

**AGENDA**

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

**Planning Committee**

**Wednesday, 6th September, 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 Meeting** (PAGES 3 - 16)
  - i) Meeting of the Planning Committee held on 9 August 2023, previously circulated.
4. **Declarations of Interest**  
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

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

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

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

## 6. **Planning Applications for Determination**

- a) 146424 - Land adjacent 51A Washdyke Lane, (PAGES 17 - 45)  
Nettleham
- b) 145792 and 146827 - Holme Farm Barns, Old Forge (PAGES 46 - 76)  
Lane, West Rasen, Market Rasen
- c) 146831 - Land off Barton Street, Keelby (PAGES 77 - 90)
- d) 146509 - Land Adjacent to Stonefield House, 10 Main (PAGES 91 - 114)  
Street, Scothern

## 7. **Determination of Appeals**

As of 29 August 2023, there were no appeal determinations to be noted.

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 29 August 2023

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 9 August 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 Baptiste Velan  
Councillor Roger Patterson

**In Attendance:**  
Russell Clarkson Development Management Team Manager  
George Backovic Development Management Team Leader  
Martha Rees Legal Advisor  
Katie Storr Democratic Services & Elections Team Manager

**Also In Attendance:** 3 Members of the Public

**Apologies:** Councillor Tom Smith

**Membership:** Councillor Roger Patterson substituted for Councillor Tom Smith.

### 21 PUBLIC PARTICIPATION PERIOD

No statements were made during the public participation period.

### 22 TO APPROVE THE MINUTES OF THE PREVIOUS MEETINGS

**RESOLVED** that:

- a) the minutes of the meeting of the Planning Committee held on Wednesday, 5 July 2023 be confirmed and signed as an accurate record.
- b) the minutes of the meeting of the Planning Committee held on Wednesday, 12 July 2023 be confirmed and signed as an accurate record.

## **23 DECLARATIONS OF INTEREST**

In connection with item 6(b) – application number 146223 (Rudies Roots Nurseries, Scothern Road, Nettleham), some Members indicated that they were acquainted with the Chairman of Nettleham Parish Council who was due to speak on this application, as Mrs White had previously been a West Lindsey District Councillor. However, this would not affect in any way, shape or form their consideration of this application.

With reference to item 6(a) – application number 146617 (Nettleham Community Hub, 1 East Street, Nettleham), Councillor Barrett indicated that the premises were situated within his District Ward. However he had had no prior discussions concerning the application and would consider it with a completely open mind.

With regard to item 6(b) – application number 146223 (Rudies Root Nurseries, Scothern Road, Nettleham), Councillor Barrett indicated that he had visited the nurseries on a number of occasions but would consider the application with a completely open mind.

In connection with item 6(a) – application number 14662 (Nettleham Community Hub, 1 East Street, Nettleham), Councillor Hague indicated that he had visited the premises on a number of occasions but that he had come to the meeting with a completely open mind.

## **24 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY**

The Development Management Team Leader reported that on 20 July 2023, draft regulations had been laid in Parliament to introduce a national planning fee increase of 35% for major applications and 25% for all other applications, including an indexation mechanism to allow for annual inflation-related adjustments in the future. The regulations had also introduced a new prior approval fee for development by the Crown on a closed defence site, removed the ‘free-go’ for repeat applications and reduced the Planning Guarantee for non-major applications from 26 weeks to 16 weeks.

The Government had launched a 12 week consultation, ending 18 October, 2023 on reforms to the plan-making system.

The Government’s vision was for local plans (and minerals and waste plans) to be simpler to understand and use, and positively shaped by the views of communities about how their area should evolve. The Government wanted plans to clearly show what was planned in a local area – so that communities and other users of the plan could engage with them more easily, especially while they were being drawn up. It had been considered that plans needed to be prepared more quickly and updated more frequently to ensure more authorities had up-to-date plans that reflected local needs. The Government had expressed the view that plans should make the best use of new digital technology, so that people could get involved without having to go through hundreds of pages of documents at council offices and wanted to drive improved productivity and efficiency in the plan-making process. Officers were preparing an appropriate response. Details of the latest consultation and how to respond, should individual Members wish to do so, could be found at:-

<https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on->

[implementation/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms](#)

The Government had also opened a consultation (ending on 25 September 2023) on expanding Permitted Development Rights. In summary the consultation referred to the following:-

- Changes to certain permitted development rights that allowed for the change of use to dwellinghouses.
- Changes to certain permitted development rights that allowed agricultural diversification and development on agricultural units.
- Changes to certain permitted development rights that allowed for non-domestic extensions and the erection of new industrial and warehouse buildings.
- Changes to the permitted development right that allowed for the temporary use of land to allow markets to operate for more days.
- Changes to the existing permitted development right that allowed for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons.
- The application of local design codes to certain permitted development rights.

Officers were examining the proposals with a view to submitting an appropriate response. However should Members wish to respond individually, details of the consultation could be found at:-

<https://www.gov.uk/government/consultations/permitted-development-rights>

The Committee was advised that new permitted development rights had been introduced on 26 July relating to temporary campsites. Following the renewed demand for domestic holidays and to support local tourism, a new permitted development right had been introduced which allowed for the temporary use of land for recreational campsites for up to 60 days per calendar year. The right was subject to limitations and conditions, including an annual prior notification to the local planning authority before land was used as a campsite and prior approval in Flood Zones 2 and 3.

## **25 146617 - NETTLEHAM COMMUNITY HUB, 1 EAST STREET, NETTLEHAM**

The Chairman invited the Planning Officer to introduce the first application on the agenda, (item 6 (a) - application number 146617), seeking planning permission for the siting of one shipping container for storage purposes for a temporary period of 36 months, at Nettleham Library, 1 East Street, Nettleham. The application had been brought before the Committee due to the receipt of an objection from the Parish Council.

The site was in the Nettleham Village Centre, as defined in the new Local Plan and was a community hub with a variety of uses. The existing lawful use of the garage was as a soft play facility. This application sought retrospective planning permission for a steel container where the soft play equipment was being stored. The shipping container was just over 6 metres in length and 2.4 metres in height.

There were no public speakers for this item, and the Chairman invited comments from

Members of the Committee.

During the course of the discussion it was proposed by Councillor Fleetwood and duly seconded that an additional condition be imposed regarding the cladding of the temporary structure to mitigate its location within a Conservation Area. Upon being put to the vote, this proposition was declared to be **LOST**.

It was thereupon proposed and seconded that the application be approved subject to the conditions set out in the Officer's report and upon being put to the meeting this was declared to be **CARRIED**.

Accordingly, it was agreed that permission be **GRANTED** subject to the following conditions:-

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

1. The development 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.

**26 146223 - RUDIES ROOT NURSERIES, SCOTHERN ROAD, NETTLEHAM**

The Chairman then invited the Planning Officer to introduce item 6 (b) on the agenda (application 146223) seeking planning permission for a new training centre, office, staff welfare facilities and storage building, 2 new glass houses and 1 dwelling with detached

garage (resubmission of application number 144113), at Rudies Roots Nurseries, Scothern Road, Nettleham. The application had been referred to the Committee for consideration as it had been considered that this involved a finely balanced decision.

The Chairman welcomed the first of two speakers, Parish Councillor Mrs White, Chairman of Nettleham Parish Council who addressed the Committee along the following lines:-

“Good evening. This is an account of the involvement of Nettleham Parish Council. in this and the previous application, and my own as the former District Councillor. The original application 144113 including the house, had been considered by the Nettleham Parish Council meeting on 22 February 2022. The minutes referred to the same comments made in relation to the present application. This proposal seeks to expand on a successful agricultural business and incorporate a new house which could be considered contrary to D5 of the Nettleham Neighbourhood Plan. That was a 2016 Plan relating to building in the open countryside. However, this is a building associated with an agricultural business and so potentially subject to the rural exemption. Therefore so long as there is a condition on any approval that the house cannot be sold separately from the business, the Parish Council would have no objection.

There was no thought of calling it in at that point, as it was thought permission would be granted. As the then District Councillor, I was contacted during the process by the agent and the landowner who had been told that the application was likely to be recommended for refusal unless the applicants removed the house. I expressed my surprise to the Planning Officer, as there were examples of planning permission having been granted in similar scenarios; in fact the adjacent house nearer the village, “Cherries House” had been built after outline planning permission had been granted under the rural exemption in 1998. The applicant had eventually decided to remove the house from application 144113 in order to get planning permission for everything else and this was granted on 23 January 2023. The present application 146223 had been brought the 22 February 2023 meeting of the Nettleham Parish Council.

The Parish Council had submitted the same comments. In supporting the present application, the Parish Council had asked if it could be called into the Planning Committee. As the District Councillor I had also called it in on 13 March 2023, referring in particular to D7 now D6 of the review of the Nettleham Neighbourhood Plan (Regulation 14) housing development in Nettleham and S1 tier eight and S5 Part D of the review of the Central Lincolnshire Local Plan, which had been adopted on 13 April, 2023.

S1 one tier eight restricts development in the countryside to that, which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services. D6 of the review of the Nettleham Neighbourhood Plan, Point 3 states that new development outside the existing footprint will be limited to countryside use as identified within Local Plan S5.

This is Part D - dwellings in the countryside, which sets out the evidence requirements as referred to in the officer's report on pages 51, 52 and 53. Nettleham Parish Council supports this application. Thank you.”

The Chairman thanked Mrs White for her contribution and then invited the second speaker, Mr R Bertins to address the Committee. Mr Bertins commented along the following lines:-

“Good evening, ladies and gentlemen.

My name is Rudie Bertins and I own Rudies Roots Nurseries at Nettleham. This is a family run horticultural nursery, specialising in hardy exotics and Christmas tree hire which is unique to us. We established the business 25 years ago from scratch, involving working long hours, seven days a week. We work with schools, charities and organisations supporting people with learning difficulties, hence the training centre. We intend to improve on this activity.

I must say that the planning processes are a huge learning curve for me and it has taken a toll on me, trying to understand fully all of the technicalities. There are many reasons why a dwelling is essential for the effective operation of our nursery including plant welfare, security, animal welfare, job security and family welfare. An important objective is to create a much better work life balance.

On starting the nursery we needed to put in infrastructure including a mains water supply and electricity supply. The latter was not available to us so we opted for an off grid system involving solar and wind energy. We are proud of our achievements in protecting the environment and have won numerous awards for this and we are very close to a zero carbon footprint. Any excess energy is stored within a battery system which comes into use when the weather is not conducive to wind/solar energy provision (the technical aspects of which were explained in detail to the Committee). There is a biofuel system to protect the batteries should they reach a critical position. If these systems did not operate correctly, we would lose very valuable stock. Last year approximately £20,000 worth of stock was lost, principally due to there being no one on site. All these systems require a presence on site in order to protect the business and enable it to move forward. Thank you.”

The Chairman thanked Mr Bertins for his contribution and invited the Officers to comment on what had been said so far. However, Officers had nothing to add to the Committee report at this stage. The application was then opened up for debate by the Committee.

Members were complimentary about the efforts made by the business to become carbon neutral and were supportive of the application. They could appreciate the logic for having a permanent presence on site and were satisfied with the condition that restricted occupation of the dwelling to a person or persons directly associated with the operation of the nursery.

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

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

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

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

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

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.

**27 146370 - LAND AT 20 CHURCH STREET, HEMSWELL**

The Committee then moved on to consider item 6 (c) on the agenda application 146370) seeking planning permission for the demolition of poultry houses and associated buildings and the erection of 4 dwellings on land at 20 Church Street, Hemswell. The application had been brought before the Committee as representations had been received from third parties.

The Planning Officer reported that amendments to the proposal had been submitted to retain the green space in front of the boundary wall and to remove the additional path. These plans were submitted to the Highways Authority and at the time of writing the report a response was still awaited. The Highways Authority response had now been received and it had been stated that if the requested footway could not be delivered due to concerns regarding harm to the character and appearance of the area, an uncontrolled tactile crossing between 9 and 20 George Street to connect to the existing section of frontage footway with a wider for footway network would be required. This would not require any widening of the footway, just the introduction of dropped kerbs and tactile blocks at the front of the property and to the property opposite within the highway itself.

As a consequence, it would be necessary to remove the original conditions 16 and 17, which were not capable of implementation in accordance with the amended proposals. The Planning Officer therefore proposed a new and condition 16 stating that prior to any works above ground level, details of an uncontrolled tactile crossing between nos. 9 and 20 George Street shall be submitted to and approved in writing by the Local Planning Authority, the approved details must be in place prior to occupation of any dwelling.

The reason for that is to ensure the provision of a safe means of access.

Although the drawings that were submitted by the agent showed the boundary wall unaffected, the Planning Officer was of the view that a precautionary approach should be taken and another condition imposed to the effect that prior to any works above ground level, details of the proposed boundary wall arrangement adjacent the proposed access shall be submitted to and approved in writing by the Local Planning Authority, national and regional bodies to ensure the provision of a safe means of access in accordance with policy as 47 of the Central Lincolnshire Local Plan. This would require the addition of a drawing reference number that shows the works proposed to the boundary wall.

The Chairman thanked the Planning Officer for his report and as there were no public speakers, opened up the application to debate by the Committee.

It was considered initially that the application merited a site visit but upon further discussion it was considered that a site visit would be unnecessary, particularly bearing in mind the level of detail included within the Committee report and photographs included in the presentation.

Some clarity was sought around the width of the access road and the timing relating to delivery of the crossing as required by the Highways Authority.

After a lengthy discussion Members felt that the application should be approved as now submitted, subject to the changes suggested by the Planning Officer to conditions 16 and 17 (which are now reflected in the conditions set out below).

Accordingly, having been proposed and seconded it was agreed that permission be **GRANTED** subject to the following conditions (now including the new conditions as proposed by the Planning Officer):-

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 24<sup>th</sup> 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 24<sup>th</sup> 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. Prior to any works above ground level details of an uncontrolled tactile cross between 9 and 20 Church Street shall be submitted to and approved in writing by the Local Planning Authority. The approved details must be in place prior to occupation of any dwelling.

**Reason:** To ensure the provision of a safe means of access in accordance with policy S47 of the Central Lincolnshire Local Plan.

17. Prior to any works above ground level details of the proposed boundary wall arrangement adjacent the proposed access along the Church Street frontage with Church Street 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 dwelling.

**Reason:** To ensure the provision of a safe means of access in accordance with policy S47 of the Central Lincolnshire Local Plan.

**28 146448 - 20 CHURCH STREET, HEMSWELL**

The Planning Officer introduced item 6(d) on the agenda (application 146448) seeking permission for the removal of existing extensions and outbuildings and the erection of single and two storey extensions, including material alterations to the existing dwelling at 20 Church Street, Hemswell. The application had been referred to the Committee as it was related to the previous application.

There were no public speakers and the Chairman invited the Planning Officer to present the report, after which the application was opened up for debate by the Committee.

Members were in favour of the proposal and it was proposed and seconded and agreed that permission be **GRANTED** 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 1m<sup>2</sup> 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.

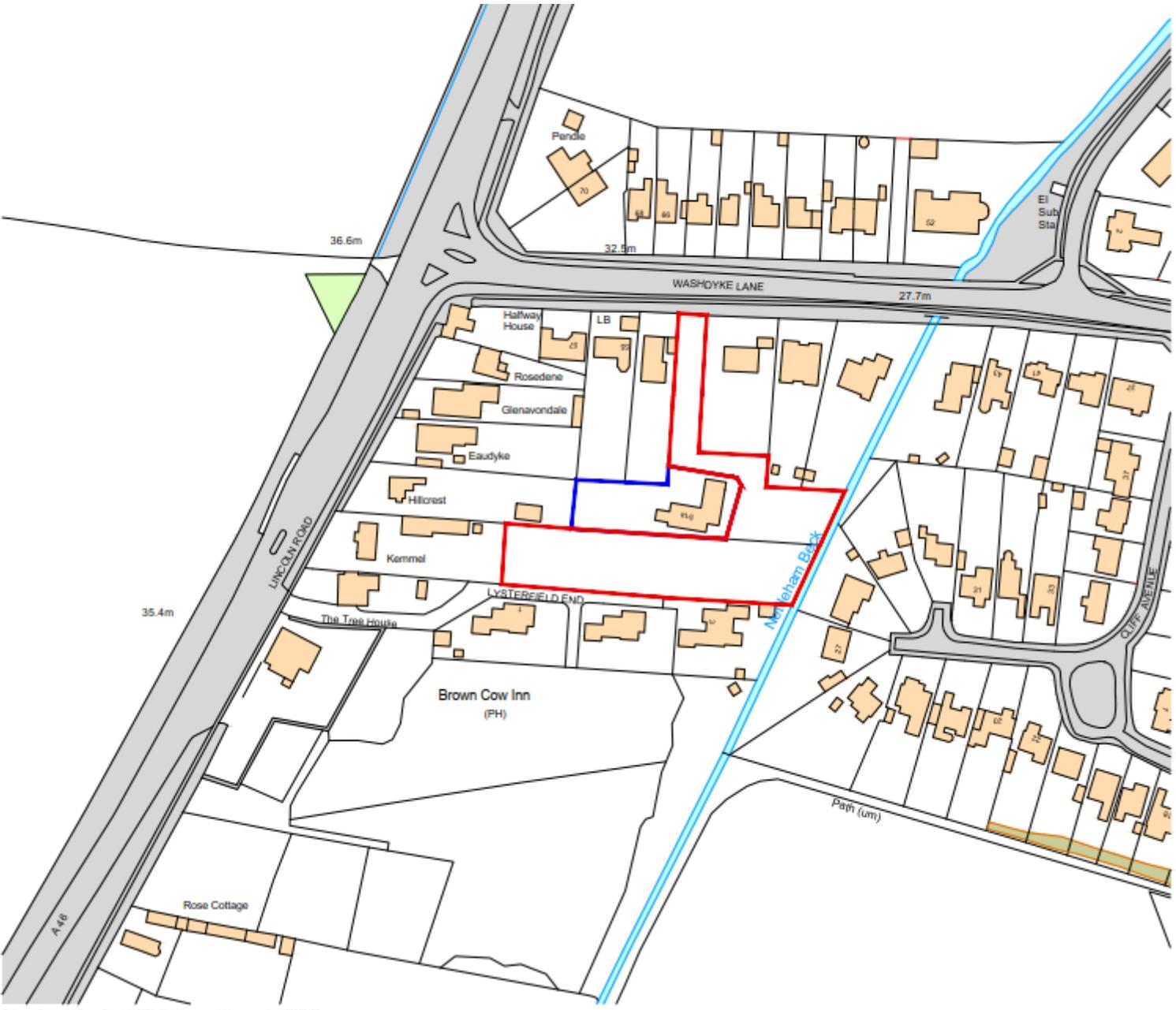
**Reason:** In the interests of the preservation of Historic assets including Hemswell Conservation Area in accordance with policy S57 of the Central Lincolnshire Local Plan adopted April 2023.

## **29 DETERMINATION OF APPEALS**

The determination of appeals was **NOTED**.

The meeting concluded at 7.36 pm.

Chairman



# Officers Report

## Planning Application No: 146424

**PROPOSAL:** Outline planning application for 3no. dwellings - all matters reserved

**LOCATION:** Land Adjacent 51 A Washdyke Lane Nettleham Lincoln LN2 2PX

**WARD:** Nettleham

**WARD MEMBER(S):** Cllr F J Brown, Cllr J S Barrett

**APPLICANT NAME:** Mr J Jackson

**TARGET DECISION DATE:** 04/05/2023 (Extension agreed until 14<sup>th</sup> July 2023)

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Ian Elliott

**RECOMMENDED DECISION:** Grant permission subject to conditions

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### **Planning Committee:**

This application has been referred to the Planning Committee following third party objections including the Nettleham Parish Council referring to Neighbourhood Plan Policy.

The planning committee at its meeting on 13<sup>th</sup> July 2023 resolved to defer this planning application, in order for further information on surface water drainage and flooding implications to be provided by the applicant.

### **Description:**

The application site is garden land to the side and rear of 51A Washdyke Lane, Nettleham. The host dwelling is a detached two storey dwelling set down a track to driveway parking. The site is set well back from the highway and slopes upwards from east to west. The main part of the site to the side and rear of 51A Washdyke Lane is primarily screened by a mix of high hedging and high fence panels. There are some gaps to the east boundary adjacent the Nettleham Beck. The west boundary section of the site adjacent the east elevation of the host dwelling is partly open and partly screened by low level hedging. Neighbouring dwellings are adjacent or opposite each boundary with the Nettleham Beck to adjacent the east boundary.

The site is in a Limestone Minerals Safeguarding Area. The majority of the site is within flood zone 1 (low probability) with a small section of flood zone 2 (medium probability) and 3 (high probability) adjacent the Nettleham Beck.

The application seeks outline planning permission for 3no. dwellings, with matters of **layout, scale, appearance, landscaping** and **access** all reserved for subsequent approval ("reserved matters").

## **Relevant history:**

Pre-application 144227 - Pre-application enquiry for 4no. dwellings – 11/03/22

## **Representations**

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

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

## **Nettleham Parish Council: Objections**

- It is not in keeping with policy D6(b) of the Neighbourhood Plan as it will not recognise existing residential density of larger housing with extensive gardens.
- Only two car spaces are shown. To comply with policy D3 of the Neighbourhood Plan the maximum number of bedrooms should be 2.
- There are several sharp bends which will make vehicle passing a hazard.
- No footpath provision presents a hazard to pedestrians, children playing in the area and other vehicles contrary to policy D2(c) of the Neighbourhood Plan.
- Driveway not large enough to serve 4 large dwellings.
- No FRA contrary to policy D4 of the Neighbourhood Plan.
- Increase in non-permeable hard surfacing would increase run-off into the Beck.
- Policy D6(f) of the Neighbourhood Plan relates to the retention of mature or important trees and is contravened by the proposal.
- Unacceptable overdevelopment and strongly oppose.
- Would like to see it called into planning committee.

