

Guildhall Gainsborough
Lincolnshire DN21 2NA
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AGENDA

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

Planning Committee

Wednesday, 28th February, 2024 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 Karen Carless
- Councillor David Dobbie
- Councillor Ian Fleetwood
- Councillor Sabastian Hague
- Councillor Peter Morris
- Councillor Tom Smith

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 - 12)
Meeting of the Planning Committee held on 31 January 2024.
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/>

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

Large Clear Print: Braille: Audio: Native Language

6. Planning Applications for Determination

- i) 146729 - 33 West Bank, Saxilby, Lincoln (PAGES 13 - 33)
- ii) 147233 - Land to rear of 3a 3b and 5b Church Street, Hemswell (PAGES 34 - 56)
- iii) 147511 - Whittons Gardens, Caskgate Street, Gainsborough (PAGES 57 - 72)
- iv) 147708 - The Guardroom Unit, Gibson Road, Hemswell Cliff, Gainsborough (PAGES 73 - 91)

7. Determination of Appeals

(PAGES 92 - 104)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 20 February 2024

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 31 January 2024 commencing at 6.30 pm.

Present: Councillor Matthew Boles (Chairman)

Councillor Emma Bailey
Councillor John Barrett
Councillor Karen Carless
Councillor David Dobbie
Councillor Ian Fleetwood
Councillor Peter Morris
Councillor Tom Smith
Councillor Paul Swift

In Attendance:

| | |
|------------------|--|
| Russell Clarkson | Development Management Team Manager |
| Martha Rees | Legal Advisor |
| Katie Storr | Democratic Services & Elections Team Manager |
| Ian Elliott | Development Management Team Leader |
| Richard Green | Development Management Officer |

Apologies: Councillor Jim Snee
Councillor Sabastian Hague

Membership: Councillor Paul Swift was appointed substitute for Councillor Sabastian Hague

77 PUBLIC PARTICIPATION PERIOD

There was no public participation at this point in the meeting.

78 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 3 January 2024 be confirmed and signed as an accurate record.

79 DECLARATIONS OF INTEREST

Councillor T. Smith declared a non-pecuniary interest in relation to agenda item 6b, application number 146823, as he worked for Sir Edward Leigh MP, but had not, at any point in time, discussed the application nor acted on his behalf with regard to this matter.

80 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

Members heard that the government had revealed the long-awaited commencement date for mandatory biodiversity net gain for both major and smaller developments, after laying a statutory instrument before parliament. The BNG policy, introduced by the 2021 Environment Act, would require developers to demonstrate how they planned to achieve a minimum 10% increase in biodiversity with all new developments in order to obtain planning permission.

The government had now tabled the statutory instrument (SI) confirming the commencement date for major development as being 12 February. The department also confirmed that the BNG requirement for small sites would apply from 2 April. In a statement published on 18 January, the Department for the Environment, Food and Rural Affairs (Defra) said: “From 12 February, BNG will apply to new applications for planning permission, except for applications for retrospective permission, the exemptions and transitional arrangements.”

Within Central Lincolnshire a minimum 10% increase in biodiversity was already sought under policy S61 of the CLLP, with Officers across Central Lincolnshire working closely to ensure adherence with the 12 February launch date.

Members were advised that draft guidance for local planning authorities could be viewed online at the following link:

<https://www.gov.uk/government/collections/biodiversity-net-gain#local-planning-authority-guidance>

The following update on Neighbourhood Plans was also provided.

| Neighbourhood Plan/s | Headlines | Planning Decision Weighting |
|------------------------------|---|------------------------------------|
| Made Neighbourhood Plans | Brattleby, Caistor*, Cherry Willingham*, Dunholme*, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Scothern*, Saxilby with Ingleby*, Welton by Lincoln*, Willoughton, Glentworth, Spridlington, Sudbrooke*, Scotton, Bishop Norton and Atterby, Gainsborough, Morton, Corringham, Sturton by Stow and Stow*, Hemswell and Harpswell, Keelby, and Hemswell Cliff. | Full weight |
| Scothern Review* | Examination at the final stage. | Review NP has increasing weight |
| Nettleham Review* | NP has reached the Examination stage. Examiner to be appointed soon. | Review NP has increasing weight |
| Reepham | Regulation 16 consultation ends on 2 Feb (extended to 16 Feb). | Increasing weight |
| Saxilby with Ingleby Review* | Local Housing Needs Assessment being undertaken by consultants | Review NP has little weight |

| | | |
|---|--|---|
| | AECOM. | |
| Sturton by Stow and Stow* | Minor updates are being made to NP. Review Draft prepared for WLDC to consider. | Review NP has little weight |
| Grasby and Searby cum Owmbly | Local Housing Needs Assessment being undertaken by consultants AECOM. | Little weight |
| Springthorpe and Sturgate | Parish Meeting has applied to WLDC to prepare a NP. Decision to be issued soon. | No weight |
| Barlings, Newball, Stainton by Langworth and Reasby | Langworth Group PC has applied to WLDC to extend NP area and rename it. The consultation ends on 9 Feb. | No weight |
| Neighbourhood Plans - made (26) - designated/in preparation (17) - under review (9)* - future (40 approx) | To view all of WL's neighbourhood plans please go to: https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/ | NP stage-weighting - Made–full weight -Referendum successful–full weight -Examination successful/Decision Statement issued–significant weight - Submission Reg 16–increasing weight - Draft Reg14 - some weight - Designated – little weight |

81 146729 - 33 WEST BANK, SAXILBY LINCOLN

The Chairman introduced the first application of the evening, application number 146729, to raise the ground to 5.90m AOD and increase the width and depth of the existing pond at 33 West Bank, Saxilby, Lincoln. The Committee heard of two updates since the report had been published, one being a further comment from a resident raising similar flood drainage concerns, and also additional information on the deliveries. Should the application be approved, there would be 47 days of vehicle movements for delivery of the materials on to the site, with deliveries spaced over a period of time to lessen the impact.

Following a presentation on the application, the Chairman explained there were six registered speakers, and he invited the first, Councillor Liz Hillman, Chair of Saxilby Parish Council, to address the Committee.

Councillor Hillman explained local and Parish Council objections to the application, based on concerns regarding the potential impact of flooding in the area, the traffic movements and the associated impact on the road and other road users, as well as environmental issues related to emissions, and flood risk. She detailed what the Parish Council believed to be the anticipated traffic movements in relation to this application and stated the existing damage to the road, caused by flooding and excessive heavy goods vehicle movements, would be exacerbated much to the detriment of other residents and road users. With regard to flooding, Councillor Hillman stated there had been severe flooding across the road and into

gardens, with a multi-agency meeting arranged involving the Environment Agency, Canal and River Trust, Anglian Water and Lincolnshire County Council. The proposed traffic management plan was welcomed, however there was local scepticism as to whether it would be adhered to, leading to potential issues with mud and debris clogging drains, thereby further worsening drainage issues in the area. It was felt that the proposed works and associated vehicle movements would worsen the impact of the existing issues. Councillor Hillman concluded her address to the Committee by requesting that Councillors undertake a site visit, in order to view the location of the proposed work, prior to making any decision.

The Chairman thanked Councillor Hillman for her time and invited the second registered speaker, Mr Giles Cook, the applicant, to address the Committee.

Mr Cook highlighted that the application adhered to planning policy and had received no objections from statutory bodies. He stated there was a robust drainage system designed that would prevent any further flooding around the site and surrounding areas, and there had been no objections from the Environment Agency or the Lead Flood Authority. He explained that a comprehensive ecological report had been prepared, giving a biodiversity net gain of 12.63% and would allow wildlife to flourish. He brought attention to the traffic management plan which had been submitted and approved by the Highways Agency. With regard to the low-lying level of the land, Mr Cook stated it was clear to see the ground levels were much lower than the surrounding land, with Ordnance Survey maps pre-dating 1904 showing the site at normal ground level. The current level of the site, rendered the land unusable for a significant part of the year. The construction of a new dwelling on the site had aimed to ameliorate the previously unused site, remove the dilapidated outbuildings and create a forever family home. The Committee were requested to base any decision on the facts of the application and the positive impact the improvement works would have on the area for years to come.

The Chairman thanked Mr Cook and invited the three registered objectors, Mr Hotchkin, Mrs Buchanan and Mr Crowther, to address their concerns to the Committee.

Mr Hotchkin explained he was representing the residents of West Bank, as there was widespread concern for the impact on their properties should the application be approved. He stated that the land had always been at a lower level than surrounding areas, and had maintained a healthy wildlife habitat, without the need to increase the land level. In relation to flooding, he stated that the owner had needed to use water pumps to drain the land into the canal, which residents felt was proof there was no natural drainage in place. This then raised concerns as to where the water would be displaced if land levels were subsequently raised, with residents feeling their properties would be flooded. Mr Hotchkin stated that the land worked as a natural habitat without any work required to it, and requested the Committee to consider the flood implications of the application.

Mrs Buchanan then addressed the Committee, raising concerns regarding the integrity of the road, which she felt had not been addressed in the response from the Highways Agency. She highlighted the existing damage to the road and grass verges as vehicles were having to mount the bank in order to pass each other. The impact of vehicle movements anticipated should the application be approved would only add to those existing issues, having a detrimental effect on all those living along the road. Mrs Buchanan stated that the amount of vehicle movements in itself would prove disruptive, and would only exacerbate difficulties for

residents.

Mr Crowther addressed the Committee as the final registered objector, who raised concerns regarding possible breaches of planning permissions on site. He summarised comments from previous speakers, stating that the number of objectors to the application indicated the level of concern from local residents regarding the two main areas of concern, those being the risk of flooding in neighbouring properties and the detrimental impact on an already damaged road.

The Chairman thanked all speakers and invited the final registered speaker, Ward Member Councillor Jackie Brockway, to address the Committee.

Councillor Brockway stated that she wished to oppose the application for a number of reasons, as previously raised by residents. She highlighted the history of the land, having been indicated as marsh land on Ordnance Survey maps dated back to 1885, with marshland naturally being lower lying than other areas. Additionally, she suggested that the biodiversity of marshland would be significantly different to that of grassland. In relation to flooding, Councillor Brockway highlighted instances of flooding in the neighbouring properties, echoing previously expressed concerns that if the land level was increased, this risk of flooding would increase. She concluded her statement by asking the Committee to consider why there had been such an expression of objection from local residents and called to support the request for a site visit, that Committee Members could understand for themselves the difficulties faced.

The Chairman thanked all speakers and invited a response from Officers. It was highlighted that the scheme included a positive land drainage scheme, which had been submitted and accepted by the Lead Local Flood Authority, and there was no objection from the Environment Agency to this application. On a temporary basis, there would be 47 days of heavy goods vehicles moving along West Bank, however Highways Agency had not raised any objections. With regard to comments suggesting breaches of planning, that was not for the Committee to consider in relation to this application, it would be for the Enforcement Team to consider.

The Chairman invited comments from the floor. There was significant discussion regarding concerns about the flood risk and vehicle movements. Members appreciated there had been no objections raised from statutory consultees, however there was some concern as to whether there had been sufficient consideration given to the specifics of the site.

A Member of the Committee proposed that the application be deferred in order for a site visit to be undertaken, so that Members might understand fully the existing land levels, the proposed raised land levels and how this might compare with surrounding areas. This proposal was duly seconded.

On taking the vote it was unanimously

RESOLVED that the application be deferred for a site visit to be held, to afford Members a greater understanding of the land levels and potential impact of the application.

82 146823 - LAND AT, CAENBY ROAD, CAENBY, GLENTHAM

The Chairman introduced the second application of the evening, number 146823 to erect 2no. dwellings, detached garage, stables with manege, construction of vehicular access and change of use of agricultural land to a paddock on land at Caenby Road, Caenby, Glenthams, this being a resubmission of application number 145745. With no updates to the application, Members were provided a short presentation of the application. Chairman thanked the Officer and explained there was one registered speaker, Mr Andrew Clover, the agent for the applicant. Mr Clover was invited to address the Committee.

He thanked Chairman and Members for the opportunity to speak, and summarised the details of the application under consideration. He highlighted that the application and design had been developed alongside the Planning Authority and was intended to complement the historic character of the village. He confirmed that care and consideration had gone into the positioning of windows and balconies to ensure there was no overlooking of neighbouring plots, and he highlighted that the Conservation Officer had confirmed there would be no harmful impact on the setting of Rose Cottage. Mr Clover brought attention to the biodiversity net gain being over 10%, as well as highlighting that there had been no objections from statutory consultees. Having explained the application, Mr Clover concluded his statement by requesting the Committee to support the Officer recommendation to approve the application.

With no Officer response needed, the Chairman invited comments from Members of the Committee. In response to a questions regarding horse waste and the proximity to any open water source, the Officer highlighted through photographs and drawings the location of where manure would be stored, confirming it was away from open water sources.

With this confirmed, the Officer recommendation was duly moved and seconded. On taking the vote it was unanimously agreed that permission be **GRANTED** subject to the following conditions.

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

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

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

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

2. Prior to the commencement of the development, a 30-year Biodiversity Net Gain Management and Maintenance Plan & Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details:

- Details of the size, species, planting arrangement and position of all trees, hedgerows and other vegetation to be planted in accordance with the details in the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for 'The Paddock, Caenby Road, Glenthams' (KJ Ecology Ltd) dated November 2023 and

Drawing No. 40923-110 Rev B dated 05/01/2024.

- Details of boundary treatments (including boundaries within the site) and hardstanding.

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the biodiversity net gain measures are maintained for a 30-year period and a landscaping scheme is implemented to enhance the development in accordance with the NPPF and Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

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

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 40923-110 Rev B dated 05/01/2024, 40923 -103 Rev B dated 05/01/2024, 40923-109 REV A dated 13/07/2023, 40923-108, 40923-107, 40923-106, 40923-105 and 40923-104 dated 28/05/2023. 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.

4. 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 in accordance with the NPPF and Policy S53 of the Central Lincolnshire Local 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 in accordance with the NPPF and Policy S53 of the Central Lincolnshire Local 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 S21 of the Central Lincolnshire Local Plan.

7. 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

8. The development hereby permitted shall be undertaken in accordance with the details set out in the submitted Energy Statement by Andrew Clover Planning and Design received 11/12/2023, unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt this includes the standards set for the performance of the fabric of the building, the utilisation of air source heat pumps, solar panels and mechanical ventilation with heat recovery.

Reason: In order to ensure efficient buildings and reduce energy consumption, in accordance with Policies S6 and S7 of the Central Lincolnshire Local Plan.

9. Prior to occupation of the dwellings hereby permitted, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement received 11/12/2023 and approved in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of Policies S6 and S7 of the Central Lincolnshire Local Plan.

10. The development hereby permitted shall be undertaken in accordance with the mitigation and enhancements in the following ecological documents:

- Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for 'The Paddock, Caenby Road, Glentham' (KJ Ecology Ltd) dated November 2023.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with Policy S60 and S61 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no domestic oil tanks or domestic gas tanks shall be placed within the curtilage of the dwelling(s) hereby approved.

Reason: In the interests of energy efficiency to accord with Policies S6 and S7 of the Central Lincolnshire Local Plan.

12. The stable block, manège and paddocks hereby approved shall only be used for the purposes of keeping of horses in conjunction with the private use of the land, and shall not

be used for any commercial purposes without the prior written consent of the Local Planning Authority.

Reason: For avoidance of doubt and in the interest of highway safety and residential amenity in accordance with the NPPF and Policy S47 and S53 of the Central Lincolnshire Local Plan.

13. No external lighting shall be installed around the manège as shown on Drawing No. 40923-110 Rev B dated 05/01/2024, 40923 -103 Rev B dated 05/01/2024 and 40923-109 REV A dated 13/07/2023 without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

14. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number No. 40923-110 Rev B dated 05/01/2024 and 40923 -103 Rev B dated 05/01/2024 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre in accordance with the NPPF and Policy S47 of the Central Lincolnshire Local Plan.

15. All planting and turfing approved in the Biodiversity and Landscape Management Plan under condition 2 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 in accordance with the National Planning Policy Framework and Policies S53 and S57 of the Central Lincolnshire Local Plan.

16. The garage hereby approved for Plot 1 shall not be occupied at any time other than for purposes incidental to the enjoyment of the dwellinghouse known as Plot 1.

Reason: The application has been assessed and found to be acceptable as an outbuilding incidental to the use of Plot 1 and not an independent dwellinghouse in accordance with the National Planning Policy Framework and Policy LP53 of the Central Lincolnshire Local Plan.

17. The paddock hereby approved and as shown on Drawing No. 40923-110 Rev B dated 05/01/2024 and 40923 -103 Rev B dated 05/01/2024 is not within the residential curtilage of Plots 1 and 2.

Reason: For the avoidance of doubt and in the interests of proper planning.

18. Notwithstanding the provisions of Classes A, AA, B, C 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 new gates, walls or fences shall be erected 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(s) and its surroundings in accordance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

83 DETERMINATION OF APPEALS

With no comments, questions or requirement for a vote, the determination of appeals was **NOTED**.

The meeting concluded at 7.22 pm.

Chairman



Officers Report

Planning Application No: 146729

PROPOSAL: Planning application to raise the ground to 5.90m AOD and increase the width and depth of the existing pond

LOCATION: 33 West Bank Saxilby Lincoln LN1 2LU

WARD: Saxilby

WARD MEMBER(S): Cllr Mrs J Brockway, Cllr P M Lee

APPLICANT NAME: Mr Giles Kirk

TARGET DECISION DATE: 13/09/2023 (Extension agreed until 1st March 2024)

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Planning Committee:

This application has been referred to the Planning Committee at the request of Saxilby Parish Council who consider the development does not comply with the Saxilby with Ingleby Neighbourhood Plan, and following a number of 3rd party objections including the Ward Member.

At the planning committee meeting dated 31st January 2024 the planning committee resolved to undertake a member site visit to look at the levels of the site and the highway. The site visit took place on 8th February 2024 at 11am.

Description:

The application site is an area of land (12,250m²) to the rear of 33 West Bank. The site is covered by overgrown grass and vegetation. It is lower than a lot of the other land around it. The boundaries to the north, east and west are screened by trees and hedging. The south boundary is open. The host dwelling sits to the south with other residential dwellings to the east. To the south is the Fosdyke River (British Waterway/Navigation Canal). Open countryside sits to the north, east and west. The site is within flood zone 2 (medium probability of flooding).

