

Guildhall Gainsborough  
Lincolnshire DN21 2NA  
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**AGENDA**

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

**Planning Committee**

**Wednesday, 17th July, 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 Owen Bierley
- Councillor Karen Carless
- Councillor David Dobbie
- Councillor Ian Fleetwood
- Councillor Sabastian Hague
- Councillor Peter Morris
- Councillor Roger Patterson
- Councillor Tom Smith

1. **Apologies for Absence**
2. **Public Participation Period**  
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. **To Approve the Minutes of the Previous Meeting** (PAGES 3 - 4)
  - i) **Meeting of the Planning Committee held on 12 June 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) 148255 - White Hart Inn Linwood Road Lissington  
Lincoln LN3 5AE

Planning application for the change of use from public house to 1no. dwelling - resub of 146710 (PAGES 5 - 24)

- ii) 147461 - Land off Bridle Way Market Rasen LN8 3ZT

Planning application to erect 2no. dwellings. (PAGES 25 - 46)

- iii) 144062 - Land West of North Moor Road Scotter  
Gainsborough DN21 3HT

Planning application to erect 8no. dwellings. (PAGES 47 - 82)

- iv) 147958 - 11-15 Silver Street, Gainsborough,  
Lincolnshire, DN21 2DT

Proposal for the conversion of the ground floor to health centre including a reception area, interview rooms, meeting rooms and staff well being facilities and conversion of first floor to 2 no. flats. (PAGES 83 - 95)

## 7. **Determination of Appeals**

(PAGES 96 - 120)

## 8. **Exclusion of Public and Press**

To resolve that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 2 of Part 1 of Schedule 12A of the Act.

## 9. **Exempt Reports**

- i) Planning Enforcement - Formal Case Update

(PAGES 121 - 127)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 9 July 2024

# Public Document Pack Agenda Item 3

Planning Committee- 12 June 2024  
Subject to Call-in. Call-in will expire at 5pm on

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 12 June 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 Peter Morris  
Councillor Tom Smith

**Apologies:** Councillor David Dobbie

### 117 PUBLIC PARTICIPATION PERIOD

There were no public speakers.

### 118 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

**RESOLVED** that the minutes of the Planning Committee meeting held on Wednesday, 22 May 2024, be confirmed and signed as an accurate record.

### 119 DECLARATIONS OF INTEREST

Councillor Boles declared he would not be Chairing the application as he was not at the previous meeting where the application was deferred. Councillor Snee, as Vice-Chairman would take the Chair for this item.

Councillor Hague declared that as he did not attend the site visit, he would abstain from voting on the application.

Councillor Smith declared a personal interest as a former resident of RAF Scampton. He declared he was not predetermined and would consider the application with an open mind.

### 119a 147639 - LAND OFF NORTHUMBERLAND AVENUE & WESTMORELAND AVENUE, SCAMPTON

Councillor Boles left the meeting at this juncture and Councillor Snee took the Chair for this application.

Planning Committee- 12 June 2024  
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The Case Officer updated Members that since the last Committee meeting, the Planning team had received further comments from neighbours regarding residential amenities and landscaping. He advised that these points were not reserved matters. The Case Officer delivered a presentation displaying the location plans, indicative site plan and existing photographs of the site.

The Chairman thanked the Planning Officer and advised the Committee there was one registered speaker.

Mr Tams, the agent for the application, addressed the Committee and responded to Member concerns raised at the previous Committee meeting:

- In terms of land ownership, it was confirmed that the red boundary line was owned by the applicant.
- A comprehensive tree survey had been undertaken and there would be a small number of trees removed as these were low quality and a considerable number of trees were to be retained across the western boundary of the site.
- The site would be enhanced with new trees planted and hedgerows and a Biodiversity Net Gain (BNG) of 11% would be achieved with the development.
- The Highways surrounding the application site was privately owned and maintained by the management company and residents contributed to the maintenance of the highways.
- A drainage strategy had been submitted with the application that demonstrated how the new structure would fit in with the existing drainage structure.
- In terms of using existing housing stock, the applicant had refurbished 61 empty units and these houses were currently being sold, and 24 properties had completed and had been moved into.

He expressed that he had been working with planning officers over the past year and had worked to address design and policy principles and technical issues.

Members thanked Mr Tams and the applicant for agreeing to the extension. Members felt that having attended the site visit they could not find any reason for refusal and had attended separately and could not see any red kites and the trees on the site were too small to have nests for red kites. The Case Officer added that an ecological survey had been submitted and measures had been provided that stated any construction works would not take place during nesting season.

On taking the vote, it was agreed that planning permission be **GRANTED** subject to conditions set out in the Case Officer's report.

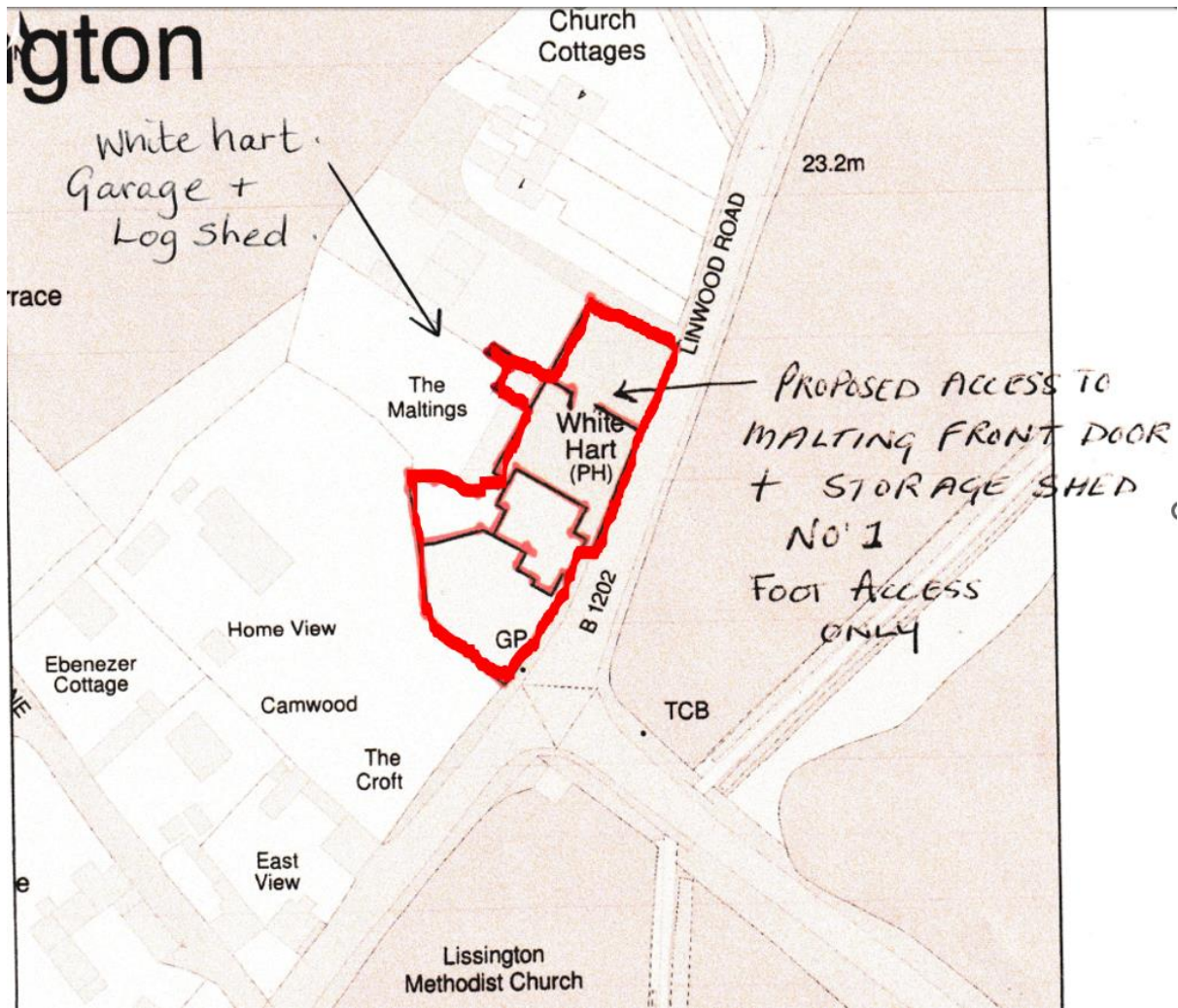
## 120 DETERMINATION OF APPEALS

Councillor Boles rejoined the meeting and took the Chair for the remainder of the meeting.

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

The meeting concluded at 18:45.

Chairman ..... Date .....



**Officers Report****Planning Application No: 148255 (WL/2024/00310)****PROPOSAL: Planning application for the change of use from public house to 1no. dwelling - resub of 146710****LOCATION: White Hart Inn Linwood Road Lissington Lincoln LN3 5AE****WARD: Dunholme and Welton****WARD MEMBERS: Cllr Mrs D M Rodgers, Cllr P Swift & Cllr S H Hague****APPLICANT NAME: Allison Redstone****TARGET DECISION DATE: 30/07/2024****DEVELOPMENT TYPE: Change of Use****CASE OFFICER: Richard Green****RECOMMENDED DECISION: Grant with conditions attached.**

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The application is referred to the planning committee for determination in line with the constitution as the proposal has received a significant amount of objections from local residents and a Parish Council.

The application is recommended for approval with suggested conditions (see end of this report) subject to the Planning Committee delegating back to Officers to issue a decision once a consultation has concluded on minor amendments to the site location/red line ownership plan.

**Description:**

The site is the White Hart Public House located within the developed footprint of Lissington. The public house (a "sui generis" use) is a traditional two-storey building which fronts the B1202 (Linwood Road) to the east and to the north of the crossroads with Wickenby Road and Lissington Road. The public house has a beer garden mainly located to the south and extensive car parking accessed off Linwood Road to the north. There is private living accommodation for the White Hart on the first floor of the building.

To the north west of the public house is a two storey dwelling 'The Maltings, Linwood Road' which is attached to the public house at one corner and which has its own access through the car park of the public house. Further to the north west are two new two storey semi-detached dwellings (yet to be given an address) which are also accessed through the car park of the Public House. To the north of the car park is the access drive and front gardens of No.1-4 Church Cottages, Linwood Road. To the west are gardens of neighbouring dwellings and to the east across Linwood Road are open fields. To the south beyond the beer garden is the large garden of 'The Garden, Wickenby Road.'

This application seeks planning permission to change the use of the existing public house to one residential dwelling.

**Relevant history:**

**146710** - Planning application for the change of use from public house to 1no. dwelling. Withdrawn by the applicant 10/07/2023.

'The Maltings, Linwood Road':

**W60/869/78** - Conversion of barn to form dwelling. Granted 30/10/78.

**W60/641/85** - Erect three garages and a store. Granted 19/09/85.

Site to the north west:

**141289** - Application for approval of reserved matters to erect 2no. dwellings considering access, appearance, landscaping, layout and scale following outline planning permission 136283 granted 24 August 2017. Granted 24/08/2020.

### **Representations:**

**Cllr S Bunney (Chair of West Lindsey District Council and Ward Member for Market Rasen):** Lissington is not in my ward but is just across the border - however, the nearby settlements of Legsby, Bleasby and East Torrington, all in the hinterland of The White Hart, are in the Market Rasen Ward.

I support the overwhelming opinion of the residents that they oppose to the change of use application and want to see the primary function of the property remain as a public house / hospitality / social venue. Lissington and the surrounding villages have less than a handful of buildings where residents can meet and develop their local communities. The loss of the White Hart, as a possible venue, will only magnify this situation.

**Parish Meeting:** No representations received to date.

**Wickenby Parish Council:** Wickenby Parish Council wish to oppose the planning application, on the following grounds:

1. the application is contrary to WLDC plans in respect of community assets and rural development.
2. The loss of an historic public house would be detrimental to all local villages and parishes in the vicinity, as it acts as a community hub for many residents.
3. We already have a lack of suitable meeting places and amenities.
4. After careful consideration, we feel that it would be beneficial for the community if it continued as a public house.
5. The Council wishes to retain the Heritage aspect to the community.

Further representation received:

The Parish Council object to this application due to the loss of heritage in the community.

**Friends of the White Hart Community Group:** Wish to object for the following reasons:

The proposal does not conform with the following provisions of **Policy S50 of the CLLP**:

**Condition a)** The White Hart Public House is in 'ready to open' condition, as confirmed by the sales particulars in the applicant's supporting documents.

**Condition b)** There is no alternative within a 5 mile radius of Lissington (an area covering approx. 72 sq miles) which is not a reasonable proximity. The pub also benefits from a sufficient catchment area to support a well-run public house.

**Condition c)** Clearly does not apply to this application.

**Viability** – The question of viability and success of running a country pub is significantly as a direct result of the owner's management. The community has always been there to help the current owners and unfortunately their own operational choices have certainly led to the current closure.

**Sale price and marketing** - It has to be questioned what value have the current owners added to the pub - having only traded for one year (December 2021 to December 2022) to increase its value from a purchase price of £170k to the current sale price of £375k under their ownership? The increased price has significantly reduced its ability to sell. When compared to similar pubs with turnover between £300 and £400k per year that are detached and offer self-contained accommodation, restaurant facilities with parking being advertised by the same agent [Sydney Phillips) within a 30 mile radius this is by far the most expensive.

**Existing housing and amenities** - Currently in the parish of Lissington the total number of houses currently for sale or with planning for future developments totals 13 houses, two of which were built behind the White Hart public house and remain unsold since being built, demonstrating little need for any more dwellings, in a village with no facilities or community meeting places.

**Other matters** – The strength of objection in the community towards this application is no less than it was when the first application was made in 2023, and withdrawn, due to 'strength of feeling in the local community'. The comments provided by the local community objecting to this application, also strongly indicate the reason for lack of success begins and ends with the business model adopted, rather than the viability as a pub.

**Summary** - To grant permission you are effectively voting against your own adopted plan policies to protect such a wonderful and viable community facility, that offers so much more than just being a pub, which would be lost forever. To refuse permission creates a fantastic opportunity for both WLDC and this committed community to work in partnership with the current owners to formulate a successful plan with community funding, like a tenancy agreement, to bring this pub back to life, which then allows the current owners to market a more attractive working pub facility should they still wish to move on.

**Local residents/Occupiers:**

Local residents raising concerns and/or objections:



- Brooklyn, Snelland Road, Wickenby.
- 3 Church Cottages, Linwood Road, Lissington.
- Ourholme, Swinthorpe Lane, Snelland.
- Manor House, Linwood Road, Lissington.
- Oakside, Main Road, Bleasby Moor.
- 2 Manor Farm Cottages, Main Road, Linwood.
- 22 Lady Frances Drive, Market Rasen.
- 43 Coopers Holt Close, Skellingthorpe.
- The Gables, Lissington Road, Wickenby.
- Springfield, Main Road, Bleasby Moor.
- Lissingley House, Lissingley Lane, Lissington.
- The Croft Wickenby Road, Lissington.
- Woodbine Cottage, Wickenby Road, Lissington.
- Edythe Cottage, Wickenby Road, Lissington.
- The Old Vicarage, Linwood Road, Lissington.
- Bleasby House, Bleasby House Lane, Legsby.
- Manor Farm, Buslingthorpe Road, Linwood.
- Rectory Cottage, Lissington Road, Lissington.
- Lewknor House, Lissington Road, Wickenby.
- 1, The Terrace, Grundy Lane, Lissington.
- The Terrace, Grundy Lane, Lissington.
- 1 Church Cottages, Linwood Road, Lissington.
- Bleasby Fields Farm, Bleasby Field, Bleasby.
- Brooklyn, Snelland Road, Wickenby.
- 5 The Willows, Sudbrooke.
- 10 Acre Close, Market Rasen.
- The Bungalow, Top Farm, Bleasby Moor Road, Lissington.
- Westfield, Spridlington Road, Faldingworth.
- Glebe Barn Farm, Snarford Road, Wickenby.
- White House Farm, Station Road, Snelland.
- White Lion Retreat, Lissington Road, Wickenby.
- 4 Squires Place, Nettleham.
- Charterhouse, Washdyke Lane, Glentham.
- Ashgrove, Wickenby Road, Lissington.
- The Maltings, Linwood Road, Lissington.
- 8 Snelland Road, Wickenby.
- Holton Grange Farm, Holton Grange Lane, Holton Cum Beckering.
- Ashlyn ,snelland Road ,Wickenby.
- 38 Ash Tree Avenue, Nettleham.
- 66 Waterloo Street, Market Rasen.
- Lughnasagh Cottage, Linwood Road, Lissington.
- 10 Spridlington Road, Faldingworth.
- 8 Wetherby Close, Market Rasen.
- 20 Prince William Road, Newtoft.
- Corner House Farm, Main Road, Linwood.
- 4 Church Mill Close, Market Rasen.
- 33 The Meadows, Langworth.
- 3 Jubilee Close, Nettleham.
- 66 Sudbrooke Lane, Nettleham.
- The Holding, Snelland Road, Wickenby.

- 9 The Crescent, Wragby.
- White Rose Farm, Lissington Road, Holton cum Beckering.
- The Barn, Church Farm, Stainton by Langworth.
- 20 Prince William Road, Newtoft.
- 17 Eagle Drive, Welton.
- Flat 2, 93 Bridge Street, Worksop.
- 8 Wetherby Close, Market Rasen.
- Lilac Cottage, Station Road, Wickenby.
- 7 Rectory Close, Binbrook.
- Braemar House, Church Street, Middle Rasen.
- Ling O Dell, Gallamore Lane, Market Rasen.
- Hill Farm, Snarford Road, Snelland.
- Rose Cottage, Shetland Road, Wickenby.
- Manor Farm Cottage West, Linwood Road, Lissington.

Summary of the matters raised:

- The White Hart public house has been, could be & should be a focal point for the community. It is a community asset & amenity that we do not want to lose.
- To change this to a dwelling would be a sad loss to the community.
- I feel the owners couldn't make it work as they were not right for the pub, if owners with the right attitude and willing to put the work in this could be an amazing place yet again.
- The facility is totally fit for purpose. It was extensively renovated by the current landlord/lady and is of excellent quality. It has good off-road parking and beer garden.
- It is worth noting that this pattern has occurred previously with the same applicant, where poor business performance was followed by successful change of use application.
- A lot of money was spent to change the pub to the owners taste. However this doesn't entitle them to a return on their investment.
- To lose the pub forever because these owners couldn't capitalise on the greater footfall their renovation created would be a terrible loss to the community.
- If it stays as a pub there is hope one day this will return to a thriving business as it was pre 2020.
- It is vital that residents living in an isolated situation engage in social activities or they can suffer from depression and isolation anxiety
- There is plenty of traffic passing the doors daily including numerous bikers every weekend.
- The population of Lissington is growing with new homes being built.
- The White Hart public house has been, could be & should be a focal point for the community. It is a community asset & amenity that we do not want to lose.
- I fully supported the owners when the pub was open.
- Myself and my family have supported the pub for many decades.
- I feel if the right people came in and provided what the market/customers wanted it would easily be a success again.
- The pub has served as a great community asset over the years providing a sociable place for various meetings and community events.

