

AGENDA

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

Planning Committee

Wednesday, 22nd May, 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
- Vacancy

1. **Apologies for Absence**
2. **Public Participation Period**
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. **To Approve the Minutes of the Previous Meeting** (PAGES 3 - 12)
 - i) Meeting of the Planning Committee held on 24 April 2024, previously circulated.
4. **Declarations of Interest**
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

5. Update on Government/Local Changes in Planning Policy

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

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

6. Planning Applications for Determination

i) 147639 - Land off Northumberland Avenue & Westmoreland Avenue, Scampton (PAGES 13 - 33)

ii) 148059 - 16 Silver Street, Gainsborough (PAGES 34 - 47)

7. Determination of Appeals (PAGES 48 - 55)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 14 May 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 24 April 2024 commencing at 6.30 pm.

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

Councillor Emma Bailey
Councillor John Barrett
Councillor Karen Carless
Councillor Ian Fleetwood
Councillor Sabastian Hague
Councillor Tom Smith

Also Present: Councillor Stephen Bunney
Councillor Mrs Lesley Rollings
Councillor Moira Westley
Councillor Trevor Young

In Attendance:
Russell Clarkson Development Management Team Manager
Ian Elliott Development Management Team Leader
Martha Rees Legal Advisor
Maisie McInnes Democratic and Civic Officer

Also In Attendance: 20 members of the public

Apologies: Councillor David Dobbie
Councillor Peter Morris

106 PUBLIC PARTICIPATION PERIOD

There was no public participation.

107 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on Wednesday, 27 March 2024 be confirmed and signed as an accurate record.

108 DECLARATIONS OF INTEREST

Councillor Fleetwood declared he would abstain from the vote on application 146801 as he

was not present at the previous meeting when the decision was deferred. He added that he did attend the site visit and would contribute to the debate.

Councillor Hague declared an interest as the ward member for Dunholme and Welton, application number 146801, and would consider the application with an open mind.

109 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

Members heard that on 2 April 2024, mandatory Biodiversity Net Gain (BNG) came into force for smaller sites, following its requirement for major developments since February. Introduced under the Environment Act 2021, BNG required a developer to apply a statutory metric to a site prior to its development to give a baseline value to its current biodiversity. Consequently, a development should be looking to achieve at least a 10% uplift in the baseline value following development. Where the developer could not achieve this on site, they would need to buy off-site credits to make up the difference.

On 17 April, the Central Lincolnshire Principal Ecology and Wildlife Officer, Chris Harrison provided training to Councillors on BNG. The session was recorded and slides were circulated to Members.

On 6 March, the Government launched a consultation on its proposals for “[An Accelerated Planning System](#)”. The consultation sought views on proposals to:

- **Introduce a new “fast-track” service for major commercial applications** – currently major applications were due to be determined within 13 weeks, unless an extension of time (EoT) was agreed with the developer. It was proposed that a developer could instead pay a higher fee in exchange for a decision within 10 weeks, or they would receive their fee back;
- **Change the use of extensions of time (EoT)** – Currently, local planning authorities were expected to determine major development applications in 13 weeks, and non-major applications in 8 weeks, unless an extension of time (EoT) had been agreed in writing with the applicant. The Government proposed to remove the ability to agree an EoT on householder applications, and the ability to seek more than one extension on other applications. The extract below showed how West Lindsey compared with the England average for determining applications within the statutory time period (8/13 weeks) and/or within an agreed extension of time.

*Year ending Sept 2023	Determined within Statutory Period (8 / 13 weeks)		Determined within statutory period and/or within an agreed EoT	
	England	W Lindsey	England	W Lindsey
Major applications (13wks)	19%	39%	88%	94%
Non-major applications (8wks)	49%	63%	88%	98%
Householders (8wks)	56%	77%	90%	99%

- **Expand the current simplified written representations appeals process for householder and minor commercial appeals to most appeals, being dealt with via written representations** – The Government proposed to expand its simplified appeal process across most appeals decided through written representations. This would remove opportunities for parties to provide additional information at the appeal stage.
- **A new process to “vary or amend” an existing planning permission** – this was proposed to enable an applicant to make an application to a local planning authority for a new planning permission for development which was not substantially different to that previously granted by an existing planning permission. This would allow the developer to seek to change the description of the development as well as any conditions of permission. At present, an applicant could only seek to change the conditions, but not the description.

Members also heard the following update on Neighbourhood Plans in the district.

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 successful, referendum to be held on Thursday 20 June 2024.	Review NP has significant weight
Nettleham Review*	The examiner’s fact-check report is with the parish council for comment.	Review NP has increasing weight
Reepham	NP at the examination stage. The examiner is to be appointed shortly.	Increasing weight
Ingham	Regulation 14 consultation closes on 7 May 2024.	Some weight
Sturton by Stow and Stow Review*	Parish councils are making minor modifications to their joint NP. They intend to submit it to WLDC by the end of May.	Review NP has little weight
Grasby and Searby cum Owmbly	Supporting evidence is being prepared including a design guide and housing needs assessment.	Little weight
Saxilby with Ingleby Review*	A supporting draft housing needs assessment has been issued for comment.	Review NP has little weight
Cherry Willingham Review*	Early work on the review has begun.	Review NP has little weight
Swallow	The parish council is to consider applying to prepare a NP.	No weight

Barlings, Newball, Stainton by Langworth and Reasby	Langworth Group PC's application to extend the NP area and rename it has been approved by WLDC.	Little weight
Normanby by Spital	The parish council is to prepare its own NP.	Little 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

110 146801 - LAND OFF EASTFIELD LANE, WELTON

The Chairman introduced application 146801, to erect 108 dwellings with access to be considered, on land off Eastfield Lane, Welton. The application decision had been deferred from the previous meeting to allow for a site visit to take place to consider the access to the site and impact on the local area. The Planning Officer presented the indicative site plan showing the corner of Eastfield Lane and photographs of viewpoints from the site from the North, South, East and West perspectives. He explained there were no material considerations for Members to be aware of since the previous meeting.

The Chairman thanked the Officer for his presentation and advised the Committee there were five registered speakers.

Councillor Mike Powell, Chair of Welton-by-Lincoln's Planning and Development Committee addressed the Committee and stated that Welton had been inundated with development to satisfy housing need for the next decade, and planning policy should consider the density of building form, desirability, and preserve the prevailing character and setting of the area. He referred to the Welton Neighbourhood Plan, and quoted the character of area K, Welton East and Welton's community objective CO2 to integrate new housing that maintains the rural character. He expressed safety concerns and showed photographs of car accidents that had occurred on Eastfield Lane.

Mr Steve Catney, the agent for the site, acknowledged the Planning Officer's technical presentation and explained he had sympathy with residents, and stressed that due diligence and planning consideration had taken place. He explained that the ransom strip could not be enforced, the access was not required from the West, and Highways implications had been considered in the application report. The safety requirement for visibility was 215m, and the visibility for the site was 330m.

Mr Chris Thomas thanked Members for conducting a site visit and explained that he had approached the Central Lincolnshire Plan team who had responded it was impossible and inappropriate to define a specific density in the Local Plan. He objected to the application and urged Members to consider the density of the site and the local vernacular.

Mr Ian Turvey expressed his concerns relating to the safety of the roads and stated that the site would bring an increase in traffic. He shared that development traffic would need to negotiate the sharp bends. He explained that access was preferred to the West of the site as agreed by the Highway authority and he felt this should be considered, and the proposed passing bays were contrary to planning and transport policy.

Councillor Mrs Diana Rodgers addressed the Planning Committee in her capacity as a local ward member for Dunholme and Welton. She expressed flooding concerns with the increased sewerage, drainage, and impact of the weather on the site. It was hoped that West access would be considered, in addition to the East access, to provide a through route. She urged members to refuse the development site with due regard to the flooding and traffic concerns.

The Planning Officer responded to comments made and considered the site plan would be low density and the character of Welton included higher density modern development to the West of the site. He was in regular communication with Highways, who maintained they had no objection to the access point with the road improvements to take place on Eastfield Lane. In terms of infrastructure, S106 contributions for secondary and sixth form provision would be from the Community Infrastructure Levy. No education contribution was required for primary schools and there were places available. A health contribution of just under £70,000 would be secured in a section 106 agreement.

Members discussed the application and asked for clarification on the specification of the passing places. The Officer responded that Highways as the responsible authority would ensure these were up to standard. Members expressed road safety concerns with the bend on Eastfield Lane having a blind spot which had potential for collisions with oncoming vehicles.

The Legal Advisor advised Members that the application was for an allocated site in the Local Plan, had been thoroughly assessed prior to being accepted for allocation by the Planning Policy team, was supported by Lincolnshire County Council, and put forward to the Planning Inspectorate. As the body with the statutory responsibility for the safety of roads in Lincolnshire, Highways had raised no objections to the site and would not put the site forward if it was not up to specification and deemed safe.