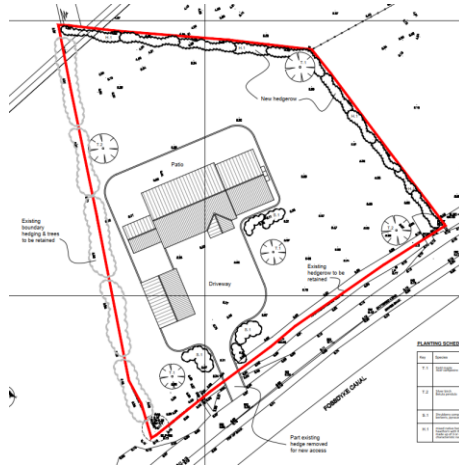
The application seeks permission to reinstate and raise the ground “back to the original levels”. The accompanying Design & Access Statement says “. *It is understood that material has previously been won and the field used as a borrow pit*” but otherwise the application does not appear to offer any empirical evidence of any previous or historical ground floor levels.

The original application applied to change the use of the land to domestic garden space to 33 West Bank but this was removed from the application following agreement from the applicant.

Relevant history:

144343 - Planning application for removal of existing house and outbuildings replace with 1 dwelling – 11/04/22 - Granted time limit plus conditions

Approved Site Layout Plan:



Representations:

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

Cllr Jackie Brockway: Objection

This application is very serious because the applicant is attempting to raise the levels of what has been a flood plain and boggy ground for more than a hundred years. Residents have advised me that it is recognised as such in very old ordnance survey maps.

The application talks of raising the land to where it was previously, but residents who have lived on West Bank for many years assert that it has always been low as it is now. If this land is raised it will flood the neighbours. At the moment the site is under a lot of water and it is certainly not suitable for raising or development of any kind. It's a flood plain and needs to remain as such.

Saxilby Parish Council: Objection

There is an anticipated impact with amount of HGV movements along West Bank which is a single lane road. There are no passing places. The construction traffic could cause instability of the bank alongside the canal if vehicles try to pass each other.

This will also have an impact at the A57/junction and along Bridge Street to access Westbank. Plus, there are a large number of lorries already accessing the sewerage treatment at the end of West Bank. It can be up to three to four tankers per hour, 24 hours a day if there is a problem.

The surface of the single lane road is already in a bad state of disrepair and has potholes. This is not supported in NDP Policy 17.

We support The Wildlife Trust recommendation of an ecological survey. It is not supported with our council objective of biodiversity.

Great concern over flooding if the land is levelled. – LP14 Local plan.

We would like this application to go to WLDC planning committee so the parish council can speak on behalf of the residents. Very disappointed that there are no detailed reports in the application on such a serious matter.

This application is not supported by the following policies in the Saxilby with Ingleby Neighbourhood development plan (2017):

- Policy 17 Traffic and Movement Around the Village
- Policy 13: Development along the Fosdyke Canal
 - b) Respect and protect the amenity, biodiversity species, wildlife value and recreational value of the Fosdyke Canal.
- Policy LP14 Managing Water Resources and flood Risk

The council does not support this application due to the number of concerns from residents.

Local residents: Representations received from:

Objections:

4, 10, 13, 20, 23, 24, 25, 26, 27, 42 West Bank, Saxilby
The Annexe 25 West Bank, Saxilby
Fosse Cottage, West Bank
1 High Street, Saxilby

Petition of 50 signatures (43 addressed from Saxilby and 7 others (walker, dog walker, boat owner))

Flooding

- During heavy rainfall paddock adjoining site and rear of bungalows becomes sodden and raising land level would slow drainage process and would impact existing properties
- The site is a recognised flood plain
- If going to take 11,500m³ to raise level where would 11.5 million litres of water go
- FRA provides no guarantee against flooding
- Area floods every year. Where will the water go?
- If passed and properties flooded who would be liable
- Cause neighbours' gardens and area to flood
- West Bank flood defences over topped yet again today. 2ft of water on road and houses using sandbags to protect property. Land has 1000 litres of water in the marshland
- The site has always been lower than surroundings fields/lane
- The ground at 33 is a clay seam

- If the land level were to be raised where would the water go

Highway Safety

- Rough calculation suggests 1,000 trucks would be needed to complete importation of soil along failing lane
- Lack detail on number of vehicles
- Further damage and disruption to West Bank
- Impact on stability/condition of road which continues to deteriorate
- Road is subsiding along canal side and canal bank showing signs of collapse
- Lorries on top of waste centre treatment lorries (1-2 a day to 3-4 an hour) will further degrade bank and road
- West Bank cannot take the amount of traffic
- No passing places for tractors, delivery vehicles etc.
- Pedestrian safety for walkers as nowhere to stand for passing trucks
- West Bank now has sand bags and has been closed for 3 days due to sinkage of the road
- You cannot take 16 lorries a day which is not a minor detail

Drainage

- Has the land drainage plan been presented in this planning application to LCC, River and Canal Authority and the Drainage Board.
- No details of drainage.

Ecology

- Impact on biodiversity needs clarifying
- It has a diverse range of plant and animal life
- Becomes a wetland over winter and early spring
- S60 Protects biodiversity
- Habitat loss and biodiversity
- Ecology survey needs conducting
- When floods it provides a safe haven for all wildlife such as bats, water fowl, toads, newts and breeding birds
- Crested newts seen in past in immediate area
- Ecology report was deliberately delayed
- Dispute the claim of no ground nesting/roosting birds if the report had been carried in March/April
- The report is a revision of the first but no additional visits have taken place.

Trees and Hedging

- Policy S66 – risk of trees (veteran) and woodland cover will be lost

Climate Change

- Carbon impact of importation of 11,000 cubic tonnes of material, that is over 100 lorries

Residential Amenity

- Traffic noise on 1 High Street, Saxilby

Other

- The ground is at its original level already
- No evidence of what they call original levels
- Planning creep
- There is an Anglian Water sewerage pipe which runs east to west through the land
- Concern that being raised for large development
- What is going to happen with land – more buildings/dwellings
- House value lost or unsellable
- Mental health issues of residents
- Building on this land would have a disastrous effect on nearby properties

LCC Highways/Lead Local Flood Authority: No objection subject to a condition and advice

Representations received 5th February 2024:

As part of the planning consultation, we requested a Traffic Management Plan, so that we could assess the impact of the HGV movements along West Bank. The movement numbers are acceptable to us, and it is only temporary. All things considered; the development proposal is acceptable. As you are aware, the Highway Authority are responsible for maintaining the public highway, we also have the power under Section 59 of the Highway Act 1980 to recover expenses for maintaining the highway where excessive damage has been caused by a third party.

Representations received 20th December 2023:

Perforated pipes will draw surface water away from neighbouring properties prior to outfall. This, together with the updated Transport Statement, is sufficient in meeting my original requests.

Representation received 6th November 2023:

The proposed development is situated off an unclassified road, West Bank. This road runs north of Foss Bank and serves a number of residents, as well as sewage works and a campsite.

A review of the accident data was undertaken to assess the historic road safety performance of the local highway network for the last five years and there were no recorded collisions on West Bank, and given that vehicle parking and turning will take place onsite, highway safety will not be exasperated by the development. The visibility at the access complies with Manual for Streets (MfS). West Bank is an unclassified road, but due to factors including the frequency of junctions, alignment of the road and driver behaviour; visibility in accordance with MfS is deemed appropriate.

The applicant's correspondence indicates an increase of 10 - 15 lorries per day, with 2 at peak times, during the extent of the works only. There is no precise definition of "severe" with regards to NPPF Paragraph 111, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues. In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. This application is located in Flood Zone 2, with potential risk of fluvial flooding from Fosdyke Canal. Surface water runoff will be managed by a land drainage system which will direct surface water to the existing watercourse. The importing of clean inert material will still allow for direct infiltration on the land.

The Environment Agency have reviewed the plans and are satisfied that the raising of ground levels, as proposed, will not have an adverse effect on the flood risk and therefore, have no objections to the planning application. Therefore, the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

To mitigate noise and air pollution a Construction Management Plan will be conditioned. This will also ensure surface water runoff is managed during the works.

Condition:

- Construction Method Plan and Method Statement

Representation received 3rd November 2023:

Please request that the applicant show an assessment of the surface water flood risk within the FRA, from raising the ground. Where will the run-off be directed, etc.

Environment Agency: No objections with comment

We have reviewed the plans and are satisfied that the raising of ground levels, as proposed, will not have an adverse effect on the flood risk.

LCC Archaeology: No objections

Lincolnshire Wildlife Trust: No objection subject to conditions

Representation received 6th December 2023:

Lincolnshire Wildlife Trust have previously commented on this application and following the most recent revisions of the ecological information with this application we wish to remove our previous holding objection.

The latest Preliminary Ecological Appraisal gives several recommendations as part of the landscaping works. We strongly encourage these are actioned through an appropriate planning condition, particularly that of a habitat creation plant as the biodiversity net gain of the site is predicated on appropriate shrub and wildflower planting as well as ongoing management for the required 30 years following completion.

Representation received 30th June 2023:

- There has been no Preliminary Ecological Appraisal (PEA), or equivalent document submitted with this application in breach of Local Plan Policies S60 and S61.
- In its current form, we see no reason why the Proposed Site Plan would not deliver the minimum of 10% Biodiversity Net Gain

Anglian Water: Comment

The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

Canal and River Trust: No objection subject to a condition

The main issue relevant to the Trust as statutory consultee on this application is the impact on the structural integrity of the canal cutting slope. Advise that suitably worded conditions are necessary to address these matters.

The application site is located to the north of the Fossey Canal that is owned and managed by the Trust. West Bank is an adopted road, which separates the site from the canal. The road is relatively narrow, and there is a risk during development that larger construction traffic associated with the development could run wide onto the crest of the canal cutting when manoeuvring in and out of the site. This could impact the stability of the bank alongside the canal.

The application proposes the importation of 11,480m³ of material to infill the land associated with a newly built house. Whilst the Flood Risk Assessment provided in support of the application sets out the quantity of material to be imported the Design & Access Statement does not estimate the number of lorry loads this would require, the size of vehicles to be used, or means to

prevent lorries turning into/out of the site from leaving the narrow West Bank lane. We therefore advise that consideration is given towards a traffic management plan to prevent vehicles departing the highway while manoeuvring. The incorporation of temporary red/white water filled barriers opposite the construction site entrance during development could be an appropriate measure, for example.

Confirmation of the incorporation of preventative measures could be provided prior to the determination of the application or ensured through the use of an appropriately worded planning condition.

IDOX Checked: 9th February 2024

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); the Saxilby with Ingleby Neighbourhood Plan (made 8th May 2017); 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
S21 Flood Risk and Water Resources
S47 Accessibility and Transport
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>

- ***Saxilby with Ingleby Neighbourhood Plan (SINP)***

Relevant policies of the NP include:

Policy 2 Design of New Development
Policy 13 Development along the Fosdyke Canal
Policy 17 Traffic and Movement around the Village

Character Assessment:

The application site falls outside any of the character areas but sits adjacent Area E – High Street and opposite Area C – South of the Canal.

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

- **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 September 2023.

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>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2023
Saxilby with Ingleby Neighbourhood Plan
Flood Risk
Concluding Statement
- Highway Safety
- Surface Water Drainage
- Visual Amenity
- Residential Amenity
- Ecology
- Biodiversity Net Gain

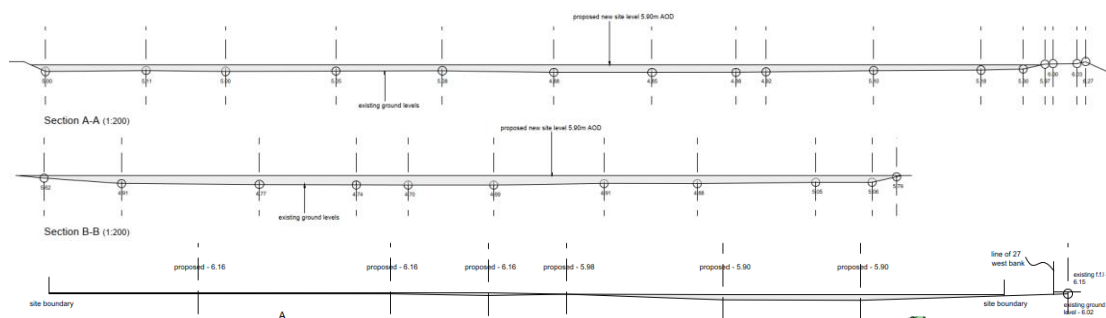
Assessment:

Principle of the Development

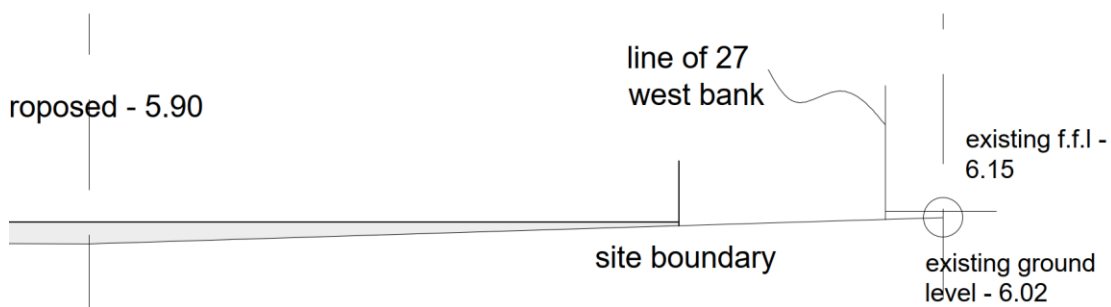
Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Central Lincolnshire Local Plan 2023:

The application has been submitted to raise the land levels of the site to 5.90 metres Above Ordnance Datum (AOD) See section plan below showing existing/proposed levels and the land levels of the shared boundary with 27 West Bank and neighbouring land (27 West Bank):



This would mean land levels being raised from existing levels of at least 4.69m AOD, by 0.9 to 1.21 metres, to achieve the 5.90 metre AOD proposed height. The section plan identifies the first floor (ground floor) level of the neighbouring dwelling (27 West Bank) to the east as 6.15AOD (See below enlarged plan).



The application claims this would restore “original levels” and has stated “it is believed in 1938 the material was removed for building the railway”

Local policy S5 of the CLLP comprises a number of parts (A-G) which apply and can be assessed against differing development types in the countryside. It is considered that this particular development does not comfortably fit within any of the parts set out in local policy S5 of the CLLP.

Saxilby with Ingleby Neighbourhood Plan:

Policy 2 of the SINP provides criteria on the design of new development including criteria i) which states “*Incorporate flood resilience and resistance*”

measures including, where appropriate, Sustainable Urban Drainage Systems”.

Policy 13 of the SINP provides criteria for development which sits along and adjoining the Fossdyke Canal. The application site is on the other side of West Bank therefore cannot be considered along or adjoining the Fossdyke Canal.

Flood Risk:

As already stated the site sits within flood zone 2 (medium probability - Land having between a 1% and 0.1% annual probability of river flooding) and 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 dated 6th November 2023 (Revision 2) by Roy Lobley Consulting Associates has been submitted. The FRA acknowledges the site is prone to surface water flooding which it states *“are caused by the site being considerably lower than the adjacent land”*. The FRA additionally states *“as part of the land restoration a land drainage system will be installed and the surface water will be directed into the existing watercourse system around the site” and that “the raising of the land will remove the existing surface water flood risk as shown and the land will drain as that to the north and east and most of the land to the west.”*

The Lead Local Flood Authority and the Environment Agency have no objections to the development stating that *“We have reviewed the plans and are satisfied that the raising of ground levels, as proposed, will not have an adverse effect on the flood risk”*.

Whilst the land level would be raised the proposed use of the site would be retained as grassed open land in the ownership of 33 West Bank. Therefore, as the use of the land would not change the development passes the sequential test.

Comments and photographs have been received through the consultation process in relation to objections on flood risk grounds. This includes photos of the site recently flooding from rainfall consistently over a number of days.

The FRA acknowledges that the site is currently prone to surface water flooding and collecting on site. Paragraph 4.3 of the FRA states that *“The existing surface water flood extents [-] are caused by the site being considerably lower than the adjacent land where the modelling assumes that there is no drainage. Surface water is shown to “pond” on the site but on the natural land levels to the north and east there is no flooding shown. The low surface water flood risk to the west is in another depression where it is again shown to pond.”*

Paragraph 4.4 of the FRA confirms that a land drainage system would be installed directing water to the existing watercourse system and the land

would drain to the north, east and most of the land to the west. Land drainage is considered in the surface water drainage assessment in the next section of this report.

Concluding Statement:

It is therefore considered that the proposal passes the flood risk sequential and with a suitable land drainage system would not increase the risk of flooding on the site or elsewhere. The development would therefore be expected to accord with local policy S21 of the CLLP, criteria i) of policy 2 of the SINP and the provision of the NPPF.

Surface Water Drainage

Objections have been received in relation to the drainage of the land. It is clear from comments and photographs submitted that the land holds standing water at times of heavy rainfall.

Criteria k of the flood risk section of local policy S21 of the CLLP requires that:

“they have followed the surface water hierarchy for all proposals:

- i. surface water runoff is collected for use;*
- ii. discharge into the ground via infiltration;*
- iii. discharge to a watercourse or other surface water body;*
- iv. discharge to a surface water sewer, highway drain or other drainage system, discharging to a watercourse or other surface water body;*
- v. discharge to a combined sewer;*

Criteria i) of policy 2 of the Saxilby with Ingleby Neighbourhood Plan requires that all new development must *“incorporate flood resilience and resistance measures including, where appropriate, Sustainable Urban Drainage Systems”*.

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

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

Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate.”

Paragraph 4.4 of the FRA states that *“As part of the land restoration a land drainage system will be installed and the surface water will be directed into the existing watercourse system around the site.”*

A further technical note by Roy Lobley Consulting has been submitted providing details of the proposed land drainage scheme to improve the surface water drainage of the site. Section 2 of the technical note states that:

“The scheme involves 25 number 80mm perforated lateral pipes running from South to North spaced 4.00m apart across the width of the site. The lateral pipes will then feed into a 100mm perforated main drainage pipe running from East to West. The 100mm pipe will outfall into the existing pond in the North West corner of the site.”

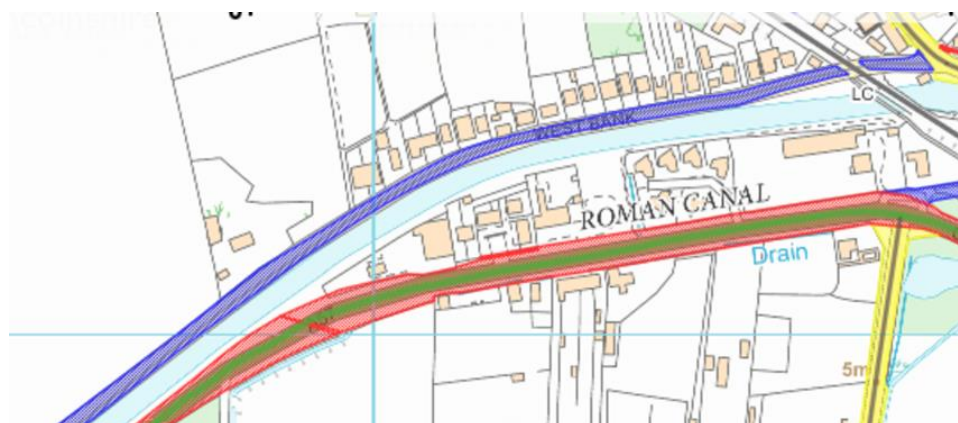
The Lead Local Flood Authority have accepted the land drainage system proposed in the technical note stating that the *“perforated pipes will draw surface water away from neighbouring properties prior to outfall.”*

The proposed development would therefore use a sustainable urban drainage system to drain the land of surface water alongside natural drainage into the land. Therefore, subject to a condition the development would not be expected to have an unacceptable harmful impact on surface water drainage and accords to local policy S21 of the CLLP, policy 2 of the Saxilby with Ingleby Neighbourhood Plan and the provisions of the NPPF.