- The statement made by the owner is now further out of date and does not reflect the present community base. Many claims on the statement are again incorrect and simply included to seek a change of use.
- At no point has there been a for sale board outside of the pub and more importantly the price of the sale has not dropped once during its time on the market.
- At no point has the applicant attempted to approach the village as a group and offer / ask for advise on how to keep this premises able to sustain itself and further more provide employment to local people.
- This is the only Pub in the local 2 villages in all directions.
- The proposal does not include the provision for a new community facility and there is no comprehensive evidence that the building cannot be used for the purpose it was built for.
- The sale price is over market value (purchased at £170k in 2020 and on the market for £375k).
- This pub was extremely profitable, the current owners allowed the demise of this pub.
- Prior to be taken over by the present landlord the pub was recording a yearly turnover of £240,000 plus.
- If planning is approved under the applicants request, the pathway is wide open for others to do the same with community buildings and businesses that enable longevity of community sustainability and engagement.
- It appears the owners behaviour has been strategically focussed on running the business down to build a case for change of use and financial gain.
- There are still two houses at the back of the car park that have been on the market for nearly two years and still have not sold.
- The proposal is not supported by Policy S5 or S50 of the Central Lincolnshire Local Plan.
- If this application is granted it will never go back to being a pub again.
- With it's strong historic wartime links it has been the regular meeting place for many families visiting to pay their respects, at what was the former 'RAF Wickenby'.
- It is situated in a prime location on the national cycling route and close the Lincolnshire Wolds and the Viking Way.
- It provides a much needed economic asset to the area.
- Pubs such as this are absolutely vital for those living in isolated rural areas. For many this pub is the only opportunity for much needed social interaction and support.
- As we have no local restaurants/takeaways in the village the pub was an ideal location for locals to eat out. Unfortunately the frequent change in the menu including unavailable items, poor quality meals and poor service along with erratic opening hours soon meant customers dwindled
- Since the new owners took over it was very clear they had absolutely no idea how to run a successful pub. With limited opening times, if you own a pub who doesn't open bank holidays? Between Christmas and new year? Has a month off? Doesn't open through the summer?
- Just seemed as though they didnt know how to run a village pub. It was constantly overstaffed with their son and his friends.
- Previous owners ran a tight ship as many business owners do to enable them to turn a profit but the new owners constantly had 4/5 behind the bar which

isn't needed, they took a long time opening and advised they'd spent a lot of money renovating, but the changes seemed merely cosmetic.

- The new owners had no idea of their target market and this was reflected in the food, entertainment, the vibe and feel of the place. The beer was constantly flat.
- The menu was overpriced mid-week meals that you'd eat at home, and weren't very good quality.
- The same music was played over and over again.
- The pub previously was a family pub, we all met there and there were summer events and competitions.
- The new owners refurbished the pub and made a really good job of it. Initially the food was really nice, but over the following few months, they started to cut corners on the quality and increase the prices.
- The quality of the beer was a bit hit and miss.
- It seems that the owners are now blaming the community for the pub closing, but this is not the case.
- The pub was always busy when the old owners had it, even though it was quite shabby.
- Times are changing and lots of Pubs are reopening, for example Heineken is re-opening 62 pubs across the UK this year and according to the Yorkshire Times are planning to invest £1.64 million into Yorkshire and Humber Pubs alone. This gives a good indication that pubs are a much more economically viable business now than they were just a few years ago.
- The global pandemic is over and we are getting over the financial crisis too. Local people have more money to spend again and can do so safely. Hospitality has recently experienced a bounce back and pubs have been reopening. So, it seems a great shame to waste the White Hart Pub's facilities.
- How is the local community going to be able to replace such a building which, in part dates back to the 1500's and 1800's? It has a bar, cellar, commercial kitchen, downstairs ladies and gents and 20 vehicle car park. These facilities are not easily replaced if lost. It is located on a main cycle route and would be of benefit to locals, walkers, cyclists, motorcyclists, motorists and tourists alike.
- It could be of benefit to the tourism industry, being not that far from the Lincolnshire Wolds and having the potential to use either one or two of the double bedrooms as holiday/tourist accommodation. It is surrounded by many small villages which do not have their own pub.
- This pub could again be of great social benefit to the local community while helping to prevent loneliness and improve mental health in a largely rural and agricultural community. Local clubs, societies and charities would benefit from using this pub's facilities in the future, especially as some clubs, charities and societies find it difficult to meet in a church.
- A Greener Place to Eat It would be great to have a nice lunch, evening meal or take away without having to resort to the use of a car.
- This Pub may not sell well as a Private Dwelling As a private dwelling this pub might not sell very well, as it will look like a pub, even without its signage and as it is located on a junction with two roads, it will be awkward/noisy for families, especially families with young children. Also, what would a private dwelling do with a car park for 20 cars?

- It would be likely to spend quite a long time on the market and be bought by a developer, not for use as a private dwelling, but to then seek permission to demolish the pub and make use of the pub's large car park to build several houses.
- The historical interest will be totally lost.
- There is already planning permission for the building of 6 private dwellings just up the road from this pub, which probably already meets the council's demand for the increase in the number of private dwellings at Lissington.
- The White Hart would provide someone with an excellent business opportunity, provided it is sold at the right price. It would also provide many employment opportunities for local people.
- The Loss of Tourism to the County Either one or two of the double bedrooms on the first floor of this pub could be used as holiday/tourist accommodation. These bedrooms have not been utilised as part of the business by the current owners.
- The current owners purchased this pub at a very unfortunate time and we appreciate their difficulties with ill health and their economic situation.
- The White Hart is situated on the B1202 – a road known as Route 1 of the National Cycle Network. The location benefits from close proximity to the Lincolnshire Wolds, a number of tourist and self-catering accommodation, in addition to the Market Rasen racecourse and other tourist attractions.
- It is a common opinion amongst patrons of the White Hart - that lack of effective business model led to the pub's closure in such a short space of time. When compared to the previous ownership of 42 years, which demonstrated the pub to be a thriving business at the heart of the local community.
- The application suggests that the owners solely worked joint roles including front of house. This was not my observation, and front of house roles were most regularly filled by significant levels of staff. A chef was also appointed.
- The pub progressively operated with erratic opening and food service hours. For example, during the Christmas period in 2022 just before its formal closure in January 2023. This is well known as one of the busiest periods in hospitality.
- The following public house of a similar size was listed on the market within West Lindsey and neighbouring wards, at the following prices:
- The Crossroads Inn, East Barkwith, LN8 5RW - £165,000 (June 2023) This pub has now re-opened and is now a thriving local pub, serving food. This has been possible due to its realistic sale price.
- The application also references drink driving laws (introduced in the UK in 1967), competition such as Uber Eats and Deliveroo, which are not operating in the area, and a series of other facts which have no bearing on the pub's chance of success.
- Converted to an excellent standard during some extremely challenging times and the pub was full to the brim on opening night showing people were excited about the pub re-opening post renovation. New owners were welcoming and friendly and there was an improved garden area/seating.
- The public house only traded for a period of 14 month (December 2021 until January 2023)
- Kitchen not open for a long time after pub re-opening - initially just drinks.

- Food only became available from May until closure - 8 months. Once open for food, the food was 'average' for high prices & limited choice/menu. Typical pub food was not on offer (e.g. burgers, fish & chips etc)
- Not accommodating people's preferred opening hours/running with limited opening hours.
- Pub would be closed during popular times (e.g. Christmas/New Year/bank holidays/evenings).
- It was often cold in the pub to sit there with people wearing coats and hats indoors.
- Initially long waiting times/not well organized with food orders/preparation which put people off.
- Owners were not around as much as the previous landlord relying on other staff.
- Owners barred local customers who expressed an opinion on things rather than addressing the issues being raised and seeking resolution.
- Previously popular activities were not available post refurbishment – e.g. darts/pool table.
- Other local pubs such as the Adam and Eve in Wragby, The George in Langworth and The Crown in Glenthams are thriving.
- By agreement between Quickline Communications Ltd and the current owners, in the pub garden there is a fibre broad band "street cabinet" which serves the village and is of specific benefit to the pub.
- Guests from our holiday cottage did enjoy going there and it is a great benefit having this community pub so close by. The White Hart pub is within walking distance of the residents of Lissington and Wickenby and would be a great loss for our guests and for tourism in the local area, and the local community.
- To our knowledge the applicants have never formally consulted Lissington residents about the future of the pub.
- There is and has been since 2023 an on-line sales ad (which is also one of this application's supporting documents) at <https://www.thelandsite.co.uk/properties/23132-public-house-and-restaurant-for-sale-in-lissington> It includes the following details: "£190k worth of improvements" – "Only pub in the village". "Reluctant sale due to ill health".
- No obvious effort to market it effectively,; no drop in asking price, and no "for sale" sign.
- The applicants made significant improvements to the pub, including a professional kitchen and new package treatment plant, providing really good foundations on which to build a thriving pub and restaurant business.
- If a change of use to residential is granted, we anticipate that the applicants will immediately offer the property for sale, take the windfall profit, and will then leave the village.
- Currently in Lissington there are 4 houses and 6 plots for sale.
- No robust marketing exercise has been carried out.
- There will be a loss of economic benefit to the area too as the pub has provided employment in the surrounding villages for decades and has been a contributing factor to house sales locally in the area with people wanting to move to a location with a pub available.
- There are still two houses at the back of the car park that have been on the market for nearly two years and still have not sold.

- Please also note that the last time the current owners tried to get change of use (Ref. 146710) over 70 people objected.
- Based upon 2011 census information, the approx. adult population within a one-mile radius is 154, with the approx. adult population within five miles radius (which is key in rural areas) is 11073. This demonstrates a huge availability of potential customers, within the catchment of the public house.
- Housing growth in the area since then will have greatly increase the catchments potential, with major housing development in Market Rasen, Middle Rasen, Faldingworth and Wragby.
- The pub sits in a great position on the B1202. a regular route between Wragby and Market Rasen, and direct links to Grimsby and Gainsborough. The pub has huge appeal to those who drive or cycle out to pubs, With great parking facilities off road, as well as well proportioned garden with good facilities
- Tourism is a major growth area and many local sports teams and charities would use the pub.
- There are no other pubs within a five mile radius.
- Clear evidence should be sought that the pub has been marketed as a going concern at a reasonable price and for a significant length of time, If there is insufficient evidence of a comprehensive marketing campaign, this application should be refused.
- We owned and ran The White Hart very successfully for 42 years. We were not in any severe financial difficulties as the applicants have expressed, and were put into administration by the capital management company our mortgaging bank sold us to in a tranche of properties.
- I do not dispute the hard work the owners put in getting the business ready to open. I sympathize with the applicants regarding rising costs etc . “ But when the going gets tough, the tough get going” Working harder and more effectively is the answer – not closing during weekdays when there is little trade about, many days in a rural pub can be like this midweek, but also for no apparent reason we could be extremely busy.
- The business was allowed to open for 82 1/2hours a week plus a restaurant licence allowing diners an additional hour at night (this was rarely used) At the time of their closure the opening hours amounted to a maximum of 20 ½ hours per week.
- In the sale details with agents (Sidney Phillips) the reason for selling as a going concern was stated as “because of ill health” yet this is not mentioned among all their reasons in this application to yourselves.
- The White Hart is currently being marketed at an unrealistic price, based on it’s turnover (given an educated approximation). Breweries are not interested in food led pubs. They want high level beer and alcohol sales.

Local residents writing in support of the proposals (or neutral):

- Mead House, Linwood Road, Lissington.

Summary of comments made:

-

- When reading comments submitted to the previous application, most of which opposed the application, we were very concerned to see that the majority were from people not living in Lissington.
- As residents of Lissington for 45 years we have spent many happy hours with friends and relatives enjoying the facilities of the White Hart. However, over recent years there have been changes to peoples' entertainment preferences and more recently to their financial situations which, together with the higher running costs inflicted on the hospitality industry have influenced the viability of public houses.
- Closure is more often the inevitable result in the current climate of public house closures. Five Hundred and Nine (509) public house closed in 2023 and a further Seven Hundred and Fifty (750) are set to close in the first half of 2024 according to the British Beer and Pub Association. In addition more than half the Freehold sites sold in 2023 no longer operate as public houses.
- So the reality is this, how does a village the size of Lissington, together with its sparsely populated, rural catchment area of, say, 10 miles, sustain a public house whilst the running costs for the hospitality industry continue to spiral and place unsustainable burdens on their viability.
- There is a limited population within the catchment area for the prolonged viability of the White Hart. If there is a significant number of clients out there where were they when the White Hart was open for business. There certainly do not appear enough of them to have kept it open as a going concern.
- We still have no public house in Lissington. Its designated role appears to be defunct. We note the history of the building has been questioned if it is no longer a public house. Why? Surely any alterations to its structure could, through planning regulations be regulated.
- If people wish to commemorate the valiant RAF WW2 personnel who flew from Wickenby we understand there is an appropriate memorial at Wickenby airfield.
- We would love to see, and be able to frequent, a vibrant, successful public house and eatery in Lissington but feel common sense has to prevail and we do question whether that is ever going to be an option for Lissington.
- We do share the hopes of others for a good, efficiently run, vibrant public house in any village and the added value it gives to that village and surrounding area. However, equally we are very concerned that a closed public house may eventually become a derelict and boarded up public house which would have an even more significant effect on the attractiveness and ambiance of the village. We would much rather see the White Hart turned into a private dwelling than for it to deteriorate and eventually become an eyesore on what is a pivotal corner of Lissington.

**LCC Highways and Lead Local Flood Authority:** The development proposals will generate a reduction in vehicle movements to that of its former use. It is therefore not possible to raise an objection to the proposals based on traffic impact, in accordance with NPPF. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual



cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

### **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).

### **Development Plan:**

The following policies are particularly relevant:

#### Central Lincolnshire Local Plan adopted 2023 (CLLP):

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution

Policy S4: Housing Development in or Adjacent to Villages

Policy S13: Reducing Energy Consumption in Existing Buildings

Policy S21: Flood Risk and Water Resources

Policy S33: Non-designated Employment Proposals within Identified Settlements

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S50: Community Facilities

Policy S53: Design and Amenity

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

#### Neighbourhood Plan:

No plan currently being prepared.

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

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in December 2023.

[National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/national-planning-policy-framework)

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

- **National Design Code (2021)**

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

#### **Main issues**

- Principle of Development

- Residential Amenity
- Visual Impact
- Highways and Car Parking
- Other Matters

## **Assessment:**

### **Principle of Development**

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

This application seeks planning permission to change the use of the existing public house (a “sui generis” use) which is located within the developed footprint of Lissington to one residential dwelling. The public house incorporates a bar area, garden room, dining area, kitchen, cellar and toilets on the ground floor and has a large beer garden to the south and extensive car parking to the north. There is private accommodation for the public house on the first floor including three double bedrooms.

### **Change of use to residential**

Policy S1 of the Central Lincolnshire Local Plan (CLLP) categories Lissington as a tier 6 small village which will accommodate limited housing growth through allocations and proposals which accord with Policy S4 of the plan. The proposal is for the change of use of a Public House to 1no. dwelling which is located within the developed footprint of Lissington and therefore accords with the NPPF and Policy S1 & S4 of the Central Lincolnshire Local Plan as the site is considered to be an appropriate location and only one dwelling is proposed.

### **Loss of the public house**

The proposed loss of the public house must be tested against Policy S50 of the CLLP which states:

*‘In most instances, the loss of an existing community facility will not be supported.*

*The loss, via redevelopment, of an existing community facility to provide an alternative land use which is not that of a community facility will only be permitted if it is demonstrated that:*

- a) The facility is **demonstrably** no longer fit for purpose and the **site is not viable to be redeveloped for a new community facility; or***
- b) The service provided by the facility is **met by alternative provision that exists within reasonable proximity**: what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area; **or***
- c) The proposal includes the provision of a new community facility of similar nature and of a similar or greater size in a suitable on or offsite location.*

It should be noted that a development is only required to meet one of the criteria (a)-(c), in order to comply with the policy.’

The current owners of the White Hart purchased the property from the receivers in April 2020 and invested a substantial sum of money (190K) before opening in December 2021, with the following list of improvements being made:

*'Partial reroofing \* Rewiring & replumbing. \* New fireplaces & Woodburner \* 2 x New bars & servery areas. \* 30 plus x tables & chairs, bar stools. \* Upholstered banquette benches. \* New commercial flooring. \* Complete cellar system renewal, coolers/Pythons etc. \* 3 x Wine/Beer chillers. \* Epos system. \* Surveillance cameras. \* Ice machine. \* Glass washer. \* Sound system. \* Projector & large screen. \* 2 x gents toilets 4 x urinals, wash basins, cubicles, hand driers, flooring. \* 2 x ladies toilets. 2 x cubicle toilets and wash basins, hand driers, flooring. \* Three rooms & two entrances tiled. \* Resurfacing of car park. \* External painting of building. \* Landscaping pub garden, new benches and parasols, BBQ, fencing, Lighting, decking, staging. \* Childrens play area. \* Outside lighting & signage. \* New full stainless steel commercial kitchen & extraction system (stoves, friers, grill, pass, salamander grill, refrigeration, freezers, microwaves, new glassware, crockery/cutlery, potware, commercial safety flooring).'*

However, due to rising costs the public house closed in January 2023. The applications supporting documentation show that Sydney Philips Ltd have been marketing the public house since December 2022 and are currently still offering it for sale for £375k. As part of their marketing strategy the property also appears on the sites below:

Rightmove - Zoopla - Prime Location - Morning advertiser - Dalton Business - Rightbiz - Landsite -Business for sale - Instagram.

The applicant has also placed the public house for sale on Facebook Marketplace, pub owners network, pubs for sale & Rent on a weekly basis and has approached many major breweries to ascertain if there is any interest.

The following supporting information has also been submitted with this application:

- Accounts for the period 1 November 2020 to 21 October 2021 showing a substantial loss.
- Accounts for the period 1 November 2021 to 21 October 2022 showing a substantial loss.
- Accounts for the period November 2022 to January 2023 showing a loss.
- Mortgage documents showing substantial arrears.

It is considered that the Public House has been marketed for an adequate length of time from December 2022 to the current time and has been marketed at an appropriate price owing to the location and quality of the business on offer (especially after the substantial sum of money invested by the current owners). The asking price of £375K is similar to other public houses that are currently on the market in West Lindsey/Lincolnshire1.

There have been no offers for the White Hart and therefore this is a clear indication that the market considers the public house to be unviable to be re-opened as a going concern. There are also other circumstances to consider such as the fact that the

White Hart is located on a B road serving a small community and would likely be unviable and again at real risk of going into receivership, if opened up as a going concern or for a new community facility.

The proposal is considered to comply with Policy S50 part a) and the provisions of the NPPF as it is considered that the loss of the public house is not unnecessary as the current proposal provides appropriate evidence to demonstrate that the public house is no longer viable.

