Nettleham Parish Council who commented that they do not feel that the shipping container is in keeping with the character and appearance of the Conservation Area. Concerns have also been raised by Nettleham Parish Council, who do not consider that the proposed development is in keeping with the character of the Conservation Area.

These comments are noted, however, the unique visual context and spatial heterogeneity of this area of East Street are considered to warrant a different recommendation in this set of circumstances. Below is another mapping image but this time using Ordnance Survey mapping software overlaid with relevant heritage/conservation GIS layers. For clarity, non-heritage/conservation layers have been excluded (next page):

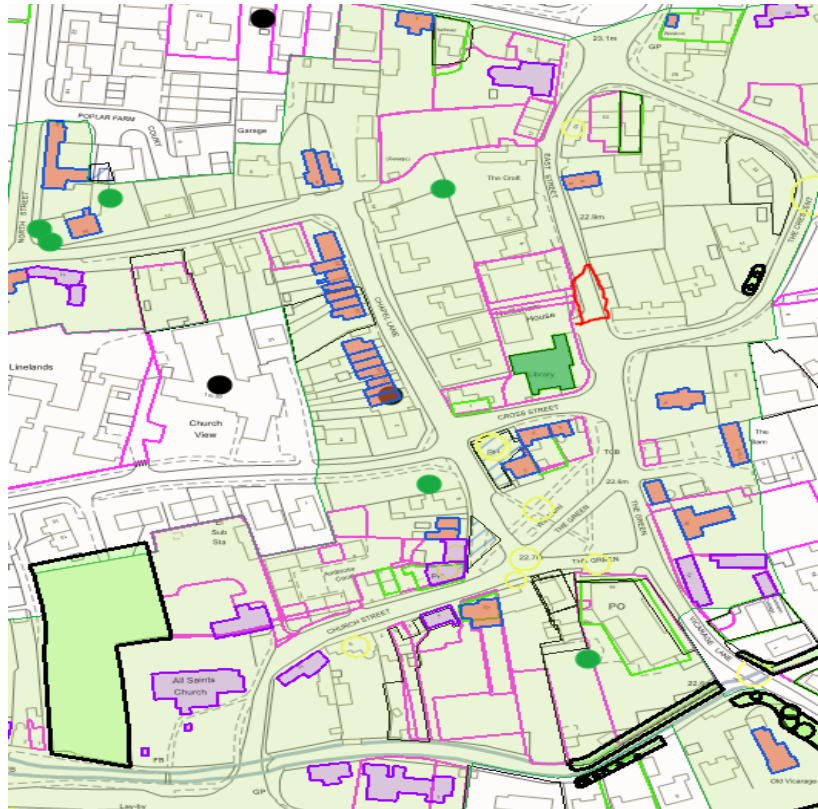


Figure 1: Nettleham Conservation Area/Heritage Assets

Figure 2 shows the Nettleham Conservation Area in lighter green, designated heritage assets (Listed Buildings) are shown in purple and non-designated heritage assets (buildings that positively contribute to the character of the Conservation Area) are shown in orange. The closest Listed Buildings are at least 100 metres to the north and south of the application site. Applying the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990, it is not considered that the shipping container would cause any harm to the special architectural significance or setting of any Listed Building. The red line on Figure 2 shows that the visual intrusion created by the shipping container is spatially constrained and for the reasons explained in the visual amenity section, does not cause an unacceptable harm to the character and appearance of the area. Given the unusual contemporary appearance of the Nettleham Community Hub, Nettleham House and contemporary residential dwellings, it is considered that the shipping container would preserve the setting of any nearby Listed Building.

Taking into account other non-designated heritage assets, the closest of these is at least 50 metres from the application site and the same justification can be applied here as well. Noting as well that the setting of non-designated heritage assets is afforded less weight than designated heritage assets. It is therefore considered that the proposal accords with paragraph 203 of the NPPF. When taking into account Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990, it is also considered that the shipping container would at least preserve the character and appearance of the Nettleham Conservation Area. In the context of the double garage with an industrial character, the Nettleham Community Hub, Nettleham House and

constrained visual intrusion into the street scene, it is not considered that the proposed development would cause an unacceptable harm to the Nettleham Conservation Area.

Finally, taking paragraph 207 of the Framework into account, it is noted that not all areas of Conservation Areas contribute to their significance. For the reasons outlined in this report, it is not considered that the application site is located within the most sensitive area of the Nettleham Conservation Area. In addition, when observing the distribution of heritage assets in Nettleham, it can be seen that their distribution is heavily concentrated further to the west and south of the Nettleham Conservation Area and it is considered that the architectural and historic significance of Nettleham lies closer to the historic core of the settlement. This is also where the most sensitive and significant designated heritage asset in the developed footprint of Nettleham is located. The Church of All Saints is a Grade I Listed Building and dates back to the 13th century. Any harm to this heritage asset would require an exceptional justification, notwithstanding the large number of other Grade II Listed Buildings in the vicinity. However, the application site is located well away from the setting of these heritage assets. Therefore, the balance of policy shifts in favour of granting planning permission and significant weight is afforded to the paragraph 207 of the NPPF.

No objection has been received from the Conservation Officer in respect to this application as it was concluded that the proposal would at least preserve the character and appearance of the Conservation Area. Although it was noted that the shipping container could be moved back slightly, in the context of the existing garage which has an industrial appearance, it is considered that the character and appearance of the Nettleham Conservation Area is at least preserved. This is especially the case as the proposed development is of a temporary nature.

Therefore, the proposed development is considered to be in accordance with Policy S57 of the CLLP, Policy E – 4 of the Nettleham Neighbourhood Plan and Policy E – 3 of the Draft Nettleham Neighbourhood and Section 16 of the NPPF and the statutory obligations in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990.

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.

The shipping container is located within the centre of Nettleham just off East Street which runs south to north out of the centre of the village towards

Scothern Road. The surrounding spatial constraints are highly mixed. Being situated within the Nettleham Conservation Area, there are a number of designated and non-designated heritage assets located in wider area. However, the immediate setting of East Street is more suburban/residential in character but with an undeniable sympathetic rural character comprising of principally limestone bricks and clay pantile roof tiles and interspersed with a mixture of hard and soft boundary treatments some of which are more traditional limestone walls but others contemporary garden walls. The closest designated Listed Buildings are in excess of 100 metres to the north and south.

This varied visual and spatial character is only made increasingly diverse by the presence of the Nettleham Community Hub and Nettleham House to the immediate north of the application site. The main section of Nettleham Community Hub is fairly contemporary in its character almost appearing as a late 20th century addition to the Conservation Area. The principal elevation utilises a combination of light brown facing brick, white uPVC windows and modern black timber cladding with the rear of the main building being mostly covered in a green wall further adding to the novel spatial character of the application site. To the rear there is a large and highly prominent double garage which is the width of a detached house and up to a storey in height with two blue garage doors which give the garage a highly industrial appearance relative to its context. Nettleham House to the north also has a late 20th century visual character almost with the appearance of a school extension of a hospital outbuilding.

The objection from the local resident and comments from the Parish Council are more relevant to heritage conservation section of the report but overspill into visual amenity as they relate to the character and appearance of the area. In many contexts, the concerns raised in these representations would be shared by the Local Planning Authority as the introduction of a shipping container into the centre of a Conservation Area would be a visually incongruous feature both on the immediate street scene but also to the wider character and appearance of the area. A recommendation for approval therefore must require a clear and convincing justification.

Reflecting further on the representations raised, the justification for granting planning permission depends on two considerations. The first is the scale and siting of the proposed development and the second is the design and form of the proposed development. Below is an illustrative satellite image:



Figure 2: Google Maps - Nettleham

The area highlighted red is the area of public vantage points where the shipping container can be viewed from. For context, this is just in excess of 20 metres off East Street which is not considered to be a substantial visual intrusion into the street scene. Beyond the extent of the red boundary shown in Figure 1, the shipping container is completely screened and therefore has no visual intrusion beyond its most immediate spatial context. At approximately 2.4 metres in height and six metres in length, the shipping container is considered to be modest in its scale (smaller than some single storey rear extensions); its vertical profile is less than a single storey. The shipping container is clearly subservient to adjacent development at the Nettleham Community Hub and therefore does not appear as a visually dominant form of development on the street scene and is partially tucked away between the large double garage and the main building.

Secondly, assessing the design and form of the shipping container in this immediate context is potentially more important as poor design can be sufficient to warrant refusal for most development regardless of scale. The introduction of a shipping container in this location is considered to be acceptable, despite the application site being located within the Nettleham Conservation Area. The introductory paragraphs of this section of the report highlighted that there is a highly varied character of the centre of Nettleham. Nettleham Community Hub and Nettleham House both have a relatively contemporary appearance, arguably resembling a late 20th century development in terms their character. Furthermore, the double garage has a highly industrial character due to its scale, design and form which sets a visual precedent for the immediate visual context. This in itself is not a reason to intensify an incongruous form of development but in the context of all the considerations outlined in this section, the introduction of a shipping container

is not considered to have any unacceptable harmful impact on the character and appearance of the area.

The shipping container is neatly hidden between two buildings for the most part with the exception of the small area outlined in Figure 1. The appearance of the shipping container reflects the contemporary/industrial appearance of the wider application site whilst managing to be well sited and having a modest scale, which prevents the further industrialisation of the immediate character. Not mentioned so far is the fact that the presence of a shipping container is completely reversible in principle as this is not a structure that is fixed to the ground in any way.

For the reasons explained above, it is considered that the proposed development is in accordance with Policy S53 of the CLLP, Policy D-6 of the Nettleham Neighbourhood Plan and Policy D-4 of the Draft Nettleham Neighbourhood Plan and Section 12 of the NPPF subject to the imposition of the above condition.

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 proposed shipping container is located within the curtilage of the Nettleham Community Hub and it is considered that by virtue of its static nature and modest scale that it does not pose any unacceptable harmful impact on the residential amenity of the closest residential dwellings to the north and south of the application site.

As such, it is considered that the proposed development would accord with Policy S53 of the CLLP and paragraph 130 f) of the NPPF.

Highways

Policies S47, S48 and S49 collectively require that development proposals do not have an unacceptable impact on highway safety or a severe cumulative impact on the wider highway network. Policy S48 requires that development proposals should facilitate active travel. It also requires that first priority should be given to pedestrians, cyclists, and people with impaired mobility. Policy S49 of the CLLP sets out minimum parking standards that are required for residential and non-residential development within Central Lincolnshire.

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.

No objection has been raised from the Local Highway Authority with respect to the above application. It is not considered that there are any highways implications associated with this application.

In respect of the above, it is therefore considered that the proposed development accords with Policies S47 and S49 of the CLLP and paragraphs 92, 110 and 111 of the NPPF and Policy D – 1 of the Nettleham Neighbourhood Plan.

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.

The application site is located within Flood Zone 2 which is considered to be at a medium risk of flooding. The guidance in Footnote 55 of the NPPF is noted relating to the provision of a site specific Flood Risk Assessment. However, it is not considered that there are any flood risk implications associated with this application.

Annex 3 of the NPPF as already stated the site sits within flood zone 2 and local policy LP14 and the National Planning Policy Framework (NPPF) requires a sequential approach towards locating development to areas at lower risk of flooding and the submission of a Flood Risk Assessment (FRA). An FRA (received July 3rd 2023) has been submitted in support of this application by the applicant.

The proposed use of the site for storage is classed under Annex 3 (Flood Risk Vulnerability Classification) of the NPPF as being less vulnerable. Given consideration to table 2 (Flood risk vulnerability and flood zone 'compatibility') of the NPPG the site would not be required to pass the exceptions test if the sequential test is passed. The Sequential Test should be applied first to guide development to Flood Zone 1, then Zone 2, and then Zone 3.