Highway Safety

Objections have been received in relation to the impact on the user and condition of West Bank from the deliveries used to complete the raised land level.

West Bank is a single-track publicly maintained highway (see coloured purple on plan below) which serves a number of dwellings primarily off its north boundary before the site.



The proposed development would require a 10-15 deliveries of earth a day to raise the levels of the land to the proposed 5.90 AOD. These would be completed by 8-wheel rigid lorries similar to the example below:



The application has included the submission of a Traffic Management Plan which is summary states:

- 11480 cubic metres/18368 tonne of imported material is required.
- 920 vehicle loads using non-articulated heavy goods vehicles.
- 16 lorries per day with a maximum of 2 at peak times.
- Delivery and collection hours of 08:00 – 17:00 weekdays and Saturdays 08:00-12:30.
- Wheel washing facility will be used.
- Access from the existing gate.
- Turning and manoeuvring will be within the site.
- No delivery/materials left outside the site.
- Vehicles will be routed from Mill Lane, down Queensway and onto West Bank and return using the same route.
- There is a potential for dust emission from moving vehicles within site, on hot dry periods, if any visible dust can be seen, all movement of vehicles shall halt, until all traffic areas are damped with water to stop any further dust emissions.

The traffic management would be required to be conditioned on the permission and would need to be adhered to throughout the development.

Access to the site would be via an existing wide access to the dwelling which is currently under construction adjacent the site. Plan A1/01 identifies plenty of room for the delivery lorries to turn into the site, turn around and exit the site safely in a forward gear.

No objections have been received from the Highways Authority at Lincolnshire County Council.

The Highways Authority consider the impact of the development on the condition of the highway as part of their assessment. As confirmed by the Highways Officer the Highways Authority “*are responsible for maintaining the public highway, we also have the power under Section 59 of the Highway Act 1980 to recover expenses for maintaining the highway where excessive damage has been caused by a third party.*” This is therefore an area outside of the planning system, covered by other legislation and within the control of the Local Highways Authority.

It is considered that the proposed development subject to conditions would not be expected to have an unacceptable harmful impact on highway safety

and would be expected to accord with local policy S47 of the CLLP, policy 17 of the SINP and the provisions of the NPPF.

Visual Amenity

Local policy S53 of the CLLP sets out 10 criteria 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.

The proposed development would purely raise the level of the land and would not include any new structures. The site would therefore have the same appearance albeit at a raised level.

It is not considered that the proposed development would have an unacceptable harmful visual impact on the site or the surrounding area and would therefore accord to local policy S53 of the CLLP, policy 2 of the SINP and the provisions of the NPPF.

Residential Amenity

The nearest dwelling to the site is 27 West Bank which sits to the east. The west boundary of 27 West Bank and the east boundary of the site are separated by a track which leads to the field/paddock and stable building to the rear.

It is considered that the proposed development would not have an unacceptable harmful impact on the living conditions of neighbouring dwellings. The proposed development would therefore accord to local policy S53 of the CLLP, policy 2 of the SINP and the provisions of the NPPF.

Ecology

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;

This application on the request of the case officer has included a Preliminary Ecological Appraisal (PEA) by CBE Consulting dated 29th October 2023 (Version 1 – P2814/1023/01) and an updated PEA (Version 2 – P2814/1223/01). In summary section 4 of version 1 and version 2 sets out the same pre-cautionary measures and recommendations:

Birds

- Vegetation removal or hedgerow sections needed to be trimmed back should be done outside of nesting season or preceded by an ecologist check to ensure no nesting birds are present.

Reptiles

- Inspection by hand of timber pile identified within site supervised by ecologist.

Amphibians

- Seasoned pond and vegetation immediately surrounding this should be inspected to search for amphibians by an ecologist as a precaution prior to any works being started.

Hedgehog and other mammals

- A construction methodology that protects these species from accidental harm should be implemented within the site area.

General Observations

- Hedgehog and reptile refugia should be constructed in suitable locations close to the northern boundary.
- A habitat creation scheme should be prepared to enhance the biodiversity and wildlife potential around the existing seasonal pond.
- Native shrubs should be used to provide habitat around the pond area.

The proposed development subject to conditions would therefore not be expected to have an unacceptable harmful impact on protected species accords to local policy S60 of the CLLP 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*”.

A Biodiversity Net Gain (BNG) excel spreadsheet calculated on Natural England’s Biodiversity Metric 4.0 has concluded that the development would provide a 12.63% BNG for habitat units.

The 12.63% BNG would be provided by other neutral grassland, mixed scrub and improvements to the existing pond in the north west corner of the site.

The Lincolnshire Wildlife Trust Officer has removed the holding objections subject to “*appropriate planning condition, particularly that of a habitat*

creation plant as the biodiversity net gain of the site is predicated on appropriate shrub and wildflower planting as well as ongoing management for the required 30 years following completion”.

The proposed development would therefore exceed the 10% Biodiversity Net Gain target and would accord with local policy S61 of the CLLP and guidance contained within the NPPF.

Other Considerations:

Contamination

The proposed development would involve a significant amount of earth/soil brought to the site to raise the land to the proposed level. It is important that the material imported to the site is safe and free of contamination so it would be reasonable and necessary to add a condition requiring details prior to commencement of works.

Canal and River Trust

The Canal and River Trust have replicated comments made in application 144343 and 145919 in relation to the potential impact of the construction phase on the stability of the River Bank. Protective measures are recommended.

This recommendation from the Canal and River Trust was not responded to in the application 144343 but in application 145919 the report stated *“whilst their comment is acknowledged it would not be considered reasonable or necessary to condition protective measures, however an advisory note would be added to the permission.”* This approach is considered acceptable and would be consistent with previous applications.

Pre-commencement Conditions

The applicant has agreed in writing to the three pre-commencement conditions (No. 2, 3 and 4) recommended at the end of this report.

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: 9th February 2024

Recommended Conditions:

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

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

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

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

2. No development must take place until details of the material used to raise the land levels have been submitted to and approved in writing by the Local Planning Authority. The material must be a clean inert material and appropriately certificated as contaminant free. The infilling of the site must be completed using the approved material.

Reason: To ensure that material brought onto the site is appropriate and will not contaminate the site to accord with the National Planning Policy Framework and local policy S56 of the Central Lincolnshire Local Plan 2023.

3. No development must take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- Position and type of reptile refugia
- Position and type of hedgehog refugia
- Construction methodology for the protection of hedgehogs and other mammals

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

4. No development must take place until a 30-year Biodiversity Net Gain Management and Maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved Management and Maintenance plan.

Reason: To ensure the biodiversity net gain measures are maintained for a 30-year period to accord with the National Planning Policy Framework and 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:

5. 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:

- A1/L01 Rev G dated May 2023 – Site Plan, Land Sections, Pond Sections and Land Drainage Details

The land levels must not be raised any higher than 5.90 metres Above Ordnance Datum as identified on the plan listed above and all other works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy S53 of the Central Lincolnshire Local Plan 2023 and Policy 2 of the Saxilby with Ingleby Neighbourhood Plan.

6. The development must be completed in strict accordance with the surface water land drainage scheme identified in Technical Note 01 (RLC/1183/TN01) by Roy Lobley Consulting dated 19th December 2023. The approved scheme must be maintained and retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the development 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.

7. The development hereby approved must be completed in strict accordance with Traffic Management Plan received 12th December 2023.

Reason: To manage the routing of traffic and delivery of earth to the site to accord with the National Planning Policy Framework, local policy S47 of the Central Lincolnshire Local Plan 2023 and Policy 17 of the Saxilby with Ingleby Neighbourhood Plan.

8. Apart from the biodiversity measures listed in condition 4 of this permission, the development hereby approved must only be carried out in accordance with the recommendations set out in section 4.3 and the landscape specification (excluding hedgehog refugia) set out in appendix 4 of the Preliminary Ecological Appraisal by CBE Consulting dated 4th December 2023.

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

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

NONE

Agenda Item 6b

147233 Land rear of", 3a 3b & 5a Church Street, Hemswell



Officers Report

Planning Application No: 147233

PROPOSAL: Planning application to erect 2no. dwellings with garages including installation of a private driveway.

LOCATION: Land to rear of 3a 3b and 5b Church Street Hemswell
WARD: Hemswell
WARD MEMBER(S): Cllr P Howitt Cowan

APPLICANT NAME: Prospect Place Ltd

TARGET DECISION DATE: Extension of time to 1st March 2024
DEVELOPMENT TYPE: Minor - Dwellings
CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant permission, subject to conditions

This application has been referred to the Planning Committee because of objections from 3rd parties, including the Parish Council, who consider the development would not be an appropriate location within the developed footprint of the village and would be contrary to the Development Plan. These are considered to be balanced planning matters, requiring a planning judgement.

Description:

The site comprises rear garden land principally associated with 5a Church Street at the western end of the small village of Hemswell, although the application submission states the land also forms part of the garden areas of 3a and 3b Church Street. The private drive serving 3a and 3b would be extended to provide access to the site. The site adjoins the Hemswell Conservation Area with a narrow strip along the south falling within the defined conservation area. 5 Church Street is a Grade II listed building. The site falls within an Area of Great Landscape Value.

Two dwellings are proposed:

Plot 1: A one and a half storey 3 bed detached pitched roof dwelling with dormer windows. The footprint is approximately 10.60m x 7.4m, with a single storey rear projection of 4m. Eaves height is 4.5 m rising to a 7.4m ridge. "Reclaimed effect" facing brickwork and a "reclaimed effect" pantile is shown on the plans. Solar panels are proposed on the roof slope of the south facing (front) elevation shown below.



Two linked garages at right angles are proposed each with a drive that can accommodate 2 cars. One of these will serve plot 1 and the other will serve 3a Church Street. A “reclaimed effect” pantile is shown on the submitted plans. The garages will have an eaves height of 2.44m rising to a ridge height of 3.9m.

Plot 2: A one and a half storey 4 bed detached pitched roof dwelling with dormer windows. The footprint is 12.7m x 8m, with a one and a half storey rear (west) projection of approximately 3m. Eaves height is 4.5m rising to a maximum ridge height of 7.9m. The ridge of the rear projection is lower at 6.7m. “Reclaimed effect” facing brickwork and a “reclaimed effect” pantile is shown on the plans. Solar panels are proposed on the roof slope of the south facing elevation. The north (front) elevation is shown below.



North Elevation (1:100)

A new driveway leads to a detached pitched roof double garage at a right angle to the dwelling. This has a footprint of 6.6m x 6.6m with an eaves height of 2.44m rising to a ridge of 5.1m. “Reclaimed effect” facing brickwork and a “reclaimed effect” pantile is shown on the plans.

Relevant history:

W47/ 225/90 – Outline application for residential development. Granted 23/04/1991.

Pre - development advice was initially sought for 5 dwellings on a larger site. It was the view of officers that the northern section of the site related to the countryside rather than the built form of the village. The advice proffered was that the “replacement of the substantial garage/store with a new dwelling” was not supported. This was not pursued in amended proposals which removed the northern section of the site from proposed development.

Land to the west

M00/P/0267 – Planning application to convert existing barn to a dwelling and erect detached double garage. GC 22.05.00 conditions
 132376 Planning application to remove condition 6 (occupancy) of planning permission M00-P-0267. GC 10.06.16

A summary of the representations received is set out below with full details available on the website including submitted photographs.

Representations:

Chairman/Ward member(s): No comments received

Harpwell Parish Council: Strongly **object** to this application as it fails to meet the guidance criteria for new developments in small villages as defined in the following applicable planning guidance documents and statutory regulations, as further detailed below.

National Planning Policy Framework (NPPF) (2023) Sections 71, 124 d, 199, 200. Central Lincolnshire Local Plan (CLLP) (2023) S4, S57c, S62 Planning (Listed Buildings and Conservations Areas) Act 1990 66 (1), 72 (1). Harpswell & Harpswell Neighbourhood Plan (H&HNP) (2022) Policy 3, Policy 6: 1a, 1b, 1d, 1f, 1h, 2c, 2d. Policy 7 (2)

Objection Summary

Approving this application would exceed the expected growth target set for Harpswell as defined in S4 of the CLLP and unnecessarily burden the limited local infrastructure and amenities.

Criteria defined in Policy S4 of the CLLP, identify that the proposed site for development is not in an appropriate location nor in the developed footprint of the village and therefore 'should not generally be supported unless there are clear material planning considerations that indicate otherwise'. Harpswell Parish Council is not aware of any material considerations to indicate the need for this development but is aware of significant opposition from the local community and several considerations, outlined in this objection letter, that would oppose this application.

As the development is on an unallocated site immediately adjacent to the developed footprint of Harpswell and is neither a First home exception site nor exclusively for a rural affordable exception site, in line with CLLP 4 (3), the development should not be supported.

Local Residents: Objections have been received from

2 Church Street,
5 Church Street
Antares, Church Street
Pear Tree House.
Primrose Cottage, 12-14 Maypole Street
16 Maypole Street
22 Maypole Street
7 St Helens Way
15 Dawnhill Lane

Grounds of objection:

- Contrary to recently made Neighbourhood Plan

- No community support which is a requirement
- Site previously discounted in Call for Sites
- Harmful impact on Listed Buildings in particular 5 Church Street
- Harmful Impact on Conservation Area
- Harmful impacts on non-designated heritage assets
- Applicants own Heritage Statement states the new road could have a negative impact on the conservation area and listed buildings
- Not in an appropriate location for development
- Lack of Infrastructure in village
- Highway Safety
- Loss of privacy and overlooking
- Harmful impacts on the character and appearance of the village
- Detrimental impact on wildlife
- Loss of views of the countryside
- Will exceed housing allocation for Hemswell.
- Our cottage has no foundations and sits on soil. Due to the topography of the immediate area, we are concerned the addition of a new road so close to the cottage and its curtilage will adversely affect the immediate drainage and undermine our property.
- adversely affect existing residents through noise and disturbance and overlooking leading to a loss of privacy

LCC Highways: The proposal is for 2 dwellings served from a private drive and it does not have an unacceptable impact on the Public Highway. 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.

Tree and Landscape Officer:

09.02.2024 Having looked at the recently submitted tree survey information, the survey information has answered the queries I raised in my previous comments on the application, and I have no objections, concerns or further queries to the development proposals providing tree protection measures given in the tree survey information are stipulated as to be adhered to.

17.10.23

The proposed development is not near the TPO trees. There is sufficient distance between TPO trees and development footprints for the roads and building to have no impact on the TPO trees or their growing environment. Although our TPO records show two green circles representing two TPO trees along the proposed road between plots 1 and 2, these two TPO trees (T7 & T8) do not exist. Various individual TPO trees do appear to have disappeared over time (T2, T3, T4, T7 and T8), as we only have records for the removal of T5 and T6. It is known that their removal occurred many years ago and are not related to the current development proposals. The site is outside the

Hemswell conservation area, with the exception of the site entrance driveway and the east and south boundaries of plot 2.

Plot 1 - There are no trees within the land to the rear of No.3a where Plot 1 and the two garages are proposed. There is a tall beech hedge within the neighbouring garden running alongside the westerly site boundary. The proposed building positions appear to be an adequate distance from the hedge, but protection measured should be required to avoid damage to the hedge and ground compaction over its roots.

Plot 2 - Any trees along plot 2 east and south boundaries or are within neighbouring gardens to the east and south of plot 2 which are near to or overhang the site, are within the conservation area and so are protected trees. I am aware of some large trees to the east in the neighbouring gardens, but without knowing their positions and RPAs we do not know if the proposals of plot 2 would affect them or not. The dwelling appears to be a reasonable distance from the trees to the south but with no tree data we cannot be sure where tree RPAs extend to.

The road curves around the northerly side of the existing dwelling at No.5a and would require the removal of an apple tree and a few shrubs. These are of poor form/shape and are insignificant to the surrounding areas amenity.

Recent tree removals - Tree application ref: 041703 was submitted in August 2020 and consent was given for the removal of two trees from the group G1 across the northerly side of the site. The removed trees were one TPO silver birch due to disease and decay, and one TPO sycamore due to it being diseased with Ganoderma and had decay and a large cavity caused by the fungal infection. Both trees were away from the proposed development. There have been no other tree applications in recent years so no other trees should have been removed.

Conservation Officer:

09:02:2024 As per previous communication we have now found that the proposal meets Policy S57. The stone wall details have been moved away from the curtilage listed section of the wall to allow for protection of this. Although the stone wall is deemed a positive heritage setting. There is no planning protection to this outside of the CA (Conservation Area). Through this planning application we have enabled its protection through permission and conditions. The access has been confirmed to have no alterations to it so this would preserve the CA. The stone wall and brick wall will not be affected. The modern fence and driveway have no heritage significance and opening up the views to the historic stone wall behind with new residential properties in a traditional design will be more in keeping with the character of the CA and would offer a more positive approach than the current view.

The parish council raised some points to protect views to and from the listed building and CA. These have been considered and upon review of the information given by the parish council it has been found to be inaccurate.

- The pathway of Beck Lane is not an official Public Right of Way and so this does not hold weight in the planning process.
- The green space allocation is not correct, the allocation on the plan shows a light green section designated to protected tree clusters, not green space. Green space is allocated in a dark green.

This viewpoint is therefore not an applicable planning consideration as they are views taken from private land and cannot be considered in regard to protecting the heritage assets.

Views of from the listed building towards the north, facing the grade II listed Manor House grounds were also considered as these would be historically connected. In photo 4 of the parish councils comment you can see the window of the neighbouring property, 3b Church Street. The grade II listed 5 Church Street has no windows in the north elevation and views from the garden are restricted within the landscape. There are no viewpoints that were identified to be protected and photo 2 of the parish council's comment provide evidence of this. Consideration of the development of Plot 1 was taken to determine whether a property would negatively impact upon the setting of the listed buildings. The Manor House views the setting of the settlement and built form to the east with large treelines obscuring views. The addition of these houses would not detrimentally alter the setting. 5 Church Street would have more impact upon its setting with a new property being built on plot 1. However, the setting is within the garden if developed with enclosed landscaping. The properties of 5a, 3b, and 3a are all close and visible from the listed property. The addition of plot 1 would alter the setting, but this would not negatively impact upon what is a residential setting in the immediate vicinity with closed off views. Plot 2 is in a more discrete location that would have less impact upon the listed buildings and CA within a boundary of mature trees.