#### Loss of employment

When in use, the public house may generate a modest amount of employment. Policy S33 Part 2 states that:

- a) the loss of land or buildings will not adversely and significantly affect the employment opportunities or services available in the area that the site or building would likely serve; and
- b) the proposal will not harm the character of the locality and/or the amenities of neighbouring occupiers; and
- c) the proposal will not impact unacceptably on the local and/or strategic highway network.

It is considered the proposal would result in the loss of a modest amount of potentially local employment opportunities. However, it is considered that appropriate marketing has been carried out with little if any interest being expressed in purchasing the public house as a going concern. The proposal would not affect the character of the area or the amenity of neighbouring occupiers and would not impact the highway network. On balance the proposal is considered to comply with Policy S33 of the Central Lincolnshire Local Plan and the NPPF.

#### Conclusion regarding the principle of development

The loss of the public house and associated employment to residential use is considered acceptable in light of the merits of the case. The conversion to one dwelling in this location is also supported.

#### Residential Amenity

It is proposed to change the use of a public house to one dwelling with no internal or external alterations being made apart from the removal of pub signage and the continuation of a picket fence around a proposed garden area to the north of the public house where part of pub car parking area currently exists. Another part of the pub car park will be retained for bin storage and car parking for the proposed dwelling.

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.

There are no issues of loss of light, over dominance or overlooking with this proposal and therefore it is considered that the development would 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.

### **Visual Impact**

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

It is proposed to change the use of a public house to one dwelling with no internal or external alterations being made apart from the removal of pub signage and the continuation of a picket fence around a proposed garden area to the north of the public house where part of pub car parking area currently exists. Another part of the pub car park will be retained for bin storage and car parking for the proposed dwelling.

It is therefore considered that the proposal will not harm the character and appearance of the street-scene in accordance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

### **Highway Safety and Car Parking**

This application seeks planning permission to change the use of the existing public house to one residential dwelling. The proposed dwelling will retain part of the existing public house car park for its car parking which is accessed off Linwood Road.

Local Plan Policy S47 and S49 requires well designed, safe and convenient access for all, and that appropriate vehicle parking provision is made for development users. Appendix 2 of the CLLP which is referred to in Policy S49 states that 3 bed dwellings in this location should provide 3 parking spaces.

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

Paragraph 114 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Overall, the proposed access, parking and turning arrangements are acceptable and the proposal is considered to accord with Policy S47 and S49 of the Central Lincolnshire Local Plan.

### **Other Matters:**

#### **Amended Plan**

An amended site location/layout plan has been received which shows the access to the two new two storey semi-detached dwellings (yet to be given an address) which are also accessed through the car park of the Public House as well as 'The Maltings'.

#### **Gas Pipeline**

The application site is within a 500 metre buffer zone for a gas pipeline. No internal or external alterations are proposed.

#### **Historic Building and Removal of Permitted Development Rights**

A number of representations received have cited the history of the building. No internal or external alterations are proposed apart from the removal of pub signage.

The application also proposes the continuation of a picket fence around a proposed garden area to the north of the public house where part of pub car parking area currently exists. Another part of the pub car park will be retained for bin storage and car parking for the proposed dwelling.

If it is minded to grant planning permission certain permitted development rights will be removed to protect the design of the building, the appearance of the street scene and the residential amenity of neighbouring occupiers.

#### **Energy Efficiency:**

Policy S13 encourages the improvement of energy efficiency as stated below:

'For all development proposals which involve the change of use or redevelopment of a building, or an extension to an existing building, the applicant is encouraged to consider all opportunities to improve the energy efficiency of that building (including the original building, if it is being extended).'

However, no internal or external alterations are proposed.

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

The decision has been considered against policies S1: The Spatial Strategy and Settlement Hierarchy, S2: Growth Levels and Distribution, S4: Housing Development in or Adjacent to Villages, S13: Reducing Energy Consumption in Existing Buildings, S21: Flood Risk and Water Resources, S33: Non-designated Employment Proposals within Identified Settlements, S47: Accessibility and Transport, S49: Parking

Provision, S50: Community Facilities and S53: Design and Amenity of the Central Lincolnshire Local Plan and guidance contained in the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Model Design Code has also been taken into consideration.

In light of this assessment it is considered that the principle of development is acceptable and the proposal will not harm the character and appearance of the street scene or have an unacceptable impact on the living conditions of the residents of neighbouring properties or the future occupiers of the proposed dwelling. Furthermore, the proposal will not have an unacceptable impact on the highway network.

**RECOMMENDATION- Grant planning permission with the following conditions subject to the Planning Committee delegating back to Officers to issue a decision once a consultation has concluded on minor amendments to the site location/red line ownership plan:**

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Site Layout Plan received 20 June 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 and to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local.

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

3. Notwithstanding the provisions of Classes A, AA, B, C, D, E, F, G and H of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall

not be altered or extended (including the installation of solar panels), no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the host dwelling, no new hardstanding, chimney's or flues, microwave antenna and gates, walls or fences unless planning permission has first been granted by the Local Planning Authority.

**Reason:** To enable any such proposals to be assessed in terms of their impact on the dwelling and on the living conditions of the host dwelling and neighbouring occupiers/the resulting amount of space around the host dwelling and to safeguard the character and appearance of the building and its surroundings in accordance with Policy S53 of the Central Lincolnshire Local Plan.

### **Notes to the Applicant**

None.

### **Human Rights Implications:**

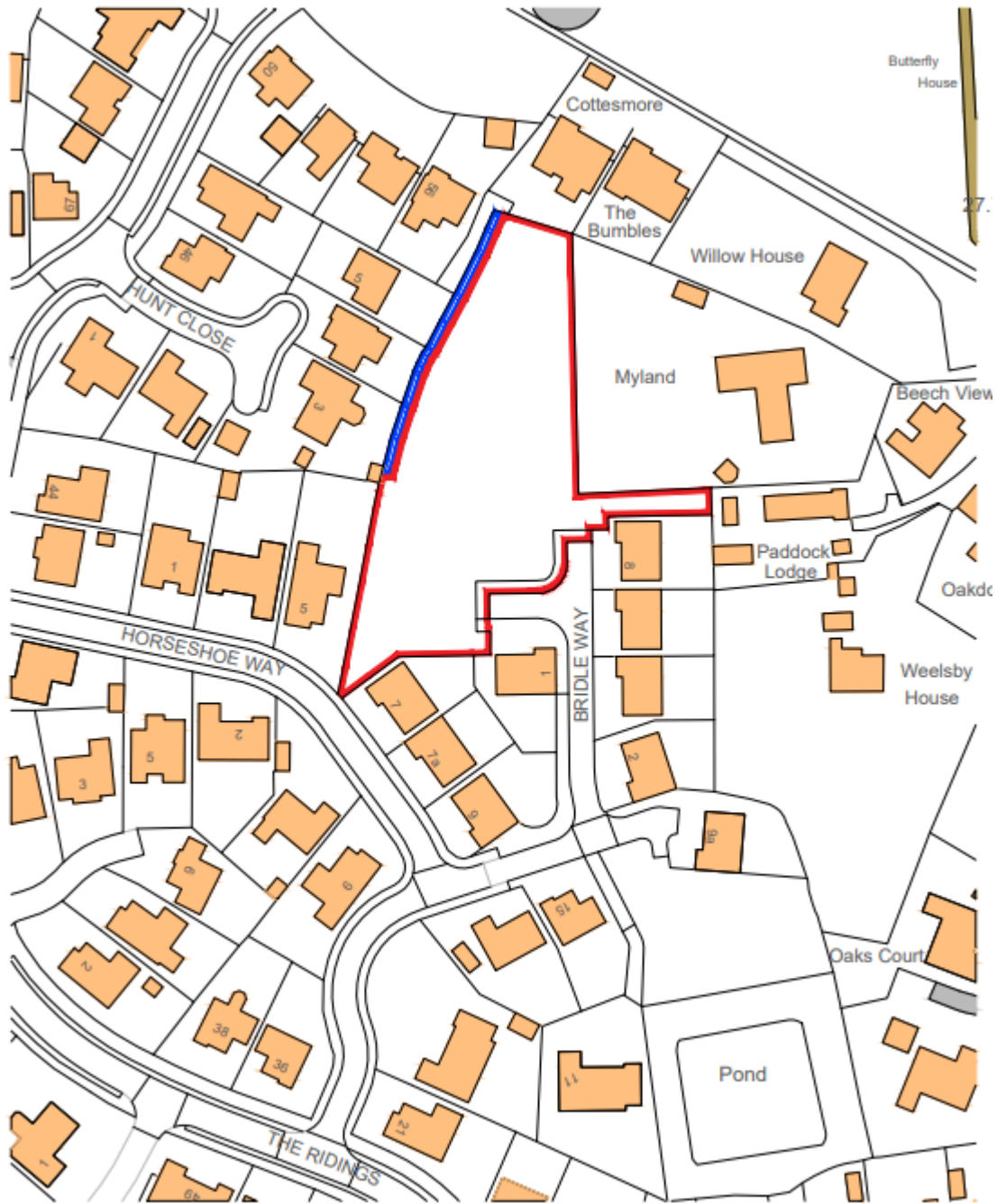
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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



147461- Site Location Plan



# Officers Report

## Planning Application No: 147461

**PROPOSAL:** Planning application to erect 2no. dwellings.

**LOCATION:** Land off Bridle Way Market Rasen LN8 3ZT

**WARD:** Market Rasen

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

**APPLICANT NAME:** Stirlin Developments Ltd.

**TARGET DECISION DATE:** 12/12/2023 (Extension of time agreed until 18<sup>th</sup> July 2024)

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Danielle Peck

**RECOMMENDED DECISION:** Grant planning permission with conditions.

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The application is referred to the planning committee for determination due to the objections received from Market Rasen Town Council and neighbouring occupiers stating material planning matters which are considered to be finely balanced.

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**Site Description:** The application site comprises of an area of undeveloped land to the north west of Bridle Way within Market Rasen. The site is currently overgrown with some unmaintained shrubbery and trees within and surrounding the site. Other residential dwellings and their garden areas adjoin the site to all boundaries.

**The Proposal:** The application seeks full planning permission for the erection of 2no. dwellings with detached garages. The dwellings are of a dormer style with rooms in the roof and the following approximate measurements;

- **Plot 1- Three bed detached dwelling;** A depth of 9m, width of 11.6m, a max eaves height of 4.6m and a total overall height of 7.2m. Plot 1 also has a single storey off shoot- 3.6m in depth and 5.4m in width, eaves height of 2.6m and 5m in total height. **Detached double garage-** 6.2m by 6.2m, eaves height of 2.7m and total height of 5.1m.
- **Plot 2- Three bed detached dwelling;** A depth of 9m, width of 14.8m, a max eaves height of 3.5m and a total overall height of 7.3m. **Detached double garage-** 6.2m by 6.2m, eaves height of 2.7m and total height of 5.1m.

### Relevant history:

**121736-** Planning Application for erection of 5no. bungalows with integral garages. Granted with conditions 24/04/2008.

### Representations:

**Full versions of the representations received can be viewed on the Councils website using the following link: [West-Lindsey | Public Portal \(statmap.co.uk\)](http://West-Lindsey | Public Portal (statmap.co.uk))**

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

**Market Rasen Town Council:** At the Full Council Meeting of Wednesday 8th November, Market Rasen Town Council voted unanimously to object to the planning application on the following grounds;

- The proposed dwellings are not in keeping with those in the surrounding area.
- The area is an important ecological site.
- The proposed development is simply infilling and does not have sufficient access for either the developers or those who will reside in the properties.

**Local residents:**

**Objections have been received from the following addresses:**

- No.s 2, 4,5, 17 and 19 Horseshoe Way, Market Rasen;
- 49 The Ridings, Market Rasen;
- No. 1, 2 and 8 Bridle Way, Market Rasen;
- 3 Lawrence Way, Middle Rasen.

**Comments/Objections summarised as follows;**

### **Ecology**

- The site is rough grassland and provides habitats for small mammals;
- The planning officer should consult with ecological and wildlife agency's who do not have vested interest in the development;
- To claim that building houses with large gardens (which would only have ecological benefits if they were left wild) have anything but a detriment to the current ecological environment are false and misleading.
- Biodiversity is likely to have temporarily diminished in the area due to the developer's activities over the past few years, and it should now be given an opportunity to rebound.
- I have seen great crested newts, bats, starling murmuration and hedgehogs in my own garden;
- I was told that planning permission wasn't granted for that plot in question because it was protected for environmental reasons.

### **Drainage/Flooding**

- The proposal/additional development will increase surface water flood risk to existing properties in the catchment;
- The new pond serving Horseshoe Way and the long standing main attenuation pond were already at risk of overflowing during the recent rainfall event on 20 October. Anglian Water had to attend. The

main attenuation pond flooded badly during the rainfall event in August 2022;

- Anglian Water are not concerned regarding new SW inputs to their system, but I suspect the SW modelling does not incorporate the significant field run-off that enters the system;
- This therefore requires a full re-appraisal, and involvement of Anglian Water before any more development is allowed in this already overloaded SW catchment. Not doing so, will put at further risk all the properties in this area.

### **Character/Design**

- The houses are not in keeping with the overall design of the estate namely bungalows;
- This departure from the established architectural style of the neighbourhood is contrary to local planning policies that emphasize the importance of maintaining the character and visual harmony of the area.

### **Residential Amenity**

- Concerns with overshadowing of garden areas;
- Concerns with overlooking;
- The residents of this area have been living with construction noise for the past three years. Due to the positioning of this location, how they are going to have to get into the site, and the size of the equipment, a further construction phase is likely to generate significant noise levels, potentially causing disturbance to the residents.
- The developer needs to be more respectful of neighbouring dwellings during building works;
- Concerns with light pollution.

### **Parking/Highways**

- Concerns based on the experiences during previous construction in the area. The Stirlin workers and contractors for The Orchards site parked on the pavement, causing inconvenience and challenges for disabled persons' access.
- Construction vehicles blocking pavements or roads can make the area impassable for disabled individuals, posing a significant hardship;
- Concerns with the maintenance of the roads- who will repair damage;
- Concerns with using a wheelchair, If construction proceeds, there will inevitably be vans and HGV's using the street for access and parking, further threatening safety

### **Other**

- The covenants for those buying bungalows on The Orchards contains a clause that prevents owners from objecting to further development by the same builder on adjacent land.

**LCC Highways/Lead Local Flood Authority:** No objections. 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. Bridle Way is a private road, and the highway authority has no jurisdiction over the use of this road. With regard to this application, we have considered the safety and impact of these proposals on the junction with Horseshoe Way. It is for the Local Planning Authority to determine whether the access provided by the private road is safe and suitable for all users. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

**Archaeology:** Archaeological evaluation and monitoring has been undertaken in connection with development to the north, south and west which suggest no significant archaeological remains extend into this site. No archaeological work is required.

**West Lindsey Building Control:** The FW drainage proposals are fine, they are connecting to a public sewer so no major issue there. Also, the surface water drainage proposals seem fine. The system will deal with the two new plots with no problems, utilising a retention basin and flow-controlled discharge to a public SW sewer. Surface water flooding is mentioned in the report, it highlights a high risk of surface water in two low points shown on the contoured site plan. A solution is mentioned in that plot 2 should be lifted and this will indeed protect the property, it will not prevent or alleviate the existing (and probably continuing) surface water flooding, but it also shouldn't make it worse.

**Central Lincolnshire Principal Ecology and Wildlife Officer:** BNG wise, as it is pre statutory there are certain aspects we can allow (the garden planting, pond retention of small trees in gardens for example) but this still leaves them at -3.28%. They have proposed offsite, but it is hypothetical they don't have land they intend to use. This means we would need to condition that they provide evidence of the purchase of 0.24 units (any type) or 0.48 statutory credits (category A1) before commencement (this won't be hugely expensive). Alternatively, we could allow for some small tree planting in the gardens or native scrub at the north edge of the pond as it is pre statutory.

We need to condition the production of a habitat management and monitoring plan inline the initial habitat creation and the management proposed in the Biodiversity Impact Assessment and Enhancement Plan.

For the newts my preferred approach would be if development commencement post March 2025 that an eDNA sample of pond 3 be taken before commencement (this is due to the pond being listed as a breeding pond in 2020) , should it be positive further population surveys and a mitigation licence must be sought due to the impact on foraging/commuting habitat. If the results are negative or development begins before March 2025 the development should proceed in strict coherence of the proposed mitigation strategy. This covers us in case the population returns.

There are also some other mitigations (bat/bird boxes) in the PEA and Biodiversity Impact Assessment and Enhancement Plan we should condition.

**System Checked: 02/07/2024**

**Relevant Planning Policies:**

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

Development Plan

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy 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 S7: Reducing Energy Consumption- Residential Development

Policy S12: Water Efficiency and Sustainable Water Management

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Policy S66: Trees, Woodland and Hedgerows

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

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

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

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

National policy & guidance (Material Consideration)

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

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)."*

[https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf)

- **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>

- *Neighbourhood Plan*

There is currently no neighbourhood plan in preparation within the Market Rasen Parish.

### **Main issues**

- Principle of Development;
- Visual Amenity/Character;
- Residential Amenity;
- Energy Efficiency;
- Drainage;
- Ecology and Biodiversity;
- Highways.

### **Assessment:**

#### Principle of Development

Policy S1 of the CLLP sets out a settlement hierarchy for the Central Lincolnshire Authorities. The spatial strategy will focus on delivering sustainable growth for Central Lincolnshire that meets the needs for homes and jobs, regenerates places and communities, and supports necessary improvements to facilities, services and infrastructure.

Within Policy S1, Market Rasen is defined as a Market Town and falls within Tier 3 of the settlement hierarchy, it states;

*To maintain and enhance their roles as market towns, Caistor and Market Rasen will be the focus for significant, but proportionate, growth in housing, employment, retail and wider service provision. This growth will primarily be through sites allocated in this Local Plan and any applicable neighbourhood plan. 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 housing in the Lincoln Urban Area, Main Towns and Market Towns. Where not specifically identified as an allocation or an area for change with the plan proposals within the developed footprint at appropriate locations will be supported in principle.

The application site is clearly located within the developed footprint of Market Rasen being adjoined by other residential dwellings and/or their garden areas to all boundaries. It would also meet the appropriate location test in that the development of the site would retain the core shape and form of the settlement and would not significantly harm its character and appearance (discussed further in the visual/character section of this report).

It is therefore considered that the proposal is acceptable in principle and accords to Policies S1 and S3 of the Central Lincolnshire Local Plan.

### Visual Amenity/Character

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 application proposes 2no. detached dwellings of a dormer style, with rooms in the roof. As well as detached double garages. Concerns have been raised from the Town Council and neighbouring residents stating that the dwellings are not in keeping with those in the design of properties surrounding area. It is fully acknowledged that bungalows are the main house type within the immediate vicinity of the site, being located along Bridle Way and Horseshoe Way. However other two storey dwellings do adjoin the site to the north east and west of Plot 2.