**Local residents:** Objections received from:

28 Cliff Avenue, Nettleham  
51 Washdyke Lane, Nettleham  
53 Washdyke Lane, Nettleham  
55 Washdyke Lane, Nettleham  
Kemmel, Lincoln Road, Nettleham

## **Principle**

- Not an appropriate location contrary to policy LP2, S1 and S4 of the Central Lincolnshire Local Plan.

## **Density**

- Density does not align with D6b) or paragraph 5.3.1 of the Nettleham Neighbourhood Plan. Paragraph 5.3.1 states New housing should be of a scale, design, and density to fit within the existing character of the village.
- Average home in area covers 0.33 hectares whilst these cover 0.16 hectares.

### Flooding

- Building 3 four bedroom house in area classified as having medium/high risk areas will add to flooding problem.
- Increased impermeable area will significantly increase water run-off towards Beck adding to flood risk of adjoining properties.
- Flood risk assessment should be provided given slope of site, urbanising effect and flood risk associated with Nettleham Beck.
- Not clear if safe for life time contrary to S21 of Central Lincolnshire Local Plan and D4 of Neighbourhood Plan.
- Flooding in 2007 showed it is possible with increase in sudden weather events.
- Land important for flood mitigation.
- New roads and driveways on a slope and not allow water to run down towards the Beck.
- 100% trees/grassed to 60% adding significant flood risk.
- The FRA does not consider the impact of increased hardstanding (1540m<sup>2</sup>) on surface water drainage and Nettleham Beck.

### Drainage

- Concerned with sewerage arrangements as 51A Washdyke Lane connects to 51 Washdyke Lane.
- Difficulty with blocked sewer recently and doubling use unsustainable.
- Soakaways unlikely to effectively manage surface water.

### Highway Safety

- Construction vehicle access will be difficult.
- No footpath provision along single narrow access road which would be a hazard to drivers and people on foot.
- There are only two spaces per home. Policy D-3 of the Neighbourhood Plan requires 3 spaces for 4 bedroom dwellings.
- Drive is too small for a housing development.
- Access is very narrow with restricted visibility.
- Lead to more traffic on busy road which often has long queues.
- No room for cars to pass.

### Biodiversity

- Adjacent the Nettleham Beck which is home to endangered wildlife such as water voles/kingfisher.
- Removal of significant amount of trees.
- Survey required or contrary to S60 of Central Lincolnshire Local Plan and NPPF.
- Seen colony of water voles and would be damaged.
- Significant number of trees have been felled degrading ecosystem and the rich and dense population of bird species.
- Land important for wildlife protection.
- Negative impact on environment.
- Area acts as a green corridor for wildlife through to Beck.

### Residential Amenity

- Overlooking 28 Cliff Avenue.
- Overlook and impede natural daylight to surrounding properties.
- Addition of 18 people living in an area which is now a silent orchard will create a noise nuisance.
- Noise and pollution impact.

### Green Wedge

- Land backs onto green wedge and further development would squeeze this shrinking piece of green space.
- Acts as a corridor to wildlife contrary

### Reserved Matters

- Local Planning Authority should request layout secured under article 5(2) of the Town and Country Planning Development Management Procedure Order.

### Other

- There is a need for smaller housing.
- Dwellings in area are larger and proposed are significantly smaller.
- Could lead to more development behind 53 and 55 Washdyke Lane.
- Construction vehicles causing noise and damage to narrow driveway.
- Road not wide enough for waste collection and far to take bins to road.
- Struggle to see how 3 large 4 bedroom houses would help to rebalance the community demographic.
- Neighbourhood Plan 5.2.2 states its essential no homes should be built on land that lies adjacent the Nettleham Beck.
- Policy H-4 expects a mix of dwellings.
- Contrary to S1, S4, S21, S49, S53, S57, S60, S63 and S66 of the Central Lincolnshire Local Plan and E1, E5, D3, D4 and D6 of the Neighbourhood Plan.

### **LCC Highways:** No objections with advice

- This proposal is for 3 dwellings, to be served via an existing private drive which has adequate width and visibility.
- Any subsequent reserved matters application should make arrangements for refuse storage within the site curtilage for the 3 proposed dwellings and the host dwelling.

### **LCC Lead Local Flood Authority:** Comment

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 duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

**Building Control Officer:** Comment

The Surface water proposal looks acceptable. The formal percolation tests have been carried out by a professional. The indicative Soakaways are shown on the drawings, it is assumed these will be sized accordingly.

**WLDC Tree and Landscape Officer:** Comments

- The trees intended to be removed, as described above, are all category C trees, therefore I have no objections to their removal in terms of their quality.
- Tree loss needs to be assessed against the new CL Local Plan 2023 for its impact on biodiversity and habitat value. Four large, mature trees have already been lost, with a further 9 individual trees and an unknown number of trees within groups identified for removal. Nine replacements (of trees and shrubs) are proposed, along with some native mixed hedgerow, but if permission is granted then a scheme of landscaping should be required to be submitted in a RM or Full application to provide further details and clarification of species and what will be planted where.
- If permission is granted, there is a high risk new owners would remove more trees to reduce shade to modest sized gardens and gain more usable space.
- Details of tree protection measures should be submitted for prior approval as part of a subsequent RM or Full application. The details need to clarify type/form of the protection measures and their positions, with the aim of protecting the whole area of the trees RPAs or creating a barrier to separate areas of trees from all development activities. Tree protection methods should be in line with BS5837:2012 recommendations. Tree protection should be put in approved positions prior to any commencement of works, and be kept in place until completion.

**Environment Agency:** No objections

We have no objection to the application, however request that your local authority lists the FRA as an approved document, to which the development must adhere to.

**LCC Archaeology:** No objections

**LCC Minerals and Waste:** No objections

**Natural England:** No objection with advice

**Lincolnshire Wildlife Trust:** Objection (Holding)

There is no BNG report associated with this application and given the number of distinctive and species-rich habitats onsite (e.g., the orchard and neutral grassland) gains in biodiversity units would be extremely difficult given the current design. The orchard fulfils the criteria of a 'traditional orchard' owing to its species composition and the low intensity management (Paragraph 4.6 of the PEA). The proposed development would thus result in a loss of priority habitat rendering the overall design incompatible with the mitigation hierarchy and BNG metric because of this unavoidable loss.

Bespoke compensation for this loss would need to be agreed for the same habitat type to be created on land offsite. A minimum of 10% BNG now required under the Environment Act 2021 and Policy S61 of the Central Lincolnshire Local Plan (CLLP). The baseline, pre-development habitat units, would need to be assessed using the latest DEFRA Biodiversity Metric and the UK Habitat assessment.

The site contains important elements of the local green and blue infrastructure network (Policy S59) such as orchard, grassland (Paragraph 11.0.2 CLLP) and Nettleham beck - which connects the site to the wider landscape (Section 4.6 of the PEA). Nettleham beck runs adjacent to the eastern boundary of the proposed development (though not shown in the 'Indicative Site Plan'). Settlements usually act as 'pinch points' for watercourses with traditional engineering techniques implemented such as solid banks (as seen in Photograph 13 and 15 of the PEA) leading to increased flood risk during times of high rainfall, or surface water flooding. Surface water flooding was highlighted as the main risk to the site and with the assessment lacking any climate change scenario the future risks to the site are not being fully considered.

**ECM checked:** 14<sup>th</sup> August 2023

#### **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023), Nettleham Neighbourhood Plan (2016) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### Development Plan

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

Relevant policies of the CLLP include:

- S1 The Spatial Strategy and Settlement Hierarchy
- S4 Housing Development in or Adjacent to Villages
- S6 Design Principles for Efficient Buildings
- S7 Reducing Energy Consumption –Residential Development
- S20 Resilient and Adaptable Design
- S21 Flood Risk and Water Resources
- S23 Meeting Accommodation Needs
- S47 Accessibility and Transport
- S49 Parking Provision
- S53 Design and Amenity
- S57 The Historic Environment
- S59 Green and Blue Infrastructure Network
- S60 Protecting Biodiversity and Geodiversity
- S61 Biodiversity Opportunity and Delivering Measurable Net Gains

S66 Trees, Woodland and Hedgerows

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

- **Nettleham Neighbourhood Plan (NNP) – Made 3<sup>rd</sup> March 2016**

Relevant Policies are:

- Policy E-5 Nettleham Beck Green Corridor
- Policy D-1 Access
- Policy D-2 Pedestrian and Cycle Access
- Policy D-3 Parking Provision
- Policy D-4 Water Resource and Flood Risk
- Policy D-6 Design of New Development

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

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

The site is within a Limestone Minerals Safeguarding Area. Policy M11 (Safeguarding of Mineral Resources) applies.

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

National policy & guidance (Material Consideration)

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

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

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

Paragraph 219 states:

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

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

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

### Draft Local Plan/Neighbourhood Plan (Material Consideration)

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

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

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

A review of the Nettleham Neighbourhood Plan is in progress. Nettleham Parish Council has completed a second Regulation 14 consultation on its Draft Plan Review July 2022 and supporting Character Assessment March 2021. This ended on 13<sup>th</sup> June 2023.

Relevant Draft Policies are:

D1 Parking Standards for New Residential Development

D3 Water Resource and Flood Risk

D4 Design of New Development and Parish Design Code Principles

D5 Climate Change Mitigation and Adaption

D6 Housing Development within Nettleham

D7 Housing Mix and Affordable or Specialist Housing

Applying NPPF paragraph 48, it is considered that The Nettleham Neighbourhood Plan Review can be afforded some limited weight in the determination of the application, although this is tempered in view of the early status of the draft Plan, and that the extent to which there may be unresolved objections is not yet known

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

Other:

Section 38 of the Planning and Compulsory Purchase Act 2004

<https://www.legislation.gov.uk/ukpga/2004/5/section/38>

### **Main issues:**

- Principle of the Development  
*Central Lincolnshire Local Plan 2023*  
*Nettleham Neighbourhood Plan*  
*Nettleham Neighbourhood Plan Review 2023*  
*Concluding Assessment*
- Flood Risk
- Minerals Resource
- Biodiversity

*Protected Species  
Biodiversity Net Gain  
Trees*

**Assessment:**

Principle of the Development

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

*Central Lincolnshire Local Plan 2023:*

Local policy S1 of the CLLP sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Nettleham as a large village and *'to maintain and enhance their role as large villages which provide housing, employment, retail and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth'*. Local policy S1 states that most of the housing growth in Nettleham will be *'via sites allocated in this plan. Beyond site allocations made in this plan or any applicable neighbourhood plan, development will be limited to that which accords with Policy S4: Housing Development in or Adjacent to Villages'*.

Section 1 of local policy S4 of the CLLP states that large villages *"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"*

Section 2 of local policy S4 of the CLLP states that *"Residential development proposals for unallocated sites within the size thresholds set out in part 1 of this policy and within the developed footprint of the village will only be supported where it would:*

- a) preserve or enhance the settlement's character and appearance;*
- b) not significantly harm the character and appearance of the surrounding countryside or the rural setting of the village; and*
- c) be consistent with other policies in the development plan."*

An appropriate location is defined within the glossary of the CLLP as:

*"Appropriate locations means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan. In addition, to qualify as an 'appropriate location', 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.*“

The developed footprint is defined within the glossary of the CLLP as:

*“Developed footprint of a settlement is defined as the continuous built form of the settlement and excludes:*

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

The application site is unallocated garden land to the side and rear of the host dwelling. The development proposes 3 dwellings on land within the developed footprint of the settlement and adjacent land which has been developed for three back land housing (Lysterfield Road).

*Nettleham Neighbourhood Plan:*

The policies of the NNP only considers development on allocated housing sites and therefore is silent on smaller residential developments within the developed footprint of the settlement.

*Nettleham Neighbourhood Plan Review 2023*

The draft Nettleham Neighbourhood Plan Review proposes a new draft policy (D6) for residential development away from allocated sites that are within and outside the developed footprint of the settlement. Criteria 1 (within the developed footprint) of policy D6 includes a maximum number of dwellings (up to 10), location and character considerations. The development would therefore generally accord with the draft provisions.

*Concluding Statement:*

The proposed development would be within the dwelling number limit for large settlements and is considered to be within the developed footprint of the settlement. The development would be expected to retain the core shape and form of the settlement, preserve the character of the settlement and would not be expected to significantly harm the character and appearance of the surrounding countryside or the rural setting of the village. Back land development adjacent the application site has been introduced into the character of this section of Nettleham.

It is therefore considered that the development would accord to local policy S1 and S4 of the CLLP, draft policy D6 of the NNPR and the provisions of the NPPF.

## Flood Risk

Objections have been received on the risk of flooding caused by the development through reducing the permeability of the site and increasing run-off to Nettleham Beck. Drainage of the site is considered later in the report.

Local policy S21 of the CLLP states that *“all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.”*

Policy D-4 of the NNP states that *“proposals for development in flood zone 2 as identified on the plan at Appendix L will be required to demonstrate through reference to the West Lindsey Strategic Flood Risk Assessment and to a site specific flood risk assessment that the proposed development will not increase the flood risk to the site and to other parts of the Plan area in general, and to the Nettleham Beck in particular.”*

Policy D3 (some limited weight) of the draft NNPR *“all development proposals are required to consider and, where necessary, address the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development. This will be demonstrated through a Flood Risk Assessment”*.

Paragraph 167 of the National Planning Policy Framework (NPPF) states:

*167. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

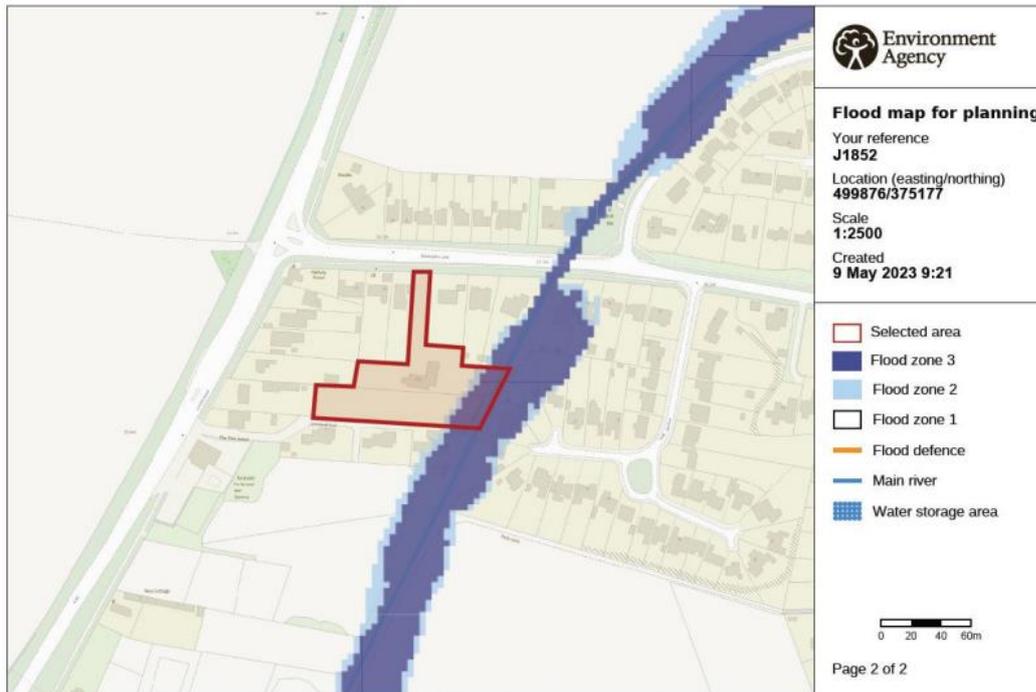
*(a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*

*(b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*

*(c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*

*(d) any residual risk can be safely managed; and*

*(e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*



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As previously described and as identified on the plan above the site lies primarily in flood zone 1 with the eastern edge adjacent Nettleham Beck in flood 2 and 3. Local policy S21 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 Rev A01 dated 25<sup>th</sup> May 2023 by Origin Designs has been submitted. The FRA confirms that all three dwellings can be positioned in flood zone 1, and therefore passes the sequential test. See FRA extract below:



Figure 3 - Site plan overlain with flood zones

The Floor level and Mitigation section (pg10) states that:

*“Standing advice requires finished floor levels (FFL) should be a minimum of whichever is higher of 300mm above the:*

- *Average ground level of the site*
- *Adjacent road level to the building*
- *Estimated river or sea flood level*

*Final floor levels for the dwellings would be a matter to be determined through reserved matters.”*

The Environment Agency have no objections subject to the FRA being listed as an approved document.

The proposed use of the site for dwellings is classed under Annex 3 (Flood Risk Vulnerability Classification) of the NPPF as being more vulnerable. Given consideration to table 3 (Flood risk vulnerability and flood zone ‘compatibility’) of the NPPG and the position of the dwellings within flood zone 1 it is considered by the Local Planning Authority that the proposed three dwellings would not be required to pass the sequential or exceptions test.

Section 5.2.2 of the NNP (justification for policy D-4 Water Resource and Flood Risk) states that *“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”*. Draft Paragraph 6.10 of policy D3 of the NNPR replicates the extract in section 5.2.2 of the NNP noted above. This is therefore a material consideration, but it should be noted that this is not set out within the policy itself – planning case law<sup>1</sup> does distinguish between planning policy and supporting text, and does consider that whilst supporting text may be relevant to interpretation of policy, it does not in itself “trump” policy or insert new requirements.

Paragraph 3.7.3 of local policy S21 of the CLLP states that *“a sequential risk based approach to the location of development, known as a ‘sequential test,’ will be applied to steer new development to areas with the lowest probability of flooding”*.

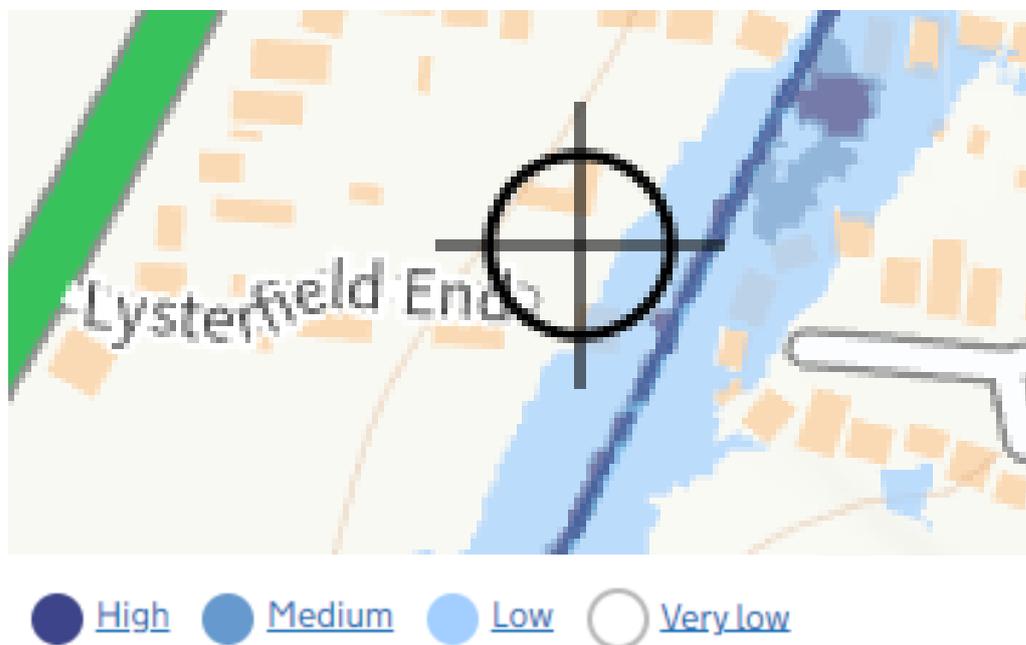
Paragraph 162 of the NPPF states that *“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source”*.

The submitted indicative site plan demonstrates that the site can accommodate 3 dwellings located within flood zone 1. Whilst this has been demonstrated it is still considered relevant and necessary to condition that a future reserved matters application must position all three dwellings within flood zone 1.

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<sup>1</sup> (R (Cherkley Campaign Ltd) v Mole Valley DC)

Objections have been received in relation to drainage and surface water flooding. The government's flood map <sup>2</sup> for planning website confirms that the site has some low to high risk of flooding from surface water near and on the Nettleham Beck as identified below:



The application form does not state how foul water would be disposed of. Given the location of the development it would be preferred and expected that the development would connect to the existing mains sewer.

The application form states that surface water would be disposed of to soakaways.

National Planning Practice Guidance<sup>3</sup> sets out a hierarchy of drainage options, as follows:

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

Consequently, where infiltration is feasible, this is the preferred SW drainage option.

An Indicative surface water drainage plan (ISWDP) with percolation test results has been submitted in response to the request made by the planning committee. The ISWDP indicates the proposed location of the soakaways for the proposed dwellings and road. The percolation test report identifies four trial holes and states that:

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<sup>2</sup> <https://flood-map-for-planning.service.gov.uk/>

<sup>3</sup> Paragraph: 056 Reference ID: 7-056-20220825 <https://www.gov.uk/guidance/flood-risk-and-coastal-change#para55>

*“The average infiltration rate from the percolation tests was  $1.34 \times 10^{-4}$ , showing the site is suitable for soakaways. The surface water design for the site will therefore not require to discharge directly into the Nettleham Beck.”*

The site is therefore appropriate for infiltration as a sustainable method of dealing with surface water and there is no requirement for attenuating surface water directly into the Nettleham Beck.