Views from within the CA to the north towards the grounds of the grade II Manor House were also considered. Views from the footpath north are restricted to the modern bungalow development close to the roadside.

The significance of the 5 Church Street is within its architectural interest. The conservation area appraisal highlights the features this building contains to be a strong character detail within the CA. The significant views and setting of this building are found to the south off Church Street.

Due to the points above, it is considered that the development will not negatively impact upon the views and setting of the CA or the listed buildings. It would alter the setting with the addition of residential properties, but this is already within a residential setting with modern development in the area.

When considering the proposal, the impact of the development does not negatively impact upon the significance of the listed buildings, or the CA but is considered to alter this. The proposal would conserve and protect the heritage assets under Policy S57.

LCC Historic Services: I would not be recommending further pre-determination or pre-commencement works. However, if permission is granted, I would recommend a condition for an archaeological scheme of works consisting of archaeological monitoring and recording of all groundworks. There is potential for medieval below-ground archaeological

remains as the site appears to have been within the medieval settlement. Archaeological monitoring and recording of groundworks would ensure that any potential archaeological remains are recorded prior to their destruction.

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution

Policy S4: Housing Development in or Adjacent to Villages

Policy S5: Development in the Countryside

Policy 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 S23: Meeting Accommodation Needs

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S57: The Historic Environment

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

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

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

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

Relevant policies of the NP include:

Policy 3: Windfall Development (in Hemswell Only)

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

Policy 6: Design Principles

Policy 7: Protecting Non-Designated Heritage Assets

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

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

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

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

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2023.

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

National Model Design Code (2021)

Main Issues:

- Principle
- Impact on Listed Buildings and Hemswell Conservation Area
- Archaeology
- Impacts on character and appearance of the site and wider area and the Area of Great Landscape Value
- Highway Safety and car parking provision
- Flood risk and drainage
- Impacts on existing housing through increased noise and disturbance and overlooking leading to a loss of privacy
- Energy Efficiency
- Landscaping and Biodiversity
- Minerals Safeguarding

Principle

Hemswell is defined as a small village by policy S1 of the CLLP. Policy S1 states "*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*". The site is not allocated in the development plan and policy S4 is engaged. S4 sets out:

“Large, Medium and Small Villages, as defined in the Settlement Hierarchy in Policy S1, will experience limited growth to support their role and function through allocated sites of 10 or more dwellings in the Local Plan, sites allocated in neighbourhood plans, or on unallocated sites in appropriate locations within the developed footprint** of the village that are typically.:*

- *up to 10 dwellings in Large Villages and Medium Villages; and*
- *up to 5 dwellings in Small Villages.*

Proposals on unallocated sites not meeting these criteria will not generally be supported unless there are clear material planning considerations that indicate otherwise.

The number of dwellings proposed on the site is within the 5 dwelling limit for small villages set out above.

The definition of “appropriate locations” in the glossary to the CLLP is:

“the site if developed would.

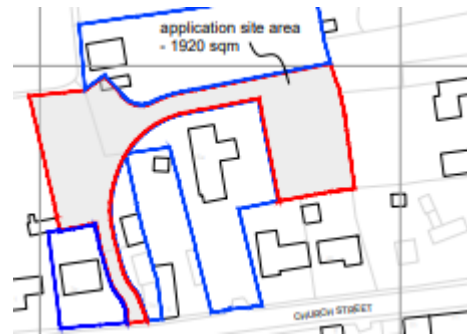
- *retain the core shape and form of the settlement;*
- *not significantly harm the settlement’s character and appearance; and*
- *not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement”*

Developed footprint:

Developed footprint of a settlement is defined as

| | |
|----------------------------|---|
| Developed Footprint | <p>Developed footprint of a settlement is defined as the continuous built form of the settlement and excludes:</p> <ul style="list-style-type: none"> • 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. |
|----------------------------|---|

Following the pre-application response described at the start of the report the application was submitted with the northern section adjacent woodland not forming part of the application site (edged in red below).



It can be noted that the Hemswell Parish Council consider the site is neither an appropriate location or within the developed footprint, as defined in the CLLP. They state “ *it is a greenfield garden on the edge of the settlement, more relating to the open countryside, outside the developed footprint of the village. If developed this application would change the core shape of the village and damage the character of the conservation area and area of great landscape value along with the setting and views of heritage assets within the conservation area from amenity green spaces (PROWs) and the highway.*

Whilst these comments are noted – having visited the site, I do not agree with this conclusion. The site comprises residential gardens which have a strong landscape boundary with mature hedges, which clearly delineates from the open field to the west / north-west.



(Extract from Google Maps)

This clear and distinguishing separation means that these domestic gardens relate more, in my view, to the built up area of the village than they do to the countryside. Consequently, whilst noting the views of the Parish Council, I consider that the site does fall within the developed footprint of the village.

Subject to a consideration of detailed impacts, including whether it can be deemed to be an “appropriate location” for the purposes of policy S4, the

principle and scale of development is considered to comply with the strategic policies of the Central Lincolnshire Local Plan.

Policy 3 of the Neighbourhood Plan (NP) Windfall Development (in Hemswell Only) prioritizes the development of the allocated housing sites identified within the NP. Any schemes proposing additional residential development outside of these allocated sites or propose a net increase in dwellings that exceed the specified capacity for the allocated sites will be judged primarily against CLLP policies LP2 and LP4: they will need to be in appropriate locations (LP2) and a preference will be given to brownfield sites inside the developed footprint of the settlement (LP4); and b. demonstrate that they have gained demonstrable support from the local community within Hemswell parish.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. Paragraph 30 of the National Planning Policy Framework sets out that

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

However, policies S1 and S4 are strategic policies within the CLLP and were adopted after the Neighbourhood Plan.

Policies LP2 and LP4 referred to no longer exist and have been superseded by policies contained in the most recent development plan which is the CLLP adopted in April 2023. The proposal has been assessed against this and the principle is considered acceptable.

Impacts on Listed Buildings and Hemswell Conservation Area

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

Section 66 of the Planning (Listed Buildings and Conservations Act) 1990 places a statutory duty on the Local Planning Authority to have special regard

to the desirability of preserving a Listed Building, its setting, and any features of special architectural or historic interest. Section 72 of the same Act requires the Local Planning Authority to have regard for to the desirability of preserving or enhancing the character or appearance of the land and buildings within Conservation Areas.

The boundary of the conservation area is marked by the thick black line (below). This shows that the only part of the application proposal that falls within the conservation area is the existing drive which is to be extended. On this basis there will be a limited direct impact on Hemswell Conservation Area or its setting.



The impact of the development on Listed Buildings and non-designated heritage assets is considered in the detailed comments of the conservation officer above. The case officer is in agreement with the conclusion that the development would preserve (i.e. to do “no harm to”) heritage assets in accordance with policy S57 of the Central Lincolnshire Local Plan. It would also be in accordance with policies 5 and 7 of the Neighbourhood Plan and the requirements set out by Section 66 and 72 of the Planning (Listed Buildings and Conservations Act) 1990. This would be subject to the conditions agreed by the conservation officer.

Archaeology

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

Impacts on character and appearance of the site and wider area and the Area of Great Landscape Value

Details of the design and scale of the plots are found at the beginning of this report. West of plot 1 are two adjoining rear gardens with the boundary marked by a fence with trees and vegetation beyond. This serves to limit views from the west. Views from the south will be available as the ridge height is approximately 1.4m higher than 5 Church Street and 3b Church Street. The impact however is diffused by a distance of approximately 47 metres to Church Street and is considered acceptable.

Views of Plot 2 from publicly accessible areas will be limited to non-existent.

It is enclosed by substantial trees and other vegetation to its northern and eastern boundaries. Views will be available from the rear gardens of dwellings facing Maypole Street. Plot 2 is set back 6.5m within its plot from this boundary. There is approximately 48m from the rear elevation of 24 Maypole Street to the boundary of the site. There is a distance of approximately 43m from the rear elevation of 20 Maypole Street and approximately 25m from the rear elevation of 24 Maypole Street. Views will also be available from the rear garden of dwellings facing Church Street to the south. 5c Church Street has a rear garden of approximately 12.85m whilst Antares ranges from approximately 7.8m to 11.95m.

The Hemswell Character Assessment includes Church Street *“This positioning of buildings close to the roadside, coupled with the presence of (1) several terraced properties with long, unbroken façades, (2) extensive and often tall boundary walling, and (3) stretches of mature trees planting that rise and project out over the central route all combine to give much of Church Street a particularly enclosed, often sheltered, character. Fig 127 and 128 provide a snapshot of the consistency of character seen along Church Street both in terms of materials, textures and colours, and also the generally enclosed character and narrow profile of the street.*

This sheltered and enclosed character will remain following development. Recommendations made include *“New development proposals should seek to draw inspiration from local vernacular architecture.”* The dwellings are reflective of local character, in brick and pantile with gable end chimneys, brick corbelled eaves and stonework similar to that seen elsewhere in the conservation area.

NP 6 Design Principles sets out a number of criteria including that development should recognise and seek to reinforce distinct local character; draw inspiration from local vernacular architecture and seek to retain and enhance identified key views. No impacts will arise to key views.

No harm is considered to arise to the character and appearance of the site and wider area from the proposed dwellings and by extension the Area of Great Landscape Value.

It would be in accordance with policy S53 and S62. It will be necessary to remove permitted development rights for any extensions or alterations that could potentially have a harmful impact.

Highway Safety and car parking provision

Two off street spaces (excluding garages) are proposed for plot 1 which has 3 bedrooms whilst three are provided for plot 2 which has 4 bedrooms. This is in accordance with the parking standards set out in the Central Lincolnshire Local Plan which require 2 off street spaces for 3 bed properties and 3 off street spaces for 4 bed dwellings. No objections on highway safety grounds are raised by Highways.

There is no reason to withhold consent on the grounds of highway safety including lack of car parking. It would be in accordance with policies S47 and S49.

Flood risk and drainage

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

The site is in flood zone 1 (Low Probability Land having a less than 1 in 1,000 annual probability of river or sea flooding) therefore the main considerations are the means of foul and surface water drainage. The site is not identified as being at risk of Surface water Flooding on the Environment Agency Flood Map for Planning.

Surface water is to be disposed of by means of a soakaway with foul directed to the mains sewer in accordance with the preferred hierarchy for disposal. A condition will be imposed requiring further details of drainage to be submitted to and approved in writing by the local planning authority, with subsequent implementation in accordance with the approved details. Subject to this it would be in accordance with S21.

Impacts on existing housing through increased noise and disturbance and overlooking leading to a loss of privacy

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things. Furthermore, paragraph 130 f) of the NPPF requires that development proposals provide a high standard of residential amenity for both existing and future users. Noise and disturbance from dwellings in proximity to other dwellings is not normally considered a reason to withhold consent. A Construction Management Plan will be conditioned to help mitigate disturbance during the construction phase.

There are no windows on the gable end that faces west on plot 1 towards the adjoining rear gardens and there is a distance of approximately 18 m towards the rear garden boundary of the bungalow to the south with views interrupted by the proposed garaging. No significant loss of privacy or overlooking will arise from plot 1.

At its closest to the rear garden boundary of Antares to the south there will be a minimum distance of approximately 12.5 m from the bedroom window at first floor to plot 2 which increases to approximately 15m. This boundary consists of a low stone wall with trees and vegetation which are to be retained. The objection refers to the loss of foliage during winter increasing

opportunities for overlooking. This is noted however, given the distance separation and the fact that the views are not from primary living accommodation such as a living room and are instead from a bedroom window this is not considered to be unacceptable. It would be in accordance with policy S53 of the Central Lincolnshire Local Plan. It will be necessary to remove permitted development rights for any new window openings or alterations and extensions to the dwellings including the roof that could potentially lead to a loss of privacy or other injurious impacts.

Energy Efficiency

Policies 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. The target is to achieve a site average space heating demand of around 15-20kWh/m²/yr and a site average total energy demand of 35 kWh/m²/yr.

An Energy Statement has been submitted which demonstrates that the site average space heating demand is 10.01 kwh/m² /yr and site average total energy demand of 34.46 kwh/m² /yr. These are in accordance with policy requirements. The total energy demand will be met by use of 20 solar PV panels, 10 on the roof slope of each dwelling. This will ensure that they will generate sufficient renewable electricity on site to match demand over the course of a year. It would be in accordance with policies S6 and S7 of the Central Lincolnshire Local Plan

Landscaping and Biodiversity.

The site given its use as a large private garden does not appear to contain any features which are likely to support habitat for protected species. The proposals have been amended to safeguard existing trees on the site following submission of a tree constraints report and a tree management and arboricultural assessment. This results in the retention of the vast majority of trees on the site. Tree protection measures will be conditioned. Lost trees can be compensated for by replacement planting which will also serve to increase biodiversity value as well

No soft landscaping is proposed. Policy S60 seeks to protect and enhance biodiversity. Policy S61 of the CLLP requires "all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management. Policy S61 goes on to state that "All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric".

The mandatory requirement comes into place on February 12th 2024 for all but exemptions and “small sites”. Small sites are defined as:

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

The Government’s 2023 response to the 2022 BNG consultation sets out exemptions from mandatory BNG, which will be implemented via secondary legislation. This includes small scale self-build which is what is proposed. On this basis there would not be a requirement to deliver 10%. Nevertheless, this does not prevent biodiversity enhancement being provided on such schemes. This is capable of being delivered by utilising landscaping incorporating native species. On this basis a condition will be imposed requiring biodiversity enhancement details to be submitted to and approved in writing and subsequently implemented in accordance with the approved details. On this basis it would accord with S60.

Minerals Safeguarding

Policy M11 requires applications for non-minerals development in a mineral safeguarding area to be accompanied by a Minerals Assessment. This is located within the Planning Statement. It is considered that there is no likelihood of the application site being deemed suitable for limestone minerals works or extraction. The full site area is clearly within an historically sensitive residential area, with existing residential properties in close proximity on three sides. The scale of development is of a minor nature, and the site area represents a tiny proportion of the total land area that falls within this mineral safeguarding area. Not only is the extraction of limestone in this location wholly impractical, it cannot reasonably be considered to be necessary either given the extent of the alternative (and much more suitable) opportunities for mineral extraction elsewhere. On this basis there is no reason to withhold consent on mineral safeguarding grounds.

Conclusion including planning balance:

The proposal has been considered against policies S1: The Spatial Strategy, 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 S21: Flood Risk and Water Resources, S23: Meeting accommodation Needs, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, S57: The Historic Environment, Policy S60: Protecting Biodiversity and Geodiversity, Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains, Policy S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value of the Central Lincolnshire Local Plan and Policy 3: Windfall Development (in Hemswell Only); Policy 5: Protecting the Wider Landscape Character and Setting of the Neighbourhood Plan Area; Policy 6: Design Principles; Policy 7: Protecting Non-Designated Heritage Assets of the Neighbourhood Plan in the first

instance as well as against all other material considerations including the National Planning Policy Framework and National Planning Practice Guidance.

Whist the objections are noted, the site is considered to be an appropriate location for development within the developed footprint of Hemswell. Subject to the imposition of conditions no adverse impacts will result to Listed Buildings or Hemswell Conservation Area and their character would be preserved. The impacts on the character and appearance of the site and wider area are not expected to result in harm, and the Area of Great landscape Value (AGLV) will not be harmed by the development. The amenities of existing dwellings will not be significantly affected through loss of privacy, dominance or loss of light. Highway Safety will not be compromised. Energy Efficiency will be delivered as will biodiversity enhancement.

Recommendation: Grant approval subject to the conditions below.

Recommended Conditions:

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

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

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

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

2. No development shall take place until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. Construction shall be carried out in accordance with the approved CMP at all times. The CMP shall include the following matters:

- a) Details of construction access.
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials
- d) Programme of works. 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
- e) Details of proposed means of dust suppression and noise mitigation.
- f) Details of measures to prevent mud from vehicles leaving the site during construction.
- g) Monitoring and review mechanisms.

Reason: in order to reduce noise and disturbance to existing housing in accordance with policy S53 of the Central Lincolnshire Local Plan.

3. No development shall take place until a written scheme of archaeological works consisting of archaeological monitoring and recording of all groundworks 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.

The scheme is to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with policy S57 of the Central Lincolnshire Local Plan. Specifically, development may have an impact on medieval archaeology.

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

4. 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. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with policy S57 of the Central Lincolnshire Local Plan. Specifically, the development does have the potential to disturb medieval archaeology.

5. 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 drawings:

Proposed Site Layout Drawing No. A1-02 Rev A
Site Layout (showing tree protection measures) Drawing No. A1-02 Rev B
Plot 1 Proposals (including floor plans and elevations) Drawing No. A1-03
Plot 2 Proposals (including floor plans and elevations) Drawing No. A1-04
Energy Statement dated August 2023

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: In the interests of proper planning.

6. The driveways of the dwellings shall be constructed of porous materials and retained as such thereafter.

Reason: In the interests of appropriate surface water disposal in accordance with policy S12 of the Central Lincolnshire Local Plan.

7. No works above ground level must take place until details of a scheme for the disposal of 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.

Reason: To ensure adequate drainage facilities are provided to serve the dwellings, to reduce the risk of flooding and to accord with the National Planning Policy Framework and policy S21 of the Central Lincolnshire Local Plan.

8. No work above existing ground level must take place until details of all external facing materials for the approved buildings and materials to be used for the access drive have been submitted to and approved in writing by the local planning authority. Work shall subsequently be carried out in accordance with the approved details.

Reason: In the interests of securing a satisfactory visual appearance in proximity to Heritage Assets in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan.

9. No work above existing ground level shall take place until a until a one metre squared sample panel of the proposed brickwork and bond has been erected on site and approved in writing by the local planning authority. Once approved, it must remain on site for the duration of the development.

Reason: In the interests of securing a satisfactory visual appearance in proximity to Heritage Assets in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan

10. Prior to installation, drawings to a scale of 1:20 fully detailing the new windows, doors, surrounds, headers, and sills shall be approved in writing by the Local Planning Authority and installed completely in accordance with the approval.

Reason: In the interests of securing a satisfactory visual appearance in proximity to Heritage Assets in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan

11. No construction works above ground level must take place until details of a soft landscape scheme to enhance the biodiversity value of the site have been submitted to and approved in writing by the local planning authority.

Reason: To enhance the biodiversity value of the site in accordance with policy S60 of the Central Lincolnshire Local Plan.

12. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 3

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with policy S57 of the Central Lincolnshire Local Plan. Specifically, the development does have the potential to disturb medieval archaeology.

13. Following the archaeological site work referred to in condition 12 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: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with policy S57 of the Central Lincolnshire Local Plan. Specifically, the development does have the potential to disturb medieval archaeology.

14. The report referred to in condition 13 and any artefactual evidence recovered from the site shall be deposited within 3 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: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with policy S57 of the Central Lincolnshire Local Plan. Specifically, the development does have the potential to disturb medieval archaeology.

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

15. All planting, comprised in the approved details of landscaping referred to in condition 7 shall be carried out in the first planting and seeding season following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure there is appropriate landscaping in place and to provide bio diversity enhancement in accordance with policies S53 and S60 of the Central Lincolnshire Local Plan.

16. Notwithstanding the provisions of Classes A, AA, B, C, D, and E of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the buildings hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected or 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 character and appearance of the buildings and their surroundings in proximity to heritage assets and to avoid adverse impacts on existing neighbours in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan.

17. The hereby approved dwellings shall not be occupied until the approved surface water drainage scheme referred to in condition 6 for the development have been completed in full and maintained thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the dwellings, to reduce the risk of flooding and to accord with the National Planning Policy Framework and policy S21 of the Central Lincolnshire Local Plan.

18. Prior to occupation of the approved dwellings evidence must be submitted to the local planning authority that a rainwater harvesting butt of a minimum 100 litres has been installed.

Reason: In the interests of sustainable water management in accordance with policy S12 of the Central Lincolnshire Local Plan.

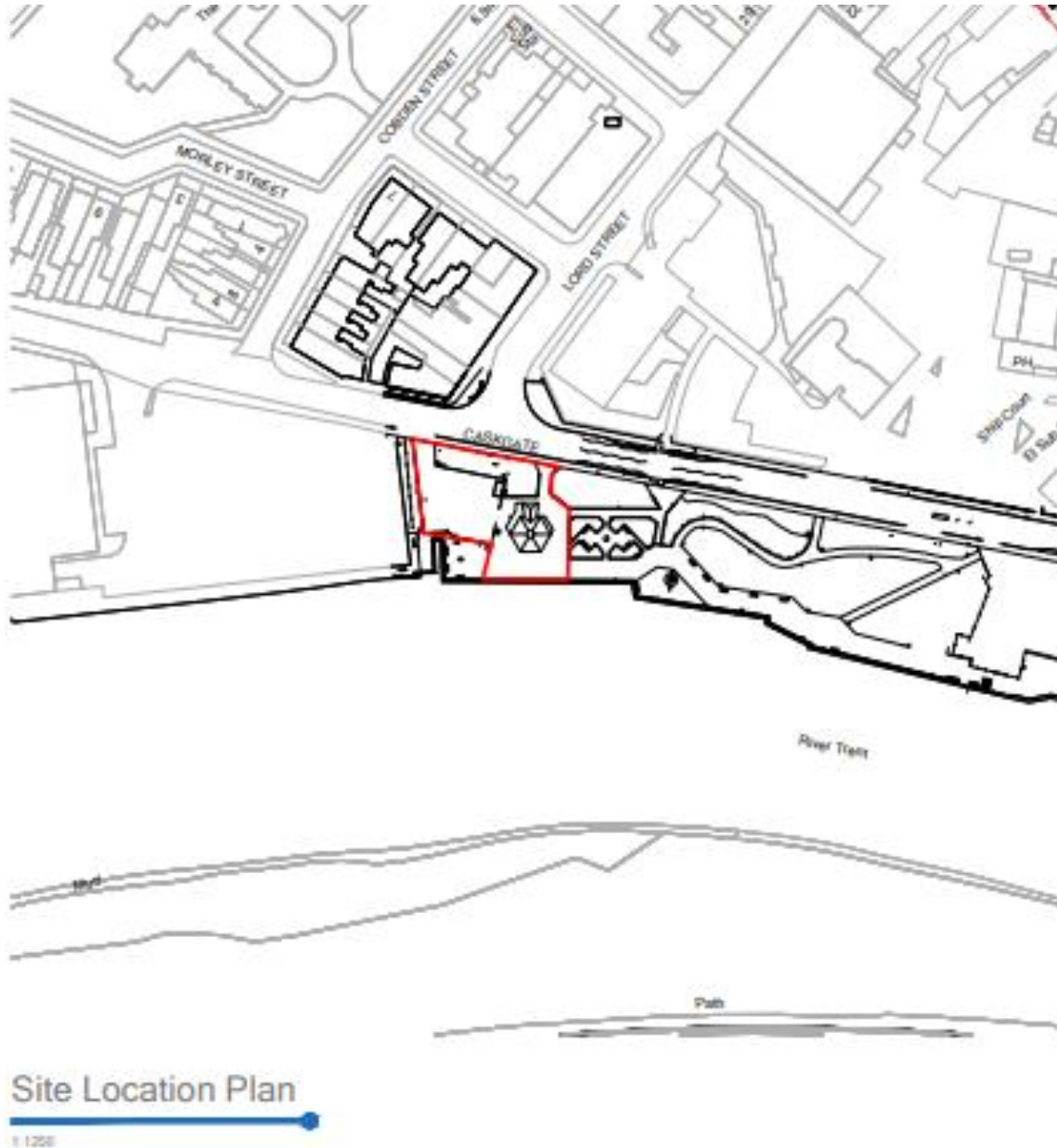
19. Prior to occupation of the approved dwellings a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement dated August 2023 and approved in writing by the planning authority.

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of policies S6 and S7 of the Central Lincolnshire Local Plan (2023).

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no domestic oil tanks or domestic gas tanks shall be placed within the curtilage of the dwelling hereby approved.

Reason: In the interests of energy efficiency to accord with policies S6 and S7 of the Central Lincolnshire Local Plan (Adopted 2023).

Site Location Plan- 147511



Officers Report

Planning Application No: 147511

PROPOSAL: Planning application for change of use from a public convenience block to a Café (Use Class E) with external alterations and creation of a bin storage area.

LOCATION: Whittons Gardens Caskgate Street Gainsborough Lincolnshire DN21 2DL

WARD: Gainsborough South West

WARD MEMBER(S): Cllr T V Young and Cllr J S McGhee

APPLICANT NAME: West Lindsey District Council

TARGET DECISION DATE: 21/12/2023 (Extension of time agreed until 1 March 2024)

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission with conditions

The application is referred to the planning committee for determination in line with the Council's constitution as West Lindsey District Council is the applicant.

Site Description: The application site comprises of an existing public convenience block at Whittons Gardens within Gainsborough. The public conveniences block has not been in use since 2012. The River Trent and associated flood defences lie directly to the west of the building with a public car park to the north and a landscaping/seating area to the south.

The site lies within Flood Zones 2 (medium probability) and 3 (high probability) and is within a Sand and Minerals Safeguarding Area. It is also within the Gainsborough Town Conservation Area and within the setting of Listed Buildings, namely;

- Elswitha Hall- Grade II* Listed- Located c. 85m to the south east;
- No. 7 Lord Street- Grade II Listed- Located c.40m to the north east;
- No. 2A Ropery Road, 1-7 Cobden Street located c. 32m to the north.

The Proposal: The application seeks full planning permission to change the use of the existing vacant public conveniences block to a Café (Use Class E) together with associated external alterations to the existing building. It is also proposed to erect a bin storage area to the north of the building, within the existing car park.

The proposal is one of the schemes in Gainsborough that will benefit from the Levelling up funding¹ from Central Government.

Amended plans and an amended Flood Risk Assessment were received on 19/01/2024. The plans removed the use of white render to the external walls of the proposed café. The amended Flood Risk Assessment responded to the initial objection received from the Environment Agency.

Relevant history:

GU/257/72- ERECT A PUBLIC SHELTER AND TOILETS.

Representations- In Summary. Full versions of the comments received can be viewed on the Councils website, using the following link:

<https://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?id=147511&nb=1>

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

Gainsborough Town Council: Object to the application as Members feel the public conveniences should be reinstated and refurbished and to include a changing places facility.

Local residents: No representations received to date.

LCC Highways/Lead Local Flood Authority: No objections. The proposal is for change of use from a public convenience block to a Café and it does not have an unacceptable impact on the Public Highway or Surface Water Flood Risk.

Historic England: Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

Environment Agency:

08/02/2024- Environment Agency position- We have reviewed the amended Flood Risk Assessment (FRA) and consider that it satisfactorily addresses our earlier concerns.

Subject to the condition below, we therefore withdraw our previous objection, dated 20 November 2023 (letter reference: AN/2023/134976/01-L01).

¹ <https://www.west-lindsey.gov.uk/council-news/2023/10/council-allocates-ps12-million-towards-public-green-spaces-gainsborough-part-our-levelling-plans>

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition-The development shall be carried out in accordance with the submitted Flood Risk Assessment (reference: '1208250 Version 1', dated 22 Jan 2024, compiled by Ross Davy Associates). In particular, the finished floor levels of the café shall be set no lower than the existing level, at 6.5 metres above Ordnance Datum.

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 in accordance with Policy S21 of the Central Lincolnshire Local Plan 2023.

Advice to applicant and Local Planning Authority- Flood warning and emergency response (FWEPP). We support the suggestion in the FRA that a FWEPP will be submitted and approved by the Local Planning Authority. In this instance we consider that warning and emergency response is fundamental to managing flood risk. We strongly recommend that a FWEPP is obtained prior to determining the application and that you consult with your Emergency Planning staff on its contents.

The Environment Agency does not comment on or approve the adequacy of proposed flood emergency response procedures accompanying development proposals. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupant/user covered by our flood warning network. The Planning Practice Guidance (Flood Risk and Coastal Change section, paragraphs 041-048) provides information on producing evacuation plans for development and the role of the local authority in ensuring these are appropriate.

20/11/2023- Environment Agency position- In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out 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 the 1 in 100 years plus 29% climate change breach event will affect people and property.
- consider how people will be kept safe from the identified flood hazards.
- consider the requirement for flood emergency planning including evacuation of people for a range of flooding events up to and including the extreme event.
- assess the impact of climate change using appropriate climate change allowances.

For this location the climate change allowance should be 29%. The current FRA does not comply with the National Planning Policy Framework, which requires that all sources of flood risk are considered, including residual flood risk. At this site, it is expected that risk of breach flooding is considered from the River Trent. The development sits within 10 metres of the Tidal Trent defences and therefore is at risk during a breach of these defences. A site-specific breach assessment, and a broad crested weir equation, is required to understand the risk to the site.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. Breach calculations to determine how the property is affected must be undertaken. The applicants must demonstrate how the risk will be mitigated against for the lifetime of the property and provide adequate justification. If impacted, access and egress must be considered to ensure that people will be safe for the lifetime of the development.

LCC Archaeology:

14/12/2023- The ground area that is going to be disturbed will be minimal. There are only four fence post holes that are going to be excavated to a depth of 0.6 metres. While this depth may be enough to encounter potential archaeological remains there will only be four relatively narrow areas of ground disturbance.

Archaeological impact is unlikely and therefore, no archaeological condition is required. However, if any archaeological remains are encountered during the excavation of these post holes, the contractor should contact this department.

06/11/2023- No details have been given on the depth and extent of ground disturbance that would be caused by the proposed bin storage area. When more information is provided, a recommendation can be given with regards to archaeological impact.

The conversion of the public convenience block into a café will not need archaeological input. However, the West Lindsey Conservation Officer should be contacted as the site is within the Gainsborough Conservation Area.

WLDC Conservation Officer:

Verbal comments following amended plans- Happy to see that the proposed render will now not be used and that the shutters will be internal. I unfortunately still cannot support the use of the roofing material.

11/12/2023- The application is for the change of use of the toilet block to café in the Gainsborough Town Centre Conservation Area. The building is located on the western boundary of the CA and is within the setting of the Gainsborough Riverside Conservation Area located to the south of the property.

The change of use does not alter the external footprint or design of the building I have no concerns with the this; however, the building materials are proposed to be designed in a very modern design which will impact upon the setting.

Whitton Gardens was opened in 1973 and is noted to have fine views of the wharves and river in the Town Centre CA. Although located within the Town Centre CA, the building's setting is more prominent with the Riverside CA and the design of the building has more links to the industrial Riverside lineage. The history of the Riverside has records of maltings as early as 1615 which was noted to boom in the late 18th century. This has altered through recent history but the maltings industry still has a presence in the area with Gainsborough Maltings. Although this business only borders the CA it is evident that the industry has been strongly influenced on the riverside.

The design of the maltings roofs is a distinct feature within the Riverside CA. The rectangular shaped hipped roofs with cowls protruding from the ridge are noted in some of the historic buildings as well as the adjacent maltings business itself.

These roofs are typically slate which has an appealing visual that creates a character in the setting. Whitton Gardens offers that character in its current form with a hexagonal hipped roof and cowl. Although this is not slated, the small shingle design offers a positive visual in keeping with the history of the Riverside's industry.

The Conservation Area Appraisal also highlights the importance of the colour, form, and texture in altering existing buildings in the CA to be in harmony with the historic environment.

The alteration to a modern standing seam profile roof will detract from this character which currently works with the historic environment. Renewing the existing roofing material or a slate tiled roof would be more in harmony.

The CA also states the red brickwork is the typical material for the CA. The immediate listed buildings and other historic buildings are predominantly in red brick which highlights the strong character this provides.

The overall modern visual proposed will detract from the appearance and character of the CA, which is clearly stated under paragraph 4.5v of the Gainsborough Town Centre Conservation Area Appraisal that this will not be supported for a change of use.

Policy S57 of the CLLP seeks to protect and enhance conservation areas. This identifies the need to retain and reinforce local distinctiveness including the materials within the historic environment. As mentioned above, this maltings industry on the Riverside is an important history for Gainsborough which is currently expressed within this mid-20th century building.

I have no concerns with the use of aluminium windows which will be designed to offer extra security. The introduction of perforated internal shutters are also welcome. Ensuring this building can be best protected will enable a more viable use which is fully supported.

Overall, I cannot support the material design proposed for the externals as they contrast the historic environment so I must object to this current proposal.

Canal and River Trust: This application falls outside the notified area for its application scale and location.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023); the Gainsborough Neighbourhood Plan (made 2021); 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:

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S13: Reducing Energy Consumption in Existing Buildings
Policy S21: Flood Risk and Water Resources
Policy S47: Accessibility and Transport
Policy S53: Design and Amenity
Policy S57: The Historic Environment
Policy NS73: Gainsborough Riverside Regeneration Area

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

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

Relevant policies of the NP include:

NPP 1 Sustainable Development
NPP 6 Ensuring High Quality Design
NPP 7 Ensuring High Quality Design in each Character Area

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

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

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

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

National policy & guidance (Material Consideration)

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

https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf

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 December 2023.

- **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>

Other Relevant Legislation- Statutory Duties

Listed Building and Conservation Area Setting- Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Main issues

- Principle of Development and Flood Risk;
- Impact upon Visual Amenity and Heritage Assets;
- Highways;
- Drainage;
- Other Matters.

Assessment:

Principle of Development

Policy S1 of the Central Lincolnshire Local Plan designates Gainsborough as a Main Town (Tier 2). The Policy states that; *To maintain and enhance their roles as main towns,*

and to meet the objectives for regeneration, Sleaford and Gainsborough will, primarily via sites allocated in this Local Plan and any applicable neighbourhood plan, be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision.

The site is located within the designated Gainsborough Riverside Regeneration Zone (R0A6) as defined on the CLLP Policies Map. The site-specific policy, NS73 of the CLLP states that;

Development proposals within the Gainsborough Riverside Regeneration Area, shown on the Policies Map as ROA6, will be supported in principle. This in principle support will apply to existing uses and a range of uses which are appropriate in this location including office, leisure, or residential uses. Proposals should not undermine the achievement of the ambitions for this regeneration area, as set out in a)-g) below. Proposals will be viewed particularly favourably where they:

- a) Protect, enhance or restore the historic identity of the town;*
- b) Strengthen the connection between the river and the town;*
- c) Make the most of the riverside location enhancing;*
- d) Deliver innovative design or design excellence which provides visual interest;*
- e) Contribute positively to the Conservation Area;*
- f) Expand leisure opportunities related to the riverside; and/or*
- g) Enhance public spaces and green infrastructure.*

Policy 1 of The Gainsborough Neighbourhood Plan states that; *Development in the Gainsborough Neighbourhood Plan area should be located so that it can make a positive contribution towards the achievement of sustainable development. Development should assist in meeting the economic, social and environmental regeneration of the Town in accordance with CLLP policies and, as appropriate to its scale and nature, subject to complying with a set of criteria.*

The site is located along the popular Riverside walk within the developed footprint of Gainsborough. The proposals would also accord to Policy S1 which states that such Main Towns should be the focus for retail growth and wider service provision. There is an existing footpath link into Gainsborough town centre to the north east of the building, thus encouraging connection to the town from the riverside. The building has now been vacant for c. 12 years, the change of use proposed in this application would see the building repurposed with a popular area of the town and would accord to the aspirations of Policy NS73. An assessment of the proposals impact upon the Conservation Area and visual impact upon the wider area is discussed in the relevant section below.

The objection from Gainsborough Town Council is noted. They have stated that they would like to see the public conveniences block brought back into use. The existing building has been closed since c. 2012. A paper was presented at the Prosperous Communities Committee in November 2011, recommendation 2 of the paper was to close the Whitton's Gardens Public Conveniences upon completion of alterations to the facility

at Roseway, also within Gainsborough. The report explained that the building suffered from excessive misuse through vandalism and on- street drinkers. It was also stated that the facility was not well used with 1088 visits per week, being the lowest of the four facilities operated. It was proposed to close the site with a view to redevelopment. Any future development could include the provision of toilets accessible by the general public.

As stated in the proposal section of this report the change of use would benefit from the Levelling up Funding. It has been explained by the project team for the scheme that the funding has been awarded on the basis changing use to a café (subject to planning permission). Given the size of the building, having a functioning business and public toilets is not possible within the funding scope. There will of course be conveniences within the building for customers of the café.

Overall, the proposal would see this currently vacant and deteriorating building re purposed in the popular Riverside area of the Town. Its re development would accord to the principle policies S1 and NS73 within the CLLP and would be a form of sustainable development within the town as detailed within Policy 1 of the Gainsborough Neighbourhood Plan.

Flood Risk

The application site is located within Flood Zones 2 and 3 as defined by the Environment Agency's flood risk maps for planning. The existing building lies directly adjacent to the River Trent (c .10m to the west).

Paragraph 173 of the NPPF states that; *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.* Footnote 59 states that; *A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3.*

In terms of vulnerability classification, there would be no change in vulnerability classification. Annex 3 of the NPPF details that the existing and proposed uses both fall within a 'less vulnerable use'. Given that the proposal comprises of the change of use of an existing building the sequential and exceptions tests are not applicable here in accordance with footnote 60² of the NPPF.