The dwellings are set back into the site, away from the street scenes of Horseshoe Way and Bridle Way and would not be read in the same context as these properties in the same way as those along Bridle Way are read in conjunction with those along Horseshoe Way. It is not considered that the development these dwellings would be at such a detriment to the character of the area to warrant a refusal on these grounds.

Proposed materials are to consist of red facing brickwork with slate effect roof tiles as well as cill and header detailing to window openings. Within the surrounding area there is a mixture of materials such as buff and red brick, grey and red/brown roof tiles. The proposed dwellings would therefore be likely to assimilate within the area.

Overall, the proposals accord to the aims of policy S53 of the CLLP, the proposed design of the dwelling is considered to be appropriate and would not harm the 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.

Part 8, criteria d of Policy S53 states that development proposals will: *d) Not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare;*

Concerns have been raised from neighbouring residents in relation to overlooking and overshadowing impacts from the proposed dwellings. In this case the nearest residential properties are as follows;

- No. 5 Horseshoe Way- located adjacent to the west boundary of Plot 1- Separation distance of 12.1m;
- No.7 Horseshoe Way and no. 1 Bridle Way- located to the south west and east boundaries of Plot 1 respectively- Separation distances of 10.m and 7.8m.
- No. 8 Bridle Way- located to the east of Plot 1- Separation distance of 26m;
- Myland, Legsby Road- located to the east of Plot 2- garden area is 4m away from shared boundary;
- No.s 3,4 and 5 Hunt Close- Located adjacent to the west boundary of Plot 2- Separation distances of 17-20m.

Separation distances from the proposed dwellings to nearest shared neighbouring boundaries are detailed on the plan below;



Fig 1- Separation distances.

In relation to overlooking, the rear elevation of Plot 1 would have 2no. rooflights in its rear (east) roof slope, one of which serves a bedroom and the other serving a bathroom. Whilst some views toward no. 5 Horseshoe Way would occur, it is not considered to be at a detriment to the amenity of these neighbouring occupiers. Other openings in plot 1, to the north, east and south elevations are also considered to be sufficient distances away from neighbouring dwellings as to not cause unacceptable levels of overlooking. Minor levels of overlooking are also not unusual within residential areas.

With regards to plot 2, this would be the same, with rooms in the roof and rooflights in its rear elevation. All other openings in this dwelling are located appropriately as to not have any harmful overlooking impacts.

Overall, mainly owing to the separation distances between the proposed and existing dwellings as well as the orientation of the site, the proposal is considered acceptable in terms of impacts on neighbouring amenity and would accord to the aims of Policy S53 of the CLLP.

### Energy Efficiency

Policy S6 of the CLLP states a set of design expectations that should be considered when formulating development proposals. This includes the orientations of buildings, form of buildings, fabric of buildings, heat supply and renewable energy generated.

In addition to this Policy S7 of the CLLP requires that all new residential development proposals must include an Energy Statement which confirms that in addition to the requirements of Policy S6 that all such residential development proposals, *can generate at least the same amount of renewable electricity on-site and to help achieve this point, target achieving a site average space heating demand of around 15-20kWh/m<sup>2</sup>/yr and a site average total energy demand of 35 kWh/m<sup>2</sup>/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m<sup>2</sup>/yr, irrespective of amount of on-site renewable energy production.*

The application has been accompanied with a comprehensive energy statement. The statement details how the dwellings have been considered against the design expectations of Policy S6. The policy guidance is clear that the more benefits that can be achieved through steps 1-3, the more reward can be achieved, and the least amount needs to be achieved by steps 4 and 5. The design principles set out in the policy and how these have been considered in the design process are as follows:

Orientation of buildings- One of the bungalows is afforded a southerly orientation, and the other easterly, in order to increase the benefit from passive gains. In the main the design and layout of the units affords a reasonable amount of passive solar gain to the lounge, kitchen/diners and main living areas. The layouts are typical of modern homes with good levels of natural light afforded to the main living spaces.

Form of buildings- The proposed construction form is traditional masonry, it is therefore expected that the high mass and good insulation levels in this proposed scheme will provide an effective medium for managing internal temperatures, both having the ability to both hold heat and cool.

Fabric of buildings- The proposed construction is masonry with an insulated full fill cavity, with a lightweight block and low conductivity to further support the fabric performance. Triple glazed windows increase the energy efficiency of the proposed dwellings but with a lower G value solar gains are controlled. The aspiration is that the masonry approach provides good thermal mass, which in turn will assist with regulating internal temperatures throughout the year. To summarise, all of the main building elements outlined in Table 2 have been designed to provide a thermally efficient building envelope that achieves a standard of construction as required by the Energy Efficiency Design Guide.

Heat Supply- The statement considers space heating, water heating, lighting and ventilation. Air source heat pumps, led lighting and mechanical ventilation with heat recovery will be used for the dwellings heating.

Renewable Energy Generated- The proposed dwellings are calculated to have a space heating demand of- Plot 1 5.30 kwh/m<sup>2</sup>/yr Plot 2- 4.96 kwh/m<sup>2</sup>/yr and a total energy demand of Plot 1 31.01 kwh/m<sup>2</sup>/yr and Plot 2 30.68 kwh/m<sup>2</sup>/yr. To meet the total energy demand of the dwellings details of the solar arrays to be provided on the dwellings state that they will cover the total energy demand of the dwellings over a course of a year. Overall the proposal accords to Policies S6 and S7, subject to conditions.

### Drainage

The application site is located within Flood Zone 1 (lowest risk of flooding). The site (northern part) does contain two small areas which are identified as at risk of surface water flooding, outside of where the dwellings would be located. The application has been accompanied with a Drainage Strategy/FRA by William Saunders dated August 2023.

Concerns have been raised by some neighbouring occupiers in relation to surface water and the impacts this would have on neighbouring properties. Photographs have been submitted of surface water flooding on nearby roads not within the site itself.

The submitted drainage strategy states the following:

*The ground conditions are not considered suitable for surface water to be discharged through infiltration. Ground investigation on Phase 1 (Bridle Way) had found shallow groundwater is an issue across the site. Given this the use of soakaways for the discharge of surface water is not considered viable due to the high-water table in places.*

*It is proposed to connect the two new plots to the existing surface water system as constructed for Bridle Way. The surface water system is controlled by a control chamber and attenuation basin. The surface water discharge from the overall development does not exceed the previous rates at 2 l/s. The surface water runoff generated by the proposed development will be managed in a manner which will ensure no risk of flooding or increased risk to surrounding properties, at present and considering allowances for future climate change.*

The information has been reviewed by the Council's Building Control Team, who state the following:

*The surface water drainage proposals seem fine. The system will deal with the two new plots with no problems, utilising a retention basin and flow-controlled discharge to a public SW sewer.*

*A solution is mentioned in that plot 2 should be lifted and this will indeed protect the property, it will not prevent or alleviate the existing (and probably continuing) surface water flooding, but it also shouldn't make it worse.*

The topographical survey shows that existing ground level is 27.68AOD where plot 2 will be located. The finished floor level for this plot would be 28.4AOD, it would therefore be set approx. 600mm higher than the existing ground level, this is considered to be acceptable.

Foul water is proposed to connect to the existing public sewer which is acceptable in principle.

Whilst the proposal would increase the areas of impermeable land there remains large amounts of permeable areas surrounding the proposed dwellings. Given the information submitted, the strategy for surface and foul water drainage is considered to be acceptable and shows that surface water flooding would not be made worse on neighbouring sites through the development and the proposal would accord to the aims of Policy S21 of the CLLP.

### Ecology and Biodiversity

The application has been accompanied with a suite of documents which address matters of ecology and biodiversity, as follows;

- Preliminary Ecology Appraisal (PEA) by CGC Ecology;
- Great Crested Newt Survey by CGC Ecology;
- Arboricultural Report by EQUANS;
- Biodiversity Net Gain (BNG) Metric;
- BNG Impact Assessment and Enhancement Plan by Ecology Resources dated April 2024.

The application was submitted prior (December 2023) to the mandatory legislative requirement for developments to provide a 10% gain on site. Nevertheless, the proposal still falls to be considered by policies S60 and S61 of the Central Lincolnshire Local Plan. Policy S60 and S61 of the CLLP state that;

All development should:

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

Following application of the mitigation hierarchy, all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management.

All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric.

For the purposes of the policies, the proposal is qualifying development. Concerns have been raised from neighbouring residents of the impact of development in relation to biodiversity and ecology matters/impacts and the existing use of the site by protected species. The Town Council have described the site as an "important ecological site". The site is not however known to have any specific ecological designation.

The applicant has submitted a Biodiversity Enhancement Report during consideration of the application. It identifies the baseline as being modified grassland, mixed scrub and ruderal / ephemeral.

### *Biodiversity Net Gain*

The submitted Biodiversity Metric shows and a conditions assessment within the Biodiversity Impact Assessment and Enhancement Plan by Ecology Recourses dated April 2024.

The report and metric state the following in terms of baseline figures and units created:

Table 6. Project BNG net unit change						
	Baseline score	Units Lost	Units Created	Net Unit Change	Deficit	Percentage Change
Habitat Units	1.82	0.61	0.55	-0.06	0.24	-3.29%
Hedgerow Units	0.02	0.00	0.68	0.68	0.00	3975.85%

A review of the development proposals and of the results of the habitat surveys indicates that:

- The development will result in the loss of modified grassland, mixed scrub and ruderal/ephemeral, which equates to 0.61 Habitat units.
- No hedgerow units are expected to be lost to development.
- The proposed scheme does not achieve the minimum 10% Net Gain in Habitat units.
- It will result in a 3.29% biodiversity net loss of habitat units on site;
- However it achieves a significant net gain in Hedgerow units.

Despite the inclusion of a new pond habitat the proposal would not achieve a biodiversity net gain (BNG) and would result in a net loss of -3.29% in habitat units. There would be a 3975.85% gain in hedgerow units.

Policy S61 states:

*"Biodiversity net gain should be provided on-site wherever possible. Off-site measures will only be considered where it can be demonstrated that, after following the mitigation hierarchy, all reasonable opportunities to achieve measurable net gains on-site have been exhausted or where greater gains can be delivered off-site where the improvements can be demonstrated to be deliverable and are consistent with the Local Nature Recovery Strategy."*

The applicant has proposed biodiversity measures on the site, but would still amount to an overall net loss. The applicant's report states *"In order to achieve 10% Net Gain ca, 0.24 habitat units are required and this will likely require offsetting due to the limited scope for habitat creation within the current proposals"*

this has been reviewed by the Central Lincolnshire Ecologist who advises that the developer would need to purchase 0.24 units of any type or 0.48 of statutory credits (category A1). Evidence of the purchase will be required to be provided pre commencement by condition.

Further biodiversity enhancement can also be secured in the garden areas by additional tree/shrub planting to be provided in a landscaping scheme. It is also considered necessary to condition the production of a habitat management and monitoring plan which is in line with the habitat creation and management plan in the Biodiversity Impact Assessment and Enhancement Plan.

### *Ecology*

The Ecology Report states the following in relation to species, suitability of the site and if there was any evidence of the species using the site at the time of the survey (carried out in 2023):

Birds- A small number of common birds were seen or heard during the survey. The scrub and the trees on site have high potential for nesting by common bird species. Any removal/management of any trees or scrub on site should commence outside the active nesting season which typically runs from early March through to early

September. If work commences during the bird breeding season, a search for nests should be carried out beforehand by a suitably experienced ecologist, and active nests protected until the young fledge.

Bats- There are no trees on the survey site that are considered suitable to support roosting bats. No further work is required in respect of bats if any trees on site are to be managed or felled. Local bats will likely be using the survey area and adjacent habitats for foraging and commuting, and the redevelopment of the site may have an impact on the availability of foraging areas for bats within the local landscape. There will be no requirement for bat activity surveys providing precautionary measures are implemented to ensure that bats can continue to use the site for foraging and commuting once the development has been completed.

The report also recommends that bat and bird boxes/bricks are used in the proposed dwellings, this will be secured by condition.

### *Great Crested Newts*

There are 8 ponds within 500m of the site- see Fig below taken from PEA:

Figure 2 below shows the locations of the eight ponds within 500m of the survey site.



Figure 2: Locations of the eight ponds within 500m of the site (Google Maps, 2023)

The Great Crested Newt Survey, also by CGC Ecology details the following:



*The surveys indicate that Ponds 1 and 2 do not support great crested newts, mainly due to the lack of water and aquatic vegetation for egg-laying. Pond 3 appears to not be in use as a breeding pond for great crested newts this year, although it was confirmed as a breeding pond in 2020. Pond 3 appears to be in use by breeding smooth newt *Lissotriton vulgaris* in very small numbers, with one gravid female found.*

*As the results of the surveys indicate that great crested newt are not breeding within any of the three ponds within 100m of the proposed development site, it is not considered necessary to apply for a mitigation licence from Natural England prior to commencement of development, but a strict Mitigation and Compensation Strategy must be adhered to, as this species is known to have previously occurred in the area.*

The survey has also been reviewed by the Central Lincolnshire Ecology and Wildlife Officer. They have advised that if development is to commence post March 2025 then an eDNA sample of pond 3, this is due to the pond being listed as a breeding pond in 2020.

Taking this advise a pre-commencement condition will require the submission of a mitigation strategy and if the development is to commence after March 2025 then a subsequent eDNA sample will need to be done from Pond 3. At present there is no need for a Natural England licence. Therefore, subject to conditions the proposal is acceptable in relation to the impacts upon Great Crested Newts.

It is also acknowledged that as part of the mitigation for the potential loss of foraging/commuting habitat a new breeding pond is proposed in the garden area of Plot 2. This would be secured by condition and would be very much a buyer beware situation in that any future occupiers of Plot 2 would be aware of the planning condition associated with this pond.

### *Trees*

The existing site contains Category B and C trees as assessed and detailed within the Arboricultural Report by EQUANS. Existing trees at the site will be retained as shown on plan reference J2121 00103 Rev E their retention will also continue to provide habitat features within the site.

It is not considered necessary to or reasonable to condition that an arboricultural method statement is submitted prior to commencement, however a condition will ensure the recommendations regarding construction methods are followed during works. Overall, the proposal accords to the aims of Policy S66 in relation to trees.

### Highways

Policy S47 requires that 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.*

The application site would use access off Bridle Way to the south east which joins with Horseshoe Way. As Bridle Way is a private road, the highways authority has reviewed the proposal in relation to the highway safety impacts at the junction, the impacts are considered to be acceptable. The access provides good visibility and it is not considered that there would be a harmful impact upon highway safety, given that the proposal comprises of 2no. dwellings.

As well as the above, each plot shows that there is ample off-road parking and turning provision within the site. Policy S49/ Appendix 2 of the CLLP states that three bed dwellings within Market Towns need to provide 2 parking spaces, the site plans show that this would be achievable. The proposal would accord to Policies S47 and S49.

**Conclusion and reasons for decision:** The application has been considered against 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 S7: Reducing Energy Consumption- Residential Development, Policy S12: Water Efficiency and Sustainable Water, Management, Policy S21: Flood Risk and Water Resources, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, Policy S60: Protecting Biodiversity and Geodiversity, Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains, Policy S66: Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan in the first instance, the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment the site is within the developed footprint of Market Rasen, a sustainable Market Town. The proposal would not harm the character and appearance of the area and would not have unacceptable impacts upon residential amenity. The proposal is acceptable in terms of impacts upon highway safety, drainage and ecology subject to conditions. The application is recommended for approval subject to conditions.

### **RECOMMENDED CONDITIONS**

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

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

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

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

2. No development shall take place until a scheme for the future maintenance and management (for a period of 25 years) of the proposed wildlife pond, and a scheme

of ecological enhancements including the provision of Bat and Bird boxes within the site has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

**Reason:** To protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and policy S60 of the Central Lincolnshire Local Plan.

3. The development shall proceed in strict accordance with the Outline Mitigation and Compensation Strategy set out within Section 7 (Pages 10-14) of the Great Crested Newt Survey by CGC Ecology dated June 2023.

If any site works are to commence post 1<sup>st</sup> March 2025 then the results of an eDNA test on Pond 3 together with an updated mitigation strategy (if there is a positive result) shall be submitted to and approved in writing by the Local Planning Authority prior to any works. The development shall proceed in accordance with the approved details.

**Reason:** To protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and policy S60 of the Central Lincolnshire Local Plan.

4. Prior to the commencement of the development, a 30-year Biodiversity Net Gain Management and Monitoring 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 Biodiversity Impact Assessment and Enhancement Plan by Ecology Resources, including the Habitat Enhancement Plan dated April 2024.
- Details of boundary treatments (including boundaries within the site) and hardstanding. The development shall be carried out in accordance with the approved scheme.

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

5. No development shall take place until evidence of the purchase of the biodiversity credits (0.24 units (any type) **or** 0.48 statutory credits (category A1)) has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the development compensates for the on site biodiversity loss, and achieves an overall biodiversity net gain of 10%, to accord with Policy S61 of the Central Lincolnshire Plan.

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

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

- Proposed Block Plan J2121 00102
- Proposed Site Layout J2121 00103 Rev E
- House Type Plot 1 J2121 00104 Rev E
- House Type Plot 2 J2121 00105 Rev E
- Double Garage to Right (plot 2) J2121 00106 Rev B
- Double Garage to Left (Plot 1) J2121 00107 Rev B

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

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

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

**Reason:** In the interests of visual amenity to accord with policy S53 of the Central Lincolnshire Local Plan.

8. The development hereby permitted shall be carried out in full accordance with the details set out in the submitted Energy Statement and PV panel details (Plot 1 and Plot 2) by Focus received on 01/05/2024 unless otherwise agreed in writing by the Local Planning Authority.

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

9. Prior to the occupation of the dwelling hereby approved a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Focus received on 01/05/2024 and approved in writing by the Local Planning Authority.

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

10. The development hereby permitted shall proceed in accordance with the surface water and foul water drainage details submitted as part of the application and detailed within the Drainage Strategy by William Saunders Dated August 2023. The

development shall only proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with Policy S21 of the Central Lincolnshire Local Plan 2023.

11. No services shall be laid within the development for the provision of piped natural gas.

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

12. The development hereby approved must only be carried out in accordance with the recommendations set out in Preliminary Ecology Appraisal by CGC Ecology dated 2023.

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

13. The development hereby approved must be carried out in accordance with the recommendations as set out in the Arboricultural Report by EQUANS.

**Reason:** To ensure the existing trees on site are protected during construction in accordance with Policy S66 of the Central Lincolnshire Local Plan.

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

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

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

15. All planting, seeding or turfing comprised in the approved details of landscaping as required by condition 4 shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and occupiers of adjacent buildings and in accordance with Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

16. Notwithstanding the provisions of Class A, AA, B, C, D and E of Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), following the commencement of the development hereby permitted, there shall be no further alterations, additions or enlargement to the dwellings, or additional buildings within their curtilage, unless planning permission has first been granted by the local planning authority.