Members asked a question surrounding the use of Neighbourhood Plans and capacity of housing on development sites. The Development Management Team Manager explained if there were any conflicts between planning documents, consideration would be given to the most recent plan. In the case of this application, the Local Plan was adopted in April 2023 and the application site was an allocated site. The calculation for site capacity within the Plan followed a formula set out in the Officer's report. 'Low density' was not defined and required a judgement, and applications would need to demonstrate efficient use of land and deliverability.

Members proceeded to debate the application and raised concerns relating to the safety of the road, the density of the site, flooding, and other planning considerations. Two proposals for refusing the application were put forward, with Members unable to provide material planning reasons for the refusal of the application site.

It was proposed and seconded that the site be recommended for approval, subject to the conditions set out in the Planning Officer's report.

On taking the vote, it was agreed that planning permission be **GRANTED** subject to the following conditions.

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

1. Apart from the five self-build plots an application for approval of the reserved matters for the remaining 104 dwellings must be made to the Local Planning Authority before the expiration of three years from the date of this permission. No commencement of the five self-build plots must occur until the reserved matters for the self-build plots are approved.

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

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

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

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

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

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

4. No development must take place until a construction method statement and plan has been submitted and agreed in writing by the local planning authority. The approved statement(s) must be adhered to throughout the construction period. The statement must provide for:

- a) the routeing and management of traffic including any off-site routes for the disposal of excavated material;
- b) the parking of vehicles of site operatives and visitors;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;

- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) wheel cleaning facilities;
- g) measures to control the emission of dust and dirt;
- h) protection of the public right of way along the west boundary;
- i) details of noise reduction measures;
- j) a scheme for recycling/disposing of waste.
- k) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- l) strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

Reason: To restrict disruption to the living conditions of the neighbouring dwellings and surrounding area from noise, dust, and vibration and to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023.

5. No development must take place until a Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Travel Plan must be implemented in accordance with the timetable contained therein and must continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development to accord with the National Planning Policy Framework, local policy S47 of the Central Lincolnshire Local Plan 2023 and policy D2 of the Welton by Lincoln Neighbourhood Plan.

6. Any reserved matters application must include the following:
- A housing mix schedule
 - An off-street parking standards schedule

Reason: In order to ensure an appropriate mix of housing and the provision of an acceptable standard of off-street parking for each dwelling to accord with the National Planning Policy Framework, local policy S1, S2 and S23 of the Central Lincolnshire Local Plan 2023 and policy D1 of the Welton by Lincoln Neighbourhood Plan.

7. Any reserved matters planning application submitted to the Local Planning Authority considering layout, scale and appearance must be accompanied by an Energy Statement to accord with the requirements of local policy S6 and S7 of the Central Lincolnshire Local Plan 2023. The development must thereafter proceed only in accordance with the agreed Energy Statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure efficient buildings and reduce energy consumption, to accord with the National Planning Policy Framework and local policy S6 and S7 of the Central Lincolnshire Local Plan 2023.

8. Any reserved matters applications submitted to the Local Planning Authority must include the following documents:

- A 30-year Biodiversity Net Gain Management and Monitoring Plan
- Landscape Ecological Management Plan

Reason: To safeguard the biodiversity net gain of the development and to ensure all recommendations listed in section 6 of the Preliminary Ecology Appraisal (PEA) by ESL dated January 2024 to accord with the National Planning Policy Framework, local policy S61 of the Central Lincolnshire Local Plan 2023 and policy EN1 Environmental Capital and EN2 Habitat of the Welton by Lincoln Neighbourhood Plan.

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

9. 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:

- AP038224-PW01 Rev E dated 30th August 2022 – Site Plan (Vehicular Access Only)
- AP038224-PW02 Rev A dated 18th May 2022 – Location Plan

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy S47 and S80 of the Central Lincolnshire Local Plan 2023.

10. No development above ground level must take place until a detailed surface water drainage scheme for the site, based on sustainable urban drainage principles has been submitted to and approved in writing by the Local Planning Authority. If a full sustainable urban drainage system scheme is incapable of being delivered then comprehensive justification of this must be submitted. The scheme must:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which must be restricted to 5 litres per second.
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme must be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling must be occupied until the approved scheme has been completed or provided on the site in strict accordance with the approved phasing. The approved scheme must be

retained and maintained in full, in strict accordance with the approved details.

Reason: To ensure that surface water is adequately and appropriately drained on the site and without creating or increasing flood risk to land or property, nor drainage network adjacent to, or downstream of, the permitted development to accord with the National Planning Policy Framework, local policy S21 of the Central Lincolnshire Local Plan 2023 and policy EN3 of the Welton by Lincoln Neighbourhood Plan.

11. No development above ground level must take place until details of a scheme for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. Development must thereafter proceed in strict accordance with the details and be operational before the first dwelling is occupied.

Reason: To ensure adequate foul drainage facilities are provided to serve the development to prevent the pollution of the water environment and to accord with the National Planning Policy Framework, local policy S21 of the Central Lincolnshire Local Plan 2012-2036 and policy EN3 of the Welton by Lincoln Neighbourhood Plan. The approved scheme must be retained and maintained in full, in strict accordance with the approved details

12. No occupation of any dwelling must take place until the works to improve the public highway by means of widening the Eastfield Lane carriageway and the provision of a frontage footway to connect to the existing footway terminating outside 77 Eastfield Lane and to extend the existing footway into the site, have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development to accord with the National Planning Policy Framework, local policy S47 of the Central Lincolnshire Local Plan 2012-2036 and policy D2 of the Welton by Lincoln Neighbourhood Plan.

13. The development hereby permitted must be undertaken in accordance with an Estate Road Phasing and Completion Plan, which must first be approved in writing by the Local Planning Authority. The Plan must set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development to accord with the National Planning Policy Framework, local policy S47 of the Central Lincolnshire Local Plan 2012-2036 and policy D2 of the Welton by Lincoln Neighbourhood Plan.

14. No services must be laid within the development for the provision of piped natural gas.

Reason: In the interests of energy efficiency to accord with the National Planning Policy Framework and local policy S6 and S7 of the Central Lincolnshire Local Plan 2023.

15. 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 must be placed within the curtilage of the dwelling(s) hereby approved.

Reason: In the interests of energy efficiency to accord with the National Planning Policy Framework and local policy S6 and S7 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

111 DETERMINATION OF APPEALS

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

The meeting concluded at 7.50 pm.

Chairman

new driveways created off existing residential road, with garages set back from the houses to provide parking for up to 3 cars

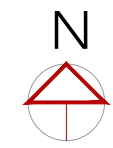
existing bank of trees retained

area of enhanced grassland separated from housing plots with timber paddock fence and hedgerows

new trees and hedgerow provided to reinforce the boundary conditions

private driveway with new hedgerow along boundary

maintaining the grass verge whilst ensuring any new access point is a minimum of 2x the radius of the junction away



DRAWING:
Indicative Site Plan

PROJECT:
proposed residential scheme

LOCATION:
land off Northumberland Avenue PL-002
Scampton,

SCALE:
1:500 @ A3

DRAWN:
nov 2023

0115 8700434
studio@redskyarchitects.com

red skyarchitects
Print Date: 7 May 2024, 5:10 PM

Officers Report

Planning Application No: 147639

PROPOSAL: Outline planning application to erect 9no. dwellings with access to be considered and not reserved for subsequent applications.

LOCATION: Land off Northumberland Avenue & Westmoreland Avenue
Scampton Lincoln LN1 2UQ

WARD: Scampton

WARD MEMBER(S): Cllr R Patterson

APPLICANT NAME: Mr Edward Key

TARGET DECISION DATE: 19/01/2024 (EoT until May 23rd 2024)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Dan Galpin

RECOMMENDED DECISION: Grant (subject to conditions)

Description: The application area is located at the western edge of Scampton (RAF) to the north of Lincoln and the A15 lies to the east. Directly to the north-west is the former RAF Scampton airbase. The application site is also located within a Limestone Mineral Safeguarding Area and is situated within Flood Zone 1 (low probability).

The site is 0.4-hectare area of modified grassland at the junction of Northumberland Avenue and Westmoreland Avenue with a belt of mature trees to the west of the site with some younger trees lining the north of the site. There is a group of garages to the immediate north of the site with residential dwellings to the north-east, east, and south-east of the site.

Outline planning permission is being sought for the erection of nine dwellings with access to be considered as part of this application. Matters of layout, scale, appearance, and landscaping are reserved for subsequent approval ("reserved matters"). The indicative site plan avoids the use of a singular site access instead utilising a number of individual accesses onto the road. This is likely in part a design feature due to the uniformity of the appearance of the residential dwellings in Scampton that exhibit a clear lack of a deep frontage where dwellings are set back from the road.

Relevant history:

None.

Representations:

The summary below represents a summary of any representations received. Full responses can be found on the Council website. A full assessment of the relevant material planning considerations are outlined within this report.

Chairman/Ward Member(s)

No representations received to date.

Scampton Parish Council

Objection – The proposed development is at odds with the WLDC plan to treat the site as a whole and not allow fragmented, disjointed and uncoordinated development. The proposed development is at odds with the WLDC sponsored study, undertaken by OpenPlan, which placed preservation of the existing green spaces at the core of its recommendations.