The application has been submitted with an FRA upon submission which has subsequently been amended (received 19/01/2024) given the initial objection from the Environment Agency. Following re consultation with the EA, they have now confirmed that they have removed their objection subject to the imposition of a condition in the event that permission is granted. The condition would request that the development is carried

² 60 This includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; 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.

out in accordance with the mitigation measures as detailed in the amended FRA. Flood resilience measures are to include;

- Floor levels will be no lower than existing;
- Future occupants will be provided with information regarding the EA's automated flood warning system- This will be in the form of a leaflet which will be provided as part of the buildings handover documentations;
- The tenant/ occupier will be required to prepare a Flood Evacuation Plan that must outline steps to be taken to prepare for a flood event, actions and instructions for occupants and staff at various stages of a flood event. A yearly review of the plan must be carried out;
- Works to the building will be done in accordance with the guidance in the DCLG publication, as far as possible within the existing structure.

Overall, the proposal has now shown that the development would be safe in a flooding event, subject to a condition. It is also considered that the proposal would not increase the risk of flooding to others. The proposal would accord to the aims of Policy S21 of the CLLP and the provisions of the NPPF.

Impact upon Visual Amenity and Designated Heritage Assets

The application site is within the Gainsborough Town Conservation Area, it is also located within close proximity to a number of Listed Buildings, namely;

- Elswitha Hall and Gate Piers- Grade II* Listed- Located c. 85m to the south east;
- No. 7 Lord Street- Grade II Listed- Located c.40m to the north east;
- No. 2A Ropery Road, 1-7 Cobden Street located c. 32m to the north.

The Statutory Duties contained within Sections 66 and 72 the 'Act' place a legislative requirement on the Local Planning Authority to pay 'special regard' to the desirability of preserving the setting of listed buildings. With regard to conservation areas, Section 72 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This is also reflected within Policy S57 of the CLLP.

Policy S53 of the CLLP states that; *All development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.*

Criteria d and e of Policy NS73 state that redevelopment projects within this area will be viewed favourable where they;

- d) Deliver innovative design or design excellence which provides visual interest;*
- e) Contribute positively to the Conservation Area;*

The application does not propose any extensions to the building, much of the works will be internal with new glazed openings, new internal shutters and a new roof covering. The existing building is red brick with timber shingles as the roof covering. Originally submitted plans including the full rendering of the building, through the application amended plans have been received which have removed the proposed white render. The red brick will now remain with repointing and cleaning done where needed, it is also proposed to replace the roof with a new sarnafil seamed roof in a slate grey colour, as shown in the picture below.



Sarnafil Seamed Roofing

It is noted that the Councils Conservation Officer is not supportive of the use of this roofing material, and has instead advised that this should be slate tiles or that the timber shingles should be renewed. The building is modern and the proposed roof covering would not be too dissimilar to the colour and appearance of other roofs within the area, it would be a visual improvement to the existing building as well as an improvement to its appearance in the context of the wider area.

The application also proposes a small bin store area which would be enclosed by c. 2.1m high hit and miss fibre cement boarding in a dark grey colour to match the new windows and doors on the café. Much of this would be screened from the street scene by the existing hedging to the north east boundary.

Overall, it is considered that the external alterations to the existing building would improve its existing appearance within the Conservation Area and wider Riverside setting as well as preserving the setting of the nearby listed buildings, in accordance with the Statutory Duties. The proposals would also accord to the aims of policies S53, S57 and NS73 of the CLLP as well as Policies 6 and 7 of the Gainsborough Neighbourhood Plan which seek to ensure development proposals are of a high quality design.

Highways

Policy S47 of the CLLP states that *“Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.”*

As well as being within a highly sustainable central location where it is expected that the majority of people visiting the café would be on foot, the car park to the north is retained as part of the proposals as well as there being a much larger public car park beyond. The bin store area would occupy one existing space within the car park to the north west, this loss is considered to be acceptable given the proximity to other larger car parks. There are no other alterations proposed that would interfere with highway safety. The proposal would therefore accord to the aims of Policy S47.

Drainage

Policy S21 of the Central Lincolnshire Local Plan states that development proposals adequate mains foul water treatment and disposal already exists or can be provided in time to serve the development and that proposed surface water disposal should follow the surface water hierarchy.

The site benefits from existing drainage connections in terms of foul and surface water disposal, which would be utilised in the new proposals, it is not considered necessary to request any further detail by means of condition in this respect.

Other Matters

Archaeology- The comments from the Historic Environment Officer at Lincolnshire County Council are noted. Given that the ground works will only consist of the installation of posts around the bin storage area it is not anticipated that these works would disturb any below ground archaeological remains. In any case an informative will be added to the decision notice in the event permission is granted.

Residential Amenity- The nearest residential properties are located c. 45m to the north of the site. No opening times have been provided as part of the application, it is considered necessary to condition that the times are provided for approval prior to the building being brought into use. It is however considered that given the separation distance and likely day time operation of the café it is unlikely that the use would have any unacceptable amenity impacts.

Minerals Safeguarding Area- The site is within a Sand and Gravel Minerals Safeguarding Area. Policy M11 of the Waste and Minerals Local Plan Core Strategy states that changes of use of existing buildings are exempt from complying with the policy.

Energy Efficiency- Policy S13 of the CLLP states that; *For all development proposals which involve the change of use or redevelopment of a building, or an extension to an existing building, the applicant is encouraged to consider all opportunities to improve the energy efficiency of that building (including the original building, if it is being extended)*.*

Within the submitted design and access statement it has been stated that the proposal will incorporate new energy efficiency measures as part of the changes of use which will raise the buildings overall energy performance.

Use Class- It is considered reasonable to restrict the use of the building to be specifically Use Class E b)- Café. This will allow the Local Planning Authority to properly assess any alternative use through the submission of a planning application as to not undermine the aims of the site-specific policy NS73 and also to assess any impacts upon neighbouring amenity.

Conclusions and reasons for decision: The application has been assessed against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S13: Reducing Energy Consumption in Existing Buildings, Policy S21: Flood Risk and Water Resources, Policy S47: Accessibility and Transport Policy S53: Design and Amenity, Policy S57: The Historic Environment and Policy NS73: Gainsborough Riverside Regeneration Area of the Central Lincolnshire Local Plan, the policies within the Gainsborough Neighbourhood Plan and the Statutory duties contained within the 'Act' and Policy M11 of the Core Strategy in the first instance as well as the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment the principle of the change of use is considered to be acceptable, the proposal would re purpose a long-term vacant building which would positively contribute to the Riverside area of the town. Matters of flood risk are acceptable, subject to conditions. The proposal would preserve the setting of the nearby Listed Buildings and would also enhance the Conservation Area by seeing a currently vacant building in a state of disrepair brought back into use. The proposal would not give rise to unacceptable impacts upon highway safety, residential amenity or drainage. It is recommended that planning permission is granted, subject to conditions.

RECOMMENDATION: Grant planning permission subject to 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 details and

materials specifications as shown on the approved plans and any other document forming part of the application:

- Proposed Site Plan and Location Plan- RD: 5281-05-B received 26/10/2023;
- Proposed Floor Plan (Café)- RD:5281-02 A received 26/10/2023;
- Proposed Elevations (shutters open)- RD:5281- 04 Rev C received 19/01/2024;
- Proposed Bin Store- RD:5281- 10 received 09/02/2024.

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

3. The development shall be carried out in accordance with the submitted Flood Risk Assessment (reference: '1208250 Version 1,' dated 22 Jan 2024, compiled by Ross Davy Associates). In particular, the finished floor levels of the café shall be set no lower than the existing level, at 6.5 metres above Ordnance Datum. The measures detailed 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 in accordance with Policy S21 of the Central Lincolnshire Local Plan.

4. The café hereby approved shall not be occupied until details of the proposed opening times have been submitted to and approved in writing by the Local Planning Authority. The café shall only be open during the approved times.

Reason: To safeguard the residential amenities of nearby residents in accordance with policy S53 of the Central Lincolnshire Local Plan.

5. Prior to the café being first brought into use a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be occupied in accordance with the approved details.

Reason: To ensure the occupants are safe in a flooding event in accordance with Policy S21 of the Central Lincolnshire Local Plan.

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

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 2015 or any orders revoking and re-enacting those Orders, this permission shall relate to the use of the building as a Café (Use Class E b)) and for no other use including those described in Use Class E as defined by the amended Use Class Order 1987.

Reason: As the application was considered on this basis and was found to acceptable and to allow Local Planning Authority to assess alternative uses and the impacts they may have upon the area and residential amenity in accordance with Policies S53 and NS73 of the Central Lincolnshire Local Plan.

Notes to the applicant

Flood Warning

Floodline Warnings Direct- Future occupants are advised to sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

Archaeology

The applicant is advised to contact the Historic Environment Officer at Lincolnshire County Council if any archaeological remains are found during the works to the bin store area.

Advertisement Consent

You are advised that Advertisement Consent may be required depending on the requirements of any future occupier of the Café.

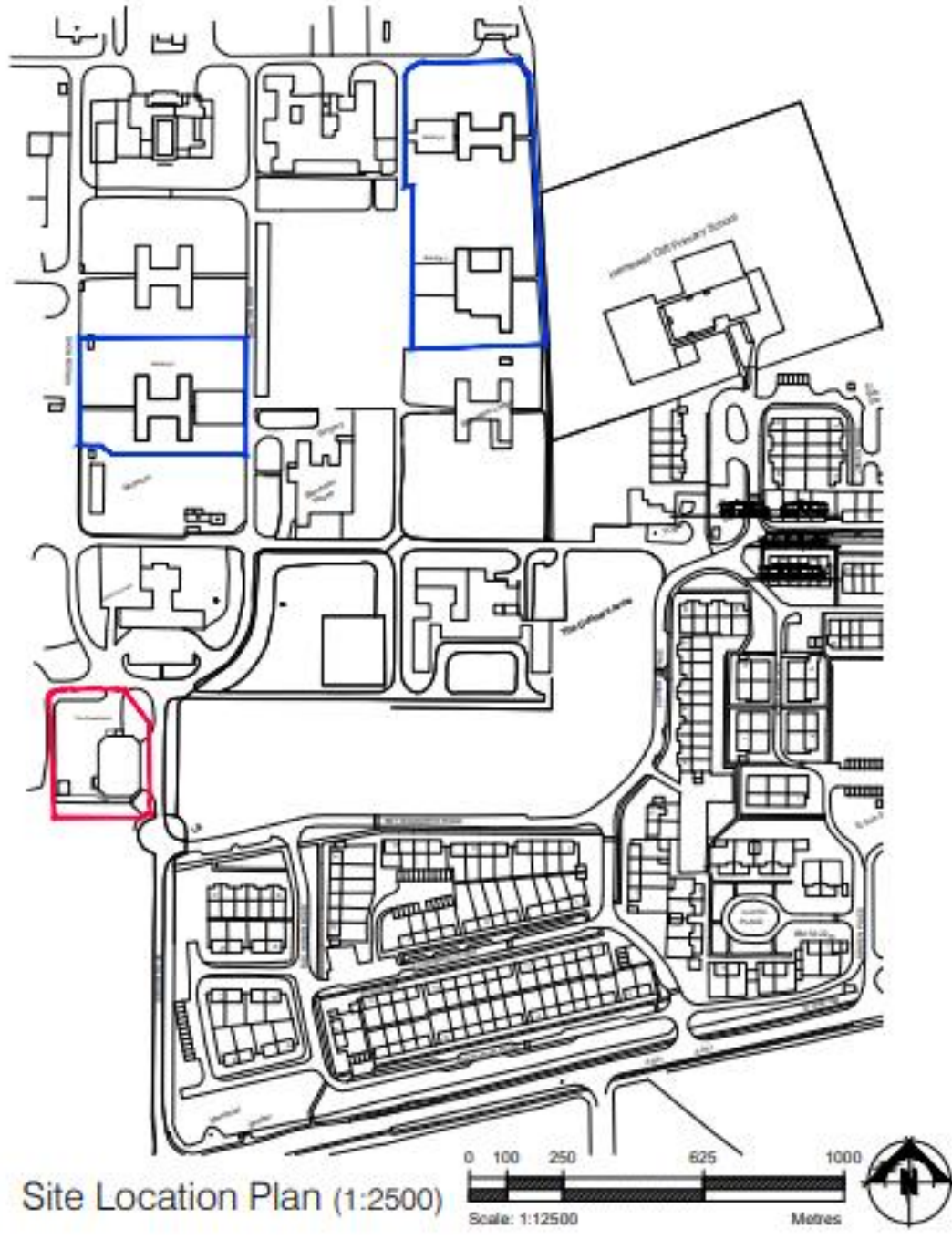
Human Rights Implications:

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

Legal Implications:

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

Site Location Plan- 147708



Officers Report

Planning Application No: 147708

PROPOSAL: Planning application for proposed two storey extension - resubmission of 146089

LOCATION: The Guardroom Unit 16 Gibson Road Hemswell Cliff Gainsborough DN21 5TL

WARD: Hemswell

WARD MEMBER(S): Cllr P Howitt- Cowan

APPLICANT NAME: Mr R Miller- Hemswell Antiques Centre

TARGET DECISION DATE: 06/02/2024 (Extension of time agreed until 1st March 2024)

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission with conditions

The application is referred to the Planning Committee for determination in line within the Councils constitution due to the call-in request received from Cllr P Howitt- Cowan stating material planning considerations.

Site Description: The application site comprises of the Guardroom building which is occupied by Hemswell Antiques Centre on the former RAF Station Hemswell at Hemswell Cliff. The building is located immediately behind the entrance gates to the former RAF camp it was originally used as the guardrooms serving the base. It was originally a single storey building and has since been extended with a first floor addition around c.2014. The wider surrounding site is occupied by a mix of commercial uses. The Hemswell Cliff residential estate is located c. 50m to the south east of the site.

The Proposal: The application seeks planning permission for the erection of a two storey extension to the northern side of the existing antiques centre. The application is a resubmission of previously refused scheme 146089.

The extension is of the same size, scale although it has now however been moved to a different location, to the northern side of the Antiques Centre. The extension would provide additional space for the display and sale of antiques, a photography area and an increase of the size of the existing café. The extension would also extend around to the front (east elevation) at a single storey height.

The proposal would have the following approximate measurements, taken from the submitted plans:

c. 48metres in length from the north west elevation, c.14metres in max width and c. 6.9metres in total height, single storey café extension would have a total height of 3.8m. The extension would have a total additional floor space of c. 887sqm (measurement taken from the application form) and a total footprint of c. 547m². It would comprise of an additional 23 pitches, as well as photography staging area and suite as well as an extension to the existing café and WC facilities.

The extension would have a shallow hipped roof behind a parapet wall and would be constructed from facing brickwork (buff) to match the existing with stone banding and rendered panels.

Following a meeting between the case officer and the agent for the application amended plans were received on 25th January 2024. These plans slightly altered the proposed design and detailing (full height glazed strip) on the principal (east) elevation of the building.

Relevant history:

146089- Planning application for proposed two storey extension. Refused 05/04/2023. An appeal has been submitted to the Planning Inspectorate- (Start date 18/12/23), and has yet to be determined.

Refusal Reason:

1. *The proposed two storey extension, by virtue of its large scale and design forms an over dominant feature in relation to the host building. The extension competes with the host building and does not form a subservient feature nor does it respect its character and appearance. The extension would also be a particularly dominant and detracting feature on the approach into the former RAF base and due to its size and scale it would also be visible when travelling along the A631, even at a distance, thus causing visual harm to the character of the area. The proposal is therefore contrary to policies LP5: Delivering Prosperity and Jobs, LP17: Landscape, Townscape and Views and LP26: Design and Amenity of the Central Lincolnshire Local Plan as well as the provisions of the National Planning Policy Framework and guidance contained within the National Planning Practice Guidance.*

130225- Planning application to remove and vary conditions 2 and 3 of planning permission 129764 granted 27 June 2013 - alterations to windows and doors and removal of fencing details. Granted with conditions 29/08/2013.

129764- Planning application for new first floor extension to existing single storey antiques centre. Granted with conditions at Planning Committee 27/06/2013, contrary to officer recommendation.

W127/511/95- Planning application to change the use of part of existing antique store to café. Approved 07/09/1995.

W47/377/90- Change of use and alterations to building to form office and retail accommodation. Approved 16/05/1990.

Representations- Full versions of the responses received can be viewed through the Councils website using the following link: <https://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?docid=147708>

Cllr P Howitt- Cowan: Supports the application but resist it being determined outside of the Planning Committee. I am totally aware that an earlier application was turned down and has gone to Appeal.

To provide background Hemswell Antiques wanted to develop the Guardsroom and this was turned down and I requested that it went to Committee which overturned the officer's recommendation.

At that meeting and subsequently one thing needs to be made clear, the former base is not listed or in a Conservation area. EH has had no interest in trying to preserve this base in aspic and over recent years the Business Park has grown and developed providing employment and small and large businesses. Moreover, many of the original buildings have been converted into good use and very little remains of the original complex.

The time is right for us to really consider the physical development of the whole site.

I am [not] resistant to any attempt to preserve anything RAF Hemswell however I am supportive of creating a vibrant business park and the 'past' should not hold back that forward development. I am aware of ADM's plans which I think will physically embrace a new order for this area.

The Business Park has taken on a new character and has to be seen in that context.

The Corporate Plan is helpful as we focus on the Guardsroom - I quote page 14 "Create a thriving and dynamic economic environment in which businesses can reach their full potential' and the Guardsroom development will create 23 pitches and further employment is a great advantage to the area. Moreover, it will expand its sales area, provide a larger coffee shop and comply with disabled access and embrace renewable energy.

"As a predominantly rural district, it is vital that we seek to safeguard what is important to current and future residents of West Lindsey. Central to this is ensuring economic growth and regeneration, creating employment opportunities and meeting the need and demand for homes"

And I am supported by the comments of the Growth team comments which have no objection to this development.

In these days of economic restraint, it is welcomed news that a business of national and international reputation wishes to expand WLDC should be encouraging and supportive of what is an attractive expansion.

I am minded that the Parish Council is strongly supportive, as is the Neighbourhood Plan in regard to the development of the Business Park

This application should not be considered under delegated powers but should be considered by the Planning Committee and I strongly argue that this is the case. This application looks to the Future, the expansion is proposed with sensitivity and signals a new departure for the former base. The past must not hold us back.

Hemswell Cliff Parish Council: The Parish Council supports and welcomes the extension.

Local residents: No representations received to date.

LCC Highways/Lead Local Flood Authority: No objections. The application does not affect the public highway.

WLDC Growth Team: In principle and subject to normal planning considerations, the Growth Team welcome the further investment into Hemswell Cliff and the growth of an existing business.