**Reason:** To safeguard the character and appearance of the area and the amenity of the neighbouring occupiers, in accordance with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

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

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

### **Notes to the Applicant**

#### **COMMUNITY INFRASTRUCTURE LEVY**

Please be aware that as of the 22<sup>nd</sup> 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](http://www.west-lindsey.gov.uk/cilforms) and West Lindsey District Council's own website [www.west-lindsey.gov.uk/CIL](http://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.

### **Highways**

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>.

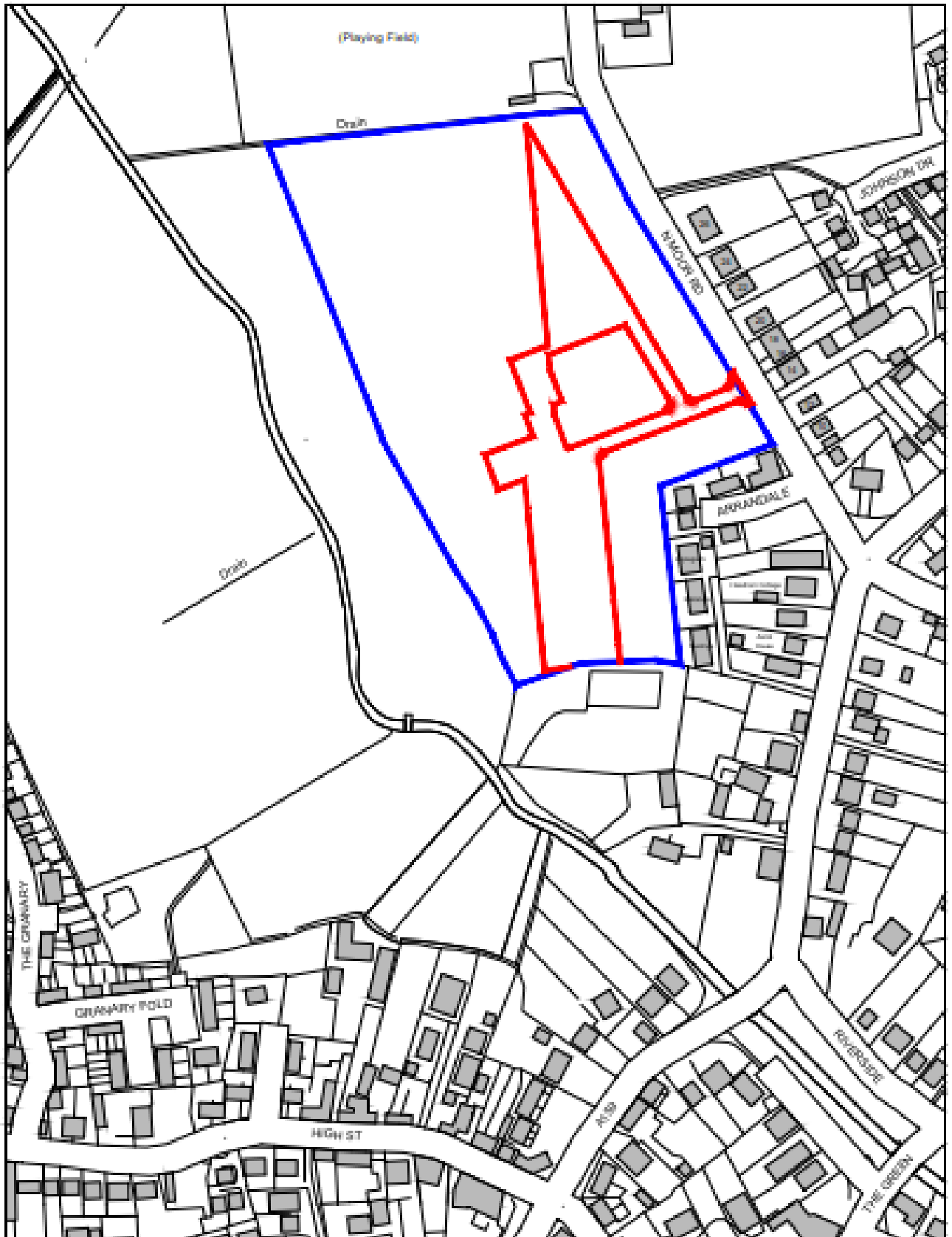
### **Human Rights Implications:**

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

Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

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



# Officers Report

## Planning Application No: 144062

**PROPOSAL:** Planning application to erect 8no. dwellings.

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

**WARD:** Scotter and Blyton

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

**APPLICANT NAME:** Mr Shaun Hunt

**TARGET DECISION DATE:** 11/03/2021 (Extn to 19<sup>th</sup> July 2024)

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Ian Elliott

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

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This planning application is considered relevant to be presented to the planning committee as it has a recommendation for approval when the development is considered to be a departure from the Development Plan and following third party objections including the Scotter Parish Council.

### **Site Description:**

The application site is a plot of agricultural land adjacent to North Moor Road, Scotter. Apart from the vehicle access the site is set back to the west of North Moor Road which has a 30mph speed limit. The site is currently unused, slightly overgrown land. The site has an existing wide access point to the east boundary adjacent 7 Arrandale which is effectively a gap in the hedging. The land slopes gently downwards from east to west.

The north boundary is screened by low hedging. The east boundary is open to agricultural land with low field hedging nearby. The south boundary is open to agricultural land with dwellings on Arrandale close by. The west boundary is open to agricultural land with some low hedging close by.

To the north of the site is Scotter Football Club (Northmoor Park Playing Field). Neighbouring dwellings of mixed scale and design are to the east and south. Additionally, to the southern-most south boundary is an equestrian facility. Open fields sit to the west.

The site is located in flood zone 1 (low probability). Land within flood zone 2 (medium) /3 (high) is nearby to the west and sits adjacent almost on the south west corner of the site. The site is in a Sand and Minerals Safeguarding Area.

### **Site Allocation:**

Approximately half of the application site is located within housing allocation site WL/SCO/011 of the Central Lincolnshire Local Plan and CL4674 of the Scotter Neighbourhood Plan.



Under policy S80, the allocated site has an indicative dwellings figure of 51 dwellings.

The allocated housing site has extant permission (134677 and 142460) for 43 dwellings. The other half of the site extends outside the allocated site therefore within the open countryside (see area hatched in black below).



The hatched area on the plan demonstrates that four of the dwellings would be built almost exclusively on the allocated site area and four dwellings would be built almost exclusively adjacent the allocated site area. A high percentage of the garden spaces would be adjacent the allocated site area.

**Background History:**

This application was submitted on 29<sup>th</sup> November 2021. At the same time planning application 142460 was under consideration and its determination decision was considered a key factor in the actions required on the application. For this reason, the application was put on hold awaiting the determination of 142460.

Following the determination of 142460 the application required an update to the originally submitted documents including the location plan, design and access

statement and a minerals assessment. This was in part due to the adoption of the Central Lincolnshire Local Plan Review 2023.

Following the submission of the required or amended information a full re-consultation of 21 days commencing 25<sup>th</sup> October 2023 was undertaken. Since 25<sup>th</sup> October 2023, time has been taken to fully consider whether open space, NHS and education contribution could be cumulatively sought with the development approved in 134677/142460. This is covered in the assessment of the report.

**Relevant history:**

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

142460 - Application for approval of reserved matters to erect 43no. dwellings considering appearance, landscaping, layout and scale - following outline planning permission 134677 granted 19 December 2017 – 13/07/23 - Granted with conditions

**Representations (in summary)**

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

**Cllr Mrs L A Rollings:** Comment

Residents are very concerned about this application. Could it possibly be looked at in committee please?

**Scotter Parish Council:** Objection

My Council has the following objections to make on the proposal:

This application should be rejected as it is outside the allocated area and boundary line in Scotter Neighbourhood Plan and Central Lincolnshire Local Plan.CL4674

Scotter Neighbourhood Plan and Central Lincolnshire Local Plan states (LP11) that 25% of new developments should be provided for affordable housing. Previous application 142460 for development of this area has not complied with this requirement by submitting a financial viability statement advising that due to planning restrictions on design it was not financially viable for the developer to meet these requirements.

The design and access statement of this application states that the developer intends to review the terms of the S106 agreement to address the affordable housing aspect of the development. It also states that a new financial viability statement has been submitted, however this is not currently showing. Due to the precedent previously set by WLDC and the lack of information on what the developer is requesting Scotter Parish Council object to this application unless it meets the 25% affordable housing requirement set out in the Central Lincolnshire Local Plan.

My council has the following comments:

Scotter Parish Council reiterates the comments on the original application 134677 & 142460 as they still stand and in addition we would like to comment the following; Scotter Parish Council firmly request that any development of this area be subject to referral to Severn Trent Water Development Enquiries Department for a full hydraulic assessment as it plans to link to the existing system. The existing drainage and sewerage system does not serve existing residents adequately and will not cope with the addition of approx. 100 mainly large houses created by this and the development under planning application 143478.

Scotter Parish Council request that this application and application 143478 be considered by highways as a whole and not independently. By doing so North Moor Road could benefit from a roundabout that could provide safe access/egress to both developments rather than 3 access/egress points on a busy road, one of which is on an unsafe bend.

**Local residents:** Representation received to date from:

#### Objections

Applegarth, Messingham Road, Scotter  
Maracuja, Messingham Road, Scotter  
Rustlings, Messingham Road, Scotter  
Mount House, Messingham Road, Scotter  
4 Arrandale, Scotter  
7 Arrandale, Scotter  
22 North Moor Road, Scotter  
11 Johnson Drive, Scotter  
15 Johnson Drive, Scotter

#### Neighbourhood Plan

- Increasing area contradicts Neighbourhood Plan which sets boundary set as planning application 142460 and has full weight in planning decisions.
- Neighbourhood Plan attains same legal status as a local plan.

#### Residential Amenity

- Building large dwellings which will be within the immediate proximity of single storey dwellings is a contradiction to Neighbourhood Plan policy D5.
- Houses on plots 48 and 49 do not meet the Scotter Neighbourhood Plan.
- Views of the countryside and the semi-rural setting enjoyed by the current residents of North Moor Road are to be lost under this scheme.

#### Affordable Housing

- No affordable housing proposed, which contradicts the Neighbourhood Plan.

#### Drainage

- Drainage and sewerage of this site is suspect and at properties nearby.
- Sewage spillage and overflows in the village.

#### Flooding

- Land classified as a higher risk flood zone.

- Flooding has got worse.
- Whilst the developer might suggest that there is no risk of the site flooding we have again seen within the previous month that the River Eau has flooded causing damage to properties along its banks. I can only see more properties causing more problems to this already concerning issue our village encounters on a regular basis.
- Increase risk of flooding

#### Highway Safety/Pedestrian Safety

- Safe access to and from the site is an issue.
- Footpath link to existing footpath is not possible and would have to cross private property.
- The proposed new footpath alongside the development on North Moor Road will not be able to join Messingham Road.

#### Character

- Existing hedge should be retained.

#### Other

- One argument for this contravention of the agreed village development boundary is to “provide better financial viability for the developer”! So the whole scheme rests on these houses outside the agreed application?

**LCC Highways/Lead Local Flood Authority:** No objection subject to conditions and advice.

Response received 10<sup>th</sup> November 2023:

#### Conditions recommended

- 1.8 metre footway to connect development to existing footway network.
- Estate road and associated footways
- Estate road phasing and completion plan
- Surface water drainage scheme
- Construction Management Plan and Method Statement

Response received 11<sup>th</sup> January 2022:

- The testing which has been carried out to date is not in line with Lincolnshire County Council’s Development Road Specification (in terms of the locations), which details:

*“Where infiltration is proposed on a site, testing must be undertaken in accordance with BRE 365 and carried out at a depth representative of the proposed construction depths. A minimum of three fills of each trial pit must be undertaken and the pit should achieve 75% empty for each test. The number and positioning of tests should be representative of the extent of the proposed construction and the variability of the ground conditions on the site and should be no more than 150m apart. A minimum of two trial pits should be carried out per site”.*

- With the variable ground water levels across the site, evidence is required from a reliable source for the previous 12 months for ground water

monitoring. There shall be a minimum 1.0m clearance between the underside of SuDS and highest recorded ground water level, where infiltration is the method of surface water disposal. Where total infiltration methods of SuDS cannot be achieved due to the presence of high groundwater levels preventing the minimum 1.0m clearance requirement, the acceptability of the SuDS solution shall be dependent on the detailed supporting evidence which includes soil permeability, hydraulic calculations and a minimum of 12 months recent groundwater monitoring results provided to the Highway and Flood Authority.

*“Where a Developer is considering infiltration in an area with a naturally high ground water level, they will be required to submit evidence of groundwater levels obtained from a reliable source for the previous 12 months or any other period stated by the Highway and Flood Authority.”*

- Some documents refer the increased ground level, we require clarity/evidence of the ground water level in relation to the base of the SuDS component. When raising levels on a site, consideration should be given to prevent flood risk elsewhere (off site).
- Soaked CBR testing which proves a CBR of greater than 3% across the site.

**WLDC Contributions Officer:** Comment

The application site is considered to be a linked development to the adjacent site permitted under planning permission 142460. Therefore an affordable housing obligation of 20% across the two sites is triggered under Policy S22 of the Central Lincolnshire Local Plan as the sites fall within Value Zone B. This equates to 10.2 affordable housing units as the total dwelling number is 51.

Ten on-site affordable housing units have already been permitted on the adjacent site with a Section 106 agreement securing their provision. An off-site commuted sum is required for the remaining 0.2 unit not delivered on the site. The current commuted sum figure for Value Zone B as set out in the Central Lincolnshire Planning Obligations SPD is £106,133 per whole unit, therefore giving a commuted sum in this instance of £21,226.60.

**LCC Education:** No contribution required

LCC Education has no comments on this consultation in relation to education as there is sufficient capacity in the locality for the children generated by this scheme.

**Environment Agency:** Does not wish to comment

The Environment Agency does not wish to make any comments on this application. It does not appear to match any of the criteria on our consultation checklist.

**LCC Archaeology:** No representation received to date

**LCC Minerals and Waste:** No objections

**WLDC Environmental:** No objections subject to a condition

- Contamination Condition

- Pre-cautionary Contamination Condition

**Lincolnshire Police:** No objections with advice on:

- Landscaping
- Layout of Roadways and Footpaths
- Utilities
- Communal Areas (Public Open Space) where applicable
- Lighting
- Building Regulations
- Door Chains and Viewers
- Letter Plates
- Intruder Alarms

**Senior Neighbourhood Planning Policy Officer:** Comment

The application site is covered by the adopted (made) Scotter NP which should be given full weight in planning decisions and forms part of the development plan for Scotter. Below are references to the site/proposal which I've identified as being of note. But please inspect whole plan and supporting character assessment as could be others you consider of relevance.

Policy H2: Housing Allocation on North Moor Road

The application site extends westwards beyond the allocated housing site CL4674 boundary. Several houses lie predominately outside the allocated site in open countryside. Does CLLP policy LP55 therefore apply?

- a. how is potential public access to the open countryside and River Eau to the west of site to be managed/enhanced? There is a potential link to Riverside POS12? See Proposal Map 5 Protected Open Space page 36
- h. is the site's western boundary treatment on to open countryside appropriate to its rural setting?
- j. is affordable housing being provided?

Policy H3: Housing Mix

Are a mix of tenures and house types being provided?

Policy D5: Design of New Development

- b. does the proposal respect the character and appearance of the open countryside particularly on western boundary?
- c. does it reinforce existing connections and take opportunity to create new ones, if possible to west of site?
- f. provide a mix of tenures and housing types?

Policy T8: Roads and Streets

- f. does it contribute to improved pedestrian routes?

Policy T9: Parking and Parking Standards

1. general requirements met?
2. parking standards met?

Policy T10: Footpath and Cycle Routes

3. pedestrian connections provided?

Policy L12: Landscape and the Countryside

3. how is the remaining open countryside to the west of application site to be conserved, protected, managed, enhanced?

Policy O13: Open Space within New Developments

1.2.3.4. Proposal includes open space provision of 2100m<sup>2</sup>. Does it meet these requirements?

Scotter Character Assessment

The following references apply to the site in relation to its setting with open countryside and potential links.

- Page 37 Fig 50 green wedge
- Page 38 Fig 51 landscape views
- Page 41 Fig 57 view west from North Moor Road
- Page 45 village edges Fig 65 examples of where development appears abruptly in views into the village
- Page 56 green space identified north of site. Potential link?
- Page 76 Character Area D Scotter Riverside. Potential link?
- Page 150 Conclusions see Threats and Opportunities section

**System Checked:** 2nd July 2024

**Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023), the Scotter Neighbourhood Plan (made 22<sup>nd</sup> January 2018) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

- S1 The Spatial Strategy and Settlement Hierarchy
- S4 Housing Development in or Adjacent to Villages
- S6 Design Principles for Efficient Buildings
- S7 Reducing Energy Consumption –Residential Development
- S12 Water Efficiency and Sustainable Water Management
- S20 Resilient and Adaptable Design
- S21 Flood Risk and Water Resources
- S22 Affordable Housing
- S23 Meeting Accommodation Needs
- S45 Strategic Infrastructure Requirements

S47 Accessibility and Transport  
S49 Parking Provision  
S51 Creation of New Open Space, Sports and Leisure Facilities  
S53 Design and Amenity  
S57 The Historic Environment  
S60 Protecting Biodiversity and Geodiversity  
S61 Biodiversity Opportunity and Delivering Measurable Net Gains  
S66 Trees, Woodland and Hedgerows  
S80 Housing Site in Large Villages  
<https://www.n-kesteven.gov.uk/central-lincolnshire>

- **Scotter Neighbourhood Plan (NP)**

Relevant policies of the NP include:

H2 Housing Allocation on North Moor Road, Scotter  
H3 Housing Mix  
H4 Small Scale Residential Development  
D5 Design of New Development  
T8 Roads and Streets  
T9 Parking Standards  
T10 Footpath and Cycle Routes  
T11 Flood Risk  
L12 Landscape and Countryside  
O13 Open Space with new Development

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

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

- The site is in a Sand and Gravel 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://www.gov.uk/government/publications/national-planning-policy-framework--2>

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in September 2023. Paragraph 219 states:

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

- **National Planning Practice Guidance**



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

- **National Design Guide (2019)**

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

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

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

**Other:**

Planning Obligations Supplementary Planning Document dated October 2023

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

**Main issues:**

- Principle of the Development  
*Central Lincolnshire Local Plan 2023*  
*Scotter Neighbourhood Plan*  
*Balancing Assessment*  
*Concluding Assessment*
  - Minerals Resource
  - Affordable Housing
  - Developer Contributions*National Health Service/LCC Education*  
*Public Open Space*  
*Community Infrastructure Levy*
  - Visual Impact
  - Residential Amenity
  - Highway Safety
  - Archaeology
  - Flood Risk
  - Drainage*Surface Water*  
*Foul Water*
  - Landscaping

**Assessment:**

Principle of the Development

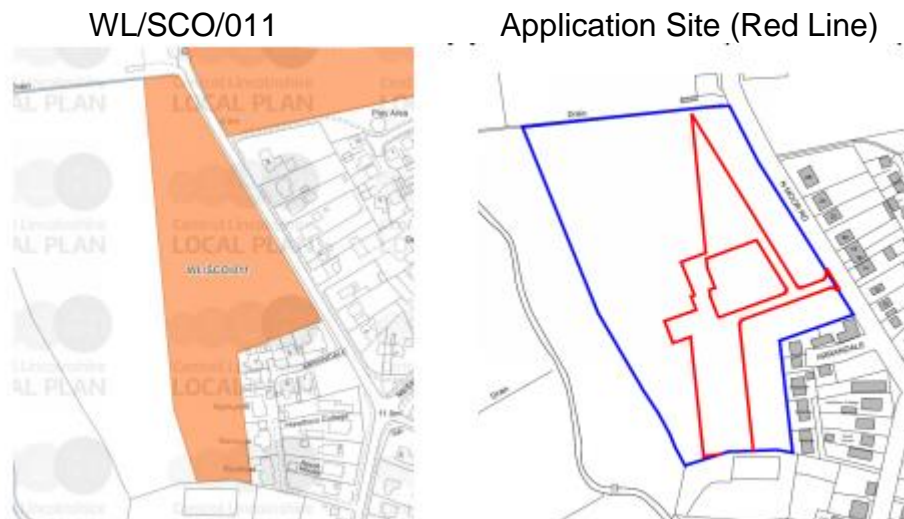
Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

*Central Lincolnshire Local Plan 2023:*

Local policy S1 of the CLLP sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Scotter as a large village and *‘to maintain and enhance their role as large villages which provide housing, employment, retail and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth’.*

Local policy S1 states that most of the housing growth in Scotter will be ‘*via sites allocated in this plan. Beyond site allocations made in this plan or any applicable neighbourhood plan, development will be limited to that which accords with Policy S4: Housing Development in or Adjacent to Villages*’.