As yet, the exact nature and design of the houses has not been submitted; however, given the size of the site it is expected that the design of the proposed houses would not support mixed housing style development. The proposal also represents over development of a small area without consideration for the current residents and involves the removal of a number of well-established trees.

There is insufficient infrastructure, including access roads, on the Scampton estate to support existing accommodation. Access to the proposed development would have to be via management company owned roads. There is a single point of entry to the estate which unable to support the existing levels of traffic. Policy S75, Para D of the CLLP states that an adequate amount and range of infrastructure to support the community on the site to be delivered in tandem or ahead of development.

Local Residents

A total of 45 letters representations have been received to the proposed development that raise the following points in summary:

- There is not a 'need' for more housing;
- Impact on character and appearance of the area;
- Drainage, flood risk and sewer capacity;
- A number of houses are currently unoccupied and that were previously occupied by RAF personnel – a new access to the A1500 is needed (more than 60 refurbished houses for sale). There is already enough housing;
- Concerns regarding highway safety in terms of access to and from the A15. Increased pressure due to an increase in the number of private cars especially at peak times. Potential for an increase in accidents;
- Lack of parking;
- A lack of infrastructure to support the development;
- Loss of green space; and
- A number of trees would need to be cut down. Concern about the impact wildlife; and
- Overdevelopment of the site.

LCC Archaeology

No reply received to date.

LCC Highways/Lead Local Flood Authority

No objection – *‘No objection in principle. The access to the proposal is via frontage access from Northumberland Avenue and Westmoreland Avenue which are private roads located within RAF Scampton. It's noted that most houses in the area do not have individual vehicle access points however this would not be detrimental to highway safety in the area and will not exacerbate on street parking issues.*

The Highways and Lead Local Flood Authority response is in relation to the impact the proposed development would be expected to have on the operation of the Public Highway. Northumberland Avenue and Westmoreland Avenue are private roads, and the highway authority has no jurisdiction over the use of these roads. The proposal is for 9 houses and will not have an unacceptable impact on access to the adoptable highway (A15) It is for the Local Planning Authority to determine whether the access provided by the private road is safe and suitable for all users.’

One informative was included stating that the layout has yet to be considered and that requirements for parking, visibility, turning and layout are all detailed within the Lincolnshire County Council Design Approach.

LCC Minerals & Waste

No reply received to date.

WLDC Tree Officer

No objection (verbal) – It was agreed with the Tree Officer that the trees which were likely to be lost as a result of the proposed development are not mature trees and do not have a high amenity value.

WLDC Strategic Housing

Comments – *‘This application does not trigger an affordable housing obligation in accordance with Policy S22 of the Central Lincolnshire Local Plan, as both the total number of dwellings and the site area are below the required thresholds.’*

Lincolnshire Wildlife Trust

No reply received to date.

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S2: Growth Levels and Distribution
Policy S4: Housing Development in or Adjacent to Villages
Policy S6: Design Principles for Efficient Buildings
Policy S7: Reducing Energy Consumption – Residential Development
Policy S14: Renewable Energy
Policy NS18: Electric Vehicle Charging
Policy S20: Resilient and Adaptable Design
Policy S21: Flood Risk and Water Resources
Policy S45: Strategic Infrastructure Requirements
Policy S47: Accessibility and Transport
Policy S49: Parking Provision
Policy S53: Design and Amenity
Policy S56: Contamination
Policy S60: Protecting Biodiversity and Geodiversity
Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains
Policy S66: Trees, Woodland, and Hedgerows
Policy S75: RAF Scampton

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

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

- **Scampton Neighbourhood Plan**

The ‘Scampton Neighbourhood Area’ was designated on 19th May 2022. However, no Draft Neighbourhood Plan has been published at the time of this report being written. As such, there are no policies to consider and no weight can be afforded to the neighbourhood designation.

National Policy & Guidance (Material Consideration)

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

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

Main issues

- Principle of Development
- Access
- Visual Amenity
- Residential Amenity
- Highways
- Ecology & Biodiversity
- Climate Change
- Flood Risk
- Other Matters

Assessment:

Principle of Development

Policy S1 of the CLLP sets out a spatial strategy and settlement hierarchy that is focused on delivering development that supports growth and jobs alongside providing all necessary infrastructure. The settlement hierarchy aims to steer development towards the largest urban areas within Central Lincolnshire with proportionate growth elsewhere. 'Scampton (RAF)' is designated as a 'Medium Village' which sits within Tier 5 of Policy S1. A Medium Village is defined as a settlement that had between 250 and 749 dwellings as of April 1st, 2018. Beyond any site allocations for residential development, housing development will be based on the criteria in Policy S4 which relates to housing development in and adjacent to villages.

Throughout the CLLP, the terms *developed footprint* and *appropriate locations* are utilised. The aim of these definitions is to ensure that new development is situated within appropriate locations within the developed footprint of a settlement (unless specified within a particular policy). Any development that does not meet these definitions would be considered as development within the countryside. The developed footprint of a settlement is defined as a continuous built up area of a settlement and excludes the following:

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

The site is currently undeveloped but contains a combination of mature trees and several younger trees at the northern edge of the site. The rest of the site

is comprised entirely of modified grassland. However, the site does not have any statutory or non-statutory designations with respect to green space and does not form part of any formal recreational facilities. Therefore, the main consideration is whether this undeveloped land relates more to the settlement of RAF Scampton or the open countryside.

The site is constrained by residential development on three sides (north, east and south) with garages being located to the north and residential dwellings being situated to the north-east, east and south-east. The former military base is located to the west of the site. The amount of development that is directly adjacent to the site in combination with the presence of modified grassland results in the site having a reduced verdant feeling and the surrounding development creates an increased urban character, much the same as being in a public park. The site can also be considered as an infill plot as the CLLP definition of infill is the development of a site between existing buildings. For these reasons, it is considered that the site falls within the developed footprint as the land relates more to the continuous built-form of RAF Scampton than the surrounding countryside.

To accord with Policy S4, a site also has to be situated within an appropriate location within the developed footprint. To classify as being an appropriate location, a site and any development proposal should comply with the following criteria:

Appropriate locations means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan. In addition, to qualify as an 'appropriate location', the site, if developed, would:

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

It is considered that the proposed development would retain the core shape and form of the settlement. Despite being located on the south/western side of Northumberland and Westmoreland Avenue, the site in principle would relate well to its surroundings and would not project beyond the westernmost extent of the dwellings that front onto Westmoreland Avenue to the south. The broad shape of the southern portion of the settlement would also be preserved. This can be illustrated as follows:



Figure 1: Existing built-form of Scampton (RAF)

The existing built footprint of Scampton (RAF) in terms of the south-western extent is illustrated in *figure 1* above with the application site inside the red line. The western extent of the proposed development would not extend beyond the junction of Westmoreland Avenue and Sussex Gardens further to the south. Assessing the spatial context outlined above, it is considered that the core shape and form of the settlement would not be unacceptably altered or harmed.

Although no details of the layout, scale and appearance of the proposed development have been provided, an indicative layout has been submitted and it is considered that this indicative layout demonstrates that in principle, the proposed development would not be expected to result in unacceptable harm to the character and appearance of the settlement or the wider landscape character and the open countryside. It is therefore considered that the proposed development would comply with the requirements of Policies S4 of the CLLP.

Furthermore, the comments from Scampton Parish Council regarding the housing mix of the proposed development are noted. However, the layout at this stage is only indicative and therefore can only be afforded very limited, if any weight in the planning balance. It is considered that the site can accommodate nine dwellings in principle. The indicative layout suggests a housing mix of six semi-detached dwellings and three detached dwellings. In principle, this is considered to be an acceptable mix for a development of this

scale and indicative layout would in principle be in keeping with the prevailing character and built-form of the area, subject to satisfactory details at the Reserved Matters stage.

It is noted that there is a development less than 200 metres to the south-west (147198) which was refused planning permission, on multiple grounds. Whilst every application is determined on its own merits as a matter of planning judgement, the close proximity of the two developments has been noted in some of the submitted representations. This should not be interpreted as a full reassessment of that proposal as this is detailed within the Officer Report for that decision.

However, to summarise, the development not only exceeded the upper limit of 10 dwellings for unallocated sites but it was not considered to fall within the development footprint and was not considered to be an appropriate location. Despite the close proximity of the two sites, this site is located at the far south-west of the settlement on what is currently neutral grassland. There are also arable fields which are unequivocally open countryside to the south and west of the site. There are only residential dwellings directly to the east of the site. The site if developed was also considered to be unacceptably harmful to the core shape and form of the settlement and the character and appearance of the area. The layout of this development would have significantly altered the core shape and form of the settlement as shown in *figure 1*. There were also substantial concerns with regard to design, energy efficiency, biodiversity and mineral safeguarding which are not relevant to this current application.

For all the reasons explained in this section of the report, it is considered that the proposed development would accord with Policies S1 and S4 of the CLLP and is therefore considered acceptable in principle.