The proposed development would still need to pass the requirements of the sequential test as it is located within Flood Zone 2. The sequential test is applied by the Local Planning Authority. As noted, the proposed development is an ancillary storage structure to a soft play area. It therefore has to be located within the site in order to meet the needs of the applicant. It is also located in a preferable area where the visual intrusion into the street scene is

very limited in the context of a Conservation Area. There are areas of the site that are also within Flood Zone 3 whereas the shipping container is located within Flood Zone 2. The shipping container is also located on existing impermeable hardstanding and therefore does not increase the impermeable area of the application site or flood risk overall. This is considered to be sequentially preferable as it places the shipping container on an area of impermeable hardstanding that is not situated within Flood Zone 3 and is only just situated within the boundary of Flood Zone 2.

Based on the above assessment, it is considered that the development passes the flood risk sequential test. Although the submission is not a full FRA that considers all aspects of flood risk in detail, the Planning Practice Guidance advises that a pragmatic approach should be taken in terms of the level of detail and scope. It is considered that the applicant has provided a satisfactory justification, sequential analysis and brief description of the development. The minor nature/scale of the proposed and the siting on impermeable hardstanding would not have any impact on the risk of flooding. For the purposes of Annex 3 of the NPPF, the proposed development is also a *less vulnerable* use which is viewed favourably.

The proposal is considered to accord with Policy S21 of the CLLP, Section 14 of the NPPF and D – 4 of the Nettleham Neighbourhood Plan and Policy D – 3 of the Draft Nettleham Neighbourhood Plan.

Other Matters:

Energy Efficiency and Biodiversity

The requirements of Policies S6, S8, S13, S60 and S61 of the CLLP are noted. However, the proposed development is for the siting of a shipping container on existing hardstanding within the centre of Nettleham. It is not considered that there are any energy implications associated with the proposal and the proposal is not considered to be qualifying development for the purpose of Biodiversity Net Gain. These policies are therefore afforded no weight in the determination of this application.

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, S21: Flood Risk and Water Resources, Policy S35: Network and Hierarchy of Centres, S40: District, Local and Village Centres, S47: Accessibility and Transport, S49: Parking Provision, S50: Community Facilities S53: Design and Amenity, S57: The Historic Environment of the Central Lincolnshire Local Plan. Relevant policies in the Nettleham Neighbourhood Plan, Draft Nettleham Neighbourhood Plan and guidance in the National Planning Policy Framework has also been considered.

The proposed development is not considered to cause an unacceptable harm to the character and appearance of the area or the Nettleham Conservation Area and nor any relevant heritage assets. Weight is also afforded in favour of the application in terms of paragraph 81 of the NPPF and supporting the conditions to improve investment. The proposal is also viewed favourably in terms of paragraph 92 of the NPPF.

In light of the assessment outlined in this report, it is considered that subject to conditions, the proposed development is acceptable on its merits. It is therefore recommended that planning permission is granted subject to the following conditions –

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

1. The development is permitted for a period expiring on 10th August 2026 when the shipping container shall be removed from the site unless prior to that date the planning permission has been granted by the Local Planning Authority for its retention.

Reason: The shipping container is applied for temporary permission only.

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 and Floor Plans and Elevations, received 4th May 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.

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

None.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European

Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for 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.

Representors to be notified -
(highlight requirements):

Standard Letter

Special Letter

Draft Enclosed

Prepared by: Dan Galpin

Date: 25th July 2023

Signed: *D. Galpin*

Authorising Officer: *Rachel Gordon*

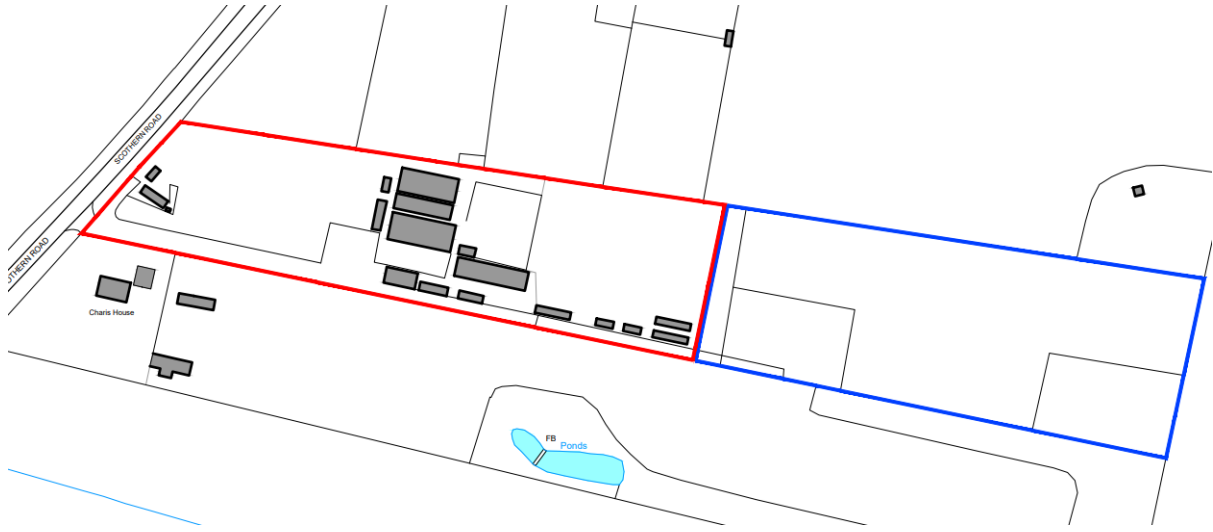
Date: 25th July 2023

Decision Level (tick as appropriate)

Committee

Agenda Item 6b

146223 RUDIES ROOTS LOCATION PLAN



Officers Report

Planning Application No: 146223

PROPOSAL: Planning application for proposed new training centre, office, staff welfare facilities and storage building, 2no. new glass houses, and 1no. dwelling with detached garage - resubmission of 144113

LOCATION: Rudies Roots Nurseries Scothern Road Nettleham Lincoln LN2 2TU

WARD: Nettleham

WARD MEMBER(S): Cllr John Barrett, Cllr Frazer Brown

APPLICANT NAME: Mr R Bertins Rudies Roots

TARGET DECISION DATE: Extension of Time to 10th August 2023

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Subject to Conditions

This is presented to planning committee as it is considered a finely balanced decision.

Description:

The site is located to the north east of Nettleham in the open countryside and is accessed off Scothern Road to its west. It is an enclosed site screened by dense roadside hedgerows with views available only from its entrance. To its south is a large, detached dwelling at a distance of approximately 12m from the boundary within a large plot separated from the site by a dense hedgerow approximately 4m high and approximately 3m wide.

The site is an established nursery business with the internal road running along the southern end providing access to a centrally located car parking area and beyond this it tapers off into a track. At the front of the site is a seasonal conifer holding area. Within the central section of the site are 3 Polytunnels, a shrub growing area and a large and small glasshouse. There are a number of temporary structures present including an office portakabin, wooden sheds, and a static caravan. These are used for a variety of purposes including a makeshift reception area, staff toilets and offices. The principal use is for storage. The eastern end of the site is used as a conifer growing area with a number of structures along the south used for storage, including, wooden sheds and steel storage containers.

Proposal: A 5 bed detached one and a half storey dwelling and detached garage, a single two storey detached office, training centre, staff facilities and storage building is proposed together with 2 glass houses.

The new facilities are intended to allow the removal of two static caravans, a potting shed, and a lorry container unit and a number of other storage containers dotted around the site. It will also provide improved staff welfare facilities and better accommodation for students from the agricultural college who are sent to the nursery as part of their studies.

Relevant history:

144113 - Detached office, for training, staff facilities and storage building and 2 glass houses. GC

M03/P/0612 – Full planning application to erect glass house, polytunnels, net tunnel, security camera pylons, static caravan and additional access refused 23/07/2003 partly granted (static caravan dismissed) on appeal. (APP/N2535/A/03/1127467) 16/10/2003 - Rudies Roots Nurseries, Scothern Road, Nettleham, Lincoln, LN2 2TU.

W65/438/93 - Erect glasshouse and polytunnel, site portakabin for use as storage and construct a vehicular access. GC 25.08.93

Representations: (Summary of comments and available to view in full on website)

Chairman/Ward member(s): On 12th March 2023 Cllr Angela White, as she was then, requested the application be Called-In for determination by Planning Committee.

Nettleham Parish Council: This proposal seeks to expand on a successful agricultural business and incorporate a new house which could be considered contrary to D5 of Nettleham Neighbourhood Plan (building in the open countryside). However, this is a building associated with an agricultural business and so potentially subject to rural exemption. So long as it has a condition on any approval that the house cannot be sold separately from the business then we have no objection. The Parish Council request that the proposal be `called in`. To reiterate, **we support the application.**

Local residents: No comments.

LCC Highways: No objections.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application. Lincolnshire County Council does not have adopted parking standards and considers each application on its own merits. This proposal has 26 spaces, and this is deemed adequate for this development, in this location. It is therefore not considered that this proposal would result in an unacceptable impact on highway safety

Environment Agency: No objection with an informative in relation to foul water disposal.

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

- ***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.
- S47 Accessibility and Transport
- S49 Parking Provision
- S53 Design and Amenity
- S60 Protecting Biodiversity and Geodiversity
- S61 Biodiversity Opportunity and Delivering Measurable Net Gains

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

- ***Nettleham Neighbourhood Plan***

Nettleham Neighbourhood Plan was formally adopted by West Lindsey District Council at a Full Council Committee meeting on the 3 March 2016. A review of the Nettleham Neighbourhood Plan is in progress. Nettleham Parish Council has completed Regulation 14 consultation on its Draft Plan Review July 2022 and supporting Character Assessment March 2021.

Relevant Policies include:

- Policy D-4 Water Resource and Flood Risk
- Policy D-5 Residential Development in the Open Countryside
- Policy D-6 Design of New Development

<https://www.west-lindsey.gov.uk/sites/default/files/2022-02/1.%20Nettleham%20Neighbourhood%20Development%20Plan.pdf>

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

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

National policy & guidance (Material Consideration)

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

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

Chapter 6 of the NPPF states in paragraph 81 that "*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt*". Paragraph 84 goes on to state: "*Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses.*"

Paragraph 219 states:

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

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

- **National Planning Practice Guidance**

How can the need for isolated homes in the countryside for essential rural workers be assessed?

Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:

evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);

The degree to which there is confidence that the enterprise will remain viable for the foreseeable future.

- **National Design Guide (2019)**

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

Main issues

- Principle
- Design
- Highway Safety
- Flood risk and drainage
- Landscaping and Biodiversity.
- Energy Efficiency

Assessment:

Apart from the dwelling this application is identical to that granted permission on 24th January 2023. This is valid until 23rd January 2026 which is a matter afforded significant weight in the determination of this application. It is therefore intended to update the previously imposed conditions on the decision notice for the remainder of the works proposed. No works have commenced on site. The focus will therefore be on the proposed dwelling.

The primary policy to assess it against is Policy S5: Development in the Countryside. (Part D): New dwellings in the countryside. Applications for new dwellings will only be acceptable where they are essential to the effective operation of existing rural operations listed in tier 8 of Policy S1.

Applications should be accompanied by evidence of:

- a) Details of the rural operation that will be supported by the dwelling.
- b) The need for the dwelling.
- c) The number of workers (full and part time) that will occupy the dwelling.
- d) The length of time the enterprise the dwelling will support has been established.
- e) The commercial viability of the associated rural enterprise through the submission of business accounts or a detailed business plan.
- f) The availability of other suitable accommodation on site or in the area; and
- g) Details of how the proposed size of the dwelling relates to the needs of the enterprise.

Existing rural operations in tier 8 include horticulture.