Local Policy S80 of the CLLP identifies sites within large villages which are allocated primarily for residential use. Half of the application site is identified as being within housing allocation WL/SCO/011 as North Moor Road, Scotter. The whole of the allocated site covers 2.05 hectares for an indicative 51 dwellings.



The application site area shown hatched black on the plan below is adjacent to, but immediately outside and to the west of the allocated site.



Section 1 of local policy S4 of the CLLP states that large villages “*will experience limited growth to support their role and function through allocated sites of 10 or more dwellings in the Local Plan, sites allocated in neighbourhood plans, or on unallocated*

sites in appropriate locations within the developed footprint of the village that are typically:

- *up to 10 dwellings in Large Villages”*

The glossary of the CLLP states that:

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

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

**and**

*“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.”*

As this area is immediately adjacent an allocated housing site with extant planning permission it is considered to be adjacent the developed footprint of the settlement. Therefore section 3 of local policy S4 applies.

Section 3 of local policy S4 *“proposals for residential development on unallocated land immediately adjacent to the developed footprint will only be supported where this is:*

- a. a First Homes exception site in accordance with the NPPF and provided it is outside of the Lincolnshire Wolds Area of Outstanding Natural Beauty and not within a location that is subject of a Designated Rural Area as defined in Annex 2 of the NPPF; or*
- b. exclusively for a rural affordable housing exception site.”*

*Scotter Neighbourhood Plan (SNP):*

Policy H2 (Housing Allocation on North Moor Road) of the SNP identifies sites within Scotter which are allocated for residential housing. Half of the application site is identified as being within housing allocation CL4674 as North Moor Road, Scotter.

Policy H2 states that the whole of the allocated site would provide an indicative 51 dwellings and provides criteria a) to i) to be met.



As identified previously part of the site is outside but adjacent the allocated site. Policy H4 (Small Scale Residential Development) of the SNP sets out the acceptability of small-scale residential development in terms of the type of site (infill and brownfield sites) and its location within the developed footprint. There is no clarification within policy H4 on the maximum number of dwellings that could be classified as small scale. However, It is considered that 8 dwellings in the Scotter settlement would be classed as more than a small-scale housing development.

Policy L12 (Landscape and the Countryside) of the SNP provides detail on the protection of the landscape and countryside within the SNP designated area. Policy L12 does not provide any content which is specifically targeted to residential development in the countryside and is not considered a principle policy.

*Balancing Assessment:*

The principle of the development which falls within the allocated housing sites (WL/SCO/011 (S1 and S80) and CL4674 (H2)) has been established by its allocated status and the existence of the extant outline planning permission (134677) and reserved matters approval (142460).

The area of the development site outside the allocated site needs to be assessed against local policy S4 of the CLLP. There is no relevant policy within the SNP. The development would be within the 10-dwelling limit for housing developments in large villages. The proposed development would not be a First Homes exception site in accordance with the NPPF or exclusively for a rural affordable housing exception site.

It is therefore considered that the proposed development within the allocated site would accord with local policy S1 and S80 of the CLLP and H2 of the SNP. However, conversely it is considered that the proposed development outside the allocated site would not accord with section 3 of local policy S4 of the CLLP. The proposed development would therefore be a partial departure from the development plan if granted permission.

The site allocated in the CLLP and SNP has an awkward long narrow shape making it challenging to design a housing development for an indicative 51 dwellings with all the necessary infrastructure such as roads, footpaths and open space. The design is further challenged by the relationship of the site to the adjoining neighbours off Arrandale and Messingham Road. The proposed application would increase the size of the overall housing development to the west of North Moor Road by a small amount of floor space. The increase in the floor space would provide the space to introduce eight further dwellings which would enable the overall housing development to meet the 51 dwellings indicated in local policy S80 of the CLLP and policy H2 of the SNP.

It is considered that this is a significant material consideration which would modestly increase the size of the approved development on the allocated site and would logically provide ground space for all the indicative 51 dwellings to the west of North Moor Road and provide dwellings allocated to meet the housing targets of the CLLP and the SNP.

The layout and design of the development approved on 142460 has an uncomplete and unfinished feel in the southern section with a one-sided street of bungalows facing west towards the open countryside. This is a consequence of the narrow southern area in the southern section of the site. This development would provide a small logical increase to the site to allow allocated housing numbers to be met, and to ensure a more holistic, complete and “rounded off” development. The proposed modest extension of the site would cover land in the open countryside to the west but this would be a practical and appropriate incursion into the open countryside to allow for a two-sided street at the southern end of the site. As identified on the hatched black plan earlier in this report a high percentage of the land outside the allocated site would be garden land providing an appropriate relationship to the open countryside to the west.

On balance and after careful consideration it is considered that the proposed development would provide a small logical increase to the site to allow allocated housing numbers to be met, and to ensure a more holistic “rounded off” development. Therefore, whilst the development is a departure from local policy S4 of the CLLP the benefits of the development outlined above would outweigh the harm caused by extending the site to the west without including first homes or exclusively affordable homes.

#### Minerals Resource

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies ‘to support sustainable economic growth and our quality of life’. Policy M12 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

*“Mineral sites (excluding dormant sites) and associated infrastructure that supports the supply of minerals in the County will be safeguarded against development that would unnecessarily sterilise the sites and infrastructure or prejudice or jeopardise their use by creating incompatible land uses nearby.”*

The site is in a Sand and Minerals Safeguarding Area. The Minerals and Waste Officer at Lincolnshire County Council has no objections to the development.

The development therefore accords with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

It is considered that policy M11 is consistent with the minerals guidance (chapter 17) of the NPPF and can be attached full weight.

#### Affordable Housing

Local policy S22 of the CLLP states that *“To help maximise what the planning system can contribute to meeting affordable housing need, affordable housing will be sought on all qualifying housing development sites:*

- a. of 10 or more dwellings or 0.5 hectares or more; or*
- b. within a designated rural area within North Kesteven District, of 5 or more dwellings.”*

Criteria j) of policy H2 of the SNP states that *“the development should provide a reflective mix of affordable homes on site as set out in the Central Lincolnshire Local Plan.”*

Local policy S22 of the CLLP also states that *“If a development scheme comes forward which is below these thresholds and thus does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then, if the combined total of dwellings or site size provided by the first scheme and the subsequent scheme/s exceed the thresholds in a) or b) as appropriate, then all of part one of this policy will be applied as a whole, with the precise level of affordable housing to be provided being ‘back dated’ to include the earlier scheme(s).”*

In this case there is a clear link between this application and the approved development on the allocated site to the east. This is because the development fits seamlessly with the approved development on the allocated site and has the same applicant. Therefore, whilst the number of dwellings (8) applied for does not trigger an affordable housing contribution in itself, the clear link between the two developments does. Scotter falls within Value Zone B (see Map 3, page 57 of the CLLP) therefore the development requires an affordable housing contribution of 20%.

The amended site and landscaping plan 10001 - S8 - P18 dated May 2023 in reserved matters approval 142460 identifies 10 affordable dwellings on a site of 43 dwellings (23.2%). The connected developments comprising 51 dwellings overall would require 10.2 affordable housing units at 20%. Ten affordable housing units permitted in reserved matters approval 142460 are secured leaving an off-site affordable housing commuted sum for 0.2 units. This commuted sum equates to £21,2265.60 (calculated from £106,133 per whole unit) and would need to be secured by a S106 Legal Agreement.

It is therefore considered that the 10 affordable dwellings already identified in reserved matters approval 142460 and the agreement to the paying of the commuted sum would meet the affordable housing requirement and would accord to local policy S22 of the CLLP and policy H2 of the SNP.

### Developer Contributions

#### *National Health Service/LCC Education:*

Local policy S45 of the CLLP sets out strategic infrastructure requirements. Local policy S45 and the Planning Obligations Supplementary Planning Document dated October 2023 does not give any guidance that NHS or Education contributions should be considered cumulatively with other developments with a clear connection to the application site. Therefore, as a standalone application for 8 dwellings it is not considered trigger the need for Education or NHS contributions.

#### *Open Space:*

Part A (New Open Space) of Local policy S51 of the CLLP states that *“In all new residential developments of 10 dwellings or more, development proposals will be required to provide new or enhanced publicly accessible open space, sports and leisure facilities to meet the needs of their occupiers in accordance with this policy, the standards set out in Appendix 3, and in compliance with the latest Central Lincolnshire Developer Contributions SPD (or similar subsequent document).”*

Policy O13 of the SNP states that *“New developments should provide a mix of private space and open space uses which meet local need, including children’s play areas, sports pitches, allotments and amenity green space to development plan standards. Where the provision of all or part of the required open space on a development site is not practical those development proposals should provide the outstanding amount off-site through the improvement of existing facilities, or through the provision of new open space, sport and recreational facilities.”*

The proposed development is for 8 dwellings therefore would not on its own trigger the need to assess local policy LP51 and provide new or enhanced open space, sports and leisure facilities.

However, the submitted site plan does identify an area of open grassed space measuring 2100m<sup>2</sup>. This area of open space has already been approved in reserved matters approval 142460 and its management and maintenance obligated within a signed Section 106 Legal Agreement. This area would provide some softening of the site and provide an area for the future residents.

Local policy S51 of the CLLP does not trigger the need for open space either on site (preferred) or off site. Policy O13 of the SNP does not identify a trigger for open space. Policy H2(c) of the SNP states that *“offsite contributions towards the play area on Elizabeth Close and open spaces within the Parish will be sought”*.

Following legal advice it is considered that the Local Planning Authority should not be seeking a public open space contribution in respect of the 8 dwelling and should only be considered again if an application for the entire allocated site is submitted.

The exception described after the asterisk in appendix 3 under table A3.2. states that “*smaller developments may be required to make a contribution where the development creates or exacerbates a deficiency of open space in the area*”. It is considered that this is not engaged.

As identified previously part of the site is outside but adjacent the allocated site. Policy H4 (Small Scale Residential Development) of the SNP sets out the acceptability of small-scale residential development in terms of the type of site (infill and brownfield sites) and its location within the developed footprint. There is no clarification within policy H4 on the maximum number of dwellings that could be classified as small scale. However, It is considered that 8 dwellings in the Scotter settlement would be classed as more than a small-scale housing development.

Policy L12 (Landscape and the Countryside) of the SNP provides detail on the protection of the landscape and countryside within the SNP designated area. Policy L12 does not provide any content which is specifically targeted to residential development in the countryside and is not considered a principle policy.

*Balancing Assessment:*

The principle of the development which falls within the allocated housing sites (WL/SCO/011 (S1 and S80) and CL4674 (H2)) has been established by its allocated status and the existence of the extant outline planning permission (134677) and reserved matters approval (142460).

The area of the development site outside the allocated site needs to be assessed against local policy S4 of the CLLP. There is no relevant policy within the SNP. The development would be within the 10-dwelling limit for housing developments in large villages. The proposed development would not be a First Homes exception site in accordance with the NPPF or exclusively for a rural affordable housing exception site.

It is therefore considered that the proposed development within the allocated site would accord with local policy S1 and S80 of the CLLP and H2 of the SNP. However, conversely it is considered that the proposed development outside the allocated site would not accord with section 3 of local policy S4 of the CLLP. The proposed development would therefore be a partial departure from the development plan if granted permission.

The site allocated in the CLLP and SNP has an awkward long narrow shape making it challenging to design a housing development for an indicative 51 dwellings with all the necessary infrastructure such as roads, footpaths and open space. The design is further challenged by the relationship of the site to the adjoining neighbours off Arrandale and Messingham Road. The proposed application would increase the size of the overall housing development to the west of North Moor Road by a small amount of floor space. The increase in the floor space would provide the space to introduce eight further dwellings which would enable the overall housing development to meet the 51 dwellings indicated in local policy S80 of the CLLP and policy H2 of the SNP.



It is considered that this is a significant material consideration which would modestly increase the size of the approved development on the allocated site and would logically provide ground space for all the indicative 51 dwellings to the west of North Moor Road and provide dwellings allocated to meet the housing targets of the CLLP and the SNP.

The layout and design of the development approved on 142460 has an uncomplete and unfinished feel in the southern section with a one-sided street of bungalows facing west towards the open countryside. This is a consequence of the narrow southern area in the southern section of the site. This development would provide a small logical increase to the site to allow allocated housing numbers to be met, and to ensure a more holistic, complete and “rounded off” development. The proposed modest extension of the site would cover land in the open countryside to the west but this would be a practical and appropriate incursion into the open countryside to allow for a two-sided street at the southern end of the site. As identified on the hatched black plan earlier in this report a high percentage of the land outside the allocated site would be garden land providing an appropriate relationship to the open countryside to the west.

On balance and after careful consideration it is considered that the proposed development would provide a small logical increase to the site to allow allocated housing numbers to be met, and to ensure a more holistic “rounded off” development. Therefore, whilst the development is a departure from local policy S4 of the CLLP the benefits of the development outlined above would outweigh the harm caused by extending the site to the west without including first homes or exclusively affordable homes.

#### Minerals Resource

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies ‘to support sustainable economic growth and our quality of life’. Policy M12 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

*“Mineral sites (excluding dormant sites) and associated infrastructure that supports the supply of minerals in the County will be safeguarded against development that would unnecessarily sterilise the sites and infrastructure or prejudice or jeopardise their use by creating incompatible land uses nearby.”*

The site is in a Sand and Minerals Safeguarding Area. The Minerals and Waste Officer at Lincolnshire County Council has no objections to the development.

The development therefore accords with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

It is considered that policy M11 is consistent with the minerals guidance (chapter 17) of the NPPF and can be attached full weight.

### Affordable Housing

Local policy S22 of the CLLP states that *“To help maximise what the planning system can contribute to meeting affordable housing need, affordable housing will be sought on all qualifying housing development sites:*

- a. of 10 or more dwellings or 0.5 hectares or more; or*
- b. within a designated rural area within North Kesteven District, of 5 or more dwellings.”*

Criteria j) of policy H2 of the SNP states that *“the development should provide a reflective mix of affordable homes on site as set out in the Central Lincolnshire Local Plan.”*

Local policy S22 of the CLLP also states that *“If a development scheme comes forward which is below these thresholds and thus does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then, if the combined total of dwellings or site size provided by the first scheme and the subsequent scheme/s exceed the thresholds in a) or b) as appropriate, then all of part one of this policy will be applied as a whole, with the precise level of affordable housing to be provided being ‘back dated’ to include the earlier scheme(s).”*

In this case there is a clear link between this application and the approved development on the allocated site to the east. This is because the development fits seamlessly with the approved development on the allocated site and has the same applicant. Therefore, whilst the number of dwellings (8) applied for does not trigger an affordable housing contribution in itself, the clear link between the two developments does. Scotter falls within Value Zone B (see Map 3, page 57 of the CLLP) therefore the development requires an affordable housing contribution of 20%.

The amended site and landscaping plan 10001 - S8 - P18 dated May 2023 in reserved matters approval 142460 identifies 10 affordable dwellings on a site of 43 dwellings (23.2%). The connected developments comprising 51 dwellings overall would require 10.2 affordable housing units at 20%. Ten affordable housing units permitted in reserved matters approval 142460 are secured leaving an off-site affordable housing commuted sum for 0.2 units. This commuted sum equates to £21,2265.60 (calculated from £106,133 per whole unit) and would need to be secured by a S106 Legal Agreement.

It is therefore considered that the 10 affordable dwellings already identified in reserved matters approval 142460 and the agreement to the paying of the commuted sum would meet the affordable housing requirement and would accord to local policy S22 of the CLLP and policy H2 of the SNP.

## Developer Contributions

### *National Health Service/LCC Education:*

Local policy S45 of the CLLP sets out strategic infrastructure requirements. Local policy S45 and the Planning Obligations Supplementary Planning Document dated October 2023 does not give any guidance that NHS or Education contributions should be considered cumulatively with other developments with a clear connection to the application site. Therefore, as a standalone application for 8 dwellings it is not considered trigger the need for Education or NHS contributions.

### *Open Space:*

Part A (New Open Space) of Local policy S51 of the CLLP states that *“In all new residential developments of 10 dwellings or more, development proposals will be required to provide new or enhanced publicly accessible open space, sports and leisure facilities to meet the needs of their occupiers in accordance with this policy, the standards set out in Appendix 3, and in compliance with the latest Central Lincolnshire Developer Contributions SPD (or similar subsequent document).”*

Policy O13 of the SNP states that *“New developments should provide a mix of private space and open space uses which meet local need, including children’s play areas, sports pitches, allotments and amenity green space to development plan standards. Where the provision of all or part of the required open space on a development site is not practical those development proposals should provide the outstanding amount off-site through the improvement of existing facilities, or through the provision of new open space, sport and recreational facilities.”*

The proposed development is for 8 dwellings therefore would not on its own trigger the need to assess local policy LP51 and provide new or enhanced open space, sports and leisure facilities.

However, the submitted site plan does identify an area of open grassed space measuring 2100m<sup>2</sup>. This area of open space has already been approved in reserved matters approval 142460 and its management and maintenance obligated within a signed Section 106 Legal Agreement. This area would provide some softening of the site and provide an area for the future residents.