Access

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. All developments should demonstrate, where appropriate, that they have had regard to the following criteria:

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

This is also reiterated by paragraph 115 of the Framework which makes it clear that development proposals should achieve safe and suitable access for all users. The proposed development constitutes minor development and would utilise the same network as other traffic. There would be dedicated off-street parking, a small new section of footway and verges. There would be a

'staggered access' with each dwelling having an individual access connected to either Northumberland Avenue or Westmoreland Avenue. This has been considered to be acceptable by the Local Highway Authority who did not raise an objection to the proposed development.

It is therefore considered that the proposal is in accordance with Policy S47 of the CLLP and the paragraph 115 of the NPPF.

Visual Amenity

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

The proposed development is an outline application with all matters reserved except for access. Matters of scale, appearance, layout and landscaping will all be subject to Reserved Matters approval in a subsequent application in the event that this recommendation is accepted. However, it is considered that the assessment above satisfactorily demonstrates that the siting of nine dwelling in this location, in principle would not result in an unacceptable impact on the character and appearance of the area and would preserve the core shape and form of the settlement.

An indicative layout has been provided which illustrates that eight of the nine dwellings would directly front onto Northumberland and Westmoreland Avenue with a ninth dwelling situated to the rear. Whilst this may deviate from the prominent build-form of the existing dwellings, this harm would be likely to be considered to be very modest. The overriding character of the proposed development, subject to appropriate details could be developed in principle in a manner that respect the existing design pastiche and based on a sound understanding of the local context. This plan is also only indicative at this stage so would be subject to a full robust assessment should a Reserved Matters application be submitted.

It is noted that the proposed development would result in a loss of some greenspace but the main groups of the most mature trees would be entirely preserved and the space identified within the submitted representations is not subject to any statutory/non-statutory green space or landscape designations.

For the reasons explained above, it is considered that the proposed development would, subject to final approval of the outstanding reserved matters, be expected to be in accordance with Policy S53 of the CLLP and Section 12 of the NPPF.

Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things. Furthermore, paragraph 135 f) of the NPPF requires that development proposals provide a high standard of residential amenity for both existing and future users.

The overall density of the site is relatively low at approximately 20 dwellings per hectare (DPH). The overall scale of the site is 0.44 hectares in size and it is considered that the site can comfortably accommodate nine dwellings from the perspective of ensuring a high standard of residential amenity for any future users in principle. This would be subject to an acceptable layout and scale of development at the Reserved Matters stage. The indicative site plan provided suggests that there would be a separation distance between the new and existing residential dwellings of approximately 20 metres which is considered to be an acceptable spatial relationship which would not constitute either an overdevelopment of the site nor would it unacceptably harm the residential amenity of existing or future users of the immediate locality.

Some existing dwellings would inevitably experience a loss of existing views, but this in itself is not a material planning consideration. In addition, some of the representations received have raised the prospect of a loss of green space. Whilst the proposed development would see the introduction of nine dwellings on an undeveloped site, there are no statutory or non-statutory designations that relate to green space and as such the loss of this green space in isolation cannot be afforded any weight in the planning balance.

As such, it is considered that the proposed development would accord with Policy S53 of the CLLP and paragraph 135 f) of the NPPF.

Highways

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

Paragraph 96 of the NPPF supports development proposals that allow for the creation of healthy and safe places. This is reinforced by paragraph 114 of the NPPF which requires that development proposals provide safe and suitable access to all users. Paragraph 115 of the NPPF in turn states that development proposals can only be refused on highways grounds where there is an unacceptable impact on highway safety, or the wider cumulative impact would be severe.

No objection has been received from the Local Highway Authority in principle to the proposed access. However, a more detailed assessment will be required at the Reserved Matters stage due to the layout only being indicative at this point and their being multiple accesses proposed. Careful consideration will need to be given to parking, visibility, turning and layout but the principle at this stage is not considered to be harmful to highway safety.

No objection has been raised with regards to the cumulative impact of the proposed development. A number of representations have raised concern about access onto the A15 which has been noted by residents as being unsafe/congested. However, the Local Highway Authority have explicitly stated that the proposal would not have an unacceptable cumulative impact on the A15. The scale of the proposed development is very small compared to the overall size of the village and the development of nine residential dwellings on an unallocated site is consistent with Policy S4 of the CLLP and is therefore considered to be a proportionate addition within this location. Matters relating to public transport and wider strategic connectivity are not considered to be directly related to this application (especially given the rural location) beyond what has been discussed within this report.

In respect of the above, it is considered that the proposed development would accord with Policies S47 CLLP and paragraphs 96, 114 and 115 of the NPPF.

Ecology & Biodiversity

Policies S60 and S61 of the CLLP requires that development proposals do not have an unacceptable impact on ecology or biodiversity and should take opportunities to provide a net gain in biodiversity wherever possible. These requirements are also contained within paragraph 180 of the NPPF. Paragraph 186 states further where there is significant harm to biodiversity, planning permission should be refused.

The main considerations in this section of the report are ensuring that the proposed development does not have an unacceptable impact on biodiversity (including protected species) and ensuring that the proposed development achieves a net gain in biodiversity.

An Ecological Impact Assessment has been submitted alongside the proposed development. The submitted assessment outlines that there are no relevant statutory or non-statutory ecological designations within two kilometres of the site and no ancient woodland within one kilometre of the site. The main non-priority habitats that were observed in the assessment were modified grassland and trees (both individual and groups of trees). No invasive species were recorded. Following informal discussions with the Tree Officer and reviewing the submitted information, the trees that are likely to be removed are at best semi-mature specimens and there is no evidence that any Category A or B trees will be lost as part of the development. Therefore the proposed development would be expected to accord with Policy S66 of the CLLP.

In terms of protected species, recommendations have been made with regard to nesting birds' terrestrial mammals (including hedgehogs and other mammals) during the construction phase. The recommendations of the Ecological Impact Assessment will be conditioned and the recommendations with respect to nesting birds will be subject to an additional explicit condition due to the seasonality of the bird nesting season and high likelihood for unacceptable impacts if site clearance is undertaken without the appropriate clearance from a suitably qualified professional.

The assessment concluded that the site had a generally low potential for roosting bats. However, two of the trees which would be removed as part of the proposed development were observed to contain evidence of roost activity. Therefore, additional pre-construction ecological surveys have been recommended. Planning Practice Guidance generally recommends against conditioning ecological surveys unless there are exceptional circumstances for doing so. The most relevant excerpt is as follows:

In exceptional cases, you may need to attach a planning condition for additional surveys. For instance, to support detailed mitigation proposals or if there will be a delay between granting planning permission and the start of development. In these cases, a planning condition should be used to provide additional or updated ecological surveys to make sure that the mitigation is still appropriate. This is important for outline applications or multi-phased developments.

Due to the specific wording of the recommendation relating to bat roosts, it is considered to be preferable to condition that a pre-construction bat survey is submitted to and agreed in writing with the Local Planning Authority. In the event that planning permission is granted, Section 91(1) of the Town and Country Planning Act 1990 does not require for development to commence for a period of three years after the date of the decision. Therefore, requiring a pre-construction survey prior to determination or even prior to commencement is considered to defeat the principle of this recommendation. An appropriately worded condition will be attached to this decision requiring the submission of a pre-construction of bat survey and inspection of all trees that could be impacted by the development. Requiring both tree inspections and surveys would ensure full regard is given to Policy S60 alongside the provisions of the Wildlife and Countryside Act 1981 and would mitigate against any delay between permission being granted and the start of construction where there would be a high likelihood of any current surveys being out of date is very high.

Biodiversity Net Gain

Policy S61 of the CLLP requires that all qualifying development should provide a 10% net gain in biodiversity with a presumption in favour of net gains that are provided on site with an increasing presumption against off-site net gain, depending on the proximity of the off-site planting to the site.

The proposed development initially proposed a 10% net gain but this was primarily achieved off-site utilising a small field a few hundred metres to the north of the site adjacent to Suffolk Road, Devonshire Road, and Shropshire Road. This was considered to be contrary to the mitigation hierarchy which outlines that there is a presumption in favour of on-site net gains with off-site only being considered in circumstances where net gains on-site are considered by the Local Planning Authority to be not viable.

Since the original submission of information, there have been ongoing discussions between the Local Planning Authority and the applicant to attempt to achieve a higher net gain proportion on-site. The applicant has since revised the indicative layout twice and increased the proposed on-site net gains including enhancing the condition of trees on-site which has yielded an on-site net gain of 11.82%. The metric has indicated that the condition of the trees would require more than the standard 30-year period of management as indicated within the metric. Whilst this will be more difficult to achieve, the trading rules within the metric have been met and the metric has been completed by a suitably qualified professional with the Ecological Impact Assessment (EclA) being updated to reflect this change.

A pre-commencement condition will be imposed requiring the submission of a Biodiversity and Landscape Management Plan to be submitted to and agreed in writing with the Local Planning Authorities so the exact details of the net gains can be secured. The wording of this condition will include a requirement for details beyond the standard 30-year period as the submitted metric has indicated that a longer period of mitigation would be required in order to achieve this targeted condition.