Taking the criteria above in turn:

- a) This is met as this is a long-established nursery business.
- b) The applicants state this is required as

“The business operates 100% off Grid and provides all its energy requirements from on-site, self-generated renewable energy sources in the form of a wind turbine and photovoltaic solar panels as well as rainwater harvesting systems. These renewable technologies power an on-site generator which needs constant maintenance to ensure there is no downtime in the operation of the generator and therefore the delivery of power to the site. Any downtime means that the heating systems and CCTV are not operational. Consistent heating is critical for the growth of bedding plants and the CCTV for continual monitoring of site security. As part of this additional supporting information generator logs and alarm call out reports have been provided which show the frequency of intervention required to prevent loss of power to the site. As can be seen from this information regular visits at all times of night or day are required to ensure the generator is functional at all times. Already this season a number of bedding plants have been lost to frost due to the heating being down because of faults with the generator and the time it has taken for someone to go to the site to rectify the problem. These issues could be eradicated with a 24hr presence on the site.”

“Rudies Roots Nurseries will be celebrating its 25th year anniversary this year and the business has grown from strength to strength over this time. The evidence provided shows regular call outs are required to keep the site operational. This currently requires one of the two business owners to travel at any time through the day or night to reset or repair the generator. This would be far simpler and less disruptive to the business if there is a 24hr presence on site, furthermore recent security breaches due to the rural location of the business also mean huge benefits will be derived from having somebody on site 24 hours a day, seven days a week. As Rudies Roots has grown over the years and in line with the companies green credentials have employed the use of Rheas (South American Ostrich) which are employed on site as a natural humane way to control predators such as foxes and therefore protect plants. These birds are bred and reared on site. Unfortunately, recently the female bird from the breeding pair passed away whilst the site was not occupied. The applicants strongly feel that this would have avoided if there was a continual presence on site.

An extract from the submitted alarm call out reports is reproduced below. These cover the period from 7th January 2022 to 8th April 2022.

Alarm logs for Rudies Roots Nurseries

Device	Triggered by	Description	Started at
E.Bus System	Automatic monitoring	Low battery: Alarm	2022-04-08 05:14:50
E.Bus System	Automatic monitoring	Low battery: Alarm	2022-04-08 05:14:50
E.Bus System	Automatic monitoring	Low battery: Alarm	2022-04-08 00:06:17
E.Bus System	Automatic monitoring	Low battery: Alarm	2022-04-08 00:06:18
E.Bus System	Automatic monitoring	Low battery: Alarm	2022-04-08 00:06:17
Generator start/stop	Automatic monitoring	Generator not detected at AC-input: Alarm	2022-04-07 03:21:14
Generator start/stop	Automatic monitoring	Generator not detected at AC-input: Alarm	2022-04-03 05:19:28
E.Bus System	Automatic monitoring	Low battery: Alarm	2022-04-01 05:07:22

Whilst the submitted information is not particularly clear it appears to show that there were “alarms or incidents” on 83 occasions during this 3-month period with the “generator” being flagged on 17 separate occasions. It would be reasonable to conclude on balance that a need exists.

<https://www.gov.uk/guidance/housing-needs-of-different-groups#rural-housing>

Planning practice guidance sets out considerations that may be relevant in assessing the need for homes in the countryside for essential workers.

“evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products” Officer underlining.

It is considered that on balance need for the dwelling has been demonstrated. In accordance with the policy a restrictive condition will be applied to occupancy.

a) The number of workers (full and part time) that will occupy the dwelling

2 workers

b) The length of time the enterprise the dwelling will support has been established;

This has been established for 25 years

c) The availability of other suitable accommodation on site or in the area; and

There is no suitable accommodation on the site itself. An internet search carried out on the rightmove website 10th July 2023 by the case officer found 28 four bed dwellings for sale in Nettleham.

<https://www.rightmove.co.uk/property-for-sale/find.html?locationIdentifier=REGION%5E18027&maxBedrooms=5&minBedrooms=4&propertyTypes=&mustHave=&dontShow=&furnishTypes=&keywords=>

d) Details of how the proposed size of the dwelling relates to the needs of the enterprise.

The following information was submitted in support of the application:

“Who will occupy the dwelling - Rudies Roots Nurseries is a family run business, run predominantly by Mr Rudie Bertins and Mr Chris Bertins, his son. The dwelling has been designed to accommodate purely those family

members who will occupy the property. A four bedroom dwelling with additional ground floor annex is proposed to accommodate Mr Bertins who is approaching retirement age in the ground floor annex, and Chris Bertins and his family in the remaining four bedrooms. Chris Bertins and his wife have three children one of whom is severely disabled and requires 24hr care and will be dependent on her parents for the rest of their lives. It is for this reason that the dwelling is the size proposed. Both Rudie and Chris are responsible for the business and by being located on site will be able to address any and all issues that arise”

This is noted and acknowledged however personal circumstances are rarely considered as the planning system operates in the public rather than private interest. It is therefore considered that the proposal would not be in full accordance with the criteria required and could be considered a departure from the Development Plan. On this basis and due to a potential precedent being set with permitting such a dwelling in the open countryside based primarily on family need and numbers this application will be presented to committee.

Design

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.”

The dwelling is one and a half storeys high with an eaves height of 3.1 m rising to a ridge of 7.3m. The central section has a pitched roof with timber clad dormers to the front and rear and is flanked by projecting gables that extend beyond the front and rear elevations. The width of the main house is approximately 17m with the single storey off shoot adding a further 4.2 metres. The main facing material is red brick with clay tiles. Coloured render is proposed to the upper end of the gables on both sides with timber detailing

In terms of local character as this is located in the open countryside this is primarily provided by the detached house to the south. On this basis and given the existing high natural screening along the front of the site the design is considered appropriate for its context. Materials are specified and a condition on this matter is not considered necessary. It would be in accordance with S53.

Highway Safety: This is not considered an issue. No objections are raised by Highways. It would be in accordance with policies S47 and S49 of the CLLP.

Flood risk and drainage

The site falls within Zone 1 “Low Probability” - Land having a less than 1 in 1,000 annual probability of river or sea flooding. (Shown as ‘clear’ on the Flood Map all land outside Zones 2 and 3). Surface water will be directed to a new pond created on the site which is a sustainable means of disposal. Due to the remoteness of the location there are no mains sewers nearby that can be used for foul disposal. On this basis the use of a package treatment plant is

considered acceptable. It would be in accordance with policy S21 of the Central Lincolnshire Local Plan and policy D -4 of the Neighbourhood Plan

Landscaping and Biodiversity.

Policy S60 seeks to protect and enhance biodiversity. 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. 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”.

It also states that “The following part of the policy applies unless, and until, subsequently superseded, in whole or part, by national regulations or Government policy associated with the delivery of mandatory biodiversity net gain arising from the Environment Act 2021. Where conflict between the policy below and the provisions of Government regulations or national policy arises, then the latter should prevail.

The mandatory requirement is expected to come into place in November 2023 for all but exemptions and “small sites”. Small sites are defined as:

(i) For residential: where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.

The Government’s 2023 response to the 2022 BNG consultation set out that the transition period for small sites will be extended to April 2024. Nevertheless, this does not prevent biodiversity enhancement being provided on such schemes. This is capable of being delivered by utilising landscaping incorporating native species. Areas of new landscaping are shown on the submitted plan. On this basis a condition will be imposed requiring details of the landscaping to be submitted to and approved in writing and subsequently implemented in accordance with the approved details. On this basis it would accord with S60.

Energy Efficiency

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.

The application was validated almost 2 and a half months before the new CLLP was adopted. On this basis whilst no energy statement has been submitted it would be unreasonable to expect the applicants to retrospectively address this requirement. Nevertheless, the intention is noted to power the house “off grid” on renewable energy in line with the operation on site.

Conclusion and planning balance

This is an application on a site which has previously been granted planning permission for a new training centre, office, staff welfare facilities and storage building, 2 new glass houses. This application seeks a dwelling and detached garage to be added to the site. Having assessed the application against relevant policies principally S5 it would not be considered to be fully in accord with this principally due to the size of the dwelling and reliance on personal circumstances to advance the case for the size of the dwelling. On this basis and due to a potential precedent being set with permitting such a dwelling in the open countryside based primarily on family need and numbers this is considered a finely balanced matter. Positive weight is attached in this instance to the 100% use of renewable resources on this site and subject to the conditions discussed earlier and a condition requiring details including diagrams of how the house will be powered off grid to be submitted to and approved in writing by the local planning authority prior to occupation and implementation approval is recommended.

Recommendation: 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:

Proposed Site Plan L-ADD-075 - 04 Revision F

Dwelling Floor Plans and Elevations L-ADD-075-10

Garage Floor Plan and Elevations L-ADD-075-11

Glass House 1 Plans and Elevations L-ADD-075- 30 Rev A

Glass House 2 Plans and Elevations L-ADD-075-31 Rev A

Training Centre Floor Plans and Elevations L-ADD-075-20 Rev A

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

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

3. Prior to works above ground level full details of the proposed landscaping shown on Plan L-ADD-075 -04 Revision; to include planting plans; specifications, schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before occupation of the dwelling. Any trees or plants which, within a period of five years after planting, are removed, die, or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, and permanently retained.

Reason: In the interests of biodiversity in accordance with policy S60 of the Central Lincolnshire Local Plan.

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

4. Prior to occupation of the hereby approved dwelling full details including technical drawings and specification to provide renewable power for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

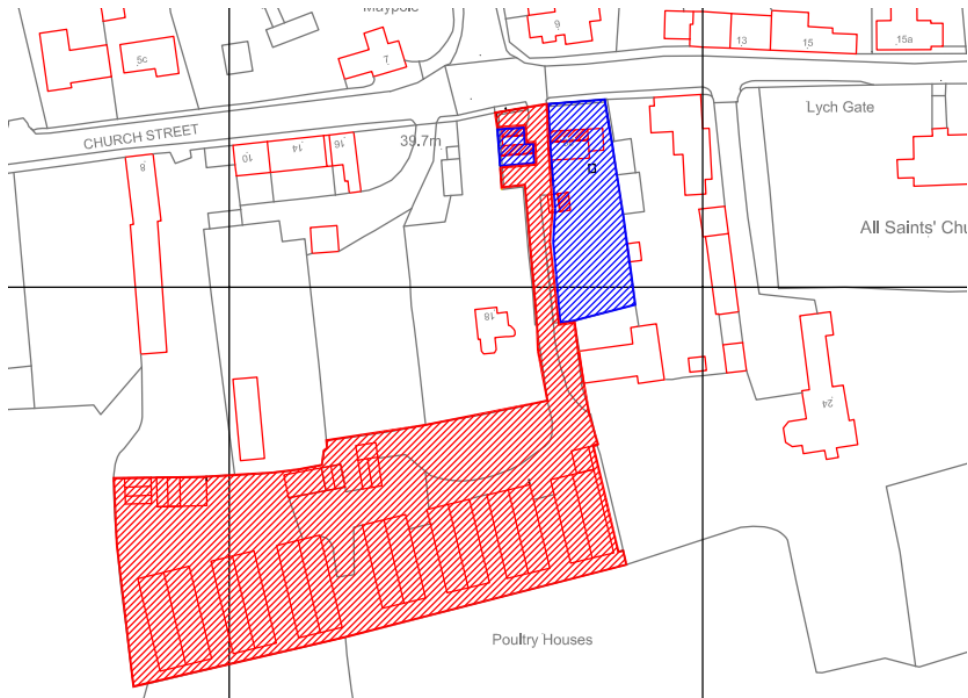
Reason: This was given positive weight in the determination of the application.



5. The occupation of the dwelling shall be limited to a person solely or mainly working, in connection to the operation of Rudies Roots Nursery or a widow or widower of such a person and to any resident dependant.