The Authority’s Building Control team have commented on the indicative surface water drainage scheme stating that *“the surface water proposal looks acceptable. The formal percolation tests have been carried out by a professional. The indicative Soakaways are shown on the drawings, it is assumed these will be sized accordingly.”*

These details are indicative therefore further final drainage details would be required either through a recommended condition or a reserved matters application to appropriately drainage the propose site.

Comments have been received in relation to surface water run-off and the reduction of the permeable qualities of the site. It is agreed that the permeable qualities of the site would be reduced by the introduction of built form and associated infrastructure. However any future surface water drainage scheme would have to take into consideration the impact of the development and Nettleham Beck.

With the imposition of a condition the proposed dwellings would have to be located in flood zone 1 at reserved matters stage (layout), which is sequentially acceptable as having the lowest risk of flooding and foul and surface water drainage would be expected to be capable of being addressed by the use of a condition. The development therefore accords to local policy S21 of the CLLP, policy D-4 of the NNP, policy D3 of the NNPR and the provisions of the NPPF.

#### Minerals Resource

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies ‘to support sustainable economic growth and our quality of life’. Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

*“Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted when:*

- *the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere; or*
- *the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- *there is an overriding need for the development to meet local economic needs, and the development could not reasonably be sited elsewhere; or*
- *the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource; or*
- *the development is, or forms part of, an allocation in the Development Plan.”*

The site is within a Limestone Minerals Safeguarding Area and a Minerals Assessment has been submitted within the supporting statement. The Minerals and Waste team at Lincolnshire County Council have no objections to the development.

The development would not have an unacceptable harmful impact on a Minerals Resource and would accord with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

### Biodiversity

#### *Protected Species:*

Policy S60 of the CLLP states “*all development should:*

- a) protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- b) minimise impacts on biodiversity and features of geodiversity value;*

Policy E-5 Nettleham Beck Green Corridor of the NNP states:

*“Development proposals which enhance the setting of the Beck and its associated amenity value will be supported. Where appropriate development proposals adjacent to the Beck should:*

- a) Seek to retain public access and extend access through the formation of waterside walkways; and*
- b) Preserve and enhance its amenity, biodiversity and recreational value. Development proposals which encroach upon or materially harm the function, character or appearance of the Beck will not be supported.”*

This application on the request of the case officer has included a Preliminary Ecological Appraisal (PEA) by CGC Ecology dated June 2023. In summary section 5 of the PEA sets out the following recommendations:

### Badgers

- Precautionary measures for badgers.

### Bats

- No further work is required in respect of bats if any trees on site are to be managed or felled.
- No requirement for bat activity surveys providing precautionary measures are implemented as listed.

### Water Voles

- If there are any anticipated impacts to Nettleham Beck then further survey work will be required. One water vole survey must be undertaken between mid-April and the end of June, and another between July and September, unless there is sufficient information from the first survey to determine either the absence of water vole or the relative size and extent of the water vole population to be affected.

### Wild Birds

- Any removal or management of any of the trees, shrubs or hedgerows on site should commence outside the active nesting season which typically runs from early March through to early September. If work commences during the bird breeding season, a search for nests should be carried out beforehand by a suitably experienced ecologist, and active nests protected until the young fledge.

### Recommendations

- The orchard on site should be retained in full, with continued appropriate management to maximise biodiversity. Any removal must be compensated for by re-planting at least the amount removed either somewhere else on the site, or on nearby land.
- Although the neutral grassland on site does not qualify as a Local Wildlife Site, it does have value for biodiversity, and replacement areas of species-rich grassland must be incorporated into the proposals.
- Any works taking place adjacent to Nettleham Beck must ensure that there is no risk of sediment, dust or pollutants entering the waterway, or damage to the banks. It is recommended that a buffer zone of 3m is installed along the edge of the beck, to ensure there are no incursions by heavy machinery.
- A Construction Environmental Management Plan or similar may be required to ensure the works do not adversely affect the beck.

### Ecological Enhancements

- Any new hedgerows to be planted must comprise native species that provide pollen, nectar and fruit in order to provide a food source for birds and invertebrates.
- Any new trees to be planted must include field maple *Acer campestre*, bird cherry *Prunus padus*, pedunculate oak *Quercus robur*, lime species *Tilia* sp., goat willow *Salix caprea*, holly *Ilex aquifolium*, rowan *Sorbus aucuparia*, hawthorn *Crataegus monogyna*, crab apple *Malus sylvestris*

and wild cherry *Prunus avium*, which provide foraging opportunities for various invertebrate and bird species.

- Some areas of longer grass must be created within any areas of public open space or road verges, and seeded with a general-purpose wildflower meadow seed mix. Any new wildflower must be cut as specified.
- To maintain commuting routes for hedgehogs, any solid fences that are installed must have a small hole at the base measuring 13x13cm, or be raised off the ground. Ideally, hedges should be used instead of, or as well as, fencing.
- Integral swift boxes (Manthorpe Swift Brick, Woodstone, Vivara Pro or Schwegler type) must be installed on the northern or eastern elevation of the new dwellings.
- Integral Habitat, Ibstock or Woodstone bat boxes must be installed on the southern or eastern elevations of the new dwellings for use by pipistrelle bats.

The proposed development subject to conditions would therefore not be expected to have an unacceptable harmful impact on protected species or trees and would be expected to preserve and enhance the Nettleham Beck and accords to local policy S60 of the CLLP, policy E-5 Nettleham Beck Green Corridor and guidance contained within the NPPF.

*Biodiversity Net Gain:*

Local policy S61 of the CLLP requires “*all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management*”. Local policy S61 goes on to state that “*All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England’s Biodiversity Metric*”.

The Lincolnshire Wildlife Trust has commented on the Environment Act 2021 and the requirement of the Bill to provide a 10% net biodiversity gain. The Environment Act 2021 received royal assent on 9<sup>th</sup> November 2021. It is noted that policy S61 of the Local Plan Review proposes 10% as part of the statutory development plan.

However, this application was valid on 9<sup>th</sup> March 2023 when the adopted Local Plan was the Central Lincolnshire Local Plan 2012-2036. Whilst revoked policy LP21 of the Central Lincolnshire Local Plan 2012-2036 required some net biodiversity gain it did not require at least 10%. This application has included an ecology report which has made recommendations to mitigate and enhance the ecological value of the site. In this case with consideration given to the date of validation it is considered that it would be unreasonable to expect the applicant to satisfy the requirements of local policy S60(c) or S61 of the CLLP. It is also noted that 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

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

*Trees:*

Local Policy S66 of the CLLP states:

*“Planning permission will only be granted if the proposal provides evidence that it has been subject to adequate consideration of the impact of the development on any existing trees and woodland found on-site (and off-site, if there are any trees near the site, with ‘near’ defined as the distance comprising 12 times the stem diameter of the off-site tree). If any trees exist on or near the development site, ‘adequate consideration’ is likely to mean the completion of a British Standard 5837 Tree Survey and, if applicable, an Arboricultural Method Statement.*

*Where the proposal will result in the loss or deterioration of:*

- a) ancient woodland; and/or*
- b) the loss of aged or veteran trees found outside ancient woodland,*

*permission will be refused, unless and on an exceptional basis the need for, and benefits of, the development in that location clearly outweigh the loss.*

The application has includes an Arboricultural Implications Assessment (AIA) by Andrew Belson dated 17<sup>th</sup> January 2023. The AIA summarises that *“it is my opinion that the proposed development scheme could provide dwellings in the approximate locations without any significant conflict.”*

The Authority’s Tree and Landscape Officer has not objected to the removal of category C trees, acknowledges the introduction of new trees and recommends conditions for more detailed landscaping information and tree protection measures.

The removal of category C trees should not be a constraint to restrict development. It is agreed that the application lacks landscaping details but landscaping is a reserved matter and full details of landscaping (including replacement trees) would be expected to be submitted with a future reserved matters application if this outline application is permitted.

The AIA includes a tree plan on the last page which identifies the position of the trees, the trees to be removed and the root protection areas. It does not include any tree protection measures. It is therefore agreed that it would be relevant and necessary to include a condition on any outline permission requiring tree protection measures.

It would therefore be expected that the development would not have an unacceptable harmful impact on protected species or trees and would accord to local policy S60 and S61 of the CLLP and the provisions of the NPPF.

## Other Considerations:

Details of access, scale, appearance, layout and landscaping cannot be assessed at this stage as they are reserved for subsequent approval. An indicative site plan (ISP) J1852-PL-03 Rev P02 dated 5th May 2023 has been submitted but not any indicative elevation or floor plans.

### Access

In planning law access is defined as:

*“in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made”*

The ISP identifies that the proposed 3 dwellings would be accessed using the existing vehicular access off Washdyke Lane (30mph) which serves the host dwelling. The vehicle access is set back from Washdyke Lane with pedestrian footpath and grass verge providing good visibility in both directions as confirmed by the Highways Authority at Lincolnshire County Council.



The Highways Authority at Lincolnshire County Council have not objected to the development but have recommended that *“any subsequent reserved matters application should make arrangements for refuse storage within the site curtilage for the 3 proposed dwellings and the host dwelling”*.

It is considered that the proposed access would not be expected have an unacceptable harmful impact on highway safety and would be expected to accord with local policy S47 of the CLLP, policy D-6 of the NNP, policy D4 of the NNPR and the provisions of the NPPF.

It is considered that policy D-6 and D4 are consistent with the highway safety guidance of the NPPF and can be attached full weight.

### Layout

In planning law layout is defined as:

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

The ISP identifies three detached dwellings in a row to the rear of the host dwelling matching the character of Lysterfield End. The dwellings would be in acceptable plots with more than adequate private garden sizes and off street parking provision for 5 bedroom dwellings in accordance policy S49 of the CLLP and 4 bedroom dwellings in accordance with policy D-3 of the NNP and policy D1 of the NNPR. The dwellings would be appropriately separated from each other.

The ISP includes an access road off the initial track which at 4.1 metres would be wide enough for two cars to pass. The existing track down to the host dwelling is 3.4 metres wide and would not be wide enough for two vehicles to pass. It would be advised to widen at least the first 10 metres of the track from the highway to 4.1 metres wide.

The ISP would not be considered to be an overdevelopment of the site and would relate well to the character of the area.

As discussed above, a planning condition is recommended to ensure no development takes place in flood zones 2 and 3.

It is therefore considered that the proposed layout would not be expected to have an unacceptable harmful impact and would accord to local policy S49 and S53 of the CLLP, policy D-6 of the NNP, policy D4 of the NNPR and the provisions of the NPPF.

In planning law Scale and Appearance is defined as:

*“the height, width and length of each building proposed within the development in relation to its surroundings.”*

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

No elevation and floor plans have been submitted with the application. The ISP suggests that dormer bungalows are to be proposed on the site. It is not considered relevant or necessary to restrict the scale of the dwellings through a condition on the outline permission. However any future reserved matters application must be mindful of the proximity of neighbouring existing dwellings.

The site has residential uses adjacent or opposite each boundary. These residential uses includes a mix of dwelling types, designs and sizes including bungalows, dormer bungalows and two storey dwellings. It would be advised that the scale and appearance through a reserved matters application would

need to be appropriate and informed by its locality including the use of any locally distinctive materials.

*Landscaping:*

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

The ISP provides an indicative concept of landscaping for the site. Mitigation or compensation for the trees to be removed is an important matter for any future landscaping plans including consideration of the Nettleham Beck.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objection to the development. Therefore the development would not be expected to have a harmful archaeological impact and would be expected to accord to local policy S57 of the CLLP and the provisions of the NPPF.

Residential Amenity

Objections have been received from neighbouring residents in relation to loss of privacy, loss of daylight, noise disturbance and air pollution.

Criteria d of section 8 of local policy S53 of the CLLP states that all development proposals will *“Not result in harm to people’s amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare”*

Indicative elevation and floor plans have not been submitted with the application. The site shares a boundary with a number of existing neighbouring dwellings. The ISP demonstrates that three dwellings carefully positioned on the site would not be expected to have an unacceptable harmful impact on the living conditions of existing or potential neighbouring dwellings through loss of light or loss of privacy. The position of the dwellings on the ISP provides adequate separation distances and sufficient private garden spaces.

*Noise/Air Pollution:*

Comments have been received from neighbours in relation to noise and air pollution from the traffic entering and exiting the site.

The access road to the site would sit between the boundary of 51 Washdyke Lane and 53 Washdyke Lane as well as running past the east elevation of the host dwelling (51A Washdyke Lane). Vehicles (residents, visitors, deliveries etc.) expected to use the access road would generate some noise but at low speed and not to an amount which would be expected to unacceptably harm the living conditions of neighbouring dwellings.

The use of the access road by vehicles would pollute the air through exhaust fumes but not to an amount which would be expected to unacceptably harm the living conditions of neighbouring dwellings.

It would be considered reasonable and necessary to attach a condition requiring a demolition and construction method statement to ensure the works do not unacceptably harm the neighbouring residents.

It is therefore considered that the proposed development would not be expected to have an unacceptable harmful impact on the living conditions of neighbouring and future residents and would accord to local policy S53 of the CLLP and the provisions of the NPPF.

#### Climate Change

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

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

Local policy S7 provides guidance and criteria on the generation of renewable electricity and the limit on the total energy demand for each single dwelling (*“not in excess of 60 kWh/m<sup>2</sup>/yr”*).

As previously stated this application was valid on 9<sup>th</sup> March 2023 when the adopted Local Plan was the Central Lincolnshire Local Plan 2012-2036. Revoked policy LP19 of the Central Lincolnshire Local Plan 2012-2036 required consideration of renewable energy developments but it did not require all development to reduce energy consumption.

In this case with consideration given to the date of validation it is considered that it would be unreasonable to expect the applicant to satisfy the requirements of local policy S6 and S7 of the CLLP.

#### Policy S59 of the CLLP

The Lincolnshire Wildlife Trust Officer has stated that *“The site contains important elements of the local green and blue infrastructure network (Policy S59) such as orchard, grassland (Paragraph 11.0.2 CLLP) and Nettleham beck - which connects the site to the wider landscape (Section 4.6 of the PEA). Nettleham beck runs adjacent to the eastern boundary of the proposed development (though not shown in the ‘Indicative Site Plan’)”.*

Consideration of trees and the Nettleham Beck have been assessed earlier in the report including comments from the Authority’s Tree and Landscape Officer. Conditions have been recommended for:

- Tree Mitigation/Compensation
- Tree Protection Measures
- Nettleham Beck Enhancements

It is therefore considered that the development subject to further information and conditions would not have a harmful impact on a local green and blue infrastructure network and would be expected to accord with local policy S59 of the CLLP, the policy of the Nettleham Neighbourhood Plan and provisions of the NPPF.

#### Community Infrastructure Levy

The development would be liable to CIL payment prior to works commencing.

#### **Conclusion and reasons for decision:**

The decision has been considered against policies S1 The Spatial Strategy and Settlement Hierarchy, S4 Housing Development in or Adjacent to Villages, S6 Design Principles for Efficient Buildings, S7 Reducing Energy Consumption –Residential Development, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S23 Meeting Accommodation Needs, S47 Accessibility and Transport, S49 Parking Provision, S53 Design and Amenity, S57 The Historic Environment, S59 Green and Blue Infrastructure Network, S60 Protecting Biodiversity and Geodiversity, S61 Biodiversity Opportunity and Delivering Measurable Net Gains and S66 Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan 2023 and policy E-5 Nettleham Beck Green Corridor, D-1 Access, D-2 Pedestrian and Cycle Access, D-3 Parking Provision, D-4 Water Resource and Flood Risk and D-6 Design of New Development in the first instance. Furthermore consideration is given to D1 Parking Standards for New Residential Development, D3 Water Resource and Flood Risk, D4 Design of New Development and Parish Design Code Principles, D5 Climate Change Mitigation and Adaption, D6 Housing Development within Nettleham and D7 Housing Mix and Affordable or Specialist Housing and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Code. In light of this assessment the principle of the proposed development is considered acceptable and would introduce three dwellings in an appropriate location within the developed footprint of the settlement. The development would not have an unacceptable harmful flood risk impact or have a harmful impact on protected species and trees. This is subject to conditions and the submission of the reserved matters of access, scale, appearance and landscaping.

#### **Human Rights Implications:**

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

#### **Legal Implications:**

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

#### **Representors to be notified -**

*(highlight requirements):*

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

**Prepared by:** Ian Elliott

**Date:** 14th August 2023

**Decision Level** (tick as appropriate)

**Recommended Conditions:**

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

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

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

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

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

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

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

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

4. No development must take place until full details to protect all the retained on site and boundary trees and their root protection areas have been submitted to and approved in writing by the Local Planning Authority. The approved protection measures must be installed prior to the commencement of development and retained in place until the development has been fully completed.

Reason: To safeguard the existing trees on or adjacent the site during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policy S60 and S66 of the Central Lincolnshire Local Plan 2023.

5. No development must take place until construction method statement has been submitted and agreed in writing by the local planning authority. The approved statement(s) must be adhered to throughout the construction period. The statement must provide for:
  - i. the routeing and management of traffic;
  - ii. the parking of vehicles of site operatives and visitors;
  - iii. loading and unloading of plant and materials;
  - iv. storage of plant and materials used in constructing the development;
  - v. wheel cleaning facilities;
  - vi. measures to control the emission of dust and dirt;
  - vii. protection of the Nettleham Beck including buffer zone (see page 21 Preliminary Ecological Appraisal by CGC Ecology dated June 2023);
  - viii. details of noise reduction measures;
  - ix. a scheme for recycling/disposing of waste;
  - x. the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 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 must be carried out in accordance with the following proposed drawings:

- J1852-PL-01 Rev P01 dated 8<sup>th</sup> March 2023 – Location Plan

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy S1, S4 and S53 of the Central Lincolnshire Local Plan 2023.

7. Any reserved matters planning application submitted to the Local Planning Authority which considers the matter of layout must demonstrate that all

three dwellings and hardstanding are sited within flood zone 1 and accords with the parking standards identified in the relevant policies of the development plan.

Reason: To ensure the dwelling are located in an area at the lowest risk of flooding and the development provides acceptable off-street parking in accordance with policy S21 and S49 of the Central Lincolnshire Local Plan and Policy D-4 and D-3 of the Nettleham Neighbourhood Plan.

8. No development above ground level must take place until full details of a scheme for the disposal of foul and surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. The Drainage Strategy will need to identify how run-off from the completed development will be prevented from causing an impact elsewhere. No occupation of each individual dwelling must take place until its individual foul and surface water drainage connection has been fully installed in strict accordance with the approved details. The approved drainage scheme must be retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy S21 of the Central Lincolnshire Local Plan 2023.

9. Any reserved matters planning application submitted to the Local Planning Authority must include the details listed below as recommended in the Preliminary Ecological Appraisal by CGC Ecology dated June 2023:
  - Hedgehog appropriate fencing including elevation plan.
  - Integral swift box (Manthorpe Swift Brick, Woodstone, Vivara Pro or Schwegler type) identified on the northern or eastern elevation of each dwelling.
  - Integral Habitat, Ibstock or Woodstone bat box identified on the southern or eastern elevation of each dwelling for use by pipistrelle bats.
  - Retention of the orchard or justification for its removal with appropriate compensation by re-planting
  - Nettleham Beck enhancements

The details submitted must be in accordance with the positions, types and specifications identified in the Preliminary Ecological Appraisal by CGC Ecology dated June 2023. The approved details must be installed prior to occupation of each individual dwelling and must be retained as such thereafter.

Reason: In the interest of nature conservation and to respond to the enhancement recommendations of the Preliminary Ecological Appraisal by CGC Ecology dated June 2023 and to accord with the National Planning

Policy Framework, local policy S59 and S60 of the Central Lincolnshire Local Plan 2023 and policy E-5 of the Nettleham Neighbourhood Plan.

10. Apart from the details described in condition 8 of this permission the development hereby approved must only be carried out in accordance with the recommendations set out in section 5 of the Preliminary Ecological Appraisal by CGC Ecology dated June 2023.

Reason: To respond to the enhancement recommendations of the Preliminary Ecological Appraisal by CGC Ecology dated June 2023 to accord with the National Planning Policy Framework, local policy S60 of the Central Lincolnshire Local Plan 2023 and policy E-5 of the Nettleham Neighbourhood Plan.

11. The proposed development hereby approved must be completed in strict accordance with the approved Flood Risk Assessment by Origin Design Studio Ltd dated 25<sup>th</sup> May 2023 and the following mitigation measure detailed on page 10:

- Standing advice requires finished floor levels (FFL) should be a minimum of whichever is higher of 300mm above the average ground level of the site, adjacent road level to the building and estimated river or sea flood level.

Reason: To prevent flooding and protect the future residents to accord with the National Planning Policy Framework, local policy S21 of the Central Lincolnshire Local Plan 2012-2036 and policy D-4 of the Nettleham Neighbourhood Plan.

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

NONE



## **Officers Report**

**Planning Application No: 145792**

**Listed Building Consent No: 146827**

**PROPOSAL:** Planning application and listed building consent for conversion, partial demolition and rebuild of existing cottages, outbuildings and barns to create 3no. dwellings, one with annex, together with parking and storage.