Subject to the imposition of the conditions outlined in this section, it is therefore considered that the proposed development is in accordance with S60, S61 and S66 of the CLLP and paragraph 180 of the NPPF.

Climate Change

Policy S6 sets out the overarching principles that relate to design of energy efficient buildings. In turn, Policy S7 outlines a specific requirement for all new residential development to be accompanied by an Energy Statement. This sets out two criteria which require that new residential development provides at least the same amount of on-site renewable energy as the dwelling consumes. The second criteria states that no single dwelling should exceed a total energy demand of 60 kWh/m²/yr with a site average of 35 kWh/m²/yr.

This application is seeking outline planning permission with all matters reserved with the exception of access. Therefore, no detailed design proposals with the exception of an indicative layout have been submitted at this stage and as such it is not possible to request an Energy Statement at this stage. A standard condition will be attached to this permission requiring that an Energy Statement is submitted alongside any subsequent Reserved Matters application alongside two further conditions to ensure compliance with any approved details.

Flood Risk

Policy S21 of the CLLP requires that development proposals do not have an unacceptable impact on flood risk and implement appropriate mitigation (such as the use of SuDS) wherever possible. Paragraphs 165 and 173 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 proposed development is located within Flood Zone 1 which is at the lowest risk of flooding. An initial drainage strategy has been provided by the applicant which outlines that the method of surface water drainage will be via infiltration into the ground which is sequentially preferable. The indicative location of soakaways has been provided alongside a proposed mechanism for the disposal of foul sewage. A private system would be created which would connect to a public sewer owned/operated by Anglian Water.

It is considered that this indicative drainage strategy is principally acceptable and the number of dwellings proposed would not be expected to be a risk to the wider strategic drainage network. Furthermore, the agreement of the final connection is outside the statutory remit of the Town and Country Planning Act 1990 and is instead controlled via Section 104 of the Water Industry Act 1991. This would require the applicant to agree a connection with Anglian Water regardless of any conditions that are attached to this permission.

At this stage, the level of detail is considered to be acceptable but does not include information such as percolation tests and the overall site layout remains indicative.

Therefore, the proposed development is considered to accord with Policy S21 of the CLLP and paragraphs 165 and 173 of the NPPF subject to the imposition of one pre-commencement condition requiring the submission of a scheme of foul sewage and surface water drainage.

Other Matters:

Contamination

The site is known to have a potential for contamination, although the exact risk of contamination is unknown. Although it is not considered necessary to secure mitigation details prior to determination, it is considered necessary to impose standard conditions requiring the submission of a risk assessment, verification report and mitigation/remediation strategy. A condition will also be imposed relating to unidentified contamination. Subject to these conditions, it is considered that the proposed development would accord with Policy S56 of the CLLP and paragraphs 189 and 190 of the NPPF.

Mineral Safeguarding

Policy M11 of the LMWLP requires that development proposals do not result in the unnecessary sterilisation of the potential minerals reserves. Paragraph 217 of the NPPF requires that planning decisions should give great weight to the benefits of mineral extraction, including to the economy. Paragraph 218 states that development should not normally be permitted in Minerals Safeguarding Area if it might constrain future minerals development. Policy M11 of the LMWLP is consistent with the requirements of Section 17 of the NPPF and is therefore afforded full weight.

The proposed development is located in an area of land which is very close to existing development including residential dwellings and it is therefore considered that it is highly unlikely that any mineral present could be realistically worked. The development would also only sterilise a negligible amount of potential mineral resource in any event and no objection has been received from the Mineral Planning Authority at Lincolnshire County Council. It is therefore considered that the proposed development is in accordance with Policy M11 of the LMWLP and Section 17 of the NPPF.

Conclusion:

The proposal has been considered in light of relevant development plan policies namely S1: The Spatial Strategy and Settlement Hierarchy, S2: Level and Distribution of Growth, S4: Housing Development in or Adjacent to Villages, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S14: Renewable Energy, NS18: Electric Vehicle Charging, S20: Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S45: Strategic Infrastructure Requirements, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S56: Contamination, S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains, S66: Trees, Hedgerows and Woodland and Policy S75: RAF Scampton of the Central Lincolnshire Local Plan. Relevant policies and guidance in the Lincolnshire Minerals and Waste Local Plan and the NPPF has also been considered.

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

Conditions

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

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

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

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

Reason: The decision relates to outline planning permission only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

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

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

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

4. Any application for the approval of Reserved Matters relating to layout, scale and appearance, shall be accompanied by an Energy Statement to accord with the requirements of Policies S6 and S7 of the Central Lincolnshire Local Plan 2023. The development shall thereafter proceed only in accordance with the agreed Energy Statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure efficient buildings and reduce energy consumption, in accordance with Policies S6 and S7 of the Central Lincolnshire Local Plan 2023.

5. No development shall take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the Local Planning Authority. No occupation shall occur until the approved scheme has been completed and shall thereafter be maintained.

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

6. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted

to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
- c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action; and
- e) The details should be completed by a suitably qualified professional.

Reason: To ensure that the development hereby permitted does not have an unacceptable detrimental impact on human health to accord with Policy S56 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

7. Prior to the commencement of the development, a Biodiversity and Ecological 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 Ecology Appraisal and Biodiversity Net Gain Assessment and Biodiversity Metric 4.0 Calculation dated August 2023; and
- Full details of ongoing management for a 30-year period following the implementation of this plan and beyond where indicated within the submitted metric.

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

Reason: To ensure that the development hereby permitted accords with the submitted Biodiversity Metric 4.0 calculations, Policy S61 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

8. Prior to any construction works, site clearance or removal of any trees on site, a pre-construction bat survey (including details of the inspection of all trees) shall be submitted to and agreed in writing with Local Planning Authority. The survey shall also include details of any necessary mitigation details. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority on the advice of a suitably qualified professional.

Reason: To ensure that the proposed development does not have an unacceptable impact on protected species to accord with Policy S60 of the Central Lincolnshire Local Plan, Section 15 of the National Planning Policy Framework and the Wildlife and Countryside Act 1981.

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

9. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the red line as depicted on the following site location plan reference: PL-001 received 24th November 2023.

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

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

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development hereby permitted does not have an unacceptable detrimental impact on human health to accord with Policy S56 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

11. Unless stated otherwise within a condition attached to this permission, the development hereby permitted shall be carried out in strict accordance with the mitigation and recommendations in Section 5, 6 and 7 of the submitted Amended Ecological Impact Assessment received 1st May 2024.

Reason: To ensure that the development hereby permitted does not have an unacceptable on biodiversity and protected species to accord with Policies S60, S61 and S66 of the Central Lincolnshire Local Plan, the National Planning Policy Framework and the Wildlife and Countryside Act 1981.

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

12. 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 dwellings hereby approved.

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

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -
(highlight requirements):

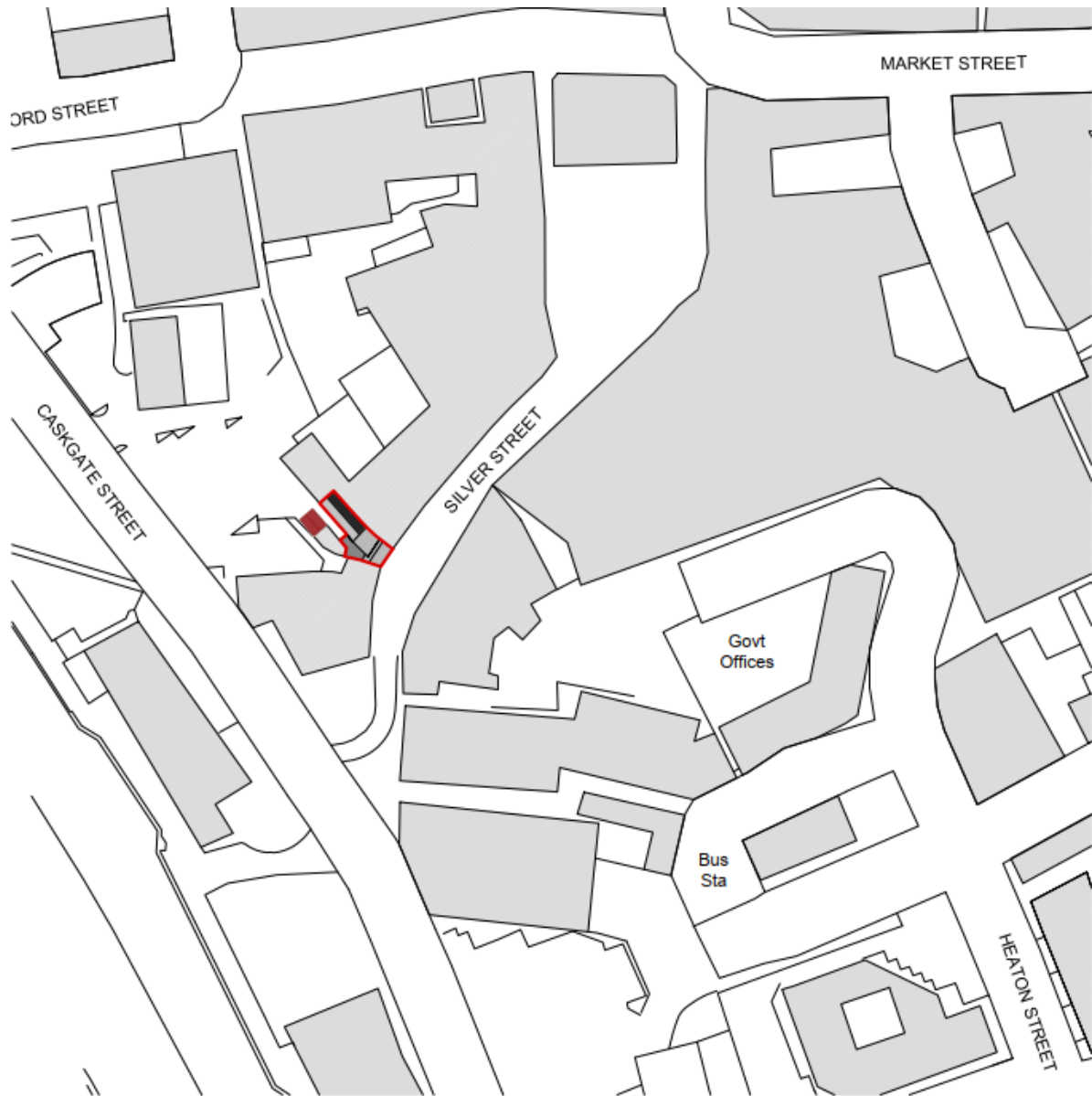
Standard Letter **Special Letter** **Draft Enclosed**