Reason: The dwelling which is located in the open countryside where development is usually restricted was considered acceptable on this basis in accordance with policy S5 of the Central Lincolnshire Local Plan.

Agenda Item 6c

Land at 20 Church Street Hemswell Ref 146370



-  Application Site
-  Land in Applicants Ownership

Officers Report

Planning Application No: 146370

PROPOSAL: Planning application for demolition of poultry houses & associated buildings & erect 4no. dwellings.

LOCATION: Land at 20 Church Street Hemswell Gainsborough DN21 5UQ

WARD: Hemswell

WARD MEMBER(S): Cllr Paul Howitt-Cowan

APPLICANT NAME: Phillip Wood, Moorehouse Farm, Willingham Road, Lea

TARGET DECISION DATE: Extension of Time to 10th August 2023

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant subject to conditions

Description: The site is located to the south of Church Street in Hemswell. A shared access with 20 Church Street runs south and then west to 7 poultry sheds and other buildings associated with egg production. West of the access is the curtilage of a detached dwelling, 18 Church Street. The site is located within an Area of Great Landscape Value and the access itself is located within the Hemswell Conservation Area.

It is proposed to demolish the existing poultry houses and associated structures and to build 4 detached dwellings. The existing access is to be widened to facilitate access which will require demolition of an existing side extension and brick garage and is also on this committee for determination (Ref 146448).

The total area of the site is noted on the application form as being 4475 sq.m (0.448 hectares). The covering letter states the buildings to be demolished comprise 1450m² with the new dwellings totalling 1099.6m²

All the plots are a variation of a single design. The main body of the house measures 15.8m x 8m, with the double garage 6.7m x 6.4m. Eaves height is 5.5m rising to an 8.5m ridge.

Plot 1 (labelled plot 2) is a large two storey 6 bed detached pitched roof house with an attached double garage with a "guest suite" in the roof space, and a covered patio to the rear. A two-storey gable to the rear is proposed. The main facing material is stone and clay tiles are proposed for roofing. Windows will have masonry segmental arches with stone cills. Photovoltaic panels are proposed on the south (rear elevation).

Plot 2 (labelled plot 3) is a handed version of plot 1.

Plot 3 (labelled plot 5) is identical to plot 1.
Plot 4 (labelled plot 6) has the double garage at right angles to front of the main house.

Relevant history:

M00/P/0530: The southern section of the site forms part of a larger site for which permission was granted for 8 dwellings on 18.12.2002.

A start was apparently made on the site which was acknowledged in an email from a planner at West Lindsey District Council dated 4th January 2008. A second email in response to a query was sent on 15th February 2022 from WLDC “*we have records on our files that work commenced on site and the permission is extant*”. Whilst these matters are not legally determinative, nevertheless significant weight is attached to the principle of residential development on the application site.

An application for predevelopment advice was for 5 dwellings was submitted. Detailed advice was provided principally relating to changes in design suggested by the conservation officer and the reduction in the number of dwellings. These were agreed.

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 comments received.

Hemswell Parish Council: Objections:

This site has not been considered within the Hemswell and Harpswell Neighbourhood Plan (the Plan), as it recognises part of the site as having extant planning permission under M00/P/0530 for the erection of 8 dwellings granted in December 2002. It is noted that at that time, a proposed access to the site via Church Street was rejected as it was deemed ‘not acceptable’ and ‘well below acceptable standards’.

It is noted that this application has reduced the number of planned dwellings and increased the size of each dwelling from the extant planning permission. This will negatively impact the availability of smaller affordable housing identified in the Plan which is a particular issue for those of our residents wishing to down-size or purchase their first home.

Contrary to Neighbourhood Plan Policies:

Policy 3: Windfall Developments.

Policy 5: Protecting the Wider Landscape Character and Setting of the Neighbourhood Plan Area.

Policy 6: Design Principles

Policy 7: Protecting Non-Designated Heritage Assets

Contrary to the General Design Principles of the Hemswell Village Design Principles 2019 document.

Would negatively impact the character and setting of many of the village's historic assets and existing traffic movement. This proposal would create an isolated development, impermeable to the remainder of the village and not in keeping with the open accessible character of the village.

Response from agent to P Council comments dated 14th April 2023

The application site (Planning Reference No.146370) forms part of an extant planning application (Planning Reference:M00/P/0530 for the erection of 8 dwellings granted in December 2002) as detailed within this application and verified as extant by West Lindsey District Council as stated in its email dated 22nd February 2022. This is also verified by the recently adopted Hemswell and Harpswell Neighbourhood Plan as stated in para. 4.17 and on Map 14. This application is for 4 proposed dwellings and limits development to land currently occupied by an existing/established use of a poultry/egg farming business containing 7 No. Poultry houses and a large number of associated auxiliary buildings within the application site. The existing access which also serves 20 Church Street discharges onto the highway.

At an early stage of the design process (February 2022), we sought informal advice from Lincolnshire County Council as the Highway Authority on the initial concept, with further informal advice being sought during the Preliminary Application stages of the application. This information forms part of the planning application details and was available to the Parish Council when making its comments. We therefore draw the Local Planning Authority's attention to the Highway Authority's formal comments.

With reference to affordable housing the Neighbourhood Plan at 2.1.19 states: *"The CLLP in policy LP11: Affordable Housing sets the requirements for developments of 11 units or more to deliver 20% affordable housing"; it further states that "Given that the threshold for affordable housing is delivered on sites of more than 11 dwellings and that Hemswell is only looking to allocate small allocations, it is unlikely that any affordable housing will be required and delivered. It should also be noted that the community did not identify a desire to deliver any additional affordable housing within Hemswell village. Consequently, this NP does not seek to address this requirement"*.

We would like to draw attention to Map 14 Sites assessed in the AECOM Site Assessment Report where the application site forms part of Site CFS10 which refers to the extant permission of planning reference: (M00/P/0530) and to Para. 4.16 and 4.17 where it again refers to the site as extant. We can therefore suggest that as the use of the application site forming extant permission should not be considered under Policy 3 Windfall

Local residents:

18 Church Street – object.

I do not want traffic up and down the side of my house. Also, with the existing wall being left as it is, I also do not want people looking into my garden /

property. With also the possibility of the conifers being taken down, again my privacy will be gone. I have no issues with the extension to the existing property, but in regard to the additional housing being erected I am not happy with it.

8 Church Street – object.

An application for the development of the old chicken sheds was first mooted over 20 years ago (reference M00/P/0530). The intended site was much larger and extended up to Weldon Road and included 10 new properties. At the time, access on to Church Street was considered unsuitable as it would form a crossroad at a busy junction near the maypole and Village Hall. 5 dwellings on this plot of 4 bedroomed houses would each have at least 2 cars. Delivery vehicles would also require access. I consider this entrance off Church Street to still be inappropriate.

Pear Tree House 17a Brook Street-

I have some serious concerns regarding the proposed access to the 4 proposed new dwellings. The site of these 4 new properties is on half of the extant planning permission M00/P/0530. This planning application was rejected by WLDC but then passed at the appeal stage by an inspector. M00/P/0530 initially proposed accessing the site from Church Street adjacent to No.20, the same as the two new applications. The planning assessment by LCC in 2000 noted that the access onto Church Street was 'not acceptable as the visibility was restricted due to existing buildings to a degree well below acceptable standards'. I note that the new applications state that the access road will remain unadopted by LCC, this is clearly due to the fact that the proposed access would not meet the appropriate standards for adoption by the highways authority.

LCC Highways: No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Planning Conditions: In the event that permission is to be given, the following planning conditions should be attached:

Highway Condition 20 The development hereby permitted shall not be occupied before a frontage footway, to connect Forge Cottage to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

Highway Condition 21 No part of the development hereby permitted shall be occupied (apart from those works identified on drawing number P1-01 or as specified) before the works to improve the public highway (by means of a tactile crossing from the existing footway to the newly constructed footway, across the new vehicular access, and a second tactile crossing from the newly constructed footway to the existing footway north of Church Street) 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.

Conservation Officer (WLDC):

24.07.2023: I am pleased to hear that there will now be no alterations to the boundary wall or to the access. This will conserve the character of the CA which is a positive alteration to the proposal that I can happily support.

20.04.23: 20 Church Street and the adjoining land to the south are located within the Hemswell Conservation Area (CA) with the poultry farmland outside the southern border of the CA.

Within the CA there are a number of locally important heritage buildings, including 20 Church Street itself. Those in close proximity are Forge House; 7, 9, 11-15 Church Street; and The Stud Outbuildings. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

Located to the east of the site is the grade II* listed Church of All Saints, just north of the access is the grade II listed Maypole, and to the east is the grade II listed 10-16 Church Street & The Old Post Office.

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This proposal excludes 20 Church Street which is noted as a separate application to this one.

The poultry buildings and associated buildings are outside of the CA and have no historic or architectural significance, these buildings are considered to have a negative impact upon the view of the CA from the south.

The removal of these buildings would be supported by section O of Policy S57 in the Central Lincolnshire Local Plan (CLLP, 2023).

The four new dwellings proposed are designed to have a traditional farmhouse style appearance on the northern elevation (facing the CA). This offers a positive visual impact which is in character of the traditional settlement. To the southern elevation, there is more of a modern visual with the use of solar panels. Although this would not be in character of the CA the current views of the CA from the south are blocked by mature trees and the

views of the modern poultry buildings. The modern design with traditional features is considered a positive impact upon the setting and views from the south and the addition of renewable energy sources offer a public benefit. The design would be supported by policy S57 as this would enhance the views affecting the CA.

To allow for new dwellings there is a requirement for a safe access. The current access is a stone wall with a timber 4 bar gate. The stone walls are a significant feature to the CA which are highlighted in section 4.11 of the Conservation Area Appraisal (CAA). The stone walls to the front of 20 Church Street are a positive feature in the CA which also attributes to the multiple heritage assets in the proximity.

The proposal is to remove the ivy growing on the walls which is a positive to preserve the built structure and allow for the built heritage to be visible. The ivy will be growing through the wall, loosening the stone which would eventually lose its structural integrity. Removal of this will preserve the wall.

However, the walls are proposed to be demolished at the access to extend the opening and to also lower the wall at the entrance to allow for better vision. This will have a negative impact upon the CA and will have the most impact upon the listed Maypole as it will remove part of the built historic built form to create a modern access for the development.

The proposal does retain the stone wall in form but alters the opening and height to the wall meaning the impact to this significant feature is minimal. This will require further detail, but the principle is acceptable.

Additionally, the proposal seeks to remove the green space in front of the boundary wall at 20 Church Street for another pedestrian walkway. With a path already situated on the west side of the access, I would consider this to be an unnecessary harm. The green space can be retained as there is a safe pedestrian access is already in situ. I would request this part of the proposal to be removed to reduce the harm to the access.

Overall, the development of the properties in the poultry farmland is considered to offer a positive impact as the designs will harmonise with the existing CA whilst being sited on the outskirts of the boundary. The change to the access will cause harm to the CA but this harm is minimal, and the alterations do not affect how the historic core is read or alter the character of the street. Under paragraph 206 of the National Planning Policy Framework (NPPF, 2021) proposals that preserve the CA should be treated favourably. In this instance, although there is minor change to the historic wall, I consider this to preserve the wall and better enhance the aesthetic by removing the ivy which will be slowly destroying the stone wall. The proposal will have a minor negative impact upon the setting of the listed buildings and the important buildings as it slightly alters the form of the boundary wall, but this impact is mitigated through the design and preservation of the wall which is currently neglected. Policy S57 of the CLLP

would support the application as it preserves the CA and better enhances the visual of the significant boundaries.

My only issue is with the additional footpath. I would request the Planning Officer to seek the advice of the Highways Department to see if this can be removed.