**LOCATION:** Holme Farm Barns Old Forge Lane West Rasen Market Rasen LN8 3LS

**WARD:** Market Rasen

**WARD MEMBER(S):** Cllr S Bunney, Cllr E L Bennett and Cllr M K Westley

**APPLICANT NAME:** Mr Colin Daniels

**TARGET DECISION DATE:** 26/12/2022 (Extension agreed until 8<sup>th</sup> September 2023)

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Ian Elliott

### **RECOMMENDED DECISION:**

**145792 - Grant permission subject to conditions**

**146827 - Grant consent subject to conditions**

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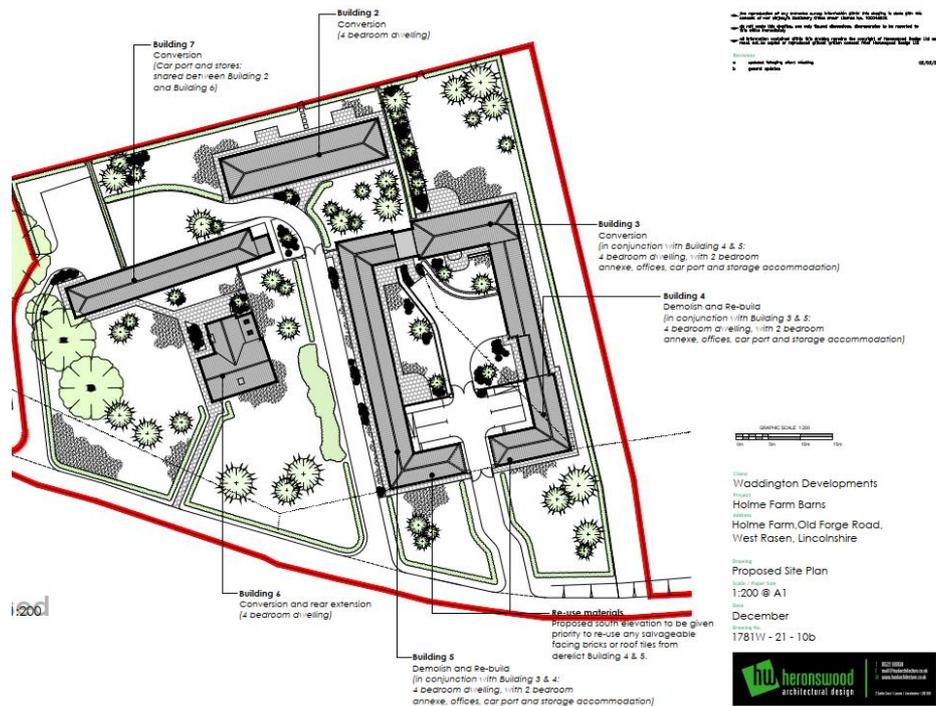
### **Planning Committee:**

This retrospective planning application is considered relevant to be presented to the planning committee as it has a recommendation for approval when the development is considered to be a departure from the Development Plan.

### **Description of Development:**

The development proposes:

- Conversion of cottages to one dwelling with two storey rear extension (Building 6).
- Conversion of two storey barn to one dwelling (Building 2).
- Conversion of two storey barn and single storey derelict barn to one dwelling and annex. This includes the removal of a later lean-to structure and link structure (Building 3, 4 and 5).
- Conversion of single storey barn to car port garaging and storage (Building 7).



## Description of Site:

The application site is a group of existing barns and semi-detached farm dwellings to the west of West Rasen. The barns are partly derelict. The barns and semi-detached dwellings are red brick with red pantile roofs. The group sits well away from the highway down a track. The site is very open with all directions with only the barns screening each other from certain viewpoints. Open countryside sits adjacent in all directions with residential dwellings nearby to the east and Holme Farmhouse to the west. The site is primarily within flood zone 2 with the southern section in flood zone 3. Holme Farmhouse to the west is a grade II Listed Building.

The application seeks permission and consent for conversion, partial demolition and rebuild of existing cottages, outbuildings and barns to create 3no. dwellings, one with annex, together with parking and storage.

## Relevant history:

139460 - Prior approval for proposed change of use from agricultural buildings to 3no. dwellings – 09/07/19 – Refused

Reason 2:

“Contrary to section Q.1 (m) **the agricultural buildings are considered to be curtilage listed buildings** (emphasis added) as set out in Section 2, 1 of *The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)* and Section 1, Paragraph 5 of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as well as in the *2019 Institute of Historic Building Conservation guidance*”

139536 - Application for lawful development certificate for the conversion of two cottages to form a single dwelling use – 08/08/19 - Granted without conditions

### **Representations**

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

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

**Local residents:** No representations received to date

**Historic England:** Comment

On the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions, details of which are below.

**WLDC Conservation Officer:** No objection subject to a condition

The barn buildings are curtilage listed due to the association with the listed Holme Farm House.

The barn building offers special architectural and historic interest in its built form, materials, and layout as defined in the listing but also in its internal features as defined in the heritage statement. The existing condition of the barn buildings are in a poor condition. Building 4 & 5 (on the proposed site plan) are mostly lost with only the southern sections in situ. The other buildings (2, 3, 6, & 7) are all derelict and in need of many repairs.

Policy S57 of the CLLP seeks to protect, conserve, and enhance the historic environment.

The proposal seeks to conserve the historic layout, building forms and material design whilst offering a new use to the redundant buildings. The elevations and floor plans have minimal alterations to the existing and the proposed additions respect and character of the original.

The site boundaries will be altered to offer residential use. These are proposed to be hedges and soft green boundaries which balances the historic rural setting with the modern residential use. The use of post and rail boundaries should be used to the external boundaries to retain the connection of the barn buildings and the wider farmland and prevent the heritage buildings being isolated from their setting.

I have no objections subject to the following conditions:

1. New/replacement windows
2. External materials
3. Brick sample panel
4. New internal joinery, insulation, masonry and materials
5. Landscaping

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

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire

County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

The proposals are served by Forge Lane which is an adopted lane with existing problems with regards to the condition of the road towards the end of the lane. The traffic impact of the development is minimal and the site has an associated use as a farm, this level of traffic does not require improvements to the highway which meet the CIL tests (NPPF Paragraph 56) of being necessary, fair and reasonable and directly related.

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.

**Environment Agency:** No objections subject to a condition and advice

Representation received 26<sup>th</sup> July 2023:

The development shall be carried out in accordance with the submitted flood risk assessment (FRA) ref: '5555/DR/01 issue: 07', dated June 2023, prepared by Siddle Grimley Hage Limited including the following mitigation measures it details:

- Finished floor levels shall be set no lower than the levels shown on drawing no. 5555-DS-01 (rev E): Drainage Strategy Plan and stated within paragraph 7.4 of the FRA.
- Compensatory storage shall be provided in accordance with drawing no. 5555-DS-01 (rev E): Drainage Strategy Plan and document 5555/VOL/01/Rev A within the FRA.
- No gardens to be on land below 12.09 metres as shown on drawing no. 1781W - 21 - 10g: Proposed Site Plan within the FRA.

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policy S21 of the Central Lincolnshire Local Plan 2023: Flood Risk and Water Resources.

Representation received 1<sup>st</sup> June 2023:

We have reviewed the amended Flood Risk Assessment (FRA) (ref: 5555/DR/01, issue: 05, dated: May 2023) and it does not satisfactorily address our earlier concerns.

We therefore maintain our objection set out in our response dated 07 February 2023.

Representation received 7<sup>th</sup> February 2023:

We have reviewed the additional site plan, it does not satisfactorily address our earlier concerns and we therefore maintain our objection.

Representation received 12<sup>th</sup> December 2022:

We maintain our objection set out in our response dated 24 November 2022.

### Reasons

The submitted FRA undertaken by Siddle Grimley Hage Limited, Consulting Engineers (ref: 5555/DR/01, issue: 03, dated: Oct 2022) does not comply with the requirements for site-specific flood risk assessments, as set out in Policy LP14 of the Central Lincolnshire Local Plan (2012-2036) and in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- consider how a range of flooding events (including extreme events) will affect people and property. West Lindsey District Council have not identified functional floodplain for this area within their SFRA. However, the Flood risk and coastal change PPG states that functional floodplain will normally comprise
- land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively; or
- land that is designed to flood (such as a flood attenuation scheme), even if it would only flood in more extreme events (such as 0.1% annual probability of flooding).

Information held by the Environment Agency shows that the southern area of the development site lies within the 3.33% modelled flood extent which would meet the definition above. This is supported by the topographic survey which shows land levels close to the watercourse / southern area of the development site below the 3.33% flood level.

The flood extents should be mapped on a detailed topographical survey plan (in ODN) along with the development layout, which will enable the applicant / consultant to assess the level of flood risk to the site and the proposed development to ensure that it is appropriate with Table 3 of the Planning Practice Guidance. All residential development (the whole curtilage – gardens, garages etc.) must be located outside the 3.33% modelled flood extent.

- demonstrate that the development will not increase the risk of flooding to the site, surrounding area and third parties.

Section 8.5 of the FRA states that 'ground levels to be locally raised around the buildings to above the predicted flood level of 12.45m. Paved areas immediately adjacent the buildings to be raised to at least 12.58m'. No information on the location of this ground raising is included and no floodplain compensation is proposed.

There should be no loss of floodplain capacity to store and convey flood water as a result of the development up to the design event. Any amended FRA must provide further details on any raising and/or lowering of land within the floodplain. Any loss of floodplain should be compensated for on a level-for-level, volume-for-volume basis (i.e. re-grade the land at the same level as that taken up by the development) therefore providing a direct replacement for any 'lost' storage volume.

Within any FRA, detailed information must be provided to demonstrate how this can be achieved. For further advice and guidance on the provision of floodplain compensation, please refer to direct replacement of flood storage within Section A3.3.10 Compensatory Flood Storage of CIRIA Guide C624: Development and Flood Risk, guidance for the construction industry and <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

#### Flood Level Information

The flood model for the River Rase has been updated. We are in the process of checking the modelled extents so these are not available however we are able to provide the updated flood levels to inform the revised FRA. To obtain the updated levels, please request the relevant Product Flood Risk Assessment Data, by email our Customers and Engagement team at [LNenquiries@environment-agency.gov.uk](mailto:LNenquiries@environment-agency.gov.uk). Details of what the Flood Risk Assessment Data information products contain is available at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>. "Get information to complete an assessment".

Representation received 24<sup>th</sup> November 2022:

The application site lies within Flood Zones 3 and 2, which is land defined by the planning practice guidance as having a high and medium probability of flooding. The National Planning Policy Framework (NPPF) (paragraph 167, footnote 55) and Policy LP14 of the Central Lincolnshire Local Plan (2012-2036) states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development flood are unknown. This is sufficient reason for refusing planning permission.

**WLDC Building Control:** Comment

Surface Water - The calculated design solution looks acceptable. It will need the permissions as stated.

Foul Water - The calculated design solution looks acceptable. It will need the permissions as stated.

**LCC Archaeology:** No objections

The historic building report submitted with this application is a thorough and well-researched assessment of this significant group of surviving unmodernised 19<sup>th</sup> century farm buildings, associated with the adjacent Grade II Listed Holme Farm House. The historic building recording report provided is therefore sufficient to serve as a record of the current condition of these buildings prior to development and on this basis we would not recommend that any further archaeological input be required in association with the proposed development.

**WLDC Tree and Landscape Officer:** No objection

The proposed landscaping is suitable. It should be conditioned to ensure implementation of the scheme.

**WLDC Environmental Officer:** Comment

Contaminated Land Assessment

I have assessed the both Phase 1 (April 2022) and Phase 2 (May 2022) contaminated land reports referenced G22116 by GEO Investigations Ltd, the reports are satisfied provided the recommendation at 7:2 is adhered to.

Main Water Supply

I note there is no information on the mains water supply to the proposed development. Given the rural location of the proposed development, there may be implications under the Private Water Supplies (England) (as amended) Regulations 2016, if the water intended for human consumption is not a main water supply, i.e., bore hole, well, spring etc. I would be grateful if this can be confirmed by the applicant/agent.

**Lincolnshire Wildlife Trust:** Comment

Firstly, we are encouraged to see the application includes a Biodiversity Net Gain Assessment of the site using the DEFRA metric and appropriately translating habitats from Phase 1 classification to the UKHab system with justifications.

It is, however, disappointing to see the ecological survey appears to have been carried out during the construction phase of the project judging by the photo on the cover of the BNG assessment report.

**Natural England:** No representations received to date

**IDOX checked:** 15th August 2023

### **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### Development Plan

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

Relevant policies of the CLLP include:

- S1 The Spatial Strategy and Settlement Hierarchy
  - S5 Development in the Countryside
  - S7 Reducing Energy Consumption – Residential Amenity
  - S13 Reducing Energy Consumption in Existing Buildings
  - S20 Resilient and Adaptable Design
  - S21 Flood Risk and Water Resources
  - S27 Residential Annexes
  - S47 Accessibility and Transport
  - S49 Parking Provision
  - S53 Design and Amenity
  - S56 Development on Land Affected by Contamination
  - S57 The Historic Environment
  - S60 Protecting Biodiversity and Geodiversity
  - S61 Biodiversity Opportunity and Delivering Measurable Net Gains
- <https://www.n-kesteven.gov.uk/central-lincolnshire>

- ***Neighbourhood Plan***

There is currently no neighbourhood plan to consider.

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

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

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

#### National policy & guidance (Material Consideration)

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

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

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

- ***National Planning Practice Guidance***

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

- **National Design Guide (2019)**

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

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

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

**Other:**

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

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

**Main issues:**

- Principle of the Development
  - Central Lincolnshire Local Plan 2023*
  - Assessment of Local Policy S5 Part A*
  - Heritage*
  - Flood Risk*
  - Balancing Discussion*
  - Concluding Assessment*
- Structural Survey
- Landscape and Visual Impact
- Residential Amenity
- Archaeology
- Highway Safety
- Biodiversity
  - Surveys*
  - Biodiversity Net Gain*
- Drainage
- Contamination

**Assessment:**

Principle of the Development

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

*Central Lincolnshire Local Plan 2023:*

Local policy S1 sets out a spatial strategy and settlement hierarchy from which to focus housing growth. The site is clearly within the open countryside.

Local policy S5 Part A (Re-use and conversion of non-residential buildings for residential use in the countryside) states that:

*“Where a change of use proposal to residential use requires permission, and where the proposal is outside the developed footprint of a settlement listed in*

*the Settlement Hierarchy or the developed footprint of a hamlet, then the proposal will be supported provided that the following criteria are met:*

- a) Comprehensive and proportionate evidence is provided to justify either that the building can no longer be used for the purpose for which it was originally built, or the purpose for which it was last used, **or** that there is no demand (as demonstrated through a thorough and robust marketing exercise) for the use of the building for business purposes; and*
- b) The building is capable of conversion with minimal alteration, including no need for inappropriate new openings and additional features; and*
- c) The building is of notable architectural or historic merit and intrinsically worthy of retention in its setting.”*

*Assessment of Local Policy S5 Part A:*

- a) Comprehensive and proportionate evidence is provided to justify either that the building can no longer be used for the purpose for which it was originally built, or the purpose for which it was last used, **or** that there is no demand (as demonstrated through a thorough and robust marketing exercise) for the use of the building for business purposes;*

The barns have been redundant for a number of years hence their declining and derelict condition. The barns are no longer fit for modern agricultural machinery and methods. The barns could be used for storage purposes but the farmhouse associated to the site is unoccupied and unsafe for habitation. It would be likely that the occupation of the farmhouse and use of the farm unit would use more modern and appropriate farm buildings.

- b) The building is capable of conversion with minimal alteration, including no need for inappropriate new openings and additional features;*

The application has included the submission of a letter from Siddle, Grimley and Hage Limited dated 22<sup>nd</sup> September 2022 summarising the structural condition of each building. In summary the letter states that:

- Building (barn) 2 is in general good condition with advice
- Building 3 (barn) is in general good condition with advice
- Building 4 and 5 (barn) are derelict and in a poor condition. It is considered that rebuilding on new foundations possibly extending to the firm clay (approx 1.4m down) would be the most cost-effective solution.
- Building 6 (cottage) is constructed from solid brickwork with advice
- Building 7 (barn) is missing areas of roof with some walling leaning outwards with brick courses missing

In summary only barn 2, 3, 7 and cottage 6 are capable of conversion as barn 4 and 5 are derelict requiring re-build.

The proposed plans identify the use of existing openings and only including new openings where necessary. All new openings are considered appropriate to the site. The cottage would include an acceptable two storey

extension which would provide additional space required for modern living standards.

c) *The building is of notable architectural or historic merit and intrinsically worthy of retention in its setting’.*

All of the structures which are capable of conversion are clearly of notable architectural and historic merit as agricultural structures which is further heightened by their sensitive setting and curtilage listing. The derelict barns would appear to have been of notable architectural and historic merit as part of the group value of the barns. The Authorities Conservation Officer agrees with this assessment.

#### *Heritage:*

The barns and cottage building are curtilage listed and in the setting of the listed farmhouse therefore the site is sensitive in nature and location and the impact of the proposal on its surrounding area carries significant weight. This includes the potential loss by leaving the barns and cottage in their current redundant state.

Local policy S57 of the CLLP states that *“Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire”* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of S57 it states that *‘Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building’.*

Guidance contained within Paragraph 194 of the NPPF states that *‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.*

Paragraph 199 states that *‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.*

The impact of a development of the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

*'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.*

Paragraph 13 (Conserving and Enhancing the Historic Environment) of the NPPG (Reference ID: 18a-013-20140306) further supports this definition declaring that *'Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage'* and *'although views of or from an asset will play an important part, the way in which we experience.*

The application has included the submission of an Assessment of Significance and Heritage Impact Assessment (HIA) by Austin Heritage Consultants dated October 2022. The HIA concludes that *"although the proposals will see completely new uses for the buildings and necessary reconfiguration and some rebuilding for conversion, it is expected that the repair and restoration of the buildings generally to their existing footprints and rooflines (with the only exception being the rear addition to the cottages) as part of their conversion will restore the overall appearance, character, and layout of the original farmyard. This will significantly improve the intervisibility between, and enhance the setting of, the listed farmhouse and the farm complex as part of the overall traditional setting of Holme Farm"*.

The Local Authority's Conservation Officer (CO) has been heavily involved in the appropriateness of the scheme in terms of its design, scale, layout plus the overall heritage impacts of the development whether they are beneficial or harmful.

Following the submission of amended drawings the CO concludes that *"the proposal seeks to conserve the historic layout, building forms and material design whilst offering a new use to the redundant buildings. The elevations and floor plans have minimal alterations to the existing and the proposed additions respect and character of the original. I have no objections subject to the following conditions"*.

The proposed development would convert, rebuild and extend the site in an appropriate and sensitive manner to retain the presence of the barns in the future. The development, including the sections of rebuild respects the historic scale, built form and grouping of the barns preserving the relationship with the listed farmhouse to the west.

#### *Flood Risk:*

As already stated the site sits primarily in flood zone 2 with the lower southern section in flood zone 3. Local policy S21 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 amended FRA dated June 2023 (Issue 07) by sgh has been submitted. The Environment Agency have no objections to the development subject to a condition and creating a Flood Warning and Evacuation Plan.

Paragraph 162 of the NPPF states that *“the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source”*.

The proposed use of the site for dwellings is classed under Table 2 (Flood Risk Vulnerability Classification) of the NPPG as being more vulnerable. Given consideration to annex 3 (Flood risk vulnerability and flood zone ‘compatibility’) of the NPPF 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 sequential test is applied by the Local Planning Authority.

Footnote 56 of the NPPF guides on when the sequential and exceptions test does not need to be applied. It states that *“This includes householder development, small non-residential extensions (with a footprint of less than 250m<sup>2</sup>) and **changes of use** (emphasis added)<sup>1</sup>; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate”*.

Therefore barn 2, 3 and 7 do not require the application of the sequential test. Cottage 6 would retain a residential use but be converted to a single dwelling therefore passes the sequential test. Barn 4 and 5 as new builds needs to pass the sequential and exceptions test as set out below.

Paragraph 27 (Reference ID: 7-027-20220825) of the Flood Risk and Coastal Change section of the NPPG states that *“for individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed”*.

The proposed new build sections of the development would rebuild sections of the barns which had a grouped heritage value as curtilage listed buildings. The development proposes to construct the new build sections in the same location and on the same footprint as the derelict barns.

Paragraph 31 (Reference ID: 7-031-20220825) of the Flood Risk and Coastal Change section of the NPPG states that to pass the exceptions test the development should demonstrate that:

- *“development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and*

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- *the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”.*

The proposed development would convert and rebuild existing and derelict curtilage listed buildings in an appropriate and sensitive manner. This would maintain the presence and relationship of the heritage assets to the listed farmhouse.

Each residential unit would have first floor living accommodation to go to as refuge. Paragraph 7.8 of the FRA recommends that a “*Flood Warning and Evacuation Plan for each dwelling and advises the occupiers to signs onto the Environment Agency Floodline (FWD) system.*

The proposed development would be required through further details be able to demonstrate a surface water drainage system which would suitably deal with surface water from rainfall. This would be expected to overall reduce the risk of flooding from the current surface water drainage situation on the site.

*Balancing Discussion:*

The flood risk sequential test does not apply to the buildings to be converted. The conversion of the cottage to a single dwelling would retain a residential use therefore passes the sequential test. The new build sections of the development are considered to pass the sequential test as they would be constructed on the same footprint as the derelict curtilage listed barns they would replace.

The proposed development is a mix of converting existing buildings, retaining a residential use and rebuilding derelict buildings. In summary barn 2, 3, 7 and cottage 6 are capable of conversion and barn 4 and 5 are derelict requiring re-build. The buildings individually and as a group are considered to be of significant historic and/or architectural merit.

The group of buildings (barns/cottages) have previously been and are considered as curtilage listed buildings due to their relationship with Holme Farmhouse. The proposed conversion and new build aspects of the development would be sensitively done to retain the character of the buildings to be converted and the buildings to be rebuilt. It has been justified that all the buildings can no longer be used for the purpose for which they were originally built.