Decision Level

Committee

Agenda Item 6b

Site Location Plan 148059



Site Location Plan 1:1250

Officers Report

Planning Application No: 148059

PROPOSAL: Planning application for the creation of 3no. flats to the upper three storeys with internal modifications including the erection of timber stud partitions the addition of 2no. internal stair cases, 5no. skylights & the widening & replacement of the South West elevation access door.

LOCATION: 16 Silver Street Gainsborough Lincolnshire DN21 2DP

WARD: Gainsborough South West

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

APPLICANT NAME: Mr J Gale

TARGET DECISION DATE: 02/05/2024 (Extension of time agreed until 24th May 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 with Councils constitution as the proposals would be a departure from Policy S49: Parking Standards of the Central Lincolnshire Local Plan.

Site Description: The site is a Grade II listed building within Gainsborough Town Centre and the Town Centre Conservation Area. The property is a four storey building that fronts the northern side of Silver Street, one of the main pedestrian thoroughfares in Gainsborough town centre. The building also has a two storey wing to the rear which is attached to the 8 Jolly Brewers Public House.

The site is located within the Gainsborough Primary Shopping Area, it is within the Gainsborough Town Conservation Area and is within close proximity to a number of other Listed Buildings, namely;

- 18,21A, 23-25 and 27 Silver Street- Grade II Listed;
- Elswitha Hall, Caskgate Street- Grade II* Listed.

The Proposal: The application seeks planning permission for the conversion of the first, second and third floors of 16 Silver Street into 3no. flats. Flat 1, will occupy the first floor of the building and will have a floor space of 60.2m². Flat 2 will occupy the second floor and will have a floor space of 38.4m² and Flat 3 will span part of the second floor and the whole of the third floor and will have a floor space of 76.4m².

Other external alterations are to include the insertion of roof lights on the north roof slope and one on the south roof slope, widening of an external access door and alterations to windows. Internally, 2no new staircases will be installed and insertion of a number of timber stud walls. Amended plans were received on 1st May, the plans

include the removal of 4no. rooflights from the south west roof slope and a plan to show car parking spaces. This application for planning permission is accompanied by a tandem Listed Building Consent application reference 148060.

Relevant history:

140810 Planning application to create flat in upper floors - resubmission of planning permission 135144. Granted with conditions 06/05/2020.

140811 Listed Building Consent to create flat in upper floors- resubmission of listed building consent 135145. Granted with conditions 06/05/2020.

135144 – Planning application to create flat in upper floors. Granted April 2017.

135145 – Listed Building Consent application to create flat in upper floors. Granted April 2017.

W/A/1/87 – Display illuminating box sign granted 17/02/87 (whole of ship court including range of buildings to the north west of present 16 Silver Street).

W33/LB/39/86 – Extend the building granted 16/12/86 at 16 Silver Street (whole of ship court including range of buildings to the north west of present 16 Silver Street).

W33/850/86 – Extend office accommodation 15/12/86 (whole of ship court including range of buildings to the north west of present 16 Silver Street).

W33/135/83 – Extend building to form store granted 14/09/83 (whole of ship court including range of buildings to the north west of present 16 Silver Street).

W33/776/80 – Extension to offices granted 19/08/80 (whole of ship court including range of buildings to the north west of present 16 Silver Street).

W33/408/75 – Conversion into offices (including toilet and kitchen) granted 21/07/75 (16 Silver Street). **W33/153/75** – Change of use of estate agents office with accommodation above granted 17/04/75 (16 Silver Street).

Representations:

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

Gainsborough Town Council: The Committee raised concerns regarding the lack of emergency fire escapes.

Local residents: No representations received to date.

LCC Highways/Lead Local Flood Authority: No objections. The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal.

The development proposals will generate a reduction in vehicle movements to that of its former use as business/office. It is therefore not possible to raise an objection to the proposals based on traffic impact, in accordance with NPPF.

Archaeology: The development is proposed to be carried out on the Grade II listed 16 Silver Street, Gainsborough, which is also located in Gainsborough Conservation Area. The introduction of a new staircase, part-demolition of internal walls and introduction of new partition walls will necessarily have an impact on the existing internal fabric of the building and its layout. The West Lindsey District Council Conservation Officer should also be consulted due to the nature of the application. Recommendation: I recommend that an Historic Building Recording of 16 Silver Street, Gainsborough, is provided prior to any works commencing. This is to ensure there is a record of the heritage asset prior to its alteration.

The Historic Building Recording can be agreed pre-determination or placed as a condition if planning permission is granted. If placed as a condition, the Historic Building Recording should be carried out pre-commencement. This recommendation is in line with paragraph 211 of the National Planning Policy Framework (NPPF).

Historic England: No representations received to date.

WLDC Conservation Officer:

Following the receipt of amended plans- Verbal- Happy with the proposed amendments subject to conditions.

Verbal- Objects to the number of roof lights proposed on the south roof slope. No objections to the internal alterations which I have previously been in discussions about.

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 S2: Growth Levels and Distribution

Policy S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns

Policy S6: Design Principles for Efficient Buildings

Policy S13: Reducing Energy Consumption in Existing Buildings

Policy S20: Resilient and Adaptable Design

Policy S21: Flood Risk and Water Resources
Policy S23: Meeting Accommodation Needs
Policy S35: Network and Hierarchy of Centres
Policy S37: Gainsborough Town Centre and Primary Shopping Area
Policy NS41: City and Town Centre Frontages
Policy S47: Accessibility and Transport
Policy S49: Parking Provision
Policy S53: Design and Amenity
Policy S57: The Historic Environment

<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
NPP 8 A Mix of Housing Types
NPP 18 Protecting and Enhancing Heritage Assets
NPP 19 Improving the Vitality of the Town Centre

<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/65a11af7e8f5ec000f1f8c46/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. Paragraph 225 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 Code (2021)**
<https://www.gov.uk/government/publications/national-model-design-code>

Other

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990- The 'Act'.
Section 72 of the Planning (Listed Building & Conservation Areas) act 1990.
Gainsborough Town Conservation Area Appraisal

Main issues

- Principle of Development;
- Impact on Listed Building, Conservation Area and Setting of Listed Buildings;
- Character and Visual Impact;
- Residential Amenity;
- Energy Efficiency;
- Biodiversity Net Gain;
- Parking Provision;
- Minerals Safeguarding Area;
- Drainage.

Assessment:

Principle of Development

The application seeks planning permission for the conversion of the upper floors to 3no. flats along with 2no. new internal staircases, insertion of roof lights and alterations to windows. The Central Lincolnshire Local Plan contains a suite of policies to guide development within the Town Centre.

Gainsborough is designated as a Main Town within Policy S1 of the CLLP. Policy S1 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. In addition to sites being allocated in the Local Plan or a neighbourhood plan, development proposals in accordance with Policy S3 and other relevant development plan policies will be viewed positively.'*

Policy S3 of the CLLP relates to new housing in the Main Towns of Central Lincolnshire and states that: *Within the developed footprint* of the Lincoln Urban Area and Main Towns and Market Towns, development proposals at appropriate locations** not specifically identified as an allocation or an area for change in this plan will be supported in principle.*

The Gainsborough Town Centre section of Policy S37 of the CLLP states that; *'Development proposals within Gainsborough Town Centre, not in E Use Class will be considered on their merits subject to satisfying the criteria in a)-e) where relevant and providing that they will:*

f) not result in large gaps between town centre uses in frontages;

g) not detract from or otherwise harm or conflict with town centre uses; and

h) be compatible with maintaining or enhancing Gainsborough Town Centre as a sub-regional shopping destination.