I have no objection to this application subject to the following conditions:

1) Prior to any work commencing, all access details and the new road, shall be submitted in full and approved in writing by the Local Planning Authority. The details shall include, but not be limited to:

- Elevation and section plan with exact measurements
- Materials and finishes.
- New and existing footpaths
- A methodology for the work, including safe storage and reuse of the materials

2) Prior to any work commencing, all final boundary treatments shall be submitted in writing to the Local Planning Authority for approval including a methodology for the safe maintenance and preservation of the stone walls.

3) Prior to development above ground level external materials and finishing details shall be submitted to the local planning authority for written approval. These details will include all items already highlighted in the elevation drawings submitted in this application.

4) Prior to development above ground level a sample panel of the external wall stonework including the brick headers, shall be produced to show the wall type, size, colour, finish, mortar mix, joint thickness, and finish profile. This must be approved in writing before works commence and a sample panel shall remain on site for the duration of the work.

5) Prior to installation, all joinery details at a scale of 1:20 for the windows and doors shall be submitted in full and approved in writing by the Local Planning Authority.

LCC Archaeology:

The proposed development is located within the historic core of the medieval settlement of Hemswell, and close to the site of the village's medieval parish church that dates from the early 13th century. Medieval and post medieval remains have also previously been uncovered during archaeological works associated with development nearby to the west of Weldon Road. Development on this site therefore has the potential to disturb any remains from the village's medieval and post-medieval history, which may survive beneath the existing chicken sheds. It should also be noted that the previous planning consent (MOO/P/0530) from 2000 was also subject to archaeological conditions.

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

Lincolnshire Wildlife Trust:

Lincolnshire Wildlife Trust wishes to place a holding objection in regard to the above planning application until further ecological information has been submitted and we are satisfied that there will be no significant negative impacts on protected or priority habitats or species as a result of the proposed development.

With the site being previously developed, we see no reason why the Proposed Site Plan would not deliver the minimum of 10% Biodiversity Net Gain now required under the Environment Act 2021. The applicant has also failed to submit a construction method plan that details how works will create as minimal disturbance as possible during the construction phase of the proposed development.

Lincolnshire Wildlife Trust would like to request that no construction take place on site until i) all the required survey work has been undertaken following Natural England requirements ii) a Construction Environmental Method Plan, or equivalent document, is submitted by the applicant that states what measure will be imposed to mitigate against any and all undue damage to protected species and existing habitats on site.

Lincolnshire Bat Group:

Thank you for referring this ecological report to Lincolnshire Bat Group for comment. This is a sound report, and it is noted that further surveys will be needed this summer as evidence of bats has been found.

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 Hemswell and Harpswell Neighbourhood Plan (made 06.03.23) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution

Policy S4: Housing Development in or Adjacent to Villages

Policy S5: Development in the Countryside

Policy S21: Flood Risk and Water Resources

Policy S23: Meeting Accommodation Needs

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

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

- ***Hemswell and Harpswell Neighbourhood Plan (NP)***

Relevant policies of the NP include:

Policy 3: Windfall Development (in Hemswell Only)

Policy 5: Protecting the Wider Landscape Character and Setting of the Neighbourhood Plan Area

Policy 6: Design Principles

Policy 7: Protecting Non-Designated Heritage Assets

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

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

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

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

National policy & guidance (Material Consideration)

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

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

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

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

Main issues

Principle

Hemswell is defined as a small village by policy S1. S4 sets out:

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

The number of dwellings proposed is within the limit for small villages set out above.

The definition of “appropriate locations” in the glossary to the CLLP is:
“the site if developed would.

- *retain the core shape and form of the settlement;*
- *not significantly harm the settlement's character and appearance; and*
- *not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement”*

Core shape and form of the settlement

Assistance in answering this question is provided by the AECOM assessment to inform the Neighbourhood Plan (extract below) which is considered a material consideration. This reached the conclusion that the development of the site which was part of a larger area would retain the core shape and form of the settlement.



The western boundary of the application site is just beyond the last existing poultry shed and the southern boundary is slightly below the rear (south) of the existing sheds. It would be reasonable to conclude therefore that the smaller application site would retain the core shape and form of the settlement.

Character and appearance of settlement

The site is not readily visible from public vantage points, with no adjacent rights of way or bridleways. The site will be screened by existing dwellings that face onto Church Street, distance, and topography. Limited views will be available from the access at a distance of approximately 80m. On this basis no harm is considered to arise to the character and appearance of the settlement.

Character and appearance of the surrounding countryside or rural setting:

Within an Area of Great Landscape Value (AGLV) policy S62 requires amongst other matters the maintenance of landscape quality and its enhancement. The existing character of the site is made up of poultry sheds and areas of hardstanding. The removal of these would enhance landscape quality and the dwellings whilst large do not project beyond the footprint of the existing poultry sheds and it is intended to reinstate a hedgerow along the southern boundary. The details will need to be conditioned. There is dense vegetation /trees within and beyond the application site boundaries to both the east and west. The building form of the extant permission extends further into the countryside than the application site. On this basis and subject to the imposition of conditions as discussed it would not be considered harmful to the character and appearance of the countryside

The site can therefore be considered an appropriate location for development.

Developed footprint:

Developed footprint of a settlement is defined as the continuous built form of the settlement and it is acknowledged that this does not include "agricultural buildings and associated land on the edge of the settlement. Nevertheless, the extant permission is considered a material planning consideration as set out in S4 above that would allow development to be supported. It is therefore considered that the principle of development of the site can be supported.

Impacts on Heritage Assets

20 Church Street and the adjoining land to the south are located within the Hemswell Conservation Area (CA) with the poultry farmland outside the southern border of the CA.

Within the CA there are a number of locally important heritage buildings, including 20 Church Street itself. Those in close proximity are Forge House; 7, 9, 11-15 Church Street; and The Stud Outbuildings. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local

Planning Authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

Located to the east of the site is the grade II* listed Church of All Saints, just north of the access is the grade II listed Maypole, and to the east is the grade II listed 10-16 Church Street & The Old Post Office. The entrance to the site falls within the Hemswell Conservation Area.

Amendments to the proposal have been submitted to retain the green space in front of the boundary wall and to remove the additional path. This would also avoid demolition of the front boundary wall. These amendments would be in conflict with the conditions suggested by Highways. As of writing their response is awaited.

Due to this the proposal should be addressed as it currently stands. Although the poultry buildings and associated buildings are outside of the Conservation Area (CA) and have no historic or architectural significance, these buildings are considered to have a negative impact upon the view of the CA from the south. With their removal the proposals can therefore be considered an enhancement to Hemswell Conservation Area.

The conclusion reached by the conservation officer is set out below and there is no reason to depart from these findings:

Overall, the development of the properties in the poultry farmland is considered to offer a positive impact as the designs will harmonise with the existing CA whilst being sited on the outskirts of the boundary. The change to the access will cause harm to the CA but this harm is minimal, and the alterations do not affect how the historic core is read or alter the character of the street. Under paragraph 206 of the National Planning Policy Framework (NPPF, 2021) proposals that preserve the CA should be treated favourably. In this instance, although there is minor change to the historic wall, I consider this to preserve the wall and better enhance the aesthetic by removing the ivy which will be slowly destroying the stone wall. The proposal will have a minor negative impact upon the setting of the listed buildings and the important buildings as it slightly alters the form of the boundary wall, but this impact is mitigated through the design and preservation of the wall which is currently neglected. Policy S57 of the CLLP would support the application as it preserves the CA and better enhances the visual of the significant boundaries.

On this basis it would be reasonable to conclude that it would be in accordance with policy S57 of the Central Lincolnshire Local Plan.

Archaeology

Due to potential for archaeological remains on the site conditions will be imposed as recommended by LCC Historic Services. Subject to this it is considered to be in accordance with policy S57.

Design, size, and scale of the dwellings

These are described at the start of the report and the conservation officer comments “the four new dwellings proposed are designed to have a traditional farmhouse style appearance on the northern elevation (facing the CA). This offers a positive visual impact which is in character of the traditional settlement. The design is considered appropriate to its context and would accord with policy S53 and S57 of the Central Lincolnshire Local Plan.

Impacts on residential amenity

The closest residential dwelling is 18 Church Street, a detached house within a large plot. It is located to the west of the access to the site and faces on to it. Concerns have been expressed as to the loss of privacy. This is noted however this not a new access being created rather it will have a larger number of cars in comparison to use by farm vehicles. The southern boundary (rear) of 18 is screened by high conifers. If these are removed it will open up views of the garden from the front elevation of 2 of the dwellings, however these will be at distances of approximately 18 metres which are considered acceptable. Conditions will be imposed requiring details of boundary treatments to be submitted to and approved in writing by the Local Planning Authority. Subject to imposition of this condition it is not considered to result in a significant impact on existing neighbours that would warrant refusing permission. It is considered to be in accordance with policy S53 of the Central Lincolnshire Local Plan.

Highway Safety:

Objections from third parties have been raised on this issue. No objections are raised by the Highways Authority. Policy S47 states “development that has severe transport implications will not be granted planning permission”. Policy S49 Part B: All Other Locations” sets out parking standards and it is in accordance with these. It is considered that highway safety does not represent a reason to withhold consent. It is considered to be in accordance with S47 and S49.

Landscaping and Biodiversity.

Policy S60 seeks to protect and enhance biodiversity. An Ecological appraisal was submitted during the course of determination. The conclusion and recommendations are reproduced below:

“There are no Statutory or Non-statutory sites nearby that could potentially be impacted by the removal of the poultry sheds and construction of new residential housing within the area surveyed. The survey area comprises buildings, hardstanding, small areas of amenity grassland and ruderal vegetation. It is now redundant, and the proposal is to remove the existing buildings and provide land for residential development. The existing house facing Church Street is to be renovated and modernised.

The area surveyed contains no significant ecological features and the proposals shown appear to retain the majority of the boundary vegetation which provides screening to the site area. No evidence of any significant locally rare plants or plant communities within or around the site area

surveyed was identified during the survey. Assuming the boundary vegetation is retained as indicated on the conceptual development plan, it is considered likely that development of the site area surveyed could be carried out in a manner that does not have any significant impact on local biodiversity. The inspection completed in January 2023 and subsequent bat activity surveys identified the following evidence / potential for protected species to be present within the survey area:

Birds: There is negligible potential for nesting birds to be present within the interior of the area and, with the exception of feral pigeon, no evidence of any nesting activity associated with any of the building. The Leylandii screen planting has potential to support nesting birds and if any sections need to be trimmed this should be completed outside of the nesting season or be preceded by an inspection by an Ecologist to ensure no nesting birds are present or determine what mitigation measures to protect nesting birds are required.

Bats: The proposed development retains the existing outbuilding where a solitary Brown Long-eared bat is using the cavity between the roof and the wall top as a day roost. The roof is lined and the retention of this building without any structural alteration should ensure the solitary Brown Long-eared bat can continue to access and use this building as a day roost.

Badger: The presence of this species in the area where the new development is being proposed is unlikely but since there are records of foraging by badger in this area and the site is accessible from the open agricultural land to the south and west, measures to protect these species from harm during construction activities will be required.

Given the location of the area surveyed on the edge of the village connected to open agricultural grazing land to the south and west, there is potential for significant ecological enhancements to be included within the scheme to enhance biodiversity.

- Bat boxes and bird boxes could be erected at suitable positions affixed to the any new buildings constructed on the site.
- Refugia suitable for hedgehogs and reptiles could be constructed in suitable positions in landscaped areas where these will be accessible to these species.
- Any landscape planting should utilise native species to promote diversity.

Following receipt of the report the applicants withdrew the proposed replacement of clay pantiles on Building B3 and will retain the existing concrete tiles. This will leave the outbuilding as it is and avoid impact on its use as a day roost. Works on the site together with biodiversity enhancement measures will be conditioned as set out in the report.