The application site and the buildings it comprises have significant heritage value in terms of their curtilage listed status and their historical relationship with Holme Farmhouse, a grade 2 listed building to the west. Significant positive weight in this case is therefore allocated to the heritage benefit of sensitively converting and constructing appropriate new build development to residential accommodation. The proposed development would secure the presence of the surviving curtilage listed buildings and replace the derelict curtilage listed buildings with appropriate replacements.

### *Concluding Statement:*

The proposed development would be expected to comply with local policy S5 Part A (a)(c), S21 and S57 of the CLLP and the statutory duty set out in section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the National Planning Policy Framework.

However the rebuild works cannot be considered as conversion therefore the development would not be fully capable of conversion and would not fully comply with local policy S5 Part A (b) of the CLLP.

Given that the development is not wholly compliant with local policy S5 Part A of the CLLP it is considered a departure from the development plan. However after careful consideration significant heritage benefits are considered to outweigh the harms of including some new buildings in the development.

### Landscape and Visual Impact

Local policy S53 of the CLLP sets out 10 criteria's based on design and amenity. It is considered that criteria 1 (Context), 2 (Identity), 3 (Built Form), 5 (Nature) and 8 (Homes and Buildings) of S53 are the most relevant to the development.

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

As previously assessed in the principle section of this report the proposed development would appropriately convert and rebuild the site. This would sensitively restore and retain the presence of the group of listed farm buildings within their historic, open countryside and landscape setting. The proposed development would be subject to several external material conditions to ensure the development was converted and constructed with materials which were appropriate to the historic agricultural rural character and appearance.

The final design of the site and the buildings has been amended following negotiation including advice from the Authority's Conservation Officer.

The proposed development would therefore accord to local policy S53 of the CLLP and the provisions of the NPPF.

### Residential Amenity

The nearest dwellings to the site would be:

- The host dwelling Holme Farmhouse 80 metres to the west.
- The Old Forge, Old Forge Lane 115 metres to the west.

The nearest neighbouring dwellings would therefore be a considerable distance from the application site.

Each of the proposed residential units would have sufficient private external spaces

It is therefore considered that the living conditions of the existing neighbouring dwellings and future occupants would not be unacceptably harmed by overlooking, an overbearing impact or a loss of light.

The proposal therefore accords to local policy S53 of the Central Lincolnshire Local Plan 2023 and the provisions of the National Planning Policy Framework.

#### Archaeology

The Historic Environment Officer (HEO) at Lincolnshire County Council Archaeology has accepted the Historic Building Record and has no objections to the development.

The proposal would therefore not have an unacceptable archaeological impact and would accord to local policy S57 of the Central Lincolnshire Local Plan 2023 and the provisions of the National Planning Policy Framework.

#### Highway Safety

The proposed residential units would use the existing agricultural gated vehicular access of Forge Lane. Each units would have sufficient off street parking. Two of the units would be served by car port parking in building 7 and parking within the courtyard would serve the other unit. The Highways Officer at Lincolnshire County Council has no objections to the proposal.

The proposal therefore would not have an unacceptable harmful impact on highway safety and would accord to local policy S47 and S49 of the Central Lincolnshire Local Plan 2023 and the provisions of the National Planning Policy Framework.

#### Biodiversity

Local Policy S60 of the CLLP states:

*“All development should:*

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

Local policy S61 of the CLLP requires *“all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design*

*of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management". Local policy S61 goes on to state that "All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric".*

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

*Surveys:*

The site is redundant farm buildings surrounded by arable and grass land with trees. The application has included the submission of a Preliminary Ecological Appraisal by CGC Ecology dated April 2022. In summary the Preliminary Ecological Appraisal (Section 5) recommends the following:

*Further Surveys:*

- Further bat emergence surveys on all barns.

*Birds:*

- Works commence outside the bird breeding season (early March to early September)
- Replacement swallow nests
- No owl mitigation required.
- 2 starling nest boxes
- 2 house sparrow nest boxes
- 6 integral swift boxes

*Badgers/hedgehogs:*

- Precautionary measures
- Hedgehog fencing with small hole.

*Bats:*

- As a precaution, the lighting scheme should be designed in accordance with industry guidance, including the general principles provided in the 'Bats and Artificial Lighting in the UK' (ILP/BCT, 2018) and 'The Landscape and Urban Design for Bats and Biodiversity' (Gunnell, Grant and Williams, 2012), which provide advice on minimising and mitigating the effects of lighting on commuting and foraging areas used by bats.

Following the requirement for further bat surveys the agent submitted a Bat Survey Report dated June 2023. Section 5 of the Bat Survey Report recommends:

- A Natural England EPS (European Protected Species) mitigation licence will be required ahead of any works to Barns 2 and 6. Advice is provided on an appropriate mitigation strategy including timing, pre-development checks and roost provision.

*Biodiversity Net Gain:*

This application was valid on 15<sup>th</sup> March 2023 when the adopted Local Plan was the Central Lincolnshire Local Plan 2012-2036. Whilst revoked policy LP21 of the Central Lincolnshire Local Plan 2012-2036 required some net biodiversity gain it did not require at least 10%. In this case with consideration given to the date of validation it is considered that it would be unreasonable to expect the applicant to satisfy the requirements of local policy S60(c) or S61 of the CLLP.

However the application has included a small sites metric report evidencing a 54% net habitat gain and 1796.81% net hedgerow gain. This has been welcomed by the Lincolnshire Wildlife Trust Officer. The Lincolnshire Wildlife Trust Officer has raised a concern about the surveys being completed during construction works. This is not the case and the derelict condition of some of the barns is probably triggering the concerns of the Lincolnshire Wildlife Trust Officer.

The ecologist from CGC has suggested in email dated 1<sup>st</sup> August 2023 that only approved demolition works would be acceptable prior to the issue of the licence by Natural England. A suitably worded condition would therefore be required to ensure this is the only development that can occur to restrict disturbance on bats.

The proposal would therefore subject to conditions not have an unacceptable harmful impact on biodiversity and would provide at least 10% net biodiversity gain. The development therefore accords to local policy S60 and S61 of the Central Lincolnshire Local Plan 2023 and the provisions of the National Planning Policy Framework.

Foul and Surface Water Drainage

The application has included proposed drainage plan (5555-DS-01 Rev E dated 29<sup>th</sup> June 2023) within Flood Risk Assessment and Surface Water Strategy (Report No. 5555/DR/01 and Issue 07) by SGH dated June 2003. This has been accepted by the Environment Agency and the Authority's Building Control Department.

*Foul Water:*

The drainage plan identifies foul drainage will be disposed of to a package treatment plant. Paragraph: 020 (Reference ID: 34-020-20140306) of the water supply, wastewater and water quality section of the NPPG states that "*where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered*". It is accepted that connection to a foul sewer would be unlikely in this location.

*Surface Water:*

Paragraph 7.12 and 7.13 of the Flood Risk Assessment and Surface Water Strategy (Report No. 5555/DR/01 and Issue 07) states:

*“The preferred and most feasible means of disposing of surface water from the building roofs is to provide underground storage cells with a restricted discharge to the River Rase of 2l/s. Storage cells will need to provide a minimum of 57m<sup>3</sup> storage volume. A silt trap should be provided upstream of the storage tanks.”*

*“The discharge route will pass through third party land and either a new pipe will be required or an existing land drainage system utilised (if records can be found). A non-return (flap) valve should be fitted at the outfall to prevent river water filling the storage during flood conditions. A discharge and outfall consent will be required from the Environment Agency.”*

The drainage plan identifies the proposed method described in the Flood Risk Assessment and Surface Water Strategy (Report No. 5555/DR/01 and Issue 07).

It is considered that foul and surface water details are acceptable and can be conditioned to be adhered to.

Therefore the development would be accord to local policy S21 of the CLLP and the provisions of the NPPF.

#### Contamination

The application has included the submission of a Phase 1 Desk Study Site Investigation Report dated May 2022 and Phase 2 Intrusive Site Investigation Report dated April 2022 by Geo Investigate. The Authority's Environmental Officer has accepted the content of the report and has no objections providing the recommendations at section 7:2 of the phase 2 report are adhered to.

The proposed development would not have a harmful contamination impact and would accord to local policy S56 of the CLLP and the provisions of the NPPF.

#### **Other Considerations:**

#### Annex

The annex accommodation is clearly identified on the floor plan (1781W-21-13d) with two bedrooms at ground floor level. The proposed annex contains all the required elements to be a self-contained residential unit. Therefore the annex is ancillary to the main dwelling but the use of the annex needs restricting through a condition on the permission.

#### Landscaping

The application has included a soft landscaping plan (96)001 Rev A and hard landscaping plan (96)001 Rev B.

The proposed hardstanding appears acceptable in terms of the type of material including the use of permeable materials. Some soft boundary treatments are required for residential amenity purposes but these would be

minimised to retain the openness of the site in all directions. The Authority's Tree and Landscape Officer has accepted the planting details as suitable.

It is therefore considered that details of hard and soft landscaping are acceptable.

#### Climate Change

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

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

Local policy S7 provides guidance and criteria on the generation of renewable electricity and the limit on the total energy demand for each single dwelling (*“not in excess of 60 kWh/m<sup>2</sup>/yr”*).

As previously stated this application was valid on 15<sup>th</sup> March 2023 when the adopted Local Plan was the Central Lincolnshire Local Plan 2012-2036. Revoked policy LP19 of the Central Lincolnshire Local Plan 2012-2036 required consideration of renewable energy developments but it did not require all development to reduce energy consumption. In this case with consideration given to the date of validation it is considered that it would be unreasonable to expect the applicant to satisfy the requirements of local policy S6 and S7 of the CLLP.

#### Permitted Development

It would be considered relevant and necessary to remove certain permitted development rights. This is due to the sensitive location of the site and its surrounding. The permitted development rights to be removed would be Class A, AA, B, C, D, E, F, G, H of Part 1 and Class A of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

#### Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22<sup>nd</sup> January 2018. The site is within charging zone 1, where the charge would be £15 per square metre for houses. It is the case officer's opinion that at least the rebuild and extension sections of the development would be liable to a CIL Payment.

#### Pre-commencement conditions

The agent has agreed in writing to the pre-commencement conditions.

#### **Conclusion and Reason for Decision:**

The decision has been considered against S1 The Spatial Strategy and Settlement Hierarchy, S5 Development in the Countryside, S7 Reducing Energy Consumption – Residential Amenity, S13 Reducing Energy

Consumption in Existing Buildings, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S27 Residential Annexes, S47 Accessibility and Transport, S49 Parking Provision, S53 Design and Amenity, S56 Development on Land Affected by Contamination, S57 The Historic Environment, S60 Protecting Biodiversity and Geodiversity and S61 Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local plan 2023 and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Model Code. Furthermore consideration has been given to the duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In light of this assessment it is considered that the heritage benefits of converting, rebuilding and extending these curtilage listed in an appropriate and sensitive manner outweighs the location of the site in flood zone 2 and the departure from some of the development from local policy S5(b) of the CLLP. The proposed development would enable the retention of these curtilage listed structures and the historic relationship they have with the listed farmhouse. The development would therefore be an enhancement of the site and at least preserve the setting of the nearby listed building. The proposal is considered to pass the flood risk sequential test and would not have an unacceptable harmful visual impact on the site or the surrounding area. It would not have an unacceptable harmful impact on the living conditions of neighbouring occupiers, highway safety, biodiversity, drainage, archaeology or contamination.

**Listed Building Consent 147827:**

The proposal has been considered against the duty contained within section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. In light of this assessment, the proposal is considered as an acceptable change of use and it would sensitively retain the presence of the historic curtilage listed farm buildings as well as preserving the setting of nearby listed building. Furthermore the proposed development would preserve the desirability of the historic buildings, their setting and the special architectural features or historic interest they possesses.

**Human Rights Implications:**

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

**Legal Implications:**

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

**Representors to be notified -**

*(highlight requirements):*

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

**Prepared by:** Ian Elliott

**Date:** 10<sup>th</sup> August 2023

**Recommendation 145792: Grant consent subject to the following conditions.**

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

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

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

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

2. No development apart from the demolition works hereby approved must take place until the local planning authority has been provided with either:
  - a) A European Protected Species mitigation license issued by Natural England authorising the specified development to barn 2 and 6.
  - b) A statement in writing from the relevant licencing body to the effect that it does not consider the specified activity/development requires a licence.

The submitted licence or statement must be approved in writing by the local planning authority.

Reason: To obtain the appropriate licence to protect and mitigate for the presence of bats and to accord with the National Planning Policy Framework, local policy S60 and S61 of the Central Lincolnshire Local Plan 2023.

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

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:
  - 1781W-21-10g dated 28<sup>th</sup> June 2023 – Site Plan (excluding soft and hard landscaping)
  - 1781W-21-11d dated 16<sup>th</sup> May 2023 – Proposed building 2 Elevation, Floor and Roof Plans
  - 1781W-21-12d dated 16<sup>th</sup> May 2023 – Proposed building 3, 4 and 5 Floor Plans
  - 1781W-21-13d dated 16<sup>th</sup> May 2023 – Proposed building 3, 4 and 5 Floor Plans

- 1781W-21-14d dated 16<sup>th</sup> May 2023 – Proposed building 3, 4 and 5 Elevation and Roof Plans
- 1781W-21-15d dated 16<sup>th</sup> May 2023 – Proposed building 3, 4 and 5 Elevation and Roof Plans
- 1781W-21-16b dated 14<sup>th</sup> April 2023 – Proposed building 6 Elevation, Floor and Roof Plans
- 1781W-21-17b dated 16<sup>th</sup> May 2023 – Proposed building 7 Elevation, Floor and Roof Plans
- (90)001 Rev b dated 9<sup>th</sup> May 2023 – Hard Landscaping
- (96)001 Rev b dated 16<sup>th</sup> May 2023 – Soft Landscaping
- 5555-DS-01 Rev E dated 29<sup>th</sup> June 2023 - Drainage Strategy Plan (within the Flood Risk Assessment and Surface Water Strategy (Report No. 555/DR/01 and Issue 07))

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy S5, S47, S49, S53 and S57 of the Central Lincolnshire Local Plan 2023.

4. Prior to the commencement of any external repairs being undertaken, a full specification and methodology for external repairs must be supplied and agreed in writing by the Local Planning Authority. This to include:
  - a) Repairs to the roof covering and structure;
  - b) Rainwater goods;
  - c) Brickwork repairs/repointing (extent to be shown shaded on elevations). Sample panels will be required for inspection and approval by the Local Planning Authority.
  - d) Structural repairs (including unauthorised works to remove a timber beam);

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

Reason: To ensure the retention of key historical features in the first instance or appropriate replacements to accord with the National Planning Policy Framework, local policies S5, S53 and S57 of the Central Lincolnshire Local Plan 2023 and the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to installation full joinery details of all new windows, rooflights, doors and glazed screens must be supplied at scale of no less than 1:20, and 1:1 for glazing bar details, showing elevations, sections through, cill and header details and door frames, colour and finish. The joinery details must be approved in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the barns, the site, the open countryside and to preserve the setting of the Listed Building to accord with the National Planning Policy Framework, local policies S5, S53 and S57 of the Central Lincolnshire Local Plan 2023 and the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Prior to installation, the external material listed below must be submitted to and approved in writing by the Local Planning Authority:

- A one metre square sample panel of brickwork, mortar and bond of all new types of brickwork. The brickwork panel(s) constructed must be retained on the site until the development hereby approved has been completed.
- Retained and new roof tiles
- Any cladding material and colour finish
- Header, Cills, Lintels and other decorative finishes
- rainwater goods and downpipes including the colour
- all windows and, domestic doors including section drawings
- Treatment of gables and cappings
- Treatment of verges and barge boards
- Leadwork
- Means of ventilating the roof
- Flues, vents or other pipework piercing the roof (and decorative finish)
- Retention or replaced ironmongery

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

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the surrounding area including the setting of the Listed Church to accord with the National Planning Policy Framework and local policies S5, 53 and S57 of the Central Lincolnshire Local Plan 2023.

7. No occupation of each individual dwelling must take place until its individual foul and surface water drainage connections have been fully completed in strict accordance with drainage plan 5555-DS-01 Rev E dated 29<sup>th</sup> June 2023 and retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy S21 of the Central Lincolnshire Local Plan 2023.

8. The development shall be carried out in accordance with the submitted flood risk assessment (FRA) ref: '5555/DR/01 issue: 07', dated June 2023, prepared by Siddle Grimley Hage Limited including the following mitigation measures it details:

- Finished floor levels shall be set no lower than the levels shown on drawing no. 5555-DS-01 (rev E): Drainage Strategy Plan and stated within paragraph 7.4 of the FRA.
- Compensatory storage shall be provided in accordance with drawing no. 5555-DS-01 (rev E): Drainage Strategy Plan and document 5555/VOL/01/Rev A within the FRA.
- No gardens to be on land below 12.09 metres as shown on drawing no. 1781W - 21 - 10g: Proposed Site Plan within the FRA.

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development to accord with National Planning Policy Framework and local policy S21 of the Central Lincolnshire Local Plan 2023.

9. The development must be completed in strict accordance with section 7.2 of the Phase 2 Intrusive Site Investigation Report by Geo Investigate dated April 2022.

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

10. No occupation of each individual dwelling must take place until its individual vehicular access, turning space and parking identified on site plan 1781W-21-10g dated 28<sup>th</sup> June 2023 has been fully completed and retained for that use thereafter.

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

11. All landscaping must be completed in strict accordance with hard landscaping plan (90)001 Rev b dated 9<sup>th</sup> May 2023 and soft landscaping plan (90)001 Rev b dated 16<sup>th</sup> May 2023. No occupation of its each residential unit must take place until its individual hard and soft landscaping has been fully completed in strict accordance with the approved plans. The hard and soft landscaping must be retained as such thereafter.

Reason: To ensure that appropriate landscaping is introduced and will not unacceptable harm the character and appearance of the site to accord

with the National Planning Policy Framework and local policies S5, S53 and S57 of the Central Lincolnshire Local Plan 2023.

12. Prior to installation details of the type and position of replacement swallow nest boxes, 2 starling nest boxes, 2 house sparrow nest boxes and 6 integral swift boxes has been submitted to and approved in writing by the Local Planning Authority. The approved boxes must be installed during the conversion and/or construction works of each dwelling and retained as such thereafter.

Reason: In the interest of nature and to provide enhancements to accord with the National Planning Policy Framework and local policy S60 and S61 of the Central Lincolnshire Local Plan 2023.

13. Apart from the details required in condition 2 and 12, the development must be completed in strict accordance with section 5 of Preliminary Ecological Appraisal by CGC Ecology dated April 2022.

Reason: In the interest of protecting protected species and to accord with the National Planning Policy Framework and local policy S60 of the Central Lincolnshire Local Plan 2023.

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

14. The annex accommodation identified on floor plan 1781W-21-13d dated 16<sup>th</sup> May 2023 must only be used and occupied ancillary to the proposed dwelling (building 3, 4 and 5) and must not be used as a separate unit of living accommodation.

Reason: The creation of an independent dwelling in this location would be contrary to the National Planning Policy Framework and local policies S5, S27, S53 and S57 of the Central Lincolnshire Local Plan 2023.

15. All planting and turfing comprised in the approved details of soft 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 the approved landscaping is implemented to accord with the National Planning Policy Framework, local policies S5, S53 and S57 of the Central Lincolnshire Local Plan 2023 and the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Reason: To enable any such proposals to be assessed in terms of their impact on the design, character and appearance of the dwellings within its historic setting and on the living conditions of neighbouring occupiers in accordance with the National Planning Policy Framework, local policy S5, S53 and S57 of the Central Lincolnshire Local Plan 2023 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

17. Notwithstanding the provisions of Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwellings, annex and car port building hereby permitted no gates, fences, walls or other means of enclosure must be erected within or on the boundary of the site unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the area and the historic setting to accord with the National Planning Policy Framework, local policy S5, S53 and LP57 of the Central Lincolnshire Local Plan 2023 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

**Recommendation 146827:**

**Grant consent subject to the following conditions**

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

1. The works to which this consent relates must be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

NONE

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

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

- 1781W-21-10g dated 28<sup>th</sup> June 2023 – Site Plan (excluding soft and hard landscaping)
- 1781W-21-11d dated 16<sup>th</sup> May 2023 – Proposed building 2 Elevation, Floor and Roof Plans
- 1781W-21-12d dated 16<sup>th</sup> May 2023 – Proposed building 3, 4 and 5 Floor Plans
- 1781W-21-13d dated 16<sup>th</sup> May 2023 – Proposed building 3, 4 and 5 Floor Plans
- 1781W-21-14d dated 16<sup>th</sup> May 2023 – Proposed building 3, 4 and 5 Elevation and Roof Plans
- 1781W-21-15d dated 16<sup>th</sup> May 2023 – Proposed building 3, 4 and 5 Elevation and Roof Plans
- 1781W-21-16b dated 14<sup>th</sup> April 2023 – Proposed building 6 Elevation, Floor and Roof Plans
- 1781W-21-17b dated 16<sup>th</sup> May 2023 – Proposed building 7 Elevation, Floor and Roof Plans
- (90)001 Rev b dated 9<sup>th</sup> May 2023 – Hard Landscaping
- (96)001 Rev b dated 16<sup>th</sup> May 2023 – Soft Landscaping

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy S5, S47, S49, S53 and S57 of the Central Lincolnshire Local Plan 2023.