Proposals for residential or commercial development above town centre uses will be supported providing that the proposed use would not be likely to introduce conflict with existing uses.'

Point 4 of Policy NPP19 of the GNP states that; *Development proposals for the use of upper floors of commercial premises within the town centre for residential use will be supported where it can be demonstrated that the residential use will not create unacceptable harm to the wider retail offer of the Town Centre..*

CLLP policy S37 and GNP policy NPP19 are consistent with the NPPF which states at paragraph 90(f) that planning policies should *"recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites."*

The proposal will maintain the Barber Shop use on the ground floor, with the upper floors being converted to 3no. flats. The site is located within the developed footprint of Gainsborough, being within the defined town centre and is therefore considered an acceptable location for residential development. The proposal will maintain a retail use on its ground floor level and would therefore meet within criteria f-h of Policy S37.

The residential development element of the proposals is supported by the development plan and the NPPF as this would complement the existing uses ensuring the continued vitality of the town centre. In principle it is considered that the proposal accords to policies S1, S3, S35, S37 and NS41 of the CLLP.

Impact on Listed Building, Conservation Area and Setting of Listed Buildings

The host building is Grade II Listed, it is located within the Gainsborough Town Conservation Area and is within the setting of numerous other listed buildings namely;

- 18,21A, 23-25 and 27 Silver Street- Grade II Listed;
- Elswitha Hall, Caskgate Street- Grade II* Listed.

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Setting is more than views, it is how the building is experienced. In addition to this, the site is located within Gainsborough Town Conservation area and therefore Section 72 (1) of

the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Policy S57 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. This aim is echoed within policy NPP18 of the NP.

In relation to listed buildings Policy S57 states that; *Permission to change the use of a Listed Building or to alter or extend such a building will be granted where the local planning authority is satisfied that the proposal is in the interest of the building's conservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting. Development proposals that affect the setting of a Listed Building will, in principle, be supported where they make a positive contribution to, or better reveal the significance of the Listed Building.*

Internally the proposals will comprise of timber stud partition walls to separate the floors into the flats, 2no. new internal staircases will also be installed, as well as alterations to windows. The proposed works have been reviewed by the Councils Conservation Officer who has confirmed that they have no objections to these alterations. Discussions and a site meeting with the applicant and conservation officer took place prior to the submission of the applications.

The request from the Historic Environment Officer at Lincolnshire County council regarding the submission of a Historic Building Record is noted. There have been many previous applications at this site for the conversion of the upper floors to flats. This recording has not been previously requested and it is therefore considered unreasonable to secure this by condition.

It is considered that the proposed works are in accordance with the Statutory Duties contained within the 'Act', Policy S57 of the CLLP, Policy NPP18 of the NP as well as the provisions of the NPPF.

Character and Visual Impact

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

The proposal contains alterations to the exterior of the building consisting of repairs to the roof and alterations to a limited amount of windows and the widening of an external access door, further details of which are located on the proposed drawings. The original submission included 5no. roof lights on the south west roof slope, through negotiations during the application these roof lights have been reduced to one single roof light, 4no. roof lights and a sun tunnel (roof tile size) are still proposed in the north roof slope, given their concealed location, they would not be particularly visible within the street scene and are considered to be acceptable. They are also indicated to be

conservation style roof lights which are considered to be appropriate on Listed Buildings.

Overall, the proposals would accord to the aims of Policy S53 of the CLLP and would not have a harmful impact on the street scene or character of the area.

Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things.

The site is located within a town centre location and directly above a barbers shop. Any residential use within a town centre location will be subject to some noise and disturbance given the nature of the location. Therefore, there is an element of buyer beware for any future occupants. The consideration of the potential impact on residential amenity has not changed since the determination of applications 140810 and 135144 which were also for flats at this site.

All of the flats meet with the Nationally Described Space Standards¹ for the relevant person and bed no.s. The lack of outside amenity space is noted; however, this is not an unusual situation for town centre flats, other grassed amenity areas are available within the town centre area, notably along the Riverside Walk, to the west of the site.

Overall, the development would therefore not have an unacceptable harmful impact on the living conditions of the future occupiers and is acceptable with regard to the impact on existing neighbouring uses and would accord with policy S53 and the provisions of the NPPF, particularly paragraph 135 (f).

Energy Efficiency

It is noted that Policy S13 of the CLLP encourages applicants to consider all opportunities to improve energy efficiency and where such efforts achieve an improved EPC rating would be supported in principle. Notwithstanding that the wording of Policy S13 only encourages applicants to consider improving energy efficiency, in this instance, it is not considered necessary to request that any amendments are made to the proposals given that the site comprises of a listed building, in a conservation area and within the setting of other listed buildings where such new internal materials, solar panels and air source heat pumps, for example would likely not be supported.

It has been noted that the submitted Design and Access Statement has considered the design principles contained within S6 and will maximise opportunities for energy efficiency measures to be incorporated into the proposals where possible.

Parking Provision

¹ <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

No objection has been received from the Local Highway Authority relating to the proposed development. Appendix 2 of the CLLP which is referred to in Policy S49 states that 1 bed dwellings in market towns should provide 1 parking space per dwelling plus visitor spaces. It is noted that no parking provision has been requested by the highway's authority, stating that the development is within a central urban area where services and facilities are within a reasonable distance. The Gainsborough NP does not contain any specific figures with regard to parking provision for new dwellings within the town.

The application does include 2no. parking spaces as part of the proposals, however this still falls short of the standards set out within Appendix 2 of the CLLP. With consideration to the town centre location with close walking proximity to numerous facilities/services and siting close to public transport links, including the bus station, it is considered that the non-inclusion of parking provision is acceptable in this case. It is also considered that the benefits of restoring and bringing the upper floors of this Grade II listed building back into use greatly outweighs the harm caused by the lack of parking provision and the departure from local policy S49 of the CLLP. Taking this into account it is not considered reasonable to withhold permission on this ground alone and on balance the lack of parking is justified in this instance.

Minerals Safeguarding Area

The Lincolnshire Minerals and Waste Local Plan (Core Strategy & Development Management policies) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area. The site is not within an allocated Minerals Site or Waste Site/Area. Policy M11 of the Minerals and Waste Local Plan seeks to ensure that developments do not prevent the exploitation of mineral deposits as an economic resource within identified Minerals Safeguarding Areas (MSAs) without adequate justification. Within MSAs proposals for non-minerals development should be accompanied by a Minerals Assessment, unless the development falls within one of the exemptions to the Policy.

In accordance with policy M11, a change of use application (where there is no intensification) is exempt from being applied to the policy therefore there is no requirement to supply a minerals assessment or assess the developments impact on mineral resources.

Drainage

The site benefits from existing foul and surface water drainage connections which the proposed flats and shop units will link into. The proposals will not increase the external floor space of the existing building. Given the existing drainage connections at the site it is not considered necessary to request any further details to be submitted in this respect.

Other Matters

Comments from Gainsborough Town Council- It has been noted that the town council are concerned with the number of fire escapes proposed. Fire escapes are covered

separately by Building Regulations and are a separate consideration from this planning decision, however, the Regulations have been taken into account when producing the proposed floor plans and elevations.

Conclusion and reasons for decision: The application has been considered against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S2: Growth Levels and Distribution, Policy S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns, Policy S6: Design Principles for Efficient Buildings, Policy S13: Reducing Energy Consumption in Existing Buildings, Policy S20: Resilient and Adaptable Design, Policy S21: Flood Risk and Water Resources, Policy S23: Meeting Accommodation Needs, Policy S37: Gainsborough Town Centre and Primary Shopping Area, Policy NS41: City and Town Centre Frontages, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, Policy S57: The Historic Environment of the Central Lincolnshire Local Plan and the policies contained within the Gainsborough Neighbourhood Plan and the statutory duties contained within the 'Act' in the first instance as well as the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment it is considered that the principle of development in this location can be supported. The proposals would enhance the host listed building and the impacts on this historic fabric have been found to be acceptable. Matters of highway safety, residential amenity and drainage are also considered to be acceptable. The proposal does represent a departure from the provisions of Policy S49, however as detailed in the above report, the heritage benefits that the scheme would bring is considered to outweigh the lack of proposed parking provision in this case. The application is therefore recommended for approval, subject to conditions.

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:

None.

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

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

- Site Location Plan 2752-A2-01a received 01/05/2024;
- Proposed Floor Plans 2752- A2 04b received 01/05/2024;
- Proposed Elevations 2752- A2 05b received 01/05/2024;
- Window Details 2752-A2- 06a received 01/05/2024;
- Proposed Roof Plan 2752-A2-07a received 01/05/2024;
- Design and Access Statement- Heritage Impact Assessment- Energy Statement Rev B received 01/05/2024;

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 to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

3.Prior to the installation of any new or replacement windows, doors and surrounds drawings to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority, the drawings shall also include the below details. The development must be completed in strict accordance with the approved details.