The Antiques Centre at Hemswell is a significant commercial operation within the former RAF site and as Europe's largest antiques centre also serves to strengthen the local economy, raise the Visitor Economy profile of Hemswell Cliff and drive footfall volumes to the locality.

Archaeology: The site lies within a recorded non-designated heritage asset in the Lincolnshire Historic Environment Record. This is Hemswell Airfield, opened in June 1918 and known as Harpswell Airfield during the First World War. The historic layout of the airfield, its setting and original buildings should be taken into consideration when looking to make changes. As well this, the potential for below-ground archaeological remains should be taken into account. The site of the application is of low below-ground archaeological potential and has had a modern car park constructed on it previously. I do not recommend any archaeological conditions regarding below-ground archaeology.

With regards to the setting of the historic field, I welcome the repositioning of the extension away from the road as proposed in application 146089. This will have less of a visual impact from the A631. Although the extension of the Guardroom will have an impact on the original layout of the building and its relationship with surrounding airfield buildings, the original Guardroom has already had a first-floor extension which has altered the historic fabric. The proposed café area in the north eastern corner will have a visual impact on the approach to Gibson House (former station headquarters) by partially blocking the view when entering the former airfield. These aspects have not been

considered in the very brief Heritage Impact Assessment included in the Design and Access Statement.

I recommend that the design considers the views of the approach from the entrance of the former airfield to Gibson House and the impact that this might have on the historic legibility of the site and visitor experience. As well as this, buff brick, like that of the original guardroom and Gibson House should be used as the main building material.

I also recommend, if the application is approved, that as part of the development an information board or other means to transmit the history of the site is set up. This would show the original function and layout of the building and its setting with photographs, maps, and historical information of the site. This would help provide some insight to the history of the site for visitors who, given the nature of the business, are likely to be interested. This could add to the overall experience and preserve the setting and character of the site without impeding new uses.

These recommendations are in line with National Planning Policy Framework (NPPF) paragraph 196, Central Lincolnshire Local Plan Policy S57 and Hemswell Cliff Neighbourhood Plan Policy 5.

WLDC Environmental Protection (from ref 146089): Given the historical use of the site as a former MOD site there is potential for contamination, as such, in order to satisfied any potential contamination risks a condition is advised.

WLDC Conservation Officer: It is my understanding that the first floor is a new addition which has significantly harmed the heritage of the Guardroom.

Having said that, the extension will alter the footprint which is a strong element of the design for RAF bases so this would be an element that requires consideration. If this is to be agreed, then a physical separation would be the best outcome i.e. a glazed link and a totally separate building. Additionally, I would suggest this new building be a modern design (rather than a pastiche building) so this will create a visual separation experienced on site.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023); the Hemswell Cliff Neighbourhood Plan (made November 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:

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S13: Reducing Energy Consumption in Existing Buildings
Policy S20: Resilient and Adaptable Design
Policy S21: Flood Risk and Water Resources
Policy S28: Spatial Strategy for Employment
Policy S33: Non- designated Employment Proposals within Identified Settlements
Policy S47: Accessibility and Transport
Policy S49: Parking Provision
Policy S53: Design and Amenity
Policy S56: Development on Land Affected by Contamination
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>

- ***Hemswell Cliff Neighbourhood Plan 2023 (NP)***

Relevant policies of the NP include:

Policy 1: Sustainable Development
Policy 2: Delivering Good Design
Policy 5: The Historic Environment
Policy 6: Employment and Business Development
Policy 9: Biodiversity Net Gain

Hemswell Cliff Design Code
Hemswell Cliff Character Assessment

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

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

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

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

National policy & guidance (Material Consideration)

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

[https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF December 2023.pdf](https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf)

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 December 2023.

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

Main issues

- Principle of Development;
- Visual Amenity and Design;
Heritage
- Highway Safety/Access;
- Contamination;
- Biodiversity/Ecology/Landscaping;
- Energy Efficiency;
- 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 on the former RAF base at Hemswell Cliff. The building which is the subject of this application is occupied by Hemswell Antiques, an established business. The extension would have a total additional floor space of c. 887sqm (measurement taken from the application form) and a total footprint of c. 547m². It would comprise of an additional 23 pitches, as well as photography staging area and suite as well as an extension to the existing café and WC facilities.

Policy S1 of the Central Lincolnshire Local Plan states that the spatial strategy will focus on delivering sustainable growth for Central Lincolnshire that meets the needs for homes and jobs, regenerates places and communities, and supports necessary improvements to facilities, services and infrastructure. This Policy defines Hemswell Cliff as a Medium Village (Tier 5).

Policy S33 is also applicable to the principle of development in this location. This policy is supportive of extensions to existing businesses subject to assessment of other material considerations. It states that;

Part 1: Other employment proposals not within SES, IEEA, SUE and not defined as a LEA, but that are within a settlement named in the Settlement Hierarchy in Policy S1, will be supported, provided:

- b) the scale of the proposal is commensurate with the scale and character of the existing settlement; and*
- c) there is no significant adverse impact on the character and appearance of the area, and/or the amenity of neighbouring occupiers; and*
- d) there are no significant adverse impacts on the local highway network; and*
- e) there is no significant adverse impact on the viability of delivering any allocated employment site; and*
- f) the proposals maximise opportunities for modal shift away from the private car.*

In the case of the expansion of an existing employment use, proposals will be acceptable where they satisfy criteria b-f above. (emphasis added)

Policy 6 (part c) of the Hemswell Cliff Neighbourhood Plan is also supportive in principle of extensions/expansions of existing business. It states that;

c. Commercial Estate and Historic Core

i) Other uses within Use Class E(a) (“Display or retail sale of goods, other than hot food”), E(g)(i) (“Offices to carry out any operational or administrative functions”), E(g)(ii) (“Research and development of products or processes”), and E(g)(iii) (“Industrial processes”) will be supported, provided that:

- they are compatible, in function and scale, with the area continuing to function primarily as an **antiques centre of national significance**;*
- if located within or immediately adjacent to the area that is also designated for development of a Village Centre, they are compatible with the requirements of Policy 4.*

ii) In all cases, the significance of the heritage assets concentrated in this area should be respected and works to conserve original RAF buildings and to enhance the appearance and environmental quality of both “hard” and “soft” spaces within the area (especially the former Parade Ground and its surroundings) should be incorporated where it is practicable and viable to do so.

The extension would accord to criteria b) of S33 in that the site is located within Hemswell Cliff, a medium village and it would be commensurate with its scale. Criteria c) and d) are fully assessed within the following Visual Amenity and Design and Highways sections of this report. With regard to criteria e) the extension relates to an existing business within

the confines of the site and would therefore not impact upon the viability of delivering any allocated employment site. The extension would also be compatible in supporting the function of the antiques centre as stated within policy 6 of the Hemswell Neighbourhood Plan.

The principle of an extension to this existing, well established business would accord to Policies S1, S33 of the Central Lincolnshire Local Plan as well as Policy 6 of the Hemswell Neighbourhood Plan, subject to assessment of other material considerations, as detailed in the following report.

Visual Amenity and Design

Policy S53 provides a clear set of standards and considerations which follow the ten themes of the National Design Guide. In particular, development proposals should contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness and reflect or improve on the original architectural style of the local surroundings.

Criteria c of Policy S33 states that proposals will be supported subject to there being no significant adverse impacts on the character and appearance of the area.

Policy 2 of the NP relates to Good design it states that;

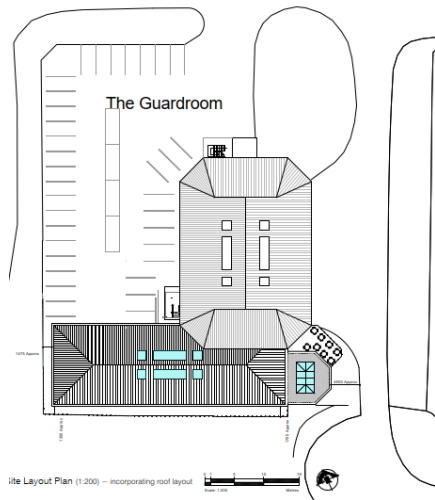
As appropriate to their scale, nature, and location development proposals that include the creation or alteration of buildings or spaces should embody principles of good design, including that the development:

- i) will function well and add to the overall environmental quality of Hemswell Cliff,*
- ii) is visually attractive with regard to design, layout and landscaping;*
- iii) is sympathetic to Hemswell Cliff's character and history, as described in the Hemswell Cliff Character Assessment (Appendix D);*

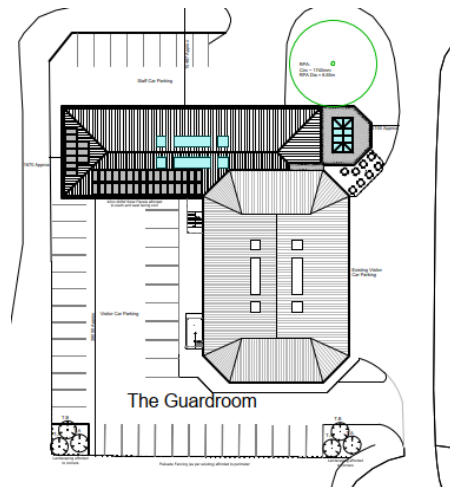
The site lies within the Industrial and Commercial area as defined in the Hemswell Cliff Neighbourhood Plan Character Assessment, the existing building lies within the commercial core section of this area. In terms of buildings in this area it states that; *Most buildings of this period present rectangular, elongated facades, and are generally two storey with flat roofs. The most common material is yellow / buff bricks, or, in some cases, yellow-coloured concrete..*

As detailed within the application description section of this report, the proposal is a resubmission of a previously refused scheme. For clarity, the location of the extension which was refused under reference 146089 is shown below on the left-hand side, with the proposed siting of the extension proposed in this application shown on the right-hand side.

146089- Refused



147708- Re submission



As can be seen the previously refused extension was located to the south of the existing antiques centre, in a prominent position when approaching the site from the south of the A631. It was considered that the massing of the extension in this position detracted from the existing building and caused visual harm to the character of the area.

This application now proposes a two-storey extension to the north of the building, with a single storey element on the eastern side, the extension would have the following measurements and facilities.

Two storey extension- c. 48metres in length from the north west elevation, c.14metres in max width and c. 6.9metres in total height. Single storey café extension would have a total height of 3.8m. The extension would have a total additional floor space of c. 887sqm (measurement taken from the application form) and a total footprint of c. 547m². It would comprise of an additional 23 pitches, as well as photography staging area and photography suite as well as an extension to the existing café and WC facilities. Proposed materials to be used would be reflective of those used in the host building and would comprise of from facing brickwork (buff) to match the existing with stone banding and rendered panels, this would reflect the Hemswell Cliff character assessment and Policy 2 of the NP.

It is considered that, due to the unique shape and appearance of the host building, a direct two storey extension does provide a contrasting, and potentially detracting element to the building. Nonetheless, it's relocation to the north does reduce its visual impact, as it will be set "behind" the host property to those approaching the business park.

With regards to this application (147708), a meeting was held with the case officer and the agent for the application on 24/01/2024 to discuss possible amendments that could be made to the scheme, and soften its impact. Suggested amendments to the scheme from the case officer included the following;

- Reduction in the size of the extension;
- Alterations to the roof;
- Separating the extension from the host building by a glazed link;
- Taking the extension to a Design Review Panel- (A meeting of independent professionals with architectural and design expertise who assess pre-application and application schemes).

During the meeting it was discussed that the size of the extension could not be reduced due to the number of additional pitches needed for the business and its expansion. With regards to the proposed link, it was explained by the agent that a large area of glazing would pose a security risk and would also impact upon the amount of car parking available within the site.

Following the meeting amended plans were received on 25/01/2024 which introduced a full height glazed element in between the existing building and the extension, on the principle (east) elevation. This gives the appearance of a defined separation and helps to provide a visual break and therefore a distinction between the existing building and the proposed extension. It is considered that this is more respectful of the host building. For ease, the proposed east elevation is shown below.



Proposed Front Elevation (1:100) ~ eastern

In terms of the massing, the location of the extension, in this position means that approx. 26m of its length sits behind the north elevation of the existing building. Therefore, when viewed from the A631 its presence would not be so dominant within the area as per the refused scheme.

Overall, it is considered that whilst the extension will still form a potentially visually discordant feature, its relocation will help to reduce its prominence and visual impact, and the design amendments do provide a visual break that would help to retain the distinct character of the host building.

It is considered that its visual prominence, and therefore its harmful impact is in part mitigated and therefore reduced, and that this does need to be balanced against the economic benefits of development that would arise.

On balance, , it is now considered that the siting of the extension is in a more appropriate position. Whilst views would still be visible from the A631, these would be at a distance with a section of the extension being set behind the north elevation meaning that the massing and prominence from the A631 and access road is significantly reduced. Overall, it is now considered that the extension would better accord to the aims of Policy S53 of the CLLP.

Heritage

The site lies within a recorded non-designated heritage asset in the Lincolnshire Historic Environment Record (Hemswell Airfield). The existing building was originally a single storey building used as a Guards room for the wider RAF Base when in operation. Since then it has been significantly altered from its original form by the addition of the first-floor extension erected c. 2014.

The comments from the Historic Environment Officer are noted, these state that; *The proposed café area in the north eastern corner will have a visual impact on the approach to Gibson House (former station headquarters) by partially blocking the view when entering the former airfield. However,* it is not considered that the single storey element at the front of the building would significantly harm the views through to the wider base, given its total height of c. 3.8m.

The comments from the Conservation Officer regarding a more modern linked extension/building are also noted, no such design has been forthcoming and the application falls to be determined as presented. We have not seen any alternative proposal that would show whether such an approach would offer a design improvement from that submitted. However, the applicant's concerns that separation from the main building would also lose car parking and raise security concerns with a glazed link are also recognised.. It is considered that the amendments that have been received as part of the application now provide a more defined separation between the building and extension.

Whilst the comments regarding the inclusion of an information board are acknowledged it is not considered that this would be reasonable or necessary to request through the means of the imposition of a condition. It is recommended that this is instead added to any decision notice as a note to the applicant for them to consider.

Highway Safety/Access

Policy S47 of the CLLP states that *“Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.”*

Criteria d of Policy S33 states that:

d) there are no significant adverse impacts on the local highway network; and

As existing, access to the car park is taken to the north of the building. Given that the application proposes to be located to the north and north west the site plan shows that access into the car park will be taken from the south, this is considered to be acceptable and would not be too dissimilar to the existing arrangements at the site. The extension would also allow for the addition of 12no. car parking spaces. It should also be noted that no objections have been received from the Highways Authority. Overall, the proposal would accord to Policy S47 of the CLLP.

Contamination

Policy S56 relates to development on land affected by contamination. It states that; *Development proposals must take into account the potential environmental impacts on people, biodiversity, buildings, land, air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.*

Whilst the Councils Environmental Protection team have not provided formal comments on this application they did provide comments for application ref 146089.

Due to the site's location within the former RAF base it is considered that there may be potential for the land to be contaminated from its former use. No preliminary assessment has been submitted therefore if permission were to be granted then a condition could ensure a contaminated land assessment is submitted prior to the commencement of the development. This would accord to the aims of Policy S56.

Biodiversity/Ecology/Landscaping

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

Policy 9 of the NP states that; *As appropriate to their scale, nature and location, development proposals should contribute to a net gain in biodiversity, through mitigation of adverse impacts and the incorporation of measures to support and diversify natural habitats and wildlife.*

The application site is not subject to any statutory or non-statutory ecological/biodiversity designations. The existing site comprises of the existing buildings, with a tarmac car park

in the location of the proposed extension. It is reasonable to conclude the existing biodiversity potential is very low. Policy S61 requires that all qualifying development should achieve at least a 10% net gain and preferably on-site and off-site in exceptional circumstances where a specific BNG is not possible.

The submitted site plan shows new tree planting in the south east and south west corners of the site. The planting schedule is shown on the site plan and is to comprise of Rowan and Cherry Trees. This landscaping would provide a significant biodiversity enhancement and a condition would ensure that the planting is carried out within 6 months of the occupation of the extension.

There is an existing tree (which is not protected by a TPO) located to the north east corner of the proposed extension which is to be retained as part of the proposals. The submitted plans show that the extension would be outside of its Root Protection Area, this has also been confirmed with the agent. Overall, the proposal would be expected to accord to the aims of Policies S60, S61 and S66 of the Central Lincolnshire Local Plan and Policy 9 of the NP.

Energy Efficiency

Policy S6 of the CLLP sets out a number of design principles for efficient buildings. Policy S13 relates to reducing energy consumption in existing buildings and states the following; *For all development proposals which involve the change of use or redevelopment of a building, **or an extension to an existing building**, the applicant is encouraged to consider all opportunities to improve the energy efficiency of that building (including the original building, if it is being extended)**

The proposed plans show that solar panels will be installed on the low-pitched hipped roof that will sit behind the parapet wall. This is considered to be an appropriate method to contribute towards providing renewable energy for the existing building and would accord to the aims of Policy S13.

Other matters

Minerals Safeguarding Area- The site is within a Limestone Minerals Safeguarding Area and therefore policy M11 of the Core Strategy applies. The proposal is for an extension to an existing business, considering the nature of the site and surrounding area it is not considered that the proposal would sterilise mineral resource. Mineral extraction here would likely be inappropriate due to the built-up area in which the site lies.

Residential Amenity- The building is located a significant distance away from the residential dwellings on the Hemswell Cliff housing estate as to not cause any unacceptable impacts upon residential amenity. The proposal therefore accords to the aims of policy S53 of the CLLP.

Drainage- The application form indicates that the surface water run-off and foul drainage are to be connected to the main sewer, which is the existing arrangement at the site. Considering the size of the extension (footprint of c.547m²) it is considered necessary to condition that a detailed scheme for the management of surface water run-off is submitted to and agreed in writing with the Local Planning Authority prior to the extension being occupied.

Conclusion and Reasons for Decision: The application has been considered against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S13: Reducing Energy Consumption in Existing Buildings, Policy S20: Resilient and Adaptable Design, Policy S21: Flood Risk and Water Resources, Policy S28: Spatial Strategy for Employment, Policy S33: Non-designated Employment Proposals within Identified Settlements, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, Policy S56: Development on Land Affected by Contamination, Policy S57: The Historic Environment, Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains, Policy S66: Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan 2023 and Policy 1: Sustainable Development, Policy 2: Delivering Good Design, Policy 5: The Historic Environment, Policy 6: Employment and Business Development and Policy 9 Biodiversity Net Gain of the Hemswell Cliff Neighbourhood Plan in the first instance as well as guidance contained with the NPPG and the provisions of the NPPF.