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. 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”.

It also states that “The following part of the policy applies unless, and until, subsequently superseded, in whole or part, by national regulations or Government policy associated with the delivery of mandatory biodiversity net gain arising from the Environment Act 2021. Where conflict between the policy below and the provisions of Government regulations or national policy arises, then the latter should prevail.

The mandatory requirement is expected to come into place in November 2023 for all but exemptions and “small sites”. Small sites are defined as:

(i) For residential: where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.

The Government’s 2023 response to the 2022 BNG consultation set out that the transition period for small sites will be extended to April 2024. The delay to implementing BNG for small sites is to lessen initial burdens and allow a longer period for developers and local planning authorities to adapt and prepare for the high volume for minor applications. On this basis there would not be a requirement to deliver 10% as requested by the Lincolnshire Wildlife Trust. Nevertheless, this does not prevent biodiversity enhancement being provided. This will be the subject of conditions. On this basis it is considered that the proposal would accord with policy S60.

Flood risk and drainage

Sustainable drainage systems are recommended where practical and for development not to increase flood risk. The site is in flood zone 1 (Low Probability Land having a less than 1 in 1,000 annual probability of river or sea flooding) therefore the main considerations are the means of foul and surface water drainage. Surface water is proposed to be dealt with on site through the use of soakaways which is a sustainable means of disposal with foul waters to the mains sewer. This is considered acceptable although further details will be required by condition. It is considered to be in accordance with policy S21 of the Central Lincolnshire Local Plan

Energy Efficiency

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”. This will be assisted by the solar panels on the southern elevation of all the dwellings. As the application was submitted almost two months before the adoption of the CLLP it would not be

considered reasonable to ask them to retrospectively address this requirement.

Mineral Safeguarding

A Minerals Resource Safeguarding Assessment has been submitted. No objections have been received from the Minerals Authority. The Report submitted states: *A Mineral Planning Authority would apply appropriate standoff distances from sensitive receptors to the limit of excavation associated with a commercial limestone quarrying operation. A minimum standoff distance of 100m would likely be applied by a Mineral Planning Authority from residential dwellings to the limit of excavation. Drawing No. HEMSWELL2212-3 has been prepared having regard to the potential for the development of the site (which itself is not underlain by mineral of potential economic value) to result in the sterilisation of any mineral resources present within a standoff distance which might be applied by LCC following development. Notwithstanding that no mineral of any potential economic value either underlies the site or is present within 300m of the site, it is clearly evident from Drawing No. HEMSWELL2212-3 that even if a mineral resource was present within a 50m, 100m or even a 200m standoff distance from the site, any such mineral resource will have already been sterilised by the present residential dwellings in Hemswell.* On this basis it would be reasonable to conclude that it would not sterilise a minerals resource

Parish Council objections:

Conflict with Neighbourhood Plan Policies:

Policy 3 – Reference in this policy refers to the previous CLLP policies. This has been assessed against the current policies and found to be acceptable.

Policy 5 – Reference in this policy refers to previous CLLP policies.

Nevertheless, the impact on the character and appearance of the site and wider setting is considered acceptable.

Policy 6 – The design of the proposal is considered acceptable and presents *“a traditional farmhouse style appearance on the northern elevation (facing the Conservation Area).*

Policy 7 – There is no significant impact on Heritage Assets.

These do not represent a reason to withhold permission.

Other matters

Planning balance and conclusion

This is an application for 4 dwellings in a location which has an extant permission for 8 dwellings which is a matter afforded major weight in the positive determination of this application. No adverse impacts are considered to arise with the proposal. Heritage assets will be enhanced. Highway safety will not be compromised. The impacts on the character and appearance of the site and wider area are considered acceptable. Satisfactory drainage arrangements can be provided and impacts on neighbours fall within acceptable levels. Biodiversity will be enhanced.

Recommendation: Grant Permission subject to the following conditions

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. Before the development hereby permitted is commenced, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the local planning authority. Construction shall be carried out in accordance with the approved CEMP at all times. The CEMP shall include the following matters:

- a) Details of construction access.
- b) details of parking and turning for vehicles of site personnel, operatives and visitors.
- c) Loading and unloading of plant and materials.
- d) Storage of plant and materials.
- e) Programme of works (including measures for traffic management and operating hours). No works on the site, including works of preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or Public Holidays
- f) Details of proposed means of dust suppression and noise mitigation.
- g) Details of measures to prevent mud from vehicles leaving the site during construction.
- h) Details of any site construction office, compound and ancillary facility buildings. These facilities shall be sited away from woodland areas.
- i) Lighting on site during construction.
- j) Measures to ensure no on-site fires during construction.
- k) Monitoring and review mechanisms.
- l) Details of the temporary surface water management measures to be provided during the construction phase.
- m) Timings of deliveries to the site (not to exceed the hours of construction as set out above);
- n) Details of mitigation measures for protected species to be applied; and,
- o) Appointment of a Construction Liaison Officer.

Reason: In the interests of residential amenity and protected species in accordance with policies S53 and S60 of the Central Lincolnshire Local Plan adopted 2023.

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. This is due to the proximity of the site to the important Saxon and medieval settlement of Stow and previous geophysical surveys identifying several areas of potential archaeology.

4. No development shall take place until all access details have been submitted in full and approved in writing by the Local Planning Authority. The details shall include, but not be limited to:

- Elevation and section plan with exact measurements
- Materials and finishes.
- New and existing footpaths
- A methodology for the work, including safe storage and reuse of the materials

Reason: In the interests of the preservation of the conservation area in accordance with policy S57 of the Central Lincolnshire Local Plan adopted April 2023.

5. No development shall take place until details of all the boundaries to the application site including along the access road have been submitted to and approved in writing by the Local Planning Authority. This shall include a methodology for the safe maintenance and preservation of the stone walls. The approved details must be in place prior to occupation of any of the hereby approved dwellings.

Reason: In the interests of the preservation of the conservation area and to protect the privacy of neighbours in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan adopted April 2023

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

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

Proposed Site Plan; Drawing No. P1-01

Plot 2 Floor Plan; Drawing No. A1-01, Plot 2 First Floor Plan Drawing No. A1-02, Plot 2 elevations drawing nos. A1-03 and A1-04.

Plot 3 Floor Plan drawing no. A1-01, Plot 3 First Floor Plan Drawing No. A1-02, Plot 3 elevations drawing nos. A1-03 and A1-04.

Plot 4 Floor Plan; Drawing No. A1-01, Plot 4 First Floor Plan Drawing No. A1-02, Plot 2 elevations drawing nos. A1-03 and A1-04.

Plot 5 Floor Plan drawing no. A1-01, Plot 5 First Floor Plan Drawing No. A1-02, Plot 3 elevations drawing nos. A1-03 and A1-04.

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: In the interests of proper planning.

7. Prior to development above ground level external materials and finishing details shall be submitted to the local planning authority for written approval. These details will include all items already highlighted in the elevation drawings submitted in this application.

Reason: In the interests of the preservation of the conservation area and to ensure a satisfactory visual appearance in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan adopted April 2023

8. Prior to development above ground level a sample panel of the external wall stonework including the brick headers, shall be produced to show the wall type, size, colour, finish, mortar mix, joint thickness, and finish profile. This must be approved in writing before works commence and a sample panel shall remain on site for the duration of the work.

Reason: In the interests of the preservation of the conservation area and to ensure a satisfactory visual appearance in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan adopted April 2023

9. Prior to installation, all joinery details at a scale of 1:20 for the windows and doors shall be submitted in full and approved in writing by the Local Planning Authority. Work shall proceed in accordance with the details approved.

Reason: In the interests of the preservation of the conservation area and to ensure a satisfactory visual appearance in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan adopted April 2023

10. 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 policy S53 of the Central Lincolnshire Local Plan.

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

12. The report referred to in condition 11 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and policy S53 of the Central Lincolnshire Local Plan.

13. Prior to any works above ground level further details of the proposed means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details agreed shall be implemented in full prior to occupation of any dwellings.

Reason: To ensure a satisfactory means of drainage in accordance with policy S21 of the Central Lincolnshire Local Plan.

14. Prior to any works above ground level further details of the measures to enhance the biodiversity value of the site in accordance with the Ecological Appraisal prepared by Chris Barker dated 24th July 2023 shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to occupation of the dwellings. 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 enhance the biodiversity value of the site in accordance with policies S60 and S61 of the Central Lincolnshire Local Plan adopted April 2023.

15. Work on site shall proceed in accordance with the Ecological Appraisal prepared by Chris Barker dated 24th July 2023

Reason. To protect biodiversity in accordance with policy S60 of the Central Lincolnshire Local Plan adopted April 2023.

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

16. The development hereby permitted shall not be occupied before a frontage footway, to connect Forge Cottage to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

17. No part of the development hereby permitted shall be occupied (apart from those works identified on drawing number P1-01 or as specified) before the works to improve the public highway (by means of a tactile crossing from the existing footway to the newly constructed footway, across the new vehicular access, and a second tactile crossing from the newly constructed footway to the existing footway north of Church Street) 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

Agenda Item 6d

Site Location Plan 20 Church Street, Hemswell REF 146448



Application Site



Land in Applicants Ownership

Officers Report

Planning Application No: 146448

PROPOSAL: Planning application for removal of existing extensions and outbuildings and erection of proposed single and two storey extensions including material alterations to the existing dwelling.

LOCATION: 20 Church Street Hemswell Gainsborough DN21 5UQ

WARD: Hemswell

WARD MEMBER(S): Cllr Paul Howitt Cowan

APPLICANT NAME: Phillip Wood, Moorehouse Farm, Willingham Road, Lea

TARGET DECISION DATE: Extension of Time to 10.08.2023

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant subject to conditions

This is being presented to committee as a related application by the applicant for 4 dwellings is also on committee (Ref: 146370).

Description: 20 Church Street is a stone cottage that faces onto the road and is located within Hemswell Conservation Area. It is identified as a Non Designated Heritage Asset in the Neighbourhood Plan (NDHA)

The application seeks permission for the removal of existing extensions and outbuildings and the erection of single and two storey extensions and alterations to the existing dwelling.

The extensions and outbuildings are required to be demolished to facilitate a widened access in relation to application 146370 for the erection of 4 dwellings.

Relevant history: Pre application advice was given in relation to the size of the extension which was taken on board

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 comments received

Hemswell Parish Council: Objects to the proposal;

“The property is identified in the Plan Policy 7 as a non-designated heritage asset in adjacency to several historic assets in this asset dense area of the village. The council welcomes the demolition of the unsympathetic extensions to this property but is concerned about the size of the planned two storey extension and its negative impact on the character of this important historic

asset and the potential detrimental impact to the setting of the numerous historic assets in proximity to the property. As per policy 7 of the Plan a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage assets. Additionally the significant extensions to the property would further reduce the stock of smaller properties in the village and limit access to affordable housing in the conservation area”

The remaining objections focus on the use of the shared access to the proposed dwellings and do not relate to the extensions proposed.

Response from Agent dated 14th April 2023 to objection: The applicant agrees with the Council's assessment that the property is non designated heritage asset and is covered by Plan Policy 7 of the Neighbourhood Plan. The applicant is pleased that the Parish Council supports the demolition of unsympathetic extensions associated with the property which clearly have a negative influence on the conservation area.

Justification for the alterations and extensions to the existing property is due to the inherent restrictive nature of the existing property which is in poor condition.