- materials;
- decorative/ protective finish;
- cross sections for glazing bars, sills, and headers;
- method of opening;
- method of glazing.
- colour scheme.

Reason: To ensure the appropriate methods are used to preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings and the conservation area to accord with the National Planning Policy Framework and local policies S57 of the Central Lincolnshire Local Plan 2023 and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.Prior to the installation of the new roof lights and any new or replacement rainwater goods, details including specifications and manufacturer information shall be to and approved in writing by the Local Planning Authority, the drawings shall also include the below details. The development must be completed in strict accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the Gainsborough Conservation Area. To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies S53 and S57 of the Central Lincolnshire Local Plan and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to the installation of the new internal staircases for the second and third floors, details shall be submitted to and approved in writing by the Local Planning Authority. This detail will include section drawings for all details of the stairs including but not limited to:

- Balusters
- Newel Posts
- Handrails
- Risers/Treads
- Stringers
- Mouldings
- Nosing

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

Reason: To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies S53 and S57 of the Central Lincolnshire Local Plan and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the Gainsborough Conservation Area. To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies S53 and S57 of the Central Lincolnshire Local Plan and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

None.

Notes to the Applicant

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal

www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

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, 22 May 2024

Subject: Determination of Planning Appeals

Report by:

Director - Planning, Regeneration & Communities

Contact Officer:

Maisie McInnes
Democratic and Civic Officer
maisie.mcinnnes@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 decision be noted.

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

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

Risk Assessment: None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal by Mr Neil Elliott against the decision of West Lindsey District Council to refuse planning permission for a proposed 1no. dwelling for farm worker.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refused



Appeal Decision

Hearing held on 13 March 2024

Site visit made on 13 March 2024

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2024

Appeal Ref: APP/N2535/W/23/3319721

Castle Farm, Cowdale Lane, Sturton By Stow, Lincoln, Lincolnshire LN1 2PL

- 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 Neil Elliot of Castle Farm against the decision of West Lindsey District Council.
 - The application Ref is 145718.
 - The development proposed is new dwelling for farm worker.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was refused by the Council with reference to policies in the Central Lincolnshire Local Plan 2012-2036 (April 2017). The Council subsequently adopted a new Central Lincolnshire Local Plan in April 2023 (Local Plan) which resulted in the former Local Plan policies being superseded. I have determined the appeal on that basis.
3. A revised National Planning Policy Framework (Framework) was published on 19 December 2023. Insofar as it is relevant to the matters at hand in determining this appeal, the Framework is consistent with the previous iteration. References to the Framework in this decision are to the new paragraph numbers.

Main Issue

4. The main issue is whether there is an essential need for a dwelling to accommodate a rural worker to live permanently at the appeal site in the countryside.

Reasons

5. Castle Farm is a family run, arable farming enterprise. The farm employs two full time staff, comprising the appellant and his son. In addition, seasonal workers are employed at peak times. The appellant's son is a partner in the business and succession planning is underway with the intention that he will take over the running of the farm in the coming years, enabling the appellant to retire. The proposal would provide independent living accommodation for the appellant's son, who currently lives in the farmhouse with his parents and sister. The farmland is split into two areas. This comprises land immediately

- surrounding the appeal site, and a separate parcel of rented land accessed off Cowdale Lane. These areas can be farmed simultaneously.
6. Key components of the work in running the farm include the growing and monitoring of crops, crop spraying when weather conditions are favourable, monitoring of grain drying, day-to-day management of the farm and seasonal workers, general maintenance, as well as providing security. The grain store and fertiliser containers require daily checks. At times there is a need to work late into the evening to complete tasks such as crop spraying. However, the evidence has not demonstrated a sufficiently frequent need for working overnight that would justify both the appellant and his son residing on the farm all year round.
 7. I accept that having the appellant's son living on site would make the transfer of knowledge between father and son more convenient for both parties. Nevertheless, given the nature of the work described, it would also be feasible for the appellant's son to live nearby and travel to work at the farm. No substantive evidence indicates otherwise. Consequently, the succession planning and subsequent transfer of responsibilities to the appellant's son does not amount to an essential need for a new permanent dwelling.
 8. I recognise that rural crime is a concern. The appellant has experienced diesel theft. Also, research from the NFU (Rural Crime Report 2022) anticipates that rural crime may be on the increase due to rising prices and the cost of living. An additional dwelling would provide greater potential for passive surveillance of machinery and fertiliser storage, which could act as a deterrent to criminal activity.
 9. However, the entrance to the farm is gated and there is already passive surveillance provided by the existing farmhouse. Even if the appellant remains living in the farmhouse for his retirement, the presence of an occupied farmhouse with direct visibility of the agricultural barns would remain a physical deterrent. Therefore, the benefit from increased surveillance from an additional dwelling does not of itself amount to an essential need here.
 10. In addition, if the appellant's son lived away from the farm, it was suggested that the appellant would need to make arrangements for his son to stay on the farm to provide an overnight presence for security reasons. Nevertheless, the farmhouse contains four bedrooms. Therefore, it could reasonably accommodate the appellant's son on the occasions when the appellant is away. The same would be true even if in future the appellant's son has his own young family. Consequently, the need for an overnight presence on those occasions would not be sufficient to justify development of a new permanent home in the countryside.
 11. The appellant has indicated that he intends to expand the business subject to suitable land becoming available. Nevertheless, there is considerable uncertainty over the timing and scale of such expansion, and the implications of this on the day-to-day operations of the farm.
 12. Very limited evidence was provided by the appellant on the suitability of alternative accommodation in the locality. However, the Council conducted a property search using the Rightmove website (October 2022). Whilst anecdotal, this identified a range of properties for sale in Saxilby and Sturton by Stow. These villages are less than a 10 minute drive from the appeal site.

13. The properties identified range in price from £120,000 to £250,000. Property values are likely to have increased since that time. Also, I accept that the cost of constructing a self build property would be more economical for the appellant given the potential to make use of farm machinery and labour. Nonetheless, no robust evidence was before me to indicate that such properties would be unaffordable. Given the proximity of those villages to the appeal site, it appears reasonably likely that suitable properties would be available and would be realistic alternatives to the appeal scheme.
14. The appellant's evidence also made reference to another proposal said to be allowed in similar circumstances to the appeal scheme (Ref APP/F4410/A/12/2173826). Nevertheless, at the hearing the Council advised that that proposal was for a new farmstead, including a farmhouse and agricultural buildings. Whereas this appeal is for an additional rural worker house on an existing farm. As such that proposal does not seem sufficiently similar to the circumstances of this appeal. In any event, very limited details of that decision were provided such that I cannot make a more detailed comparison.
15. Drawing together my findings above, there is a large amount of work involved in managing the farm and it would certainly be more convenient for the appellant's son to live on the site. This would particularly be the case during busy periods when the working day is longer or additional labour is on site and needing to be managed. However, for the reasons given, the various demands on the appellant and his son's time do not require an additional dwelling to provide overnight on-site presence on a regular basis. Moreover, the benefit of additional surveillance to increase farm security is not sufficient on its own to justify the proposal here.
16. Therefore, I conclude that it has not been demonstrated that there is an essential need for the proposed dwelling to accommodate a rural worker to live permanently at the appeal site in the countryside. Accordingly, it would conflict with Policy S5 part D of the Local Plan. Amongst other matters, this seeks to ensure new houses in the countryside are essential to a rural business. In addition, it would conflict with paragraph 84 of the Framework which seeks to avoid isolated homes in the countryside unless certain criteria are met, including that there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Other Matters

17. The proposal would provide one new dwelling and would generate some employment during its construction. In addition, there would be some small personal benefit for the appellant and his son in providing more independent living accommodation. I note the letter of support on behalf of the National Farmers Union. Nevertheless, I see no reason to conclude that in dismissing the appeal, there would be any material harm to the success of the farm business or its contribution to the local and wider economy.
18. The proposal would not adversely affect the living conditions of any existing occupants. It would not harm the character and appearance of its surroundings or highway safety. Subject to a suitable condition it would also be acceptable in respect of matters such as drainage. These are neutral factors. Whether or not it would be feasible to convert an existing agricultural building to residential

use does not alter my conclusions on the absence of an essential need for the dwelling.

Conclusion

19. The proposed development would be within open countryside where there is a presumption against new residential development. This attracts significant weight and outweighs the combination of its benefits. Therefore, the proposal would be contrary to the development plan as a whole, and there are no material considerations that outweigh this conflict.
20. Accordingly, for the reasons given above, and having regard to all matters raised, the appeal is dismissed.

Rachel Hall

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Neil Elliot	Appellant
Sean Madden	Agent, Hubble Architecture Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Richard Green	Planning Officer
Ian Elliot	Senior Planning Officer