In light of this assessment the principle of development here is, on balance, supported by the policies within the Development Plan. With acknowledgement to the large size and scale of the extension it is believed that it will form a discordant addition to the host building. However, it is considered that the proposed amended design and siting of the extension to the north of the existing antiques centre has now helped to reduce the visual prominence of the development and has in part mitigated the previous visual concerns. Weighing this against the economic benefits, which are supported by the NP, it is now considered, on balance that the proposal is acceptable. Matters of highway safety, parking, residential amenity, drainage and biodiversity net gain are all considered to be acceptable subject to conditions. It is therefore recommended that planning permission is granted.

RECOMMENDATION- GRANT PLANNING PERMISSION WITH CONDITIONS

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

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

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

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

2. No development shall take place until, suitably qualified contaminated land assessments and associated remedial strategy with none technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority and the measures approved in that scheme shall be fully implemented. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing.

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site;
- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology;
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to identify potential contamination on-site and identify mitigation measures as recommended by the Environmental Protection Officer in accordance with policy S56 of the Central Lincolnshire Local Plan.

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

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

- Existing Plans- including Site Location Plan Drawing no. 200- received 12/12/2023;
- Proposed Ground Floor Plan Layout Drawing no. 302 Rev B received 25/01/2024;
- Proposed First Floor Layout drawing no. 303 Rev A received 25/01/2024;
- Proposed Elevations drawing no. 304 Rev B received 25/01/2024;
- Proposed Site Layout drawing no. 305 Rev B received 25/01/2024.

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

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

4. No development, other than to foundations level, shall take place until details of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed only in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure the development assimilates appropriately with the host building in accordance with Policy S53 of the Central Lincolnshire Local Plan.

5. The extension hereby approved shall not be brought into use until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. These details should include a plan showing the position of the drainage and location of the connections to the proposal. The development shall proceed only in accordance with the approved drainage details.

Reason: To ensure adequate drainage facilities are provided to serve the development to accord with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan (adopted April 2023).

6. The proposed landscaping hereby approved as shown on drawing no. 305 Rev B shall be carried out in the first planting season following the occupation of the extension and any landscaping which within a period of 5 years from the completion of the development dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of providing biodiversity enhancements in accordance with the requirements of Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

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

None.

Notes to the Applicant

Information Board- The applicant is encouraged to consider the comments of the Historic Environment Officer at Lincolnshire Council by including an information board or other means to transmit the history of the site.

Human Rights Implications:

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

Legal Implications:

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

Agenda Item 7



Planning Committee

**Wednesday, 28
February 2024**

Subject: Determination of Planning Appeals

Report by:

Assistant Director Planning and
Regeneration

Contact Officer:

Simon Wright
Locum Democratic and Civic Officer
simon.wright@west-lindsey.gov.uk

Purpose / Summary:

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

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

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

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

Risk Assessment: None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal made by Mr Mark Hampson against the decision of West Lindsey District Council to refuse planning permission for the construction of a detached dormer bungalow at 2 Minster Drive, Cherry Willingham, Lincoln, LN3 4LP

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse

- ii) Appeal made by Mr Mark Smithson against the decision of West Lindsey District Council to refuse planning permission for a a two-storey infill extension at Mere House, Mill Mere Road, Corringham, Gainsborough, DN21 5QZ

Appeal Dismissed – See copy letter attached as Appendix Bii

Officer Decision – Refuse

- iii) Appeal made by Mr Stephen Deacon against the decision of West Lindsey District Council to refuse planning permission for the change of use from workshop to dwelling at Rose Pavilion, 5 Masovian Lane, New Toft, Market Rasen LN8 3PY

Appeal Dismissed – See copy letter attached as Appendix Biii.

Officer Decision – Refuse



Appeal Decision

Site visit made on 23 January 2024

by **J Downs BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/N2535/W/23/3322274

2 Minster Drive, Cherry Willingham, Lincoln, Lincolnshire LN3 4LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Hampson of Hampsons Property UK Ltd against the decision of West Lindsey District Council.
 - The application Ref 146358, dated 24 February 2023, was refused by notice dated 20 April 2023.
 - The development proposed is construction of a detached dormer bungalow.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development to more accurately describe the proposed development and remove extraneous wording. The appellant has also confirmed the correct spelling of their surname is that used in the banner heading above.
3. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been materially amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers where necessary in this appeal.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of future occupiers of the proposed dwelling with respect to internal and external living space and existing occupiers of 2 Minster Drive with respect to outlook.

Reasons

Character and Appearance

5. The appeal site occupies a corner plot on the junction of Minster Drive and Croft Lane. It was formerly part of the garden of 2 Minster Drive but has since been separately enclosed. There is variation in the appearance of dwellings in the surrounding area with a range of single and two storey buildings in differing

materials and designs. The junction on which the site sits is wide and curved, with areas of grassed amenity space. In the immediate surrounds along Croft Lane, dwellings are generally set back from the pavement with notable front gardens and generally substantial plots. Together, these contribute to the attractive spacious quality of the area.

6. The proposed development would result in the loss of an area of undeveloped land. This positively contributes to the spacious character of the area, particularly in conjunction with the equivalent open space on the opposite corner. The proposed dwelling would also sit forward of the existing dwelling at 58 Croft Lane, making it prominent in the street scene, despite its lower height and lesser scale. The overall plot is smaller than those generally found in the surrounding area. Consequently, the proposed dwelling would appear as an incongruous addition to the area, reducing its open and spacious character and appearance.
7. The immediately adjacent properties on Minster Drive are small dwellings which occupy very modest plots. However, these properties do not have the prominent junction location of the proposed development. Further, I am mindful of the advice in the Framework at paragraph 131 that the creation of high quality places is fundamental to what the planning and development process should achieve. The presence of other small dwellings, even in the immediate vicinity, would not justify allowing development against the harm I have identified.
8. The proposed development would make an efficient use of land within a settlement identified as a large village in the settlement hierarchy. The proposed layout responds to the constraints of the site. However, paragraph 128 of the Framework requires account to be taken of the desirability of maintaining an area's prevailing character and the importance of securing well-designed places. The harm I have identified to the character and appearance of the area would not be outweighed by these considerations.
9. The appellant has directed me to other decisions of the Council¹ within Cherry Willingham. I do not have full details of these decisions. The appellant has also highlighted the relationship of other dwellings along Croft Lane with other junctions. The majority of these were set back from the highway and contributed positively to the open spacious character of the area. None of these would alter my conclusions above regarding the effect of the proposed development.
10. The proposed development would therefore have an adverse effect on the character and appearance of the area. It would be contrary to Central Lincolnshire Local Plan 2023 (LP) Policies S1, S4 and S53 which taken together and insofar as they relate to this issue, require development to contribute positively to local character and townscape and relate well to its site and local context. It would also be contrary to Raising the Bar – A Neighbourhood Plan for Cherry Willingham 2018 to 2036 (December 2018) (NP) Policies H3 and D1 which taken together and insofar as they relate to this issue, require development to be in-keeping with the character of the area and have building lines that reflect the positive characteristics of the area including plot sizes.

Living Conditions

¹ 144785 and 142379

11. The proposed dwelling would be almost immediately adjacent to the boundary with No 2, separated only by a footpath. The rear garden of No 2 is notably short. The proposed dwelling would occupy almost the full length of this space. Although it would be single storey, the proposed dwelling would almost entirely enclose the rear garden of No 2, resulting in a significant loss of outlook. This would have an unacceptable effect on the living conditions of occupiers of that property.
12. Due to the proximity of the proposed dwelling to the boundary with No 2, the windows serving both the dining room and kitchen would be in close proximity to the close boarded fence that surrounds the site and remains shown on the proposed plans. The outlook from these windows would be entirely of those fences. This would not provide acceptable living conditions for future occupiers of the property.
13. I have not been directed to any policies of the development plan which set a minimum amount of garden space. The layout provides for a modest amount of private garden space to serve the proposed dwelling. This would be adequate to allow for unencumbered sitting out and enjoyment of the space. However, this amounts to a lack of harm and would therefore be neutral. This would not outweigh the harms I have identified above.
14. The proposed development would therefore result in unacceptable living conditions for future occupiers of the proposed dwelling with respect to internal living space and existing occupiers of 2 Minster Drive with respect to outlook. It would therefore be contrary to LP Policy 53 which, insofar as it relates to this issue, requires development to provide a good quality internal environment and not result in harm to people's amenity. It would also be contrary to the advice in paragraph 135 of the Framework which requires development to provide a high standard of amenity for existing and future users.

Other Matters

15. There would be a benefit from the delivery of an additional dwelling. There would also be the associated economic benefits during the construction and occupation stages including support to the services and facilities within Cherry Willingham. There is no substantive evidence before me to justify attaching any additional weight to the delivery of a two bedroom dwelling.
16. The proposed dwelling would comply with the building regulations including to M4(2) standard. The design of the proposed dwelling would, in isolation of the issues I have considered above, be acceptable. Proposed materials are brick and tile and could be secured by condition. Appropriate drainage could also be secured by condition. While the proposed parking spaces would have reduced visibility, this is not unusual in the surrounding area and would not adversely affect highway safety where drivers exercised due care and attention. However, these would amount to a well-designed, policy compliant scheme which is to be expected of development. These would therefore be neutral.
17. The LP was adopted after the application was submitted and shortly before the decision was issued. The appellant accepts that the proposed development would therefore need to comply with policies within the LP regarding energy efficiency and biodiversity net gain. As I am dismissing the appeal on other grounds, it is not necessary for me to consider these matters further. No heritage assets are affected by the proposed development.

18. A previous application on the site was withdrawn. However, I must assess this proposal on its own planning merits and not as a comparison to the previous scheme. The focus of planning decisions should be on whether the proposed development is an acceptable use of land. This would not be informed by the motivations of the appellant in this case. Both parties have referred to administrative inconsistencies in statements, however these do not raise any issues of fairness or change my assessment of the planning merits of the appeal.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

J Downs

INSPECTOR



Appeal Decision

Site visit made on 22 November 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2024

Appeal Ref: APP/N2535/D/23/3324965

Mere House, Mill Mere Road, Corringham, Gainsborough, DN21 5QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Smithson against the decision of West Lindsey District Council.
 - The application Ref 146341, dated 24 February 2023, was refused by notice dated 19 April 2023.
 - The development proposed is a two-storey infill extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposal on the character and appearance of the area and on the setting of the Church of St Lawrence; and the effect on the living conditions of the occupants of number 2A Church Lane (number 2A), with regard to outlook.

Reasons

Character, Appearance and Setting

3. The appeal property is a dwelling house, which is situated on the corner of Mill Mere Road and Church Lane, within the small settlement of Corringham. The character and appearance of the area is mixed and it contains a variety of buildings in terms of their age, appearance and scale. The Church of St Lawrence, which is situated to the north-east of the appeal site is a listed building. The church is partly visible across the appeal site from Church Lane and the appeal site is partly visible from the grounds of the church.
4. The proposal is to construct a two-storey extension which would infill an existing gap between two buildings within the garden of the property. It would be constructed of a mixture of brickwork and glazing with much of the glazing at first floor level. The extension would abut the driveway number 2A. The plans show that the extension would be used for storage.
5. Policy S53 of the adopted Central Lincolnshire Local Plan (LP) and Policies CNP4 and CNP5 of the Corringham Neighbourhood Plan (NP) generally seek (amongst other things) to ensure that new development is of high-quality design that contributes positively to local character. These policies accord with paragraph 135 of the National Planning Policy Framework 2023 (The Framework). Policy

- S53 does allow for innovative design and new technologies, but both the LP and the NP also require external materials to reinforce local distinctiveness and respect the predominant materials used in the area.
6. Although, the area is mixed in terms of building ages and designs, the use of traditional external materials predominates. These include brickwork or render and tiled roofs. The proposed glazed section of the extension, which would be clearly visible when viewed from Church Lane, would be at odds with this prevailing character and it would appear as an incongruous and alien feature in the locality. Consequently, it would conflict with the provisions of the Development Plan, as referred to above.
 7. Turning to the effect on the setting of the Church of St Lawrence, the setting is generally regarded as the surroundings in which the heritage asset is experienced. Policy S57 of the LP and Policies CNP6 and CNP7 of the NP seek to protect and conserve heritage assets, including the setting of listed buildings. Chapter 16 of The Framework also contains similar provisions. I note that the NP identifies 'key views', but the list does not include any views from or towards the church from the appeal site or its immediate surroundings.
 8. The Church occupies a central position within this part of Corringham and it is visible or partly visible from different vantage points, including from Church Street. In addition, the appeal site would be partly visible from the church grounds.
 9. Although the extension would appear at odds with its surroundings, for the reasons given above, I am not persuaded that the setting of the listed building would be harmed. Whilst the surroundings of the church are characterised by buildings constructed of traditional materials (notwithstanding their different ages and styles), when viewed from Church Lane, both the Church and the proposed extension would not generally be viewed in association with each other, due to the separation distance and angular relationship between them.
 10. Furthermore, although the proposed extension would be partly visible from the churchyard, I am not persuaded that this would be harmful, because of the limited extent of the view and the separation distance between the buildings. In my opinion, the features and characteristics that contribute to the setting of the Church would predominate and the setting of the heritage asset would be preserved.

Living Conditions

11. Policy S53 of the LP and Policy CNP1 of the NP state that development proposals should not result in harm to people's amenity, including neighbouring residents. I note that the occupants of number 2A did not object to the proposal and I have taken this into account in reaching my conclusion on this issue.
12. The proposed extension would infill an existing space between buildings at first-floor level adjacent to the side boundary/driveway with number 2A. Although the use of glazing would, to a certain extent, have less of an impact than a solid wall, the proposed extension would be an imposing feature and would have a strong physical presence that would overbear and have a domineering effect on number 2A. Consequently, I consider that the proposal would have an unacceptably harmful effect on the amenity of the occupants of

number 2A and, therefore, it would conflict with the provisions of the Development Plan, as referred to above.

Conclusion

13. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR



Appeal Decision

Site visit made on 23 January 2024

by **J Downs BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 February 2024

Appeal Ref: APP/N2535/W/23/3319144

Rose Pavilion, 5 Masovian Lane, New Toft, Market Rasen LN8 3PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Deacon against the decision of West Lindsey District Council.
 - The application Ref 146173, dated 20 January 2023, was refused by notice dated 9 March 2023.
 - The development proposed is change of use from workshop to dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council's decision was issued, the Central Lincolnshire Local Plan 2023 (LP) has been adopted, replacing the Central Lincolnshire Local Plan 2012-2036 (former LP). This was made clear by the Council in its statement and the appellant had the opportunity to respond through the final comments stage.
3. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been materially amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers in this decision.
4. I have amended the description of development to remove extraneous wording. The Council's evidence refers to unlawful alterations to the structure. The proposed plans before me show further alterations to the appearance of the building. I have dealt with the appeal on the basis of the works proposed on the submitted plans.

Main Issues

5. The main issues are:
 - whether the site would be a suitable location for the proposed development with regard to the spatial strategy for development in the countryside; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Suitable Location

6. LP Policy S5 Part A addresses the reuse and conversion of non-residential buildings for residential use in the countryside. Its wording is identical to that of former LP Policy LP55. There is no substantive evidence before me to justify why the building can no longer be used for its previous purposes or of a marketing exercise showing there is no demand for business use.
7. There is an inherent historic interest in the building and its wider surrounds as a former RAF base. However, this is not uncommon in Lincolnshire and there is no substantive evidence before me of any notable historic merit to the building, although I acknowledge its personal significance to the appellant. It is not readily apparent that the building previously functioned as a sports pavilion, given the lack of sporting facilities or pitches around it. As such, the building is not intrinsically worthy of retention in its setting.
8. The LP has recently been found sound. It is not within the remit of this appeal to reconsider those matters that were addressed during the examination of the LP, including its consistency with the Framework. While there have been subsequent revisions to the Framework, these have not materially amended it as it relates to this appeal.
9. Furthermore, much of the appellant's case in this respect is based on the conformity of LP Policy SP5 with paragraph 84 of the Framework. From my observations at my site visit, the site is not isolated for the purposes of paragraph 84, and the Council has not sought to argue that it is. The appellant notes at several points that the appeal site is not isolated. The proposal therefore would not benefit from any support from the application of this paragraph.
10. The appellant has directed me to another appeal¹. I do not have full details of that appeal or policies against which that proposal was assessed as it was not within this authority area. It was not in dispute that the dwelling in that appeal was not isolated. However, it is clear that a significant consideration was the need for a dwelling to support a rural enterprise, which distinguishes it from the appeal before me.
11. While paragraph 124c of the Framework refers to giving substantial weight to the value of suitable brownfield land, this is within settlements. While I have not been provided with a copy of any policies map that may accompany the LP, it has not been disputed that the site lies in the countryside.
12. The proposed development would not be in a suitable location with regard to the spatial strategy for development in the countryside. It would therefore be contrary to LP Policy S5 which requires the reuse and conversion of buildings to residential use in the countryside to demonstrate that the building cannot be used for other uses.

Character and Appearance

13. The building, although set in a spacious plot, is a modest structure. At my site visit, the plot was maintained, and clearly contrasted with the surrounding

¹ APP/Z1510/W/20/3255127 allowed 3 December 2020

agricultural land. Any views of the site which exist across the agricultural land would show it in the context of the adjacent built development. This includes substantial employment buildings and dwellings, and the associated use of the gardens and surrounding land. The proposed works to the dwelling would not be readily discernible beyond the local area. There would likely be the typical domestic paraphernalia that would be expected were the appeal to be allowed. Given the size of the plot this could be notable. However, given the backdrop of the existing built form and the limited views that would be available of the site, the effect would be localised and not materially harmful to the character of the countryside.

14. The proposed alterations to the building would be appropriate to its existing scale. There is no predominant design character to the surrounding area which would be affected by the proposed alterations.
15. The proposed development would therefore have an acceptable effect on the character and appearance of the surrounding area. It would reflect the existing character and context of the area in accordance with LP Policy S53.

Other Matters

16. The site does lie in proximity to employment opportunities and it is not disputed that there is a village hall at New Toft. I do not have substantive evidence as to frequency and destination of bus services that serve the area, but there is a service. The proposed development could therefore support the vitality of a rural community. I attach limited weight to this benefit.
17. I recognise, and have had regard to, the appellant's personal circumstances and connection to the site. I am mindful of the advice contained in the Planning Practice Guidance (PPG) that in general planning is concerned with land use in the public interest². It is probable that the appeal proposal would remain long after the appellants' personal circumstances cease to be material. I therefore attach limited weight to the personal circumstances of the appellant in the context of this appeal.

Conclusion

18. While I have not found harm with respect to the effect of the character and appearance of the area, the proposal does conflict with the spatial strategy for development in the countryside and I attach significant weight to this. The proposed development would therefore conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. The appeal should therefore be dismissed.

J Downs

INSPECTOR

² Determining a planning application Paragraph: 008 Reference ID: 21b-008-20140306 Revision date: 06 03 2014