Local policy S51 of the CLLP does not trigger the need for open space either on site (preferred) or off site. Policy O13 of the SNP does not identify a trigger for open space. Policy H2(c) of the SNP states that *“offsite contributions towards the play area on Elizabeth Close and open spaces within the Parish will be sought”*.

Following legal advice it is considered that the Local Planning Authority should not be seeking a public open space contribution in respect of the 8 dwelling and should only be considered again if an application for the entire allocated site is submitted.

The exception described after the asterisk in appendix 3 under table A3.2. states that *“smaller developments may be required to make a contribution where the development creates or exacerbates a deficiency of open space in the area”*. It is considered that this is not engaged.

In addition to this the proposed open space approved in reserved matters 142460 is considered to be of sufficient size to meet the needs of the proposed development.

The proposed development would therefore accord to local policy S45 of the CLLP and the provisions of the NPPF.

*Community Infrastructure Levy (CIL):*

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22<sup>nd</sup> January 2018. This development would be liable to a CIL payment prior to commencement of works on the 8 dwellings.

Visual Impact

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

Criteria a) of Policy H2 of the SNP requires *“the height, scale, mass and layout of the new properties should respect the scale, character and location of adjacent properties in Arrandale to the south”*.

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

The application site is not designated as a site for its special landscape or scenic quality.

The surrounding area of North Moor Road, Arrandale and Messingham Road comprises a mix of dwelling types and designs from modern two storey to older single and two storey dwellings.

The proposed eight new dwellings would be (approximate measurements in metres taken from submitted details):

Plot	Height	Eaves	Width	Length	Type	Bed	Garage	Parking
44	8.5	5.2	12.5	13.2	2 Storey	4	Att Single	3
45	8.2	5	15.4	13.2	2 Storey	5	Att Double	4
46	8.2	5	15.4	13.2	2 Storey	5	Att Double	4
47	8.2	5	15.4	13.2	2 Storey	5	Att Double	4
48	8.5	5.2	12.5	13.2	2 Storey	4	Att Single	3
49	8.2	5	15.4	13.2	2 Storey	5	Att Double	4
50	8.5	5.2	12.5	13.2	2 Storey	4	Att Single	3

51	8.2	5	15.4	13.2	2 Storey	5	Att Double	4
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(Key: Att = Attached and Det = Detached)

Reserved matters approval 142460 permitted the following housing mix:

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

This development would change the overall development to 12 four-bedroom dwellings and 6 five bedroom dwellings. The overall 51 dwellings development would therefore still retain a good mix of housing.

Plan 10006 - P7 dated February 2023 and 10006 - P7 dated March 2023 identify the external materials to be used. The dwellings would be constructed from:

- A mix if red and buff brickwork
- Red pantile and slate roof tiles.

The proposed dwellings would integrate into the design and appearance of the dwellings approved in reserved matters approval 142460. The proposed external materials and design of the dwellings are acceptable.

The proposed eight dwellings would not be openly in view from north Moor Road or Messingham Road. The dwellings would be mostly visible from the rear of dwellings off Arrandale and Messingham Road.

It is not considered that the proposed dwellings would have an unacceptable harmful visual impact on the site or the surrounding area and would therefore accord to local policy S53 of the CLLP, policy H2 of the SNP and the provisions of the NPPF.

#### Residential Amenity

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

The proposed eight dwellings would not share a boundary with existing dwellings but proposed plot 50 and plot 51 would share a boundary with dwellings approved in reserved matters approval 142460. Plot 50 would share a boundary with approved plot 29 and plot 51 would share a boundary with approved plot 22. Proposed plots 44-49 would be opposite and facing approved plots 35-43

It is considered that the proposed eight dwellings would have a normal and acceptable relationship with the approved dwellings in 142460. The proposed dwellings given the separation distances, their position and the position of the

openings would not have an unacceptable harmful impact on the living conditions of any future proposed or approved dwellings.

All of the proposed eight dwellings would have more than sufficient external private garden spaces.

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

#### Highway Safety

Local policy S47 of the CLLP require developments to contribute towards a safe highway.

Criteria d) of Policy H2 of the SNP states that development should “*provide new well connect and integrated public footpaths and cycle ways that link into the existing settlement;*”

Policy T8 of the SNP provides criteria for highway consideration for new roads and streets.

The proposed dwellings would be accessed from the vehicle access off North Moor Road already approved in 142460 to the east for 43 dwellings. The Highways Authority at Lincolnshire County Council have not objected on highway safety grounds or the arrangement of streets. The development would therefore accord with of policy S47 of the CLLP and policy H2 and T9 of the SNP.

#### *Off-Street Parking:*

Local policy S49 (see appendix 2) of the CLLP and section 2 of policy T9 of the SNP require developments to contribute towards a safe highway and set parking requirements based on the amount of bedroom a dwelling has.

Criteria g) of Policy H2 of the SNP states “*to provide adequate parking standards relevant to the size of the property*”.

Appendix 2 of the CLLP and policy T9 of the SNP differ in terms of their required spaces for the different size of dwellings. As the table demonstrates below the differences come when a dwelling has either 1 or 5 bedrooms.

	CLLP (S49)	SNP (T9)
1 Bedroom	1	2
2 Bedroom	2	2
3 Bedroom	3	3
4 Bedroom	3	3
5 Bedroom	3	4

The proposed 8 dwellings would have 3 parking spaces for each 4-bedroom dwelling (5 dwellings) and 4 parking spaces for each 5-bedroom dwelling. The Highways Authority at Lincolnshire County Council have not objected to the proposed level of

off-street parking provision. The development would therefore meet the parking standards of policy S49 of the CLLP and policy T9 of the SNP.

*Footpath Connectivity:*

Objections have been received in relation to connecting the proposed footpath to the existing footpath arrangement to allow access into the village centre. The objections received are based on the matter that the footpath to the south east of the vehicle access cannot be connected to the existing footpath due to third party land ownership.

In reserved matters application 142460 the Highways Authority at Lincolnshire County Council requested a condition demonstrating a 1.8 metre footpath/tactile crossing connecting the development to the existing footway network and this was considered reasonable and necessary. Therefore condition 3 on the reserved matters approval 142460 requires details of footpath connectivity including tactile crossing prior to above ground level development. The Highways Authority following discussion have agreed that the same condition attached to 142460 should be attached to 144062 if approved.

The approved plans in 142460 identify the location of a footpath to the north west and the south east of the vehicle access. These are also identified on the site plan with this application.

It is considered that the development would not have an unacceptable harmful highway safety impact and would meet the parking standards of the local and neighbourhood plan. The proposed development would therefore accord to local policy S47 and S49 of the CLLP, policy H2, T8 and T9 of the SNP and the provisions of the NPPF.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has to date not made any comments on the application. It is considered that the development would not be expected to have a harmful archaeological impact and would be expected to accord to local policy S57 of the CLLP and the provisions of the NPPF.

Flood Risk

Objections have been received on the risk of flooding caused by the development.

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

Policy F11 of the SNP states that *“development should not increase flood risk. Planning applications for built development within Flood Zones 2 and 3 as shown on Proposals Map 4 must be accompanied by a site-specific flood risk assessment in line with the requirements of national policy and advice. All such proposals should demonstrate that flood risk will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant”.*

Local policy S21 and the National Planning Policy Framework (NPPF) requires a sequential approach towards locating development to areas at lower risk of flooding and the submission of a Flood Risk Assessment (FRA).

Assessment of the governments flood risk maps<sup>1</sup> it's appears that the site is almost exclusively located within flood zone 1 with an extremely small section of the south west corner in flood zone 3. The application has included a Flood Risk Assessment by William Saunders dated March 2023 which considers the site to be entirely within flood zone 1.

The Environment Agency have chosen not to comment on the application as it does not meet their criteria for comment. This would suggest that the Environmental Agency agree with the FRA that the entire site is in flood zone 1.

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

Paragraph 4.2.1 of the FRA states that *"At this stage it is presumed that floor levels generally will be set 150mm above adjacent ground levels to minimise risk of pluvial flooding"*. This can be conditioned if the recommendation is for approval.

It is therefore considered that the proposed dwellings would be located in flood zone 1, which sequentially is the preferred location as having the lowest risk of flooding and accords to local policy S21 of the CLLP, policy F11 of the SNP and the provisions of the NPPF.

### Drainage

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

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

*"they have followed the surface water hierarchy for all proposals:*

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

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



The application has included a Preliminary Drainage Layout Plan (PDLP) 39201 - P5 dated 3<sup>rd</sup> March 2023 and a Soaked CBR Letter Report dated 17<sup>th</sup> November 2022.

**Surface Water:**

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

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

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

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

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

**Topsoil:**

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

**Natural Deposits:**

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

Table 1 summarises the testing results

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



#### *Foul Water:*

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

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

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

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

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

Therefore, subject to a condition the development would not be expected to have an unacceptable harmful impact on drainage and accord to local policy S21 of the CLLP, policy H2 of the Scotter Neighbourhood Plan and the provisions of the NPPF.

#### Landscaping

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

Details of landscaping are spread over a number of plans namely plan 10000 Rev P30 dated March 2023 (Site and Landscaping Plan), 10006 Rev P7 dated February 2023 (External Materials Plan) and 10008 Rev P7 dated March 2023 (Roof Tiling and Road Surfacing Plan).

Plan 10008 Rev P7 dated March 2023 (Roof Tiling and Road Surfacing Plan) provides clear and acceptable details of all hardstanding including the entrance bell mouth and 2-metre-wide pedestrian footpaths which are to be completed in tarmac to the highway authority's specification.

The landscaping details on site and landscaping plan (10000 Rev P30 dated March 2023) provides details of all boundary treatments dividing the plots and on the western outer boundaries of the site. The plots would be divided by fence panels. The western outer boundary of the site would be screened by the following:

- 1.2 metre high Lincolnshire style post and rail fencing with hedging for screening to the rear boundary of plots 44-49.
- 1.2 metre high Lincolnshire style post and rail fencing with hedging for screening to the side boundary of plots 50-51.
- 450-600 millimetre timber knee rail to the rear boundary of the open space

It is considered that the amended plan provides sufficient information on boundary treatments, however the plan lacks details of the tree species, hedging and aftercare.

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

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

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

### **Other Considerations:**

#### Biodiversity Net Gain

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

However, this application was valid on 10<sup>th</sup> December 2021 when the adopted Local Plan was the Central Lincolnshire Local Plan 2012-2036. Whilst revoked policy LP21 of the Central Lincolnshire Local Plan 2012-2036 required some net biodiversity gain

it did not require at least 10%. In this case with consideration given to the date of validation it is considered that it would be unreasonable to expect the applicant to satisfy the requirements of local policy S60(c) or S61 of the CLLP.

### Climate Change

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

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

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

As previously stated this application was valid on 10<sup>th</sup> December 2021 when the adopted Local Plan was the Central Lincolnshire Local Plan 2012-2036. Revoked policy LP19 of the Central Lincolnshire Local Plan 2012-2036 required consideration of renewable energy developments but it did not require all development to reduce energy consumption.

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

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

The decision has been considered against policies S1 The Spatial Strategy and Settlement Hierarchy, S4 Housing Development in or Adjacent to Villages, S6 Design Principles for Efficient Buildings, S7 Reducing Energy Consumption – Residential Development, S12 Water Efficiency and Sustainable Water Management, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S22 Affordable Housing, S23 Meeting Accommodation Needs, S45 Strategic Infrastructure Requirements, S47 Accessibility and Transport, S49 Parking Provision, S51 Creation of New Open Space, Sports and Leisure Facilities, S53 Design and Amenity, S57 The Historic Environment, S60 Protecting Biodiversity and Geodiversity, S61 Biodiversity Opportunity and Delivering Measurable Net Gains, S66 Trees, Woodland and Hedgerows and S80 Housing Site in Large Villages of the Central Lincolnshire Local Plan 2023 and H2 Housing Allocation on North Moor Road, Scotter, H3 Housing Mix, H4 Small Scale Residential Development, D5 Design of New Development, T8 Roads and Streets, T9 Parking Standards, T10 Footpath and Cycle Routes, T11 Flood Risk, L12 Landscape and Countryside and O13 Open Space with new Development of the Scotter Neighbourhood Plan in the first instance. Furthermore, consideration is given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Code.

The application site is half within housing allocation WL/SCO/011 and half on land adjacent the allocated site. The principle of housing is acceptable on the allocated site through its allocation and the extant permissions. The acceptability of housing on

the half of the site adjacent the allocated site would be a departure from the development plan as the development does not propose a first homes or affordable housing exception site. The benefit of the proposed development would be to provide a small logical increase to the site to allow the indicative allocated housing number of 51 dwellings to be met. Therefore, whilst the development is a departure from local policy S4 of the CLLP the benefits of the development would outweigh the harm caused by extending the site to the west without including first homes or exclusively affordable homes. The development would not be expected to have an unacceptable harmful visual impact on the site or the surrounding area. It would not have an unacceptable harmful impact on the living conditions of neighbouring dwellings or have an unacceptable harmful impact on flood risk, highway safety, drainage or archaeology.

**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

**Recommended Conditions:**

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

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

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

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

2. No development must take place until a phasing plan for the construction of dwellings including the adjacent site to the east (approved in outline planning permission 134677 and reserved matters approval 142460) has been submitted to and approved in writing by the local planning authority. The development must be constructed in strict accordance with the approved phasing plan.

Reason: To ensure an appropriately phased approach to construction of the dwellings for the purposes of character and visual amenity and the proximity of the development to the approved 43 dwellings on the adjacent allocated site to the east to accord with the National Planning Policy Framework, local policy S53 of the Central Lincolnshire Local Plan 2023 and policy H2 of the Scotter Neighbourhood Plan.

3. No development must take place until a construction method statement with site 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:

- i. the routing and management of traffic;
- ii. the parking of vehicles of site operatives and visitors;
- iii. loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development;
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi. wheel cleaning facilities;
- vii. measures to control the emission of dust and dirt;
- viii. details of noise reduction measures;
- ix. a scheme for recycling/disposing of waste;
- x. the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- xi. the hours of deliveries

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

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

4. 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:

- 10000 Rev P30 dated March 2023 – Site and Landscaping Plan
- 10006 Rev P7 dated February 2023 – External Materials Plan
- 10008 Rev P7 dated March 2023 – Roof Tiling and Road Surfacing Plan
- 139201 Rev P5 dated 3rd March 2023 – Foul Drainage Plan

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

- 10606 Rev P2 dated September 2020 – Harrington Option A Elevation Plans (4B8P)
- 10625 Rev P1 dated April 2021 - Harrington Option A Handed Elevation Plans (4B8P)
- 10607 Rev P3 dated October 2020 – Harrington Option C Elevation Plans (4B8P)
- 10626 Rev P1 dated April 2021 - Harrington Option C Handed Elevation Plans (4B8P)
- 10404 Rev P2 dated September 2020 – Harrington Floor Plans (4B8P)

- 10412 Rev P1 dated April 2021 – Harrington Floor Plans – Handed (4B8P)
  - 10608 Rev P4 dated October 2020 – Harrington Plus Option A Elevation Plans (5B10P)
- 10609 Rev P4 dated October 2020 – Harrington Plus Option C Elevation Plans (5B10P)
- 10627 Rev P1 dated April 2021 – Harrington Plus Option A Handed Elevation Plans (5B10P)
  - 10628 Rev P1 dated April 2021 – Harrington Plus Option C Handed Elevation Plans (5B10P)
  - 10405 Rev P4 dated October 2020 – Harrington Plus Floor Plans (5B10P)
  - 10427 Rev P1 dated April 2021 – Harrington Plus Handed Floor Plans (5B10P)

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy S53 of the Central Lincolnshire Local Plan 2012-2036 and policy H2, D5 and T9 of the Scotter Neighbourhood Plan.

5. No development above ground level must take place until details of a scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority.

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 shall be restricted to GRR;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No occupation of each individual dwelling must take place until its individual drainage has been fully completed in strict accordance with the approved scheme. The approved scheme must be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development to accord with the National Planning Policy Framework, local policy S12 and S21 of the Central Lincolnshire Local Plan 2012-2036 and policy D5 and T11 of the Scotter Neighbourhood Plan.

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

- Native species, planting height and aftercare of all new trees.
- Mix of native species, planting arrangement, planting height and maximum height.

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

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

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

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

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

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



8. No occupation of a dwelling hereby approved must take place until, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, must be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels to accord with the National Planning Policy Framework, local policies S47 and S53 of the Central Lincolnshire Local Plan 2023 and D5 of the Scotter Neighbourhood Plan.

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

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

10. No occupation of each individual dwelling must take place until its individual driveway or parking space(s) has been completed in accordance with 10000 Rev P30 dated March 2023 dated May 2023 and retained for that use thereafter.

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

11. The development must be completed in strict accordance with the external materials plan 10006 Rev P7 dated February 2023 and Roof Tiling and Road Surfacing Plan 10008 Rev P7 dated March 2023.

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

12. The floor levels of the dwellings hereby approved must be constructed at least 150 millimetres above the immediate surroundings ground level.

Reason: To prevent flooding and protect the future residents to accord with the National Planning Policy Framework, local policy S21 of the Central Lincolnshire Local Plan 2012-2036 and policy T11 of the Scotter Neighbourhood Plan.

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

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

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



## **Officers Report**

**Planning Application No:** WL/2024/00148 (147958)

**Proposal:** Planning application for the conversion of the ground floor to health centre including a reception area, interview rooms, meeting rooms and staff well being facilities and conversion of first floor to 2 no. flats.

**Location:**

11-15 Silver Street  
Gainsborough  
Lincolnshire  
DN21 2DT

**WARD:** GAINSBOROUGH SOUTH WEST

**WARD MEMBER(S):** Cllr T V Young, Cllr Miss J S McGhee

**APPLICANT NAME:** Ms Alison Choi

**TARGET DECISION DATE:** 30/04/2024 (Extension to 8th June 2024)

**CASE OFFICER:** Ian Elliott

**Recommended Decision:**

**147958 - Grant Permission subject to Conditions**

**Planning Committee:**

The application is referred to the planning committee for determination in line with the constitution as the proposal is considered to be a departure from Policy S49: Parking Standards of the Central Lincolnshire Local Plan 2023.

**Description and Proposal:**

The application site is a Grade II listed building within Gainsborough Town Centre and the Town Centre Conservation Area. The property is a two-storey terraced building that fronts onto the south eastern side of Silver Street, one of the main thoroughfares in Gainsborough town centre.

The application site lies within the Town Centre and Primary Shopping Area designations. It is within a Sand and Gravels Minerals Safeguarding Area.

The site lies within the Town Centre Conservation Area and there are a wealth of heritage assets surrounding the site including:

- 1 and 3 Silver Street, Grade II listed building
- 5 and 7 Silver Street, Grade II listed building
- 10 Silver Street, Grade II listed building
- 21a Silver Street, Grade II listed building
- 23 and 25 Silver Street, Grade II listed building

The application seeks permission and consent for the conversion of the ground floor to health centre including a reception area, interview rooms, meeting rooms and staff well being facilities and conversion of first floor to 2 no. flats.