3. Prior to the commencement of any external repairs being undertaken, a full specification and methodology for external repairs must be supplied and agreed in writing by the Local Planning Authority. This to include:

- e) Repairs to the roof covering and structure;
- f) Rainwater goods;
- g) Brickwork repairs/repointing (extent to be shown shaded on elevations). Sample panels will be required for inspection and approval by the Local Planning Authority.
- h) Structural repairs (including unauthorised works to remove a timber beam);

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

Reason: To ensure the development proceeds in accordance with the approved plans to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

4. Prior to installation, full details of all new internal joinery, insulation, masonry, and materials must be submitted to and approved in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved details. The details must include all: new and existing doors, frames, architrave, infills, surrounds, walls, insulation, wall finishes, and other means of enclosure.

Reason: To ensure the development proceeds in accordance with the approved plans to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

5. Prior to installation full joinery details of all new windows, rooflights, doors and glazed screens must be supplied at scale of no less than 1:20, and 1:1 for glazing bar details, showing elevations, sections through, cill and header details and door frames, colour and finish. The joinery details must be approved in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved details.

Reason: To ensure the development proceeds in accordance with the approved plans to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

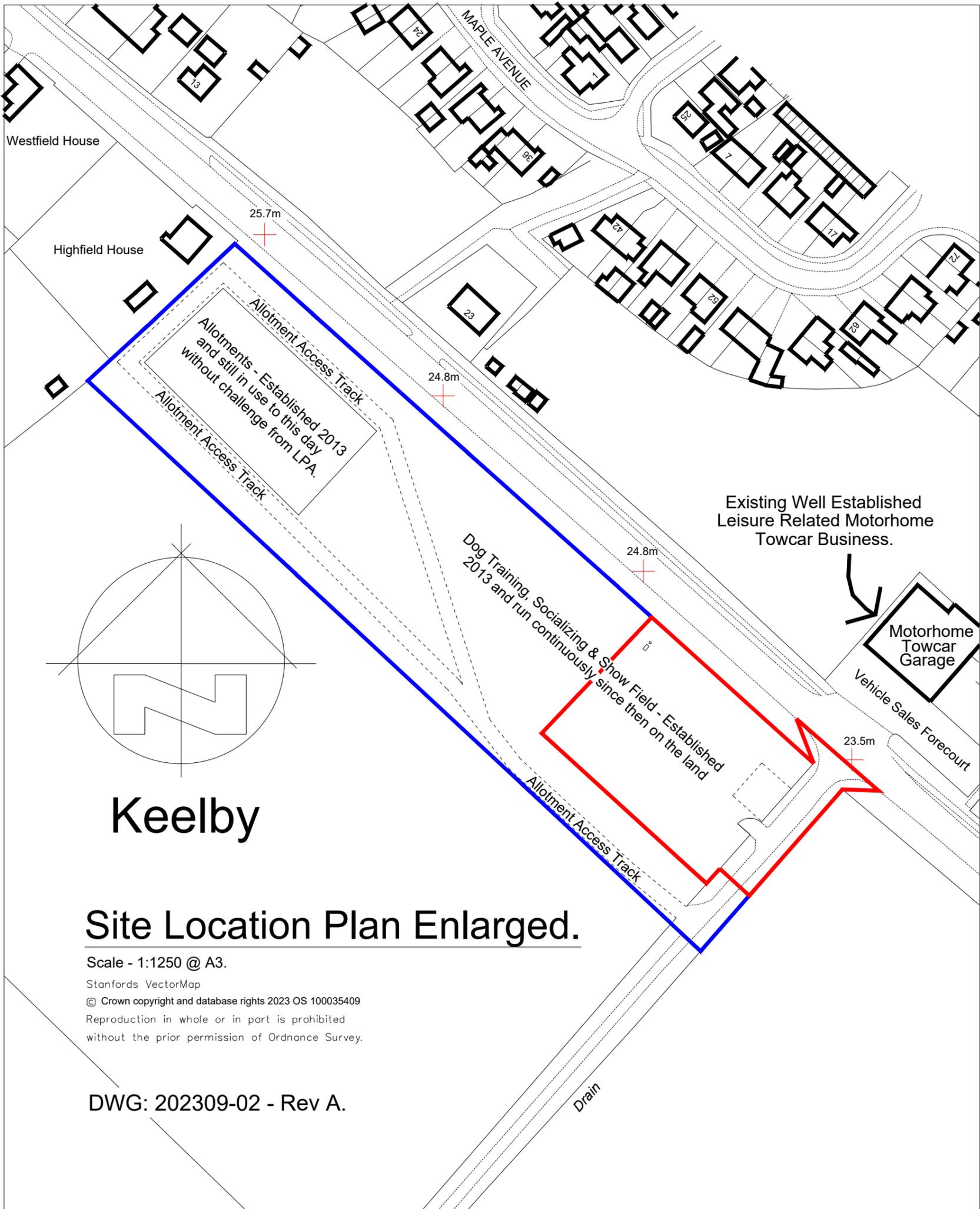
6. Prior to installation, the external material listed below must be submitted to and approved in writing by the Local Planning Authority:
  - A one metre square sample panel of brickwork, mortar and bond of all new types of brickwork. The brickwork panel(s) constructed must be retained on the site until the development hereby approved has been completed.
  - Retained and new roof tiles
  - Any cladding material and colour finish
  - Header, Cills, Lintels and other decorative finishes
  - rainwater goods and downpipes including the colour
  - all windows and, domestic doors including section drawings
  - Treatment of gables and cappings
  - Treatment of verges and barge boards
  - Leadwork
  - Means of ventilating the roof
  - Flues, vents or other pipework piercing the roof (and decorative finish)
  - Retention or replaced ironmongery

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

Reason: To ensure the development proceeds in accordance with the approved plans to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

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

NONE



Keelby

### Site Location Plan Enlarged.

Scale - 1:1250 @ A3.

Stanfords VectorMap

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DWG: 202309-02 - Rev A.

## **Officers Report**

### **Planning Application No: 146831**

**PROPOSAL:** Planning application for change of use to storage facility for 40 No. Caravans / motorhomes making use of and extending existing hardcore hardstand. Screen tree planting and hedge reinforcement planting and installation of key locked timber clad steel gates, hooped barriers and 2No. 3M high CCTV poles to cover the site. Plus a 38M x 2M security ditch and boundary wire mesh fence with timber posts.

**LOCATION:** Land off Barton Street Keelby North East Lincs DN41 8EP

**WARD:** Caistor and Yarborough

**WARD MEMBER(S):** Cllr O Bierley, Cllr A Lawrence

**APPLICANT NAME:** Joanne Calaby

**TARGET DECISION DATE:** 27/07/2023

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Vicky Maplethorpe

**RECOMMENDED DECISION:** Refuse permission

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This application is referred to the planning committee as the recommendation is to refuse planning permission on the grounds that it is contrary to the Development Plan, and that there are representations in support of the application including the local ward member and the Parish Council, who consider that it complies with the Central Lincolnshire Local Plan.

#### **Description:**

The site is a rectangular section of land located on the south west of Barton Street (A18) to the south west of the village of Keelby. The development subject of this application has already taken place and is present on site. The site has a hardcore surface where caravans and containers are stored. Palisade fencing and gates have been erected along part of the south east boundary. A bank of vegetation runs along the road frontage. To the north west of the site, over 150m away, is a detached dwelling (Highfield House) and beyond that a further dwelling (Westfield). Immediately adjoining the site is a dog agility area and surrounding the rest of the site to the west and south are arable fields. To the east of the site, on the opposite side of the road is a tow-bar garage. The site is surrounded by open countryside to the south. The village of Keelby is to the north.

The application seeks permission to change the use of the land to caravan storage with associated works including fencing, CCTV, steel gates. This is a retrospective application as the works have already been carried out.

#### **Relevant history:**

145267 - Planning application for change of use to storage facility for up to 40no. caravans/motorhomes including siting of 9no. storage containers,

upgrading existing gates, installation of fencing, barriers, cctc, and formation of dyke for drainage and security. Refused, 23/9/22.

**Representations, in summary (full representations can be viewed on the application file):**

Ward member Councillor O Bierley: Letter of support

*'Firstly, whilst on the opposite side of the Barton Street from the body of the village, the application site has always been clearly delineated from the agricultural land beyond and its use ancillary to the adjacent dwelling. Indeed the property has been in the ownership of the same family throughout the forty-four years I've lived in Keelby and known that piece of land.*

*I believe CLLP Policy S5: Development in the Countryside to be a key consideration in assessing this proposal, specifically Part E:*

*Non-residential development in the countryside. Section a) 'The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by proximity to existing established businesses or natural features' offers substantive support, while the criteria in Sections b) accessibility c) conflict with neighbouring uses and d) size and scale are all individually and collectively met. Similarly Keelby Neighbourhood Plan Policy 4: Business and Service Development, especially Parts 1 and 4, are wholly supportive of the proposal and very much, reflect the CLLP policy referred to above. The documents submitted with the application clearly evidence the new rural employment created, the symbiotic relationship with the well-established, nationally recognised and successful Motorhome business immediately opposite the site and the high demand for the new facility, which I note is primarily from residents in Keelby or villages very nearby. This not only supports the local economy, but also demonstrably helps further strengthen our community.*

*Finally and acknowledging that this may not be a material consideration, the application is retrospective in nature and the business already in operation however this has not resulted in issues whatsoever, as reflected in the two highly supportive submissions from Keelby Parish Council. In summary I believe this to be a much needed facility in our part of West Lindsey.'*

Keelby Parish Council: The PC 'Fully support the application'. The letter from the PC to the applicant below, was submitted as part of the application:

Further to your email to the Parish Council seeking support for the resubmission of a planning application for a Caravan Storage facility off Barton Street Keelby, the matter was discussed in some detail at our Council meeting on 4<sup>th</sup> April 2023 and as a result, we are pleased to write with our support.

Having considered the officers report relevant to the original application (ref. 145267), we note that there are two primary reasons why the application was refused, so we will focus our response on these, but in addition will add further supporting advice and comment pertaining to our local Neighbourhood Plan (NP) and priorities for the village; for information, our NP has now completed external review and will shortly be subject to a formal referendum.

When considering the location of the site, the WLDC report considered the site to be outside of the boundary of the village and "located within the countryside". In response to this, we would make it very clear that the houses and premises on both sides of the A18 (Barton Street) are considered to be very much a part of our village, and clearly fall within the Parish boundary to which our Neighbourhood Plan (NP) applies; and is therefore clearly encompassed in our policies set out within our local plan. To further enhance this, we identify a number of important businesses in our NP that are considerably further away from the village than your site; Harvest Pet Products Ltd (Stonepit Lane) is a good example of this. We stress that we are very keen to see further development of local businesses that will offer employment opportunities and support the central amenities of the village. Planning policy 4, section one references this as follows:

*"1. New small business development proposals and projects which enhance the sustainability and economic viability of the Plan area will be supported provided that they conform to other relevant policies of this plan."*

Secondly, when considering any "harmful impact on the rural character of the landscape", whilst we appreciate that the LPA consider the land is designated as arable at the moment, the location is in an area that is already supporting non-arable enterprises, and is in fact directly opposite Motorhome Tow-Bars & Tow-Cars which is a case in point. There are also mature hedges to the south east and north east of the land which do a good job of masking the site. We also note you intent to exclude the container storage which should help your case.

In our NP, we acknowledge that "Agriculture now employs significantly fewer people than in previous times", and where such development as yours can make effective use of arable land it should be encouraged.

Our NP is also very clear on our intent with regards to development of arable land, and planning policy 4 specifically states:

"4. Proposals that propose a diversification of an existing agricultural and/ or other land based rural businesses will be supported provided that it can be demonstrated that the proposed use is necessary to support the existing use(s) economic viability and that they conform to other relevant policies of this plan."

We are of the opinion that the proposed development is in accord with this policy.

Further to this, we believe the planned development conforms with the new Central Lincolnshire Local Plan as follows:

- Policy S5: Development in the Countryside, specifically Part E:  
Non-residential development in the countryside. We believe your application conforms as follows:
  - o Section a): The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by proximity to existing established businesses or natural features.
  - o Section c): The location of the enterprise would not result in conflict with neighbouring uses; and
  - o Section d): The development is of a size and scale commensurate with the proposed use and commensurate with the rural character of the location.

With regards to other important matter, the Parish Council would draw your attention to the following points and ask you to ensure that your resubmission gives due consideration to these.

The WLDC report makes mention that "no evidence has been submitted to demonstrate the need for this particular location"; we suggest that your re-application will need to address this. Whilst there is clear evidence of the need for the proposed facility (it's currently full and you have a waiting list), we would stress that the facility has had a clear and positive impact on parking in the village due to caravans being parked 'off-site' and we are very supportive of this. With regards to other potential locations for the site, we are not aware of any suitable sites and there is no land in the current plan for business development. However, we would suggest that you give this some consideration to further strengthen your case for your site being most-suitable.

In conclusion, we are very much in support of your plan and will comment accordingly when they are submitted through the formal planning process. We are also happy for this initial response to be used to support your resubmission.

Local residents: One letter of comments from 10 Manor Close, Keelby *'I support this local business' application and am in favour of any local business expanding. I disagree, however, with the Land and Visual Impact statement 4.19 which states traffic passing the site will already be slowing down as it approaches the village. I don't feel traffic does slow down appreciably on the A18. My concern would be that large vehicles or caravans manoeuvring slowly into or out of the access road would increase traffic risk and that a lower speed limit for the A18 should considered in this area.'*

Lincolnshire County Council Local Highway and Lead Local Flood Authority : *'The proposal is for a change of use to storage facility for 40 No. Caravans / motor-homes and it does not have an impact on the Public Highway or Surface Water Flood Risk. The current access will need reconstructing to Lincolnshire County Council specification, keeping the 10 radii.'*

Archaeology: No objections

Internal Drainage Board: *'No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The suitability of new soakaways via the permeable surface, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act. 1991, the prior written consent of the Lead Local Flood Authority (Lincolnshire County Council) is required for any proposed works or structures in any watercourse outside those designated main rivers and Internal Drainage Districts. At this location this Board acts as Agents for the Lead Local Flood Authority and as such any works, permanent or temporary, in any ditch, dyke or other such watercourse will require consent from the Board.'*

ECM: Checked 9/8/23

### **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and the Keelby Neighbourhood Plan, which immediately becomes part of the statutory development plan, following a successful referendum.

### Development Plan

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development in the Countryside

Policy S6: Design Principles for Efficient Buildings

Policy S12: Water Efficiency and Sustainable Water Management

Policy S21: Flood Risk and Water Resources

Policy S34: Non-designated Employment Proposals in the Countryside

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S54: Health and Wellbeing

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity

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

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

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

- **Keelby Neighbourhood Plan**

On 20 July 2023 the referendum on the Keelby Neighbourhood Plan was held. Residents voted in favour of West Lindsey District Council using the neighbourhood plan to help it determine planning applications in the Keelby parish area (80.8% voted in favour, with a 23.6% turnout). As it has been successful at referendum, the Keelby Neighbourhood Plan immediately becomes part of the statutory development plan against which planning applications must be decided (section 38(3A) of the Planning and Compulsory Purchase Act 2004).

The referendum result is to be reported to the Full Council of West Lindsey District Council on 4 September 2023 with a view to the Keelby Neighbourhood Plan being formally made as part of the development plan for the parish area. The neighbourhood development plan only ceases to form part of the development plan if the local planning authority decide under section 38A(6) not to make the plan, for which there are narrow circumstances.

Relevant policies of the NP include:

Planning Policy 1: The Rural Character and Distinctiveness of the Parish

Planning Policy 4: Business and Service Development

Planning Policy 5: Environment and Countryside

The Neighbourhood Plan should be attached **full weight** in the consideration of this application.

<https://www.west-lindsey.gov.uk/sites/default/files/2023-05/Keelby%20Neighbourhood%20Plan%20final%20referendum%20version%20May%202023.pdf>

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**
- *National Design Guide (2019)*

### **Main issues**

- Principle of Development
- Visual impact
- Highway safety
- Neighbouring uses amenity

### **Assessment:**

#### Principle and Background

This application follows the refusal of application 145267, for a change of use to storage facility for up to 40no. caravans/motorhomes including siting of 9no. storage containers, upgrading existing gates, installation of fencing, barriers, cctc, and formation of dyke for drainage and security. Since the previous application was determined, the new Central Lincolnshire Local Plan has been fully adopted (April 2023) and the Keelby Neighbourhood Draft Plan has been successful at Referendum, also forming part of the statutory development plan.

This new application is accompanied with a Design and Access Statement, Planning Statement and Landscape and Visual Statement.

The site is located on the south west side of Barton Street outside the built up area of Keelby and is therefore classed as being in the open countryside.

Policy S5 Part E: relates to Non-residential development in the countryside  
Proposals for non-residential development will be supported provided that:

- a) The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;
- b) The location of the enterprise is suitable in terms of accessibility;
- c) The location of the enterprise would not result in conflict with neighbouring uses; and

d) The development is of a size and scale commensurate with the proposed use and with the rural character of the location.

Policy S34 states that 'Proposals for employment generating development will be limited to the expansion of an existing employment use and development proposals that support the growth of the agri-food sector or other land-based rural businesses and buildings in accordance with relevant parts of Policy S5.

Criterion 4 of Policy 4 of the Keelby Neighbourhood Plan states:

*Proposals for the diversification of existing agricultural and/ or other land based rural businesses will be supported provided that it can be demonstrated that the proposed use is necessary to support the existing use's economic viability and that it conforms to other relevant policies of this plan.*

Paragraph 84 of the NPPF also guides that '*planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*'

The proposal is for a **new** caravan storage facility within the open countryside. It is not an expansion or extension to an existing or established business, the works already carried out are considered to be an unauthorised development in the countryside.

Information has been submitted with the application to support the proposed location of the development. Within the Planning Statement it states that:

*The Applicant has confirmed that of the 34 people (excluding the owners own plot) using the caravan storage site, 16 live in Keelby, a further 10 live within 5 miles of the site. Only 2 of those using the site have been noted as taking their caravans to Europe, with the remaining users staying within England, and more specifically the local region. Please see Annex B for a breakdown of the customer list. 5.18 The location of the site therefore, is beneficial to the areas rural economy as people both store their caravan and utilise it within the surrounding rural area. For example, the customer using plot number 4 lives within Keelby and use their caravan within Lincolnshire.*

The Statement also identifies other caravan storage facilities in Lincolnshire that are sited in the open countryside. However a storage facility does not require a countryside location and the location of other caravan storage sites does not mean this application is acceptable. This application is to be

determined on its own merits against the development plan policies in force at this time.

It is recognised that there are currently people using the storage that live locally. However, this in itself is not considered sufficient to comply with the criteria in policy S5 Part E, which states:

*The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*

Local users do not in themselves justify the need for a rural location. It is still considered that the location is not justified by means of proximity to an **existing** established businesses or natural features as it is a new unauthorised business within the open countryside.

Furthermore, policy 1 of the Keelby Neighbourhood Plan states:

‘Development proposals should respond positively to the rural character and distinctiveness of the Parish and take account of the following characteristics:

- a) the identified Local Green Spaces and Important Green Spaces in Appendix 3;

And goes on to state ‘Wherever practicable, development proposals should use brownfield land.’

‘Barton Street – Paddock behind Maple Avenue’ has been identified as an ‘Important Open Space’ within the Neighbourhood Plan. The designation is on the north-east side of the A18 (opposite to the application site) and this identified open space acts as a clear rural visual divide between the main built up area of the village and the countryside beyond. The proposed site is located beyond the identified open space, on the opposite side of the road, on what was originally agricultural land. It is therefore considered that the proposed development will result in an adverse impact on the rural character, setting and distinctiveness of Keelby.

The local ward member and Parish Council have both submitted letters of support for the application stating that they consider that it complies with policies from the CLLP and The Neighbourhood Plan stating ‘*The documents submitted with the application clearly evidence the new rural employment created, the symbiotic relationship with the well-established, nationally recognised and successful Motorhome business immediately opposite the site and the high demand for the new facility, which I note is primarily from residents in Keelby or villages very nearby. This not only supports the local economy, but also demonstrably helps further strengthen our community.*’

However for the reasons stated above and below the principle of development is considered to conflict with policies S5 and S34 of the CLLP and policy 1 of the Keelby Neighbourhood Plan. Other matters, such as highway safety,

neighbouring amenity and character considerations are assessed later in the report.

#### Design and visual impact

Local Plan Policy S53 states that all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. Development must relate well to the site, its local and wider context and existing characteristics including the retention of existing natural and historic features wherever possible and including appropriate landscape and boundary treatments to ensure that the development can be satisfactorily assimilated into the surrounding area. It further states that development should contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness, and should be appropriate for its context and its future use in terms of its building types, street layout, development block type and size, siting, height, scale, massing, form, rhythm, plot widths, gaps between buildings, and the ratio of developed to undeveloped space both within a plot and within a scheme. In addition, development must achieve a density not only appropriate for its context but also taking into account its accessibility.

Furthermore criterion d Part e of policy S5 states that 'The development is of a size and scale commensurate with the proposed use and with the rural character of the location.'

Policy 5 of the Keelby Neighbourhood Plan states:

'As appropriate to their scale, nature and location development proposals should preserve, and where practicable, enhance the natural environment and open countryside and maintain the rural character of Keelby. In particular, development proposals should:

- a) Enhance existing environmental assets such as those identified in Appendix 7.
- b) Seek to minimise their environmental impact, demonstrate the use of best available environmental technology / practice and ensure no net loss of biodiversity or negative impact on local habitats. Where appropriate development proposals should deliver a biodiversity net gain of at least 10%.
- c) Ensure the protection and enhancement of Keelby's open countryside together with wildlife habitats.'

The application site is located in the open countryside, clearly detached from the main body of the developed footprint of Keelby. Barton Road and the Important Open Space identified in the draft neighbourhood plan act as clear dividers between the built up body of the village and the surrounding countryside. The site is accessed from Barton Road. The surrounding area is predominately open fields with Keelby located to the north of the site. The site however, is well screened along the boundary with Barton Road.