“As noted on the plans showing the existing dwelling; the dwelling contains two small reception rooms, kitchen, bathroom and pantry at ground floor level. The principal entrance is located at the rear of the property. This entrance leads to a hall, which provides access to the first floor bedrooms via a winder staircase. There is an extended landing under the rear cat slide roof, which may have been used as a third bedroom at some point; however functionally this area cannot be used for accommodation purposes, due to severely restrictive heights within this area as shown on the section. The staircase is unconventional, in reference to modern standards and is a winder staircase with a steep pitch (53 degrees) with narrow treads. Differing changes of levels adjacent to and onto the landing could be considered a trip hazard for older adults or individuals with mobility issues and those unaware when descending from first floor level. There is no bathroom at first floor level, family members needing use of bathroom facilities during the night have to navigate the existing staircase to the bathroom at ground floor level. This limits or restricts functional use of the space for a modern average sized family containing 2 children”. Photographs are also enclosed showing other two storey extensions within the village similar to the submitted proposals.

Local residents:

Antares Church Street: I am very concerned regarding the aesthetics of the village and the infrastructure in place to accommodate further dwellings, I would also be concerned that if the application is passed the amount of working vehicles that would be accessing the village possibly causing damage to existing buildings including a grade 2 listed structure. It would also impact on the elderly and retired residents of the village and all the dog walkers that frequent the village

Pear Tree House 17a Brook Street:

My comments on this planning application also relate to the associated application for this site (ref 146370). In general, I have no objections to the modifications planned to the existing dwelling at No.20 Church Street. However, I have some serious concerns regarding the proposed access to the 4 proposed new dwellings.

LCC Highways: No objections.

The proposal is for the removal of existing extensions and outbuildings and erection of proposed single and two storey extensions including material alterations to the existing dwelling, and it does not have an impact on the Public Highway or Surface Water Flood Risk.

LCC Historic Services: No Archaeological input required:

Conservation (WLDC): No objection subject to conditions:

20 Church Street and the adjoining land to the south are located within the Hemswell Conservation Area (CA) with the poultry farmland outside the southern border of the CA. Within the CA there are a number of locally important heritage buildings, including 20 Church Street itself. Those in close proximity are Forge House; 7, 9, 11-15 Church Street; and The Stud Outbuildings (cannot ascertain if this is the correct name as the appraisal has not labelled the buildings but the location this building is of importance).

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. Located to the east of the site is the grade II* listed Church of All Saints, just north of the access is the grade II listed Maypole, and to the east is the grade II listed 10-16 Church Street & The Old Post Office. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

External buildings: The demolition of the existing side extension, separate brick garage is supported. The extension and garage are out of character with the Non-Designated Heritage Asset (NDHA), the wider setting of the CA and the listed buildings. The loss of the garage would enhance the visual of the original stone outbuilding which is currently set behind the garage and the side extension is noted in the Conservation Area Appraisal (CAA) to be unsympathetic to the CA. Under S57 of the Central Lincolnshire Local Plan (CLLP, 2023) this will be supported as the loss of these 20th century structures will better reveal the heritage buildings and improve the character of the CA. The demolition of the timber garage, outbuilding, and low-level wooden fence boundary with associated trees have limited visibility from the public footpath and offer little to no significance to the CA or the surrounding heritage assets. These structures are not considered to offer significance or impact upon the special character of the building and the removal of these can be supported. The reduction of the brick wall behind the existing stone garage is a boundary treatment. I would request this is retained and the incorporation of any bin stores are incorporated with the brickwork viewed to

be retained. There is not enough detail of this on order to determine a conclusive response for this but I will be seeking more information to preserve and incorporate this into the development.

New garage: The proposed garage is simple and traditional in design and features. It is set behind the NDHA and will not be easily visible from the CA of the listed buildings. The impact upon the heritage assets will be minimal but the design and size will harmonise with the surrounding setting as it retains the architectural details of the main dwelling. Policy S57 of the CLLP (2023) supports this area of the proposal as it will conserve the historic setting.

Existing Dwelling The brick store appears early to mid-20th century with a soft red brick and pitched roof with corrugated asbestos roof sheets. This structure offers a neutral impact upon the CA as it does not hold any architectural merit, but the materials and design harmonise with the CA. There will be a loss to the historic evolution of the property through the 20th century, but this loss is balanced with the record of the structure being present. The two-storey side extension and rear extensions are designed to offer the same features and be in the exact same material construction as the main dwelling. These designs offer a positive traditional design which will enhance the CA and the setting and remove the inappropriate modern additions. The side extension is set back and built lower than the main dwelling which aids in illustrating its subservient status to the NDHA which allows for the building to be read from the north and east which includes the setting of the grade II* listed Church of All Saints. Under policy S57 the proposal to the dwelling would conserve the character of the CA and the setting of listed buildings and NDHAs.

I have no objections subject to the following conditions:

- 1) Prior to any above ground works, all external materials, including but not limited, external facing stonework, roofing, fixtures, rainwater goods will be submitted to and approved in writing by the Local Planning Authority.
- 2) No engineering bricks or alternative materials shall be used for external facing materials at ground level unless submitted to and approved in writing by the Local Planning Authority.
- 3) Prior to any above ground works, a sample panel, no larger than 1m² in size, of the external facing stonework must be submitted to and approved in writing by the Local Planning Authority. The sample panel must show the bond, size, colour, mortar, joint thickness, and finish profile.
- 4) Prior to installation, drawings to a scale 1:20 fully detailing the following new windows, doors, surrounds, skylights, or any other joinery shall be submitted to and approved in writing by the Local Planning Authority and installed completely in accordance with the approval. The details must show:
 - Materials; - decorative/ protective finish.
 - Cross sections for glazing bars, sills, heads at a scale of 1:20
 - Method of opening; - method of glazing. - Colour scheme.

5) Prior to installation, all boundary treatments and surface treatments, including the whole bin store section, will be submitted to and approved in writing by the Local Planning Authority.

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 Hemswell and Harpswell Neighbourhood Plan (made 06.03.23) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

Policy S6: Design principles for Efficient Building

Policy S13: Reducing Energy Consumption in Existing Buildings

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S57: The Historic Environment

Policy S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

- ***Hemswell and Harpswell Neighbourhood Plan (NP)***

Relevant policies of the NP include:

Policy 6: Design Principles

Policy 7: Protecting Non-Designated Heritage Assets

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

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

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

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

National policy & guidance (Material Consideration)

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

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

National Planning Practice Guidance National Design Guide (2019)

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Main issues

- Impacts on Heritage Assets
- Impacts on neighbours
- Highway safety including parking
- Energy Efficiency
- Minerals

Assessment:

Heritage Assets: The extension and garage are out of character with the Non-Designated Heritage Asset (NDHA), the wider setting of the CA and the listed buildings. The loss of the garage would enhance the visual of the original stone outbuilding which is currently set behind the garage and the side extension is noted in the Conservation Area Appraisal (CAA) to be unsympathetic to the CA. Its demolition will better reveal the heritage buildings and improve the character of the CA.

The proposed two-storey side extension and rear extensions are designed to offer the same features and be in the exact same material construction as the main dwelling. These designs offer a positive traditional design which will enhance the CA and the setting.

Neighbours: There will be negligible impact on 22 Church Street, the nearest dwelling to the east due to distance separation and with no openings facing east wards. No objections have been received from this dwelling.

Highway Safety including parking: The dwelling currently has 2 bedrooms, and the alterations will add a third bedroom. This would lead to a parking requirement for 3 spaces as set out in Appendix 2 to the CLLP. A new detached garage is proposed with the driveway considered to be capable of accommodating 2 spaces. Whilst this is below the standard it is noted that the access will be onto a private road 5.5m wide along the length of the driveway. On this basis and noting the lack of objection from the Highways Authority this is considered acceptable.

Energy Efficiency: In relation to Policy S13 in the case of an extension to an existing building applicants should be encouraged to consider opportunities to improve energy efficiency. They have responded to this:

“The existing building has limited thermal values due to its historic construction and to the fact that the remedial works and extensions undertaken in the latter half of the 20th Century did not require the emphasis on thermal properties as it is today. What we have proposed by virtue of the form of extension proposed is a complete renovation of existing thermal elements associated with the existing cottage. The net result will require the existing cottage, in reference to external walls, internal floors, roof, windows and doors to be thermally upgraded to meet the standards set down by government; and we draw the Councils attention to para. 4.7, 4.8(b) and 4.9 including Table 4.2 Requirement L Building Regulations 2022.”

This is considered acceptable.

Minerals: Extensions are exempt from policy M11.

Planning balance and conclusion

The proposal would have a positive impact on heritage assets, it would not impact adversely on neighbours and highway safety would not be compromised. Increased energy efficiency will be provided. It would be in accordance with policies S13, S47, S49, S53 and S57 of the Central Lincolnshire Local Plan adopted April 2023. The proposal is considered acceptable and is recommended for approval subject to the following conditions -

Recommendation: Grant Permission subject to the following conditions

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:

The area edged in red shown on the proposed block plan drawing no. P1-01. Proposed elevation and floor plans on drawing nos. P1-01 and P1-02.

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: In the interests of proper planning.

3. Prior to any above ground works, all external materials, including but not limited to external facing stonework, roofing, fixtures, rainwater goods will be submitted to and approved in writing by the Local Planning Authority. Work shall take place in accordance with the approved details.

Reason: In the interests of the preservation of Historic assets including Hemswell Conservation Area in accordance with policy S57 of the Central Lincolnshire Local Plan adopted April 2023

4. No engineering bricks or alternative materials shall be used for external facing materials at ground level unless submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the preservation of Historic assets including Hemswell Conservation Area in accordance with policy S57 of the Central Lincolnshire Local Plan adopted April 2023.

5. Prior to any above ground works, a sample panel, no larger than 1m² in size, of the external facing stonework must be submitted to and approved in writing by the Local Planning Authority. The sample panel must show the bond, size, colour, mortar, joint thickness and finish profile. Work must subsequently take place in accordance with the details approved.

Reason: In the interests of the preservation of Historic assets including Hemswell Conservation Area in accordance with policy S57 of the Central Lincolnshire Local Plan adopted April 2023.

6. Prior to installation, drawings to a scale 1:20 fully detailing the following: new windows, doors, surrounds, skylights, or any other joinery shall be submitted to and approved in writing by the Local Planning Authority and installed completely in accordance with the approval. The details must show:

- Materials; - decorative/ protective finish.
- Cross sections for glazing bars, sills, heads at a scale of 1:20
- Method of opening; - method of glazing. - Colour scheme

Reason: In the interests of the preservation of Historic assets including Hemswell Conservation Area in accordance with policy S57 of the Central Lincolnshire Local Plan adopted April 2023.

7. Prior to installation, all boundary treatments and surface treatments, including precise details of the bin store section, will be submitted to and approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details.

Reason: In the interests of the preservation of Historic assets including Hemswell Conservation Area in accordance with policy S57 of the Central Lincolnshire Local Plan adopted April 2023.

Agenda Item 7



Planning Committee

Wednesday, 9th
August 2023

Subject: Determination of Planning Appeals

Report by:

Director – Planning, Regeneration & Communities

Contact Officer:

Andrew Warnes
Democratic and Civic Officer
andrew.warnes@west-lindsey.gov.uk

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

RECOMMENDATION(S): That the Appeal decisions be noted.

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

Equality and Diversity including Human Rights: The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment: None arising from this report.

Climate Related Risks and Opportunities: None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal by Mrs Nicola Brooksbank against the decision of West Lindsey District Council to refuse planning permission for the construction of a rear and side extension at 7 Velden Way, Market Rasen, Lincolnshire, LN8 3HD.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse

- ii) Appeal by T, R, & N Bradford against the decision of West Lindsey District Council to refuse planning permission for the erection of one dwelling at The Grove, 12 Caistor Road, Market Rasen, Lincolnshire LN8 3HX

Appeal Dismissed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse



Appeal Decision

Site visit made on 22 June 2023

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2023

Appeal Ref: APP/N2535/D/23/3320940

7 Velden Way, Market Rasen, Lincolnshire, LN8 3HD

- 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 Mrs Nicola Brooksbank against the decision of West Lindsey District Council.
 - The application Ref 146054, dated 20 December 2022, was refused by notice dated 9 February 2023.
 - The development proposed is the construction of a rear and side extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed side extension on the living conditions of the occupiers of Nos 3 and 5 Velden Way, by way of light and outlook.

Reasons

3. No 7 is a semi-detached house situated on the eastern side of Velden Way. It has an attached garage with accommodation at the rear on the northern side of the house, with a pathway some 0.7 metres wide running between the garage and the boundary with No 5. The proposed development would involve the construction of a single-storey rear extension, 2.5 metres deep and extending across the whole of the rear elevation. There would also be a new first-floor built above the existing garage/rear accommodation at the side of the house. Finally, there would be a first-floor extension, around 1 metre deep, built above the southern section of the rear projection. There has been no objection from the Council to this rear first-floor extension, and I agree that there are no significant issues raised by this element of the proposal.
4. Policy LP26 of the Central Lincolnshire Local Plan (LP) indicates that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by, or as a result of, development. Consideration should be given, amongst other things, to issues such as overshadowing and loss of light.
5. The Council contends that the proposed extension, by virtue of its size, scale, siting and mass, would result in impacts which would be unacceptably harmful on the living conditions of No's 3 and 5 Velden Way through over-dominance and its overbearing impact.

6. The appellant contends that the proposed extension would not impact on the neighbouring No 3 because of its limited length. Furthermore, there would not be any significant adverse effect on the light received at the rear of No 5, as evidenced by a Shadow Report submitted by the appellant. The appellant notes the existence of a number of two-storey side extensions at houses along the road and contends that these result in precedent for the proposed extension at No 7. Finally the appellant has indicated that the extended accommodation at the house that would result from the proposed development is intended to enable the provision of internal lifts and other alterations to serve disabled and/or potentially disabled members of the family.
7. Velden Way runs east to west from its junction with Mill Road, then turns to a north-south alignment around Nos 5 and 7. For this reason, the rear elevation at No 5 faces the northern side elevation of the appeal property. The rear gardens of Nos 3 and 5 are very shallow, being less than 5 metres deep, and they are the main private amenity space for the properties. The existing side elevation of the single-storey structure at No 7 is less than 1 metre from the boundary with Nos 3 and 5, such that the proposed first-floor extension above this structure to the side of No 7 would, therefore, be less than 6 metres away from the rear elevation at No 5. It would be a little further away from the rear elevation of No 3, and at an angle, such that any adverse impact on outlook from this house would be more limited.
8. The appellant has provided a Shadow Analysis of the effect of the proposed extension. Whilst the extension would clearly have some adverse impact on the light received at the rear habitable room windows of Nos 3 and 5 at certain times of the day, with the greatest impact in the winter, I do not consider that the extent of this impact on its own would be sufficient to dismiss the appeal. However, the proximity of the proposed first-floor side extension to the rear windows and garden of No 5 would have a significant adverse impact on the outlook from No 5, with a lesser adverse impact on the outlook from No 3.
9. The extended side elevation at No 7 would have an overall length of approximately 12 metres and a height rising from 2.5 metres at the eaves to a maximum height of over 6 metres, with the central portion forming a side extension of the main body of the house over two storeys. I consider that a structure of that scale so close to the main rear elevation of No 5, which includes a number of habitable room windows, would result in an oppressive and overbearing outlook for the occupiers of No 5. This would be exacerbated by the fact that the ground level of No 5 would appear to be around 0.5 metres below that of No 7, and this would intensify the impact of the side extension when seen from the rear windows and garden of No 5.
10. In conclusion on this issue, I find that the proposed side extension, by virtue of its scale and proximity to No 5 Velden Way, would result in an oppressive and overbearing outlook to the occupiers of the neighbouring property. There would also be some limited adverse impact on light received by the rear windows and gardens at Nos 3 and 5 Velden Way as a result of the extension. This would not be sufficient in itself to dismiss the appeal, but it adds to my concerns about the adverse effects of the side extension on the living conditions of the occupiers of the neighbouring properties and, in particular, No 5.
11. I have taken into consideration the health issues of the appellant and other members of her family. I have great sympathy for her situation, but I am not

satisfied that the scheme as submitted is the only way of accommodating the future needs of the disabled and potentially disabled members. In this case, the personal circumstances do not outweigh the adverse effects of the proposal on the living conditions of the occupiers of neighbouring dwellings.

12. I have also noted the existence of other two-storey side extensions along Velden Way, including those at Nos 4, 8, 12, 18 and 26. However, in all of these cases the extensions are in a side-against-side situation, where the side elevations do not face directly onto the rear of the neighbouring buildings, and where they do not, therefore, result in an oppressive outlook for nearby occupiers. In addition, some are set well back from the main front elevation of the house and are, as a result, much smaller in scale. On this basis, the other examples along the road are not a precedent for the current proposal at No 7.
13. In conclusion, I find that the proposal would be harmful to the living conditions of the occupiers of No 5 Velden Way by way of light and outlook, and to a lesser extent to the occupiers of No 3 by way of impact on light. On this basis, it would conflict with Policy LP26 of the LP and, accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR



Appeal Decision

Site visit made on 30 May 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/N2535/W/22/3313629

The Grove, 12 Caistor Road, Market Rasen, Lincolnshire LN8 3HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by T, R, & N Bradford against the decision of West Lindsey District Council.
 - The application Ref 144905, dated 6 May 2022, was refused by notice dated 29 June 2022.
 - The development proposed is the erection of one dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with appearance, landscaping, layout and scale reserved for subsequent consideration. I have considered the appeal on this basis.
3. The Council has advised that after their decision on this application was made the Central Lincolnshire Local Plan (CLLP) was adopted on 23 April 2023 and the earlier version of the same document referred to in their reason for refusal has been superseded. They have advised of the new relevant policies to the proposal. The appellant has had the opportunity to respond to the new policies in their final comments. Therefore, I have determined the appeal on this basis.
4. The appellant has submitted a flood risk sequential test with their appeal, the Council has had the opportunity to comment on this, and the appeal has been determined on this basis.

Main Issue

5. The main issue is the acceptability of the appeal site for the proposed development in terms of flood risk.

Reasons

6. The appeal site includes part of the large rear garden of 12 Caistor Road, a watercourse linked to the River Rase runs to one side of the application site.
7. Both parties identify the appeal site as being in Flood Zone 3. The Planning Practice Guidance (PPG) states that Flood Zone 3 has a 'high probability' of flooding.

8. Paragraph 159 of the National Planning Policy Framework (the Framework) requires inappropriate development to be avoided in areas at high risk of flooding and directs development away from such areas. To achieve this, the Framework requires that development in areas of a high risk of flooding should be sequentially tested, and paragraph 162 of the Framework specifically states development should be steered towards areas with the lowest risk of flooding. It goes on to say development should not be permitted in areas of high risk of flooding if there are reasonably available sites appropriate for the proposed development with a lower risk of flooding. Policy S21 of the CLLP also requires the application of the sequential test as outlined in the Framework.
9. There is dispute over the search area for the sequential test with the Council considering that the local authority area is necessary, whereas the appellants consider that a search area with a 10-mile radius of the appeal site is suitable.
10. Whilst I have not been directed to any policy or guidance which sets out the administrative area of the Council being necessary for the search area, the Planning Practice Guidance (PPG) states that the search area for the sequential test will be guided by local circumstances and the relevant catchment for the development type, but not be determined by landownership.
11. As the proposal is for a single dwelling, the appellants' approach to search area seems unduly restrictive, particularly given the exclusion of the larger settlement of Gainsborough for which Sustainable Urban Extensions are planned within the CLLP. Moreover, the appellants' search for other possible sites appears limited to an internet search of properties on the market, along with some rudimentary comments and limited information, as to why they were not appropriate for their proposal. The appellants did, however, undertake a search of the local area in terms of the Council's brownfield land register, they only found one possible site that they dismissed as it related to 3 no. dwellings. Even in the event I were to accept their narrower search area, the evidence provided is insufficient to justify why the appeal site is the only reasonably available and appropriate site for a dwelling with the lowest flood risk. Accordingly, the proposal does not pass the sequential test.
12. In reaching this conclusion I have had regard to the presence of a flood storage reservoir referred to be the appellants. The PPG is, however, clear that when undertaking the sequential test such flood protection measures should be ignored, particularly as the long-term funding, maintenance and renewal of this infrastructure is uncertain.
13. I note that the Environment Agency has recommended a condition regarding flood proofing measures and the appellants have also sought to justify how the proposal can be made flood resilient, however, without passing the sequential test, which is for me as the decision maker to determine, it is not relevant in this case to consider flood proofing or resilience measures. For the same reasons, it is not necessary for the Exception Test to be applied.
14. To conclude, it has not been demonstrated that there are no reasonably available sites appropriate for the proposal in areas with a lower risk of flooding and as such the proposal does not pass the sequential test. The appeal site is not in an acceptable location for the proposed development in flood risk terms and is contrary to Policy S21 of the CLLP and paragraphs 159 and 162 of the Framework, that amongst other things, collectively steer new development to

sites with the lowest risk of flooding unless there are no such other sites reasonably available and appropriate.

Other Matters

15. The site lies within the Market Rasen Conservation Area, (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
16. The Market Rasen Conservation Area Appraisal dated September 1984 (CAA), although somewhat dated, mentions The Grove, as a building of interest along with the positive contribution the trees within its curtilage make to the CA. The property is described as an attractive whitewashed property, possibly featuring a thatched roof originally, set within a landscaped setting, amongst other distinctive buildings near open areas.
17. Although the application seeks outline planning permission with only access to be considered, given the site's separation from The Grove, its landscaped setting, and other buildings nearby that are also located a similar distance from the road, it is likely that a scheme could be developed that is of a scale and design that would be consistent with the significance of this part of the CA. Accordingly, I am in no doubt that a suitably designed scheme would comply with both the duty in the Act¹ and the CAA.
18. The appellants have raised the presumption in favour of sustainable development referred to in paragraph 11 of the Framework, and the Council's 5 – year housing supply position, in support of their appeal. The Council has confirmed that they have a 5-year supply of housing. Even in the event they could not demonstrate this, the 'tilted balance' set out in paragraph 11 d) of the Framework would not be engaged in this case as the proposal conflicts with the planning and flood risk policies of the Framework which provide a clear reason for refusing the development proposed.
19. I note that it is stated the proposal would have a neutral effect upon heritage assets; have no adverse effect upon ecology; there are no highway safety objections; there would be no unacceptable archaeological impacts; it would have a soakaway surface water drainage scheme; it could be designed to prevent unacceptable overlooking of neighbouring properties; that it and The Grove would have good sized gardens; and its external materials would integrate into the local area. However, as these are all requirements of the development plan and national policy, they are neutral factors that neither weigh in favour or against the proposal.
20. The proximity of the site to local services and facilities; the access and parking for the existing property being maintained; that the proposal is accompanied by detailed reports and assessments; that no objections were raised by consultees during the consideration of the planning application; that the site could be developed with a no-dig cellular confinement system to protect the roots of nearby trees; and that the appellants are seeking a 1.5 storey property that is more manageable, which would respect the area are noted. However, these matters neither individually or collectively outweigh the in-principle

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

conflict identified above with the development plan and the Framework in respect of flood risk. Furthermore, some of these points also relate to matters that the appellants have asked not to be considered at this outline stage.

Conclusion

21. For the reasons outlined above, the proposed development conflicts with the development plan taken as a whole and the Framework. There are no other considerations which indicate a decision other than in accordance with the development plan and the Framework. I therefore dismiss the appeal.

A Hunter

INSPECTOR