The submitted Landscape and Visual Statement states that 'The site is such a small component and the proposals so low key that there will only be a negligible effect on this LCA.'

However the submitted report accepts that *'The erection of the palisade security fencing and gates changes the character of the site from a use which requires little intervention or physical impact on the site to one which formalises the boundaries and is clearly a commercial use.'* It goes on to state that *'The location of the site is opposite an existing, visible commercial use and therefore is not an alien feature in the surrounding landscape.'*

The application is retrospective with the change of use and associated works having been undertaken. The site contains caravans along with palisade fencing and gates. As stated above the proposed outdoor storage measures approx. 2500 sq. m in total. The surrounding area is rural in character. The scale of the proposed change of use and the associated works erode the rural character of this countryside location and its unauthorised presence on the site demonstrates the existing visual harm caused. The proposal does not enhance or maintain the rural character of Keelby and offers no biodiversity net gain. This is an inappropriate development in the countryside.

The Parish Council have stated the site is within their Parish, which is not being disputed.

Therefore due to the size, scale and presence the development would, and does, have a harmful visual impact on the site and surrounding area contrary to policy S53 of the CLLP and policy 5 of the Keelby Neighbourhood Plan.

#### Highway Safety

Local Plan Policy S47 and S49 requires well designed, safe and convenient access for all, and that appropriate vehicle parking provision is made for development users.

The proposal will utilise the established access into the site.

The Parish Council state the development has a positive impact on parking in the village as caravans are now parked off-site.

No objections have been received from the Highway Authority on safety grounds.

It is considered that the proposed development and access arrangements are acceptable and the proposal accords with policy S47 of the CLLP.

#### Neighbouring Uses Amenity

Local Plan Policy S53 states that all development must not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare. It further states that development must provide homes with good quality internal environments with adequate space for users and good access to private, shared or public spaces.

The site is surrounded by open countryside to the south, a garage on the opposite side of the road, to the north east and allotments to the north west. It is considered that the proposal will not conflict with these neighbouring uses.

### Biodiversity Net Gain

Local policy S61 of the CLLP requires *“all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management”*. Local policy S61 goes on to state that *“All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England’s Biodiversity Metric”*.

It has not been demonstrated that opportunities have been taken to retain, protect and enhance biodiversity and geodiversity features on the site and does not deliver a 10% measurable biodiversity net gain and the proposal does not accord with policy S61 of the CLLP.

### Conclusion

The decision has been considered against policies S1: The Spatial Strategy and Settlement Hierarchy, S5: Development in the Countryside, S12: Water Efficiency and Sustainable Water Management, S21: Flood Risk and Water Resources, S34: Non-designated Employment Proposals in the Countryside, S47: Accessibility and Transport, S49: Parking Provision and S53: Design and Amenity, S60: Protecting Biodiversity and Geodiversity and S61: Biodiversity Opportunity of the Central Lincolnshire Local Plan. Policies 1: The Rural Character and Distinctiveness of the Parish, 4: Business and Service Development and 5: Environment and Countryside of the Keelby Neighbourhood Plan and the provisions of the National Planning Policy Framework.

In light of this assessment it is considered that the development is not acceptable and refused for the following reasons:

1. The site is located within the countryside and It has not been demonstrated the need for a new business in this countryside location nor that there are any special circumstances which would clearly outweigh the harm caused by siting a new business within the countryside.
2. The unauthorised development represents an inappropriate form of development within the countryside and would be harmful to the rural character and setting of Keelby.
3. It has not been demonstrated the opportunities have been taken to retain, protect and enhance biodiversity and geodiversity features on the site and does not deliver a 10% measurable biodiversity net gain. The applicant has not demonstrated that there are any very special circumstances which would

clearly outweigh the harm caused by inappropriateness and other harm in this case.

The proposal is therefore contrary to policies S5, S43, S53 and S61 of the Central Lincolnshire Local Plan, policies 1, 4 and 5 of the Keelby Neighbourhood Plan and the provisions of the National Planning Policy Framework.

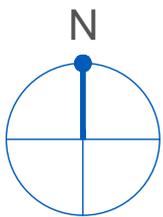
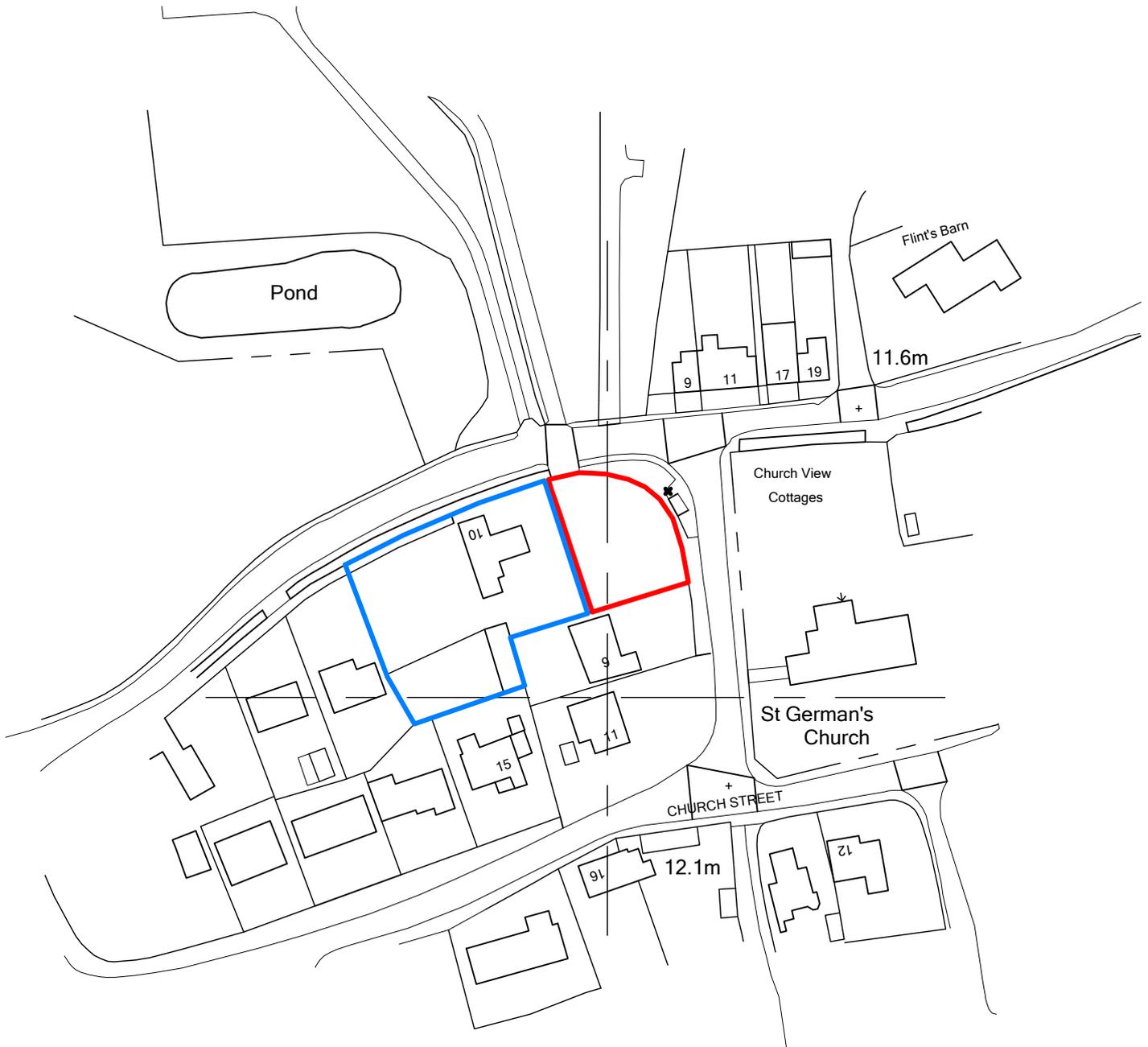
**Human Rights Implications:**

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

**Legal Implications:**

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

Scale Bar



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Project Proposed dwelling  
at Stonefield House  
10 Main Street, Scothern  
for Mr J. Walkley

Drawn djs Scale 1:1250

Date 18/01/2023 Size A4

Drawing Title Site Location Plan

Drawing No.

RD:5314 - 01 -

## **Officers Report**

### **Planning Application No: 146509**

**PROPOSAL:** Planning application for 1 no. detached dwelling

**LOCATION:** Land Adjacent to Stonefield House 10 Main Street Scothern LN2 2UF

**WARD:** Sudbrooke

**WARD MEMBER(S):** Cllr B Velan

**APPLICANT NAME:** Mrs M Aspinall

**TARGET DECISION DATE:** 08/09/2023

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Grant with conditions attached.

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**This application has been referred to the Planning Committee for determination, following the objections received from the Parish Council and Local Residents.**

#### **Description:**

The site is part of the garden of the host dwelling (No.10 Main Street, Scothern) and is located within the developed foot print of Scothern. No.10 is a two-storey detached brick and pantile dwelling which has been identified as a non-designated heritage asset as part of the Scothern Neighbourhood Plan. The site is accessed off Main Street to the rear (east of the No.10 Main Street) whose main architectural elevation is its west elevation. No.10 benefits from gardens to the west, south and to the east and there is a traditional outbuilding to the south of the dwelling. The application site is surrounded by dwellings on all sides apart from to the east where St Germain's Church (Grade II\* Listed) is located on the other side of Church Street. Scothern Beck runs in a culvert along the northern boundary of the site. There is a Public Right of Way (Scth/153/1) located approximately 50 metres to the south of the site.

It is proposed to build a 1 bed (with a first floor study that could be used as a second bedroom) 1.5 storey detached traditional style stone and pantile roof dwelling. The dwelling will have an eaves height of approximately 3.36 metres and a ridge height of 7.85 metres. A single storey garden shed is also proposed located towards the south west corner of the site. The proposed dwelling will be accessed via the same access off Main Street as the host dwelling and will be located towards the northern end of the site. The proposed dwellings front elevation will be its north elevation fronting Main Street. A parking space will be provided to the front (north) and to the west. The dwelling benefits from landscaping to the north and to the east and its main gardens will be located to the south.

Amended plans have been received and re-consulted upon with the access changed from Church Street to Main Street as described above.

**Relevant history:**

**W87/449/85** - Outline application to erect bungalow. Granted 04/07/85.

**Representations:**

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

**Parish Council: Object for the following reasons:**

- The proposed dwelling will be erected on the only remaining open area in the centre of the village of Scothern (apart from the Bottle and Glass garden) and will impinge on the Grade II\* listed St Germain's Church and the nearby Grade II listed Manor house.
- The proposed vehicular access/egress to/from the proposed property is adjacent to the bus shelter and bus stop in the centre of the village and will therefore cause a road hazard to residents and public transport.
- The proposed vehicular access/egress will traverse the grass verge which is in ownership of Lincolnshire County Council and will necessitate the removal of two mature trees which are located outside of the "estate" metal fencing which has stood in place for circa 100 years and again is a feature of the centre of the village. A privet hedge has recently been planted behind this estate fence. It is suggested that in the days of global warming we should be planting additional trees and not removing mature trees that are not diseased or damaged.
- The photographs of cottages shown within the Design and Statement are in the adjoining village of Nettleham and should not be seen as indicative of similar properties currently in Scothern.
- Reference is made to application 144608 [Householder for proposed side and first floor extension at 10 Church Street Scothern]. Condition 3 [materials] and 4 [cease to use the existing access when the new access is brought into use] are referenced. My Council is of the view that this condition should also apply to this proposed property which should therefore be refused as the access will be located on a short stretch of Church Street where it is approaching Main Street.
- This proposed property is in close proximity to the Grade II\* listed St Germain's Church and my Council is firmly of the view it will not be respectful to the church and will not comply with planning policy.
- A recent application (\*144716 – The Bottle and Glass, Scothern) outlined the reasons for refusal which should also apply to this application. Namely the proposal will harm the setting of the Grade II\* Listed Church and it will harm the character and appearance of the street scene.

\*Planning application to form external covered seating area to current garden lawn.

Further comments received on the amended plans:

This application was further considered at the Scothern Parish Council meeting on 14 June 2023.

Councillors appreciate the steps the applicants have taken to negate road hazards by moving the access/egress to a shared driveway directly onto Main Street rather than Church Street.

Council seeks however confirmation that the boundary shown on the re-submitted plan is correct and does not encroach on the grass verge that is in the ownership of Lincolnshire County Council. The "estate" or "manor" style fence marks the known boundary and has done so for a great number of years.

Council is still of the view that the application should be considered by the full Planning Committee and would respectfully suggest that there would be benefit in a site visit, rather than the application being determined by officer delegated powers.

**Local residents: 19a & 26 Craypool Lane, 6 Alders, 7, Abbot's Way, 2 Back Lane and 11 Main Street, Scothern** - Object for the following reasons:

- In my view it will be disappointing for the view of the church from Main Street to be affected.
- I would object to the felling of a tree opposite the church, as it is in a beautiful line of trees.
- The plans could be altered so the drive comes through the trees as it does at the property next door.
- No objection to the development of the property but the proposed vehicle entry to the property directly opposite the churchyard entails the destruction of cherry trees which I understand to be on public land, not part of the applicant's property. I believe the parish council pay for the maintenance of the land road side of Stonefield House property.
- Cars traditionally park opposite the proposed entrance both for local residents and those visiting the church. The proposed entrance would present, together with the bus shelter blocking view of the entrance, a danger.
- There is already a wide entrance to Stonefield House and it is difficult to see why this cannot be utilised as a shared entrance or indeed widened onto Main Street to access the property rather than degrade the beauty of the village.
- It would be a real shame to see one of the only green spaces in the village built on, especially in regards to its historical position next to the church.
- Although a nice design I wonder if a two storey property with a high pitched roof is correct for this delicate site. The village needs more houses for the elderly but does a two storey building without downstairs facilities meeting these needs? Especially as they're an ancient barn on the site which would be ideal for conversion to protect its fabric.
- In addition after a campaign by the village to keep the open aspect of the Bottle and Glass garden when a planning application was

unsuccessful. The application was refused because the single storey proposal would spoil the view of the 12th Century Church and I fear that this proposal if passed will give the public house owners the precedent to go to Appeal on their single storey application.

- The development of the open green space which forms the garden of Stonefield house will have a significant impact on the character of the main street of Scothern, views of the grade II\* St Germain's church will be obscured by the placement of the proposed dwelling which sits within the curtilage of the listed building.
- The proposal also seeks to remove established cherry blossom trees, which have been categorised as category C and are also the largest trees on site, to form a new access. The site plan indicates an intention to provide replacement alternative trees though this would clearly be with smaller unestablished specimens and would have a significant impact on the ecology of an established green corner of the village. The siting of the proposed dwelling would also remove a number of the existing fruit trees which line the drive way of Stonefield house indicating its encroachment over the existing access to Stonefield house.
- The stated need for the dwelling is to care for elderly parents, while the time frame of care to relatives could be up to 20 years the building would remain and the impact of its siting and the harm it does to the setting would remain

Honeysuckle Cottage School Crescent Scothern – Supports the proposal for the following reasons:

- I wish to support the application as great care has been taken to design a property sympathetic to the local history of the area, (which is a very rare thing these days) especially as it overlooks the church.
- However, I would like to add that it is unfortunate that the access route will remove a much loved mature street tree, and note that another large tree is also going to be felled. I hope that this is an opportunity to replace them with a species which will give maximum benefit to biodiversity and wildlife as well as enhancing the appearance of the site.
- Also, I see that it has already been noted that development of this site could reveal things of historic interest and I hope that anything that is unearthed respected and shared rather than being lost forever.

Apple Tree Cottage School Crescent Scothern – Supports the proposal for the following reasons:

- Full disclosure, I assisted in the design of this cottage, and I know the applicant has always been fully appreciative of the value and importance of the site from a conservation point of view and is of course aware of the description of Stonefield House contained in the Neighbourhood Plan.
- Scothern was indeed formerly a largely agricultural village and the scale and design of Stonefield House, believed to have been built for

the farm foreman, reflects the importance of agriculture to the village in the 19th century.

- When designing the cottage, she did consider reflecting the farmyard of the 19th century as I think the conservation officer is suggesting, but decided that Stonefield House and its barn already was a sufficient reminder of that part of Scothern's history.
- Long before the existence of the farmstead represented by Stonefield House and barn, the site of the proposed cottage had another history. In fact, it is the last remaining part of the three-quarter acre site on which stood the 16th century Scothern Vicarage and its orchard. There is a sketch of what was possibly the old vicarage (or its successor) within the design statement, and there is also a photograph of Beck Cottage, Nettleham, which was its very rare local 16th C contemporary.
- Hamlet's Cottage is designed to be a reminder of this lost part of Scothern's late medieval period (within the site constraints she has even tried to give a nod to the orchard) and it would be a shame if she is denied the chance to create this visible reminder of the real significance of this important village site.

Comments received on the amended plans:

30 Sudbrooke Road, 16 Dunholme Road, 2 Back Lane, Ellison House & Shades, School Crescent, 16 Weir Farm Paddock & Weir Farm Paddock and 9 Church Street, Scothern and 13 Greetwell Gate, Lincoln and The Lodge Main Street, Ossington – Support the proposal for the following reasons:

- I am pleased to see that the initial entrance has been moved from Church Street and the cottage does look lovely, complementing the scene near the beck.
- I would suggest that if the council want to improve the historic church setting they should start by limiting parking outside the church.
- I'm pleased to see the revised plans have negated the need for a new driveway put opposite the church, although the loss of the view of the church from Main Street is still disappointing.
- It looks like tree TI is on the council verge.
- The proposed development will be a perfect complement to Stonefield House. The stone picked for the design is a welcome change from the new build developments which have multiplied over recent years and as such, I support the introduction of properties to the village which conserves the history of Scothern and enhances the beauty of St Germain's Church.
- I consider that much thought and research has gone into the application. The proposed property appears to be a suitable dwelling in keeping with the area. I feel sure that the question of access to the property may be resolved amicably.
- I think Hamlet's Cottage and garden will only make the church and Church Street better.
- I would like to comment in support of the planning application, the proposed property looks in keeping with the surrounding area and

other properties nearby. The intention to replicate the traditional cottage look would well suit the village and it is clear the plans are sympathetic to the rest of the street.

- With many new houses being built throughout the village; some beautiful, some not so much. I think this would be a great spot for a new house which will be sympathetic to its' surrounding buildings. It is in a beautiful, desirable location which, if built, will really compliment the village.
- It's hard to think of a better building for this important village site. It's the right size and scale, and made of the right materials, to enhance the church setting. And a two bedroom cottage is the sort of accommodation which is in short supply in Scothern, especially near the village centre.
- I find it refreshing that the application has been made for a period stone cottage which is more in keeping with the village and the existing property within the grounds rather than many of the recently built brick houses.
- The materials they propose to use bring further character to the church area of Scothern. I can see that a lot of thought has been put into the design of the stone cottage.

**LCC Highways and Lead Local Flood Authority:** The proposal is for the erection of a dwelling, the access meets the guidelines as set out in Manual for Streets and adequate provision for car parking is proposed within the limits of the site, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

Note to Planner:- It is recommended that a condition is included within the decision notice for the replanting of three trees, within the highway, as a result of a loss in a highway tree as a result of the proposed access.

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.

Two informatives are suggested.

**LCC Archaeology:** The proposed development is located within the centre of the medieval settlement of Scothern, directly adjacent to St Germain's Church that dates back to the 12th century. There is a high potential for as yet unrecorded archaeological remains to be uncovered here as medieval occupation would reasonably be anticipated in this area. The site is also one of few undeveloped plots within the core of the village where there is potential for any medieval and early medieval remains to be better preserved and less disturbed than elsewhere. An example of this comes from a previous excavation in 1976 within an undeveloped garden plot on the east side of the

church that revealed the in situ remains of a 13th century medieval house floor composed of clay and limestone rubble, with occupation material including pottery, bone and freshwater mussel shells overlying it.

Recommendation: insufficient site-specific information has been provided with which to make a reliable observation regarding the impact of this development upon any archaeological remains. It is recommended that further information is required from the applicant in the form of an archaeological evaluation the results of which should be provided prior to determination. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on this planning application. This evaluation should consist of trial trench excavation.

Following the submission of a Written Scheme of Investigation and the results of the Trial Trench Excavation LCC Archaeology state that the evaluation has been effective in demonstrating the nature of the archaeology within the footprint of the proposed new dwelling. This comprises a series of deep quarry pits, probably excavated in the 15th-18th centuries. Amongst the finds were modest quantities of earlier medieval and Saxon material which have no doubt been disturbed by the later quarrying and represent a potential earlier phase of activity on the site. The remains identified do not warrant preservation in situ, however, I recommend that should planning permission be granted there be an archaeological condition to ensure any archaeology is recorded before its destruction. This is principally to ensure that any earlier phases of activity that may have survived the quarrying will be recorded, though any further evidence to more closely date the quarrying would be useful. I recommend that if permission is granted there be a condition for an archaeological scheme of works consisting of archaeologically supervised and controlled excavation of proposed groundworks and any other associated works which may impact upon surviving archaeology within the red line boundary.

**Conservation Officer:** The proposed development is within the settlement with the grade II\* listed Church of St Germain situated to the east.

The Church of St Germain is was built in 1200 with later alterations. It is built in coursed and squared limestone rubble with some red brick and ashlar dressings, and a plain tiled roof.

The church presides in an elevated position overlooking the settlement with its built environment and soft green landscapes. The proposed development site and impacted upon the setting of the church with the loss of its soft boundary treatments in its immediate setting. The proposal is to remove a number of the trees that form the boundary of the property in order to open up a space to include a new drive entrance for the new dwelling.

Policy S57 of the Central Lincolnshire Local Plan (CLLP, 2023), seeks to protect, conserve, or enhance the historic setting of listed buildings. The proposal to lose the boundary treatments which offer a soft landscape and

screening for the new development would negatively harm the setting of the listed building.

Stonefield House and outbuilding is considered a Non-Designated Heritage Asset (NDHA) due to its reference as a Locally Important Building within the Scothern Neighbourhood Plan.

Stonefield House is an early 19th century farmhouse built as a pre-enclosure farmstead within the village. The only surviving outbuilding is to the south which is part of the NDHA record.

The open green space to the east is noted to positively add character to the NDHA as it is a rare survival of the character of the old farmstead. Stonefield House offers a positive impact upon the setting of the grade II\* listed church.

However, the housing development to the south has already replaced the former farm buildings associated with NDHA which has degraded the significance of the space.

The proposed development within this green space would be harmful to the NDHA as the green space is significant to the character of the historic farmstead as the last remaining open space associated with it.

Policy S57 of the Central Lincolnshire Local Plan (CLLP, 2023) favours the retention of the special features of NDHA's.

Any development in this space would not be appropriate as it will harm the special significance of the remaining open space of the pre-enclosure farmstead. Paragraph 203 of the National Planning Policy Framework requires a balanced judgement when considering the scale of harm and the significance of the NDHA.

If the planning officer deems development appropriate in this area, then it must be a small development and a traditional agricultural design would be most appropriate.

**The Ramblers Association:** No representations received to date.

**Historic England:** In this case we are not offering advice. We suggest that you seek the views of your specialist conservation and archaeological advisers.

**Internal Drainage Board:** The site is within the Witham Third District Internal Drainage Board area. A culverted section of the Board maintained Scothern South (Fen Drain) [2012] is adjacent to the site and Main Street. The Board has no responsibility for the culvert structure and potentially the site owner does.

Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in,

under, over or within the byelaw 9m distance of the top of the bank of a Board maintained watercourse.

Although the site is in zone 1 on the Environment Agency Scothern South (Fen Drain) is subject to flooding with surface water on the highway. So potentially the property is subject to flooding.

The suitability of new soakaways, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be reconsulted.

**Tree and Landscape Officer:** It is accepted that Tree (T1) is low quality and has a life expectancy of less than 10 years. Due to the profusion of powerlines around the tree if it does have to be removed then a native hedge should suffice.

**Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023) and the Scothern Neighbourhood Plan (adopted in January 2017).

**Development Plan:**

The following policies are particularly relevant:

Central Lincolnshire Local Plan adopted 2023 (CLLP):

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution

Policy S4: Housing Development in or Adjacent to Villages

Policy S6: Design Principles for Efficient Buildings

Policy S7: Reducing Energy Consumption – Residential Development

Policy S12: Water Efficiency and Sustainable Water Management

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S54: Health and Wellbeing

Policy S57: The Historic Environment

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Policy S66: Trees, Woodland and Hedgerows

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

Scothern Neighbourhood Plan:

S1: Location of new development

D1: Design and Character  
E2: Biodiversity  
E3: Scothern Beck Green Corridor  
T1: Parking standards

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

#### Scothern Neighbourhood Plan Review:

Scothern Parish Council has submitted its Neighbourhood Plan Review and supporting documents for consideration under Neighbourhood Plan Regulation 16. Limited to moderate weight can be given to the plan at this stage as it has still to go through its examination to be tested against basic conditions and all the unresolved objections have still to be subject to the examination process.

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

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

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

#### LB Legal Duty

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

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

#### **Main issues**

- Principle of Development
- Residential Amenity

- Visual Impact
- Non Designated Heritage Asset
- Listed Building
- Archaeology
- Highway Safety and Car Parking
- Foul and Surface Water Drainage
- Trees, Landscaping and Boundary Treatments
- Garden Space
- Other Matters

### **Assessment:**

#### Principle of Development

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

The application site is located within the developed foot print of Scothern as it is surrounded by residential development on 3 sides and St Germain's Church to the east. The settlement of Scothern is designated as a Medium Village under Policy S1 of the Central Lincolnshire Local Plan. Medium Villages will be the focus for some limited growth via allocated sites. Beyond site allocations, residential development will be limited to that which accords with Policy S4: Housing Development in or Adjacent to Villages. Policy S1 of the Scothern Neighbourhood Plan states that new developments will be focussed within the built-up area of Scothern and will be supported provided they accord with the provisions of the Neighbourhood Plan and other relevant development plan policies.

The site is considered to be an appropriate location for growth within the developed foot print of Scothern and is for one dwelling and therefore accords with Policy S4 of the Central Lincolnshire Local Plan and Policy S1 of the Scothern Neighbourhood Plan. The principle of development for one residential dwelling can therefore be supported.

#### Residential Amenity

Local Plan Policy S53 states that all development must not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare. It further states that development must provide homes with good quality internal environments with adequate space for users and good access to private, shared or public spaces.

It is proposed to build a 1 bed (with a first-floor study that could be used as a second bedroom) 1.5 storey detached traditional style stone and pantile roof dwelling. The dwelling will have an eaves height of approximately 3.36 metres and a ridge height of 7.85 metres. A single storey garden shed is also proposed located towards the south west corner of the site

There are no issues of loss of light or over dominance with the proposed dwelling and single storey outbuilding due to the location with large separation distances to neighbouring dwellings and the scale of the proposal.

The proposed front (north) elevation will overlook Mains Street with a large separation distance to dwellings beyond. The side (west) elevation will have two small windows at first ground level and at first floor level with a single storey rear off shoot having a set of French doors and a roof light. The closest part of No.10 the host dwelling which is located to the west approximately 9.7 metres away is a single storey rear element which has no openings in its east elevation. The side (east) elevation overlooks Church Street with St. Germain's Churchyard beyond. The proposed south (rear) elevation has three windows at ground floor level and here roof lights and will overlook rear garden of the proposed dwelling which is approximately 12 metres in length from the proposed single storey rear element of the proposed dwelling.

There are no issues of overlooking with the proposed single storey outbuilding located close to the south western corner of the site.

It is therefore considered that the proposal will not harm the living conditions of future occupiers of the proposed dwelling or the residential amenity of neighbouring occupiers in compliance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

#### Visual Impact

Local Plan Policy S53 states that all development *'must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.'* Development must *'relate well to the site, its local and wider context and existing characteristics including the retention of existing natural and historic features wherever possible and including appropriate landscape and boundary treatments to ensure that the development can be satisfactorily assimilated into the surrounding area'*. It further states that development should *'contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness'*, and should *'be appropriate for its context and its future use in terms of its building types, street layout, development block type and size, siting, height, scale, massing, form, rhythm, plot widths, gaps between buildings, and the ratio of developed to undeveloped space both within a plot and within a scheme.'* In addition, development must *'achieve a density not only appropriate for its context but also taking into account its accessibility.'*

Policy D1 of the Scothern Neighbourhood Plan states that development proposals should reinforce local character through design and materials and in relation to the height, scale and space of buildings.

It is proposed to build a 1 bed (with a first-floor study that could be used as a second bedroom) 1.5 storey detached traditional style stone and pantile roof dwelling. The dwelling will have an eaves height of approximately 3.36 metres and a ridge height of 7.85 metres. The dwelling is located towards the

northern boundary of the site and will not exceed the building line created by the host dwelling No.10 Main Street. The front (north) elevation of the proposed dwelling will face onto Main Street as do neighbouring dwellings located on the other side of Main Street to the north east of the site. The proposed dwelling and single storey outbuilding are small in scale and will be of a traditional design to complement No.10 Main Street and will be built from stone and have a pantile roof to match the host dwelling. The dwelling will utilise the existing access and appropriate boundary treatments are proposed (see below).

With the use of appropriate materials and boundary treatments which will be conditioned if it is minded to grant this application, it is considered that the proposal to build one dwelling and a single storey outbuilding in this location will not harm the character and appearance of the street-scene. The proposal complies with the NPPF, Policy S53 of the Central Lincolnshire Local Plan and Policy D1 of the Scothern Neighbourhood Plan.

#### Non-Designated Heritage Asset

The site is part of the garden of the host dwelling (No.10 Main Street, Scothern) and is located within the developed foot print of Scothern. No.10 is a two-storey detached brick and pantile dwelling which has been identified as a non-designated heritage asset as part of the Scothern Neighbourhood Plan.

Policy D1 of the Scothern Neighbourhood Plan states that development proposals will be supported where they have regard to the Scothern Character Assessment, and particularly, where they respect the historic assets of the surrounding area.

The Character Assessment states that Stonefield House and Outbuilding (No.10 Main Street) is a very prominent site located at a busy road junction at the heart of the village. The house and outbuilding form a group and together they are part of the setting of the Grade II\* listed Parish Church and the open nature of the setting to the east is a rare survival of the former farmyard and a contrast with the more highly developed nature of the later development in this area.

Policy S57 of the Central Lincolnshire Local Plan states that '*development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.*' Development Proposals will be supported where they '*protect the significance of heritage assets (including where relevant their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, architectural detailing, materials, siting, layout, mass, use, and views and vistas both from and towards the asset.*'

The historic farmyard of No.10 Main Street has already been eroded by the surrounding development most notably the development of bungalows to the south. This part of the site is also located to the rear of the host dwelling and

under permitted development rules outbuildings could be erected on almost the entirety of this part of the garden of No.10 Main Street.

The proposed dwelling and single storey outbuilding are small in scale and will be of a traditional design and will be built from stone and have a pantile roof to complement No.10 Main Street. The dwelling will not exceed the building line established by No.10 Main Street and is located towards the northern end of the site keeping the rest of the site open in character.

If it is minded to grant permission a condition will be attached to the decision notice to remove certain permitted development rights to ensure that further inappropriate development is not carried out on the site in order to preserve its openness. Further conditions to ensure the use of appropriate materials and boundary treatments will also be attached to the decision notice if it is minded to grant this application.

It is therefore considered that this proposal would not undermine or harm the appearance and setting of No.10 Main Street which is a non-designated heritage asset. The proposal accords with the NPPF, Policy S57 of the Central Lincolnshire Local Plan and Policy D1 of the Scothern Neighbourhood Plan.

#### Listed Building

St Germain's Church (Grade II\* Listed) is located on the other side of Church Street from the application site.

S.66 of the Listed Buildings Act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, 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.

Paragraph 197 of the NPPF states that Local Planning Authorities in determining applications, should take account of:

*'a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;  
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and  
c) the desirability of new development making a positive contribution to local character and distinctiveness.'*

Policy S57 of the Central Lincolnshire Local Plan states that *'Development proposals that affect the setting of a Listed Building will, in principle, be supported where they make a positive contribution to, or better reveal the significance of the Listed Building.'*

Policy D1 of the Scothern Neighbourhood Plan states that development proposals should the historic assets of the surrounding area.

The proposed dwelling and single storey outbuilding are small in scale and will be of a traditional design and will be built from stone and have a pantile roof. The dwelling is also located at the northern end of the site approximately 39.5 metres to the north west of the Church and will utilise an existing access off Main Street.

If it is minded to grant permission a condition will be attached to the decision notice to remove certain permitted development rights to ensure that further inappropriate development is not carried out on the site to the detriment of the setting of this nearby Listed Building. Further conditions to ensure the use of appropriate materials and boundary treatments will also be attached to the decision notice if it is minded to grant this application.

It is therefore considered that this proposal would not undermine or harm the appearance and setting of the Grade II\* Listed St Germain's Church. The proposal accords with the NPPF, Policy S57 of the Central Lincolnshire Local Plan and Policy D1 of the Scothern Neighbourhood Plan.

#### Archaeology

The proposed development is located within the centre of the medieval settlement of Scothern, directly adjacent to St Germain's Church that dates back to the 12th century. There is a high potential for as yet unrecorded archaeological remains to be uncovered here as medieval occupation would reasonably be anticipated in this area. The site is also one of few undeveloped plots within the core of the village where there is potential for any medieval and early medieval remains to be better preserved and less disturbed than elsewhere. An example of this comes from a previous excavation in 1976 within an undeveloped garden plot on the east side of the church that revealed the in situ remains of a 13th century medieval house floor composed of clay and limestone rubble, with occupation material including pottery, bone and freshwater mussel shells overlying it.

Following the submission of a Written Scheme of Investigation and the results of the Trial Trench Excavation LCC Archaeology state that the evaluation has been effective in demonstrating the nature of the archaeology within the footprint of the proposed new dwelling. This comprises a series of deep quarry pits, probably excavated in the 15th-18th centuries. Amongst the finds were modest quantities of earlier medieval and Saxon material which have no doubt been disturbed by the later quarrying and represent a potential earlier phase of activity on the site. Lincolnshire County Council Archaeology state that the remains identified do not warrant preservation in situ, however conditions are recommended to ensure any archaeology is recorded before its destruction.

Given this, a condition will be attached to the permission requiring the developer to undertake a scheme of archaeological monitoring and recording if it is minded to grant planning permission.

#### Highway Safety and Car Parking

Local Plan Policy S47 and S49 requires well designed, safe and convenient access for all, and that appropriate vehicle parking provision is made for development users. Policy S49 states that for a dwelling with 2 bedrooms in this location there should be off-street parking provision for 2 cars as does Policy T1 of the Scothern Neighbourhood Plan.

It is proposed to build a 1 bed (with a first-floor study that could be used as a second bedroom) 1.5 storey detached dwelling. The proposed dwelling will be accessed via the same access off Main Street as the host dwelling. A parking space will be provided to the front (north) of the proposed dwelling and another parking space to the side (west) of the dwelling.

Lincolnshire County Council Highways have been consulted on the application and raise no objections to the proposal.

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

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Overall, the proposed access, parking and turning arrangements are acceptable and the proposal is considered to accord with Policy S47 and S49 of the Central Lincolnshire Local Plan. Policy T1 of the Scothern Neighbourhood Plan and the NPPF. If it is minded to grant permission the informatives suggested by the Highways Authority will be attached to the decision notice.

#### Foul and Surface Water Drainage

The site is in flood zone 1 which is sequentially preferable and therefore meets the test within Policy S21. This policy (S21) also contains drainage guidance.

Foul sewerage will be dealt with by way of the mains sewer and surface water by way of a sustainable drainage system/the existing water course. The appropriateness of the intended method(s) cannot be assessed at this stage. If permission was to be granted a planning condition to secure full foul and surface water drainage details would be recommended.

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

It is considered that Policy S21 is consistent with the drainage guidance of the NPPF and can be attached full weight

#### Trees, Landscaping and Boundary Treatments

The site has several trees on its boundary with Church Street and Main Street beyond existing estate style fencing. A Tree Report has been submitted in support of this application and the trees will be retained apart from Tree (T1) located towards the north eastern corner of the site which is low quality and has a life expectancy of less than 10 years. Due to the profusion of powerlines around the tree it will not be replaced and a native hedge will be planted instead.

It is proposed to retain the existing estate style fencing on the boundary with Main Street and Church Street and to replace a section of chicken wire fencing on this boundary with further estate style fencing. An existing hedge on this boundary will be retained and gapped where required with native species. A new white picket fence is proposed on the western boundary and an existing wooden post and rail fence will be retained on the southern boundary. New tree planting will take place on the boundary with Main Street and Church Street and within the site towards the southern boundary.

If it is minded to grant permission an appropriate landscaping and tree protection condition will be attached to the decision notice. It is considered that the proposal accords with the NPPF and Policy S66 of the Central Lincolnshire Local Plan.

#### Garden Space

The development provides for an acceptable amount of private amenity space for the proposed to one bed dwelling with a first floor study that could be used as a second bedroom and the host dwelling (No.10 Main Street, Scothern)

#### **Other Matters**

##### Comments on energy efficiency and biodiversity net gain policies:

It is considered that it is unreasonable to request changes to the scheme in relation to energy efficiency and biodiversity net gain, given the application was validated on the 24/03/2023 in advance of the adoption of the Central Lincolnshire Local Plan on the 13/04/2023.

##### Public Right of Way

There is a Public Right of Way (SctH/153/1) located approximately 50 metres to the south of the site. The proposal would not be detrimental to existing users and potential future users of the nearby Public Right of Way.

##### Ownership

The applicant has provided title deeds showing that the trees on the verge beyond the estate style fencing are within the ownership of the applicant.

#### **Conclusions and reasons for decision:**

The decision has been considered against Policy S1: The Spatial Strategy and Settlement Hierarchy, S2: Growth Levels and Distribution, S4: Housing Development in or Adjacent to Villages, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S12: Water Efficiency and Sustainable Water Management, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S54: Health and Wellbeing, S57: The Historic Environment, S61: Biodiversity Opportunity and Delivering Measurable Net Gains and S66: Trees, Woodland and Hedgerows of the adopted Central Lincolnshire Local Plan in the first instance and policies contained within the Scothern Neighbourhood Plan ( Policy S1: Location of new development, D1: Design and Character, E2: Biodiversity, E3: Scothern Beck Green Corridor and T1: Parking standards) and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance and against Section 66 of the Planning (Listed Building and Conservation Area) Act 1990.

The principle of development is supported as the site is considered to be an appropriate location for one dwelling within the developed foot print of this Medium Village. It is also considered that the proposal will not have a negative impact on the living conditions of future occupiers and neighbouring dwellings and it is considered that the proposal would not undermine or harm the appearance and setting of St Germain's Church which is a Grade II\* Listed Building. There will also be no adverse effect on the street scene or the host dwelling which is a Non-designated Heritage Asset and the proposal would not be detrimental to existing users and potential future users of the nearby Public Right of Way.

**Recommendation: Grant planning permission subject to the conditions below:**

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

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

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

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

2. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should 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

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

**Reason:** To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

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

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

**Reason:** To ensure the use of appropriate materials to safeguard the character and appearance of the locality and the setting of a Non-Designated Heritage Asset in accordance with the NPPF, Policies S53 and S57 of the Central Lincolnshire Local Plan and Policy D1 of the Scothern Neighbourhood Plan.

**4.** No development, other than to foundations level shall take place until full details of all external doors and windows (including the proposed garage doors) at a scale of no less than 1:20 showing the method of opening, cills, headers and lintels, colour and finish are submitted and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

**Reason:** To ensure the use of appropriate materials to safeguard the character and appearance of the locality and the setting of a Non-Designated Heritage Asset in accordance with the NPPF, Policies S53 and S57 of the Central Lincolnshire Local Plan and Policy D1 of the Scothern Neighbourhood Plan.

**5.** No development, other than to foundations level shall take place until a 1m square sample panel of the proposed new stonework, showing the coursing of the stonework, colour, style and texture of the mortar and bond of the stonework have been provided on site for the inspection and approval in writing by the Local Planning Authority (the sample is to be retained on site until the new development is completed). The development shall thereafter be constructed in accordance with the approved details

**Reason:** To ensure the use of appropriate materials to safeguard the character and appearance of the locality and the setting of a Non-Designated Heritage Asset in accordance with the NPPF, Policies S53 and S57 of the Central Lincolnshire Local Plan and Policy D1 of the Scothern Neighbourhood Plan.

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

**Reason:** To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

7. The development shall proceed wholly in accordance with the approved scheme of archaeological works approved by condition 2 of this permission. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

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

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

**Reason:** To ensure the site is visually softened by appropriate methods and to enable any such proposals to be assessed in terms of their impact on the Non-Designated Heritage Asset and Listed Building in accordance with the National Planning Policy Framework and Policies S53 and S57 of the Central Lincolnshire Local Plan.

9. All existing trees and hedges shown as being retained on the plans hereby approved shall be protected by protective fencing (to BS 5837:2012 standards) prior to the commencement of development around the retained trees and hedges. The fencing should be positioned at the outer extents of the trees Root Protection Areas, as specified on Drawing No. 5314-03 Rev E dated 26/05/2023. Such fencing shall be erected before development commences including ground scraping and shall be retained at all times whilst construction work is taking place. Nothing shall be stored or placed in any root protection area, nor shall the ground levels within those areas be altered, without prior written approval of the Local Planning Authority.

**Reason:** To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance the National Planning Policy Framework and Policy S66 of the Central Lincolnshire Local Plan.

**10.** New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

**Reason:** To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan

**11.** 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: RD5314-04 REV D dated 21/03/2023 and 5314-03 Rev E dated 26/05/2023. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

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

**12.** Following the archaeological site work referred to in condition 7 a written report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

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

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

**Reason:** To ensure the site is visually softened by appropriate methods and to enable any such proposals to be assessed in terms of their impact on the Non-Designated Heritage Asset and Listed Building in accordance with the

National Planning Policy Framework and Policies S53 and S57 of the Central Lincolnshire Local Plan.

**14.** Notwithstanding the provisions of Classes A, AA, B, C, D, E, F, G and H of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the buildings hereby permitted shall not be altered or extended (including the installation of solar panels), no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the host dwelling, no new hardstanding, chimney's or flues, microwave antenna and gates, walls or fences unless planning permission has first been granted by the Local Planning Authority.

**Reason:** To enable any such proposals to be assessed in terms of their impact on the living conditions of the proposed dwelling/the resulting amount of space around the proposed dwelling and to safeguard the character and appearance of the host dwelling which is a Non-Designated Heritage Asset and its surroundings in accordance with Policies S53 and S57 of the Central Lincolnshire Local Plan.

### **Notes to the Applicant**

#### Archaeology

For advice on the written scheme required by condition 2 please contact Lincolnshire County Council Historic Environment advisor (tel. 01522 554823).

#### Highways

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on our website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

**Human Rights Implications:**

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

**Legal Implications:**

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