### **Relevant Planning History**

None relevant to the proposal.

### **Representations**

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

**Gainsborough Town Council:** Supports

The Council supports town centre living and putting a disused shop back into use.

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

**LCC Highways and Lead Local Flood Authority:** No objection with advice  
Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

Oversailing License Section 177 - Please contact Lincolnshire County Council Local Highways Team on 01522 782070 to obtain an oversailing licence for the proposed awning over the footway, under Section 177 of Highways Act 1980.

**LCC Archaeology:** No objections

**Historic England:** Comment

Not offering advice and seeks advice from specialist conservation and archaeology advisors.

**WLDC Conservation Officer:** No objections subject to conditions

There are no architectural or historic items of interest internally as it has been fully refurbished and the windows and shop front are modern. The most important feature is the existing footprint on the medieval plot. This application provides a good opportunity to improve the listed building. I have no objections to this application subject to the following conditions:

- Prior to their installation full details of all new external materials shall be submitted to and approved in writing by the Local Planning Authority.
- Prior to their installation full details of all new internal joinery and internal insulation, including materials shall be submitted to and approved in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved details. The details shall

include all: new and existing doors, frames, architrave, infills, surrounds, walls, insulation, wall finishes, and other means of enclosure.

- Before work begins, drawings to a scale of 1:20 fully detailing the following new or replacement windows and doors shall be approved in writing by the Local Planning Authority and installed completely in accordance with the approval.

materials;

decorative/ protective finish;

cross sections for glazing bars, sills, heads and so forth;

method of opening;

method of glazing.

colour scheme.

System Checked: 2<sup>nd</sup> July 2024

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### **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 Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and Gainsborough Town Neighbourhood Plan (Made 28th June 2021))

### Development Plan

- ***Central Lincolnshire Local Plan 2023***

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy

S2 Growth Levels and Distribution

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

S6 Design Principles for Efficient Buildings

S7 Reducing Energy Consumption – Residential Development

S13 Reducing Energy Consumption in Existing Buildings

S20 Resilient and Adaptable Design

S21 Flood Risk and Water Resources

S23 Meeting Accommodation Needs

S37 Gainsborough Town Centre and Primary Shopping Area

NS41 City and Town Centre Frontages

S47 Accessibility and Transport

S49 Parking Provision

S53 Design and Amenity

S57 The Historic Environment

S58 Protecting Lincoln, Gainsborough and Sleafords Setting and Character

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

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

Relevant policies of the NP include:

NPP1 Sustainable Development

NPP6 Ensuring High Quality Design

NPP7 Ensuring High Quality Design in each Character Area

NPP8 A Mix of Housing Types

NPP18 Protecting and Enhancing Heritage Assets

NPP19 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 not within a Minerals Safeguarding Area.

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

National policy & guidance (Material Consideration)

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

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2023.. Paragraph 225 states:

*However, existing 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>

1. **National Design Guide (2019)**

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

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

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

Other:

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990.

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

Section 72 of the Planning (Listed Building & Conservation Areas) act 1990.

<https://www.legislation.gov.uk/ukpga/1990/9/section/72>

Gainsborough Town Centre Conservation Area Appraisal

<https://www.west-lindsey.gov.uk/council-democracy/have-your-say/consultations/previous-consultations/gainsborough-town-centre-conservation-area-appraisal-management-plan>

Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended)

<https://www.legislation.gov.uk/ukxi/2015/596/contents>

Technical housing standards – nationally described space standard Department for Communities and Local Government dated March 2015

### **Main Considerations:**

- Principle of development:
- Heritage
- Residential Amenity
- Visual Amenity
- Highway Safety and Parking Provision
- Drainage
- Archaeology
- Climate Change

### **Assessment:**

#### Principle of the Development

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

The application seeks planning permission for the conversion of the ground floor to health centre and first floor to 2 flats as well as the installation of an awning to the front of the site.

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."*

Paragraph 86 of the NPPF is supportive of residential development within Town Centre locations as it helps to ensure their vitality by increasing the total population living in close proximity to local amenities. Significant weight is also attached to securing the future use of a designated heritage asset.

Point 4 of Policy NPP19 of the GTNP 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."*

The building was last used as a dessert house (Sweet Carolines) where you could sit in and each desserts such as waffles, crepes and ice cream. Sweet Caroline's has now been closed for a number of months.

In accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) (UCO) the site is within the Gainsborough Primary Shopping Area and is classed within use class E as a food and drink establishment. The ground floor is proposed to be changed to a health centre which also falls within Class E of the UCO. Significant weight must therefore be afforded to the change of use to the ground floor not requiring planning permission.

Whilst the removal of a retail use from the ground floor of this unit would have a limited harmful impact on the wider retail offer of the town centre, the assessment must afford substantial weight to the change of use being permitted development not requiring an application for planning permission.

It is also considered that the conversion of the second floor would not cause unacceptable harm to the town centre or its retail offer.

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 and S37 of the CLLP.

#### Heritage

The application site comprises of a Grade II Listed building and lies within the setting of other Grade II Listed buildings as well as being within the Gainsborough Town Centre Conservation Area.

The development is mainly internal alterations and changes of use. The only external alterations are to the front first floor windows, the installation of a front awning and the installation of a new rear elevation door.

Section 72 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 conservation area, the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that 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 GTNP.

Policy NS41 of the CLLP states that:

*'Proposals for new frontages or alterations to existing frontages within an identified centre will be permitted provided the proposal: a. is of a high quality design and is sympathetic in scale, proportion and appearance to the building of which it forms part, and to the character of the surrounding street scene; and  
b. protects, and where possible enhances, traditional or original frontage or features that are of architectural or historic interest, particularly if the building is listed or within a conservation area; and  
c. is designed to allow equal access for all users.'*

Point 8 of Policy NPP18 of the GTNP states that "*Development proposals for the renovation of buildings and shopfronts in the Town Centre that reinforce its historic character and comply with West Lindsey District Council's shopfront improvement scheme will be supported.*"

The existing site comprises of a Grade II Listed building with a frontage located on the south side of Silver Street. The building was visited by the case officer and the Conservation Officer to see if there were any internal items of historic interest. Following the visit the Authority's Conservation Officer confirmed that "*there are no architectural or historic items of interest internally as it has been fully refurbished and the windows and shop front are modern. The most important feature is the existing footprint on the medieval plot. This application provides a good opportunity to improve the listed building.*"

The proposed development includes the installation of an awning to the front of the building in a pink colour to be agreed at a later date through a condition on the permission and consent.

The proposed development would preserve the special historic interest of the host listed building and the character and appearance of the conservation area. In addition to this, the proposal would preserve the setting of the nearby listed buildings. The proposed development would therefore accord to local policy NS41 and S57 of the CLLP, policy NPP18 of the GTN, Section 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990 and the provisions 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.

There are no concerns in relation to overlooking, over dominance or loss of light over adjoining properties. The two units (2 bedroom) would meet with the nationally described space standards as set out in table 1 below:

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

The main living areas of the flats and bedrooms would all be served by windows, allowing adequate light to enter the rooms. The residential units would be near to fast food takeaways and public houses, however a level of noise is to be expected in town centre locations. It is not considered that there would be any unacceptable noise, odour or extraction impacts for the occupiers of the residential units.

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.

The development would therefore not have an unacceptable harmful impact on the living conditions of the future occupiers and would accord with policy S53 of the CLLP and the provisions of the NPPF, particularly paragraph 130(f).

### Visual Amenity

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

Policy NPP6 and NPP7 of the GTNP protects the character of Gainsborough.

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

As previously stated the development would mostly change the internal appearance of the building. The external appearance, particularly the front elevation would largely be enhanced by the installation of new appropriate windows and front awning.

It is not considered that the proposed dwellings would have an unacceptable harmful visual impact on the site or the surrounding area and would therefore accord to local policy S53 of the CLLP, policy NPP6 and NPP7 of the GTNP and the provisions of the NPPF.

#### Highway Safety and Parking Provision

No objection has been received from the Highway Authority at Lincolnshire County Council relating to the proposed development. Appendix 2 of the CLLP which is referred to in Policy S49 states that two bed dwellings (flatted development) in market towns should provide 1 parking space per dwelling plus visitor spaces. The proposal does not include any dedicated parking provision for the flats. It is noted that no parking provision has been requested by the Highway's Authority, The GTNP does not contain any specific figures with regard to parking provision for new dwellings within the town.

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.

#### Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the development. It is considered that the development would not have a harmful archaeological impact and would accord to local policy S57 of the CLLP and the provisions of the NPPF.

#### Drainage

The site benefits from existing foul and surface water drainage connections which the proposed flats and health centre. The proposals would 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.

#### Minerals

Changes of use to existing buildings and listed building consent applications are considered to be exempt from safeguarding considerations. In any case, due to the development being within the continuous developed footprint of Gainsborough it is not considered that safeguarding considerations are engaged in this case.

#### Climate Change

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 take into account 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 not likely be supported.

**Other:****Community Infrastructure Levy**

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22<sup>nd</sup> January 2018. The development would be located within Zone 4 West Gainsborough therefore would not be liable to a CIL payment.

**Conclusion and reason for decision:****Planning Application 147958:**

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, S7 Reducing Energy Consumption – Residential Development, 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 and S58 Protecting Lincoln, Gainsborough and Sleafords Setting and Character of the Central Lincolnshire Local Plan and the policy NPP1 Sustainable Development, NPP6 Ensuring High Quality Design, NPP7 Ensuring High Quality Design in each Character Area, NPP8 A Mix of Housing Types, NPP18 Protecting and Enhancing Heritage Assets and NPP19 Improving the Vitality of the Town Centre of 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 is acceptable. The proposed uses would not unacceptably harm the wider retail offer of the Town Centre. The proposed external alterations would enhance the character and appearance of the conservation area and the street scene in this town centre location. The proposals would enhance the host listed building and the impacts on the limited historic fabric are acceptable. The development would enhance the setting of the nearby listed buildings. It would not have an unacceptable harmful visual impact or have an unacceptable harmful impact on the living conditions of the future residents. The proposal would not have an unacceptable harmful impact on the highway safety, drainage, archaeology, minerals or climate change. The proposal does represent a departure from the provisions of Policy S49 (parking provision), 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.

**Decision Level: Planning Committee****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

**Recommended Conditions- Planning Permission 147958**

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

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

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

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

NONE

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:
  - 2503-PP01 dated 12<sup>th</sup> February 2024 – Site Plan
  - 2503-PP01 Rev B dated 8<sup>th</sup> May 2024 – Ground Floor Plan
  - 2503-PP02 Rev A dated 15<sup>th</sup> April 2024 – First Floor Plan
  - 2503-PP03 dated 11<sup>th</sup> March 2024 – Front and Rear Elevation Plan
  - 2503-PP04 dated 12<sup>th</sup> February 2024 – Shop Front Section and Windows Details
  - 2503-PP05 dated 27<sup>th</sup> February 2024 – Rear Door Elevation

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy S37, NS41, S53 and S57 of the Central Lincolnshire Local Plan, NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990.

3. Prior to installation full details of all new and replacement external materials including the type and colour must be submitted to and

approved in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved details and retained as such thereafter.

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, local policy S37, NS41, S53 and S57 of the Central Lincolnshire Local Plan, NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990.

4. Prior to installation full details of all new and replacement windows and doors must be supplied at a scale of 1:20 and 1:1 for glazing bar details, showing elevations, decorative/protective finish, sections through, cill and header details, method of opening and door frames, colour and finish shall be approved in writing by the Local Planning Authority and installed completely in accordance with the approval.

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, local policy S37, NS41, S53 and S57 of the Central Lincolnshire Local Plan, NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990.

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

NONE

# Agenda Item 7



**Planning Committee**

**Wednesday, 17 July 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](mailto: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 Ralph Green against the decision of West Lindsey District Council to refuse planning permission for a planning application for single storey extension to the West elevation of Manor House, Manor Lane, Burton, Lincoln, Lincolnshire, LN1 2RD

**Appeal Dismissed** – See copy letter attached at Appendix Bi.

**Officer Decision** – Refuse

### **Appendix B - Summary**

- ii) Appeal by Mr Dick Metcalf against the decision of West Lindsey District Council to refuse planning permission for the erection of a new two storey dwelling, on existing land at Ashblake House, High Street, Upton DN21 5NL.

**Appeal Dismissed** – See copy letter attached at Appendix Bii.

**Officer Decision** – Refused

### **Appendix C - Summary**

- iii) Appeal by Mr Oliver Lawrence c/o Lincs Design Consultancy Ltd against the decision of West Lindsey District Council to refuse planning permission for the erection of 1no wind turbine, on land at Hillcrest Park, Caistor, Market Rasen, LN7 6TG.

**Appeal Dismissed** – See copy letter attached at Appendix Biii

**Costs Decision** – See copy letters attached at Appendix Biv, and Bv.

**Officer Decision** – Refused



## Appeal Decisions

Site visit made on 15 May 2024

by **K Stephens BSc (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

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### **Appeal A Ref: APP/N2535/W/23/3332742**

#### **Manor House, Manor Lane, Burton, Lincoln, Lincolnshire LN1 2RD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Ralph Green against the decision of West Lindsey District Council.
  - The application Ref is 147046.
  - The development proposed is single storey extension to the west elevation.
- 

### **Appeal B Ref: APP/N2535/Y/23/3332748**

#### **Manor House, Manor Lane, Burton, Lincoln, Lincolnshire LN1 2RD**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
  - The appeal is made by Mr Ralph Green against the decision of West Lindsey District Council.
  - The application Ref is 147047.
  - The works proposed are single storey extension to west elevation.
- 

### **Decisions**

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

### **Preliminary Matters**

3. The two appeals concern the same scheme under different, complementary legislation. I have therefore dealt with both appeals together in my reasoning to avoid unnecessary duplication.
4. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and replaces the previous version. However, as any policies in the Framework that are material to this decision have not fundamentally changed, apart from some paragraph numbering, I am satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decision.

### **Main Issues**

5. The proposal relates to a listed building within a conservation area. The reasons for refusal do not refer to the effects of the proposal on the character or appearance of the conservation area. I have statutory duties under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) with regards to the listed building, and under section 72(1) of the Act with regards to the conservation area.

6. The Council refers to the Manor House being located within the Burton Conservation Area (the CA) but has not undertaken an assessment of the impact of the proposal on it and has not submitted any appeal statements. However, the appellant has assessed the effect on the CA in their Heritage Impact Assessment (HIA) submitted with the applications, and in doing so the Council is aware of the appellant's stance on the matter.
7. In light of the above and my statutory obligations the main issues in this appeal are whether the proposal would i) preserve the Grade II listed building known as Manor House, or any features of special architectural and historic interest which it possesses, and ii) preserve or enhance the character or appearance of the CA.

## **Reasons**

### *Special interest and significance of the heritage assets*

8. According to the official list entry<sup>1</sup> Manor House is a Grade II listed building. It dates from the late 18<sup>th</sup> century, possibly earlier, with early 19<sup>th</sup> and 20<sup>th</sup> century alterations and additions. It is two storeys with attic, built of coursed limestone rubble with a slate roof and brick gables.
9. It is clear from the evidence that the building has had a phased evolution. The listing refers to an 'L' plan and the appellant's HIA also makes reference to a 'T' plan with later extensions and alterations. The south elevation facing the road was initially the front, but the east elevation facing Manor Lane later became the entrance with the addition of a porch. From the evidence, including the building's large form and massing, the large garden setting and map regression it is reasonable to conclude the Manor House is more high status than some other properties in the village.
10. I am also advised that as a result of a fire in April 2001, the Manor House was extensively rebuilt and restored and much of the building's load-bearing construction, fittings and finishes are entirely modern. The appellant describes that a westerly extension and alterations resulted in extensive internal changes to the historic fabric, such as reorganisation of floor layouts, partial demolition, and creation of doorways alongside the extension of the building. There is little evidence to describe or show what parts of the building were affected by fire - the indicative phasing shows the existing garden room and kitchen being later 20<sup>th</sup> century additions but excludes rebuilt phases. The Council has not commented on any of the fire-damaged works and neither party refers to or lists any subsequent planning and/or listed building consent applications for the existing kitchen and garden room extensions or any works undertaken after the fire.
11. Nonetheless, the building remains listed and some of the features described in the official listing are still apparent. There are ashlar quoins and dressings, some of which are currently obscured by the existing extension on the west elevation. The two brick prominent gable stacks on the western elevation use tumbled red bricks around the gable edges, which the HIA explains to be a vernacular decorative technique used across parts of Lincolnshire and are of high interest. I saw they were a highly visible decorative feature that provide a strong contrast to the limestone facing material, further enhanced by the

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<sup>1</sup> National Heritage List for England: List entry number 1064100

staggered alignment of the gables. I concur with the appellant's HIA that although the west elevation has seen more piecemeal development over the years, it nonetheless remains a positive and striking aspect of the building's character. Furthermore, the south elevation has large bay windows and large sliding sash windows above them. However, most other windows on the building are smaller and there is limited fenestration overall such that the building has a low solid-to-void ratio. Despite a number of alterations over time, the historic core and phased evolution of the building is still legible to a degree from the exterior.

12. Overall, the special interest and significance of the listed Manor House, insofar as it relates to these appeals, are largely derived from the building's architectural and historic interests. The building's age, surviving historic fabric and legibility of its phased development, together with its locally distinctive decorative features and use of traditional materials and construction make important contributions in these regards.
13. The building lies within the CA, towards the northern boundary. The village was mentioned in the Domesday Survey, but the suffix 'ton' suggests older beginnings, possibly from invasions by the Viking and the Danes. For some 200 years, up until the village was sold in 1951, Burton was an estate village under the patronage of the Monson family who lived in the nearby Hall. There are a variety of buildings of different ages, designs and sizes, including simple terraced cottages and larger dwellings such as Manor House and Burton Hall. The Manor House is pictured in the CA Appraisal as a 'prime example' of views of verdant open spaces within the village, and which is described as being an important part of the CA's character, even if the spaces are not public.
14. Given the above, the character and appearance, and thus special interest and significance of the CA, insofar as it relates to these appeals, is derived principally from the preservation and legibility of its historic street pattern, buildings and spaces that reflect the evolution of Burton and later as an estate village located in a rural context. The listed Manor House is a prominent and integral component of the village and its social evolution and displays use of traditional materials and vernacular architectural detailing distinctive to Lincolnshire. Its heritage merit as well as its aesthetic charm means the listed building positively contributes to the character and appearance of the CA as a whole, and thereby to its significance as a designated heritage asset.

*Appeal proposal and effects on the listed building*

15. The proposal would involve demolishing a series of modern extensions, namely the flat roofed 'garden room' and the kitchen in-fill extension with dual-pitched roof, both on the west elevation. The garden room would be replaced by an open plan living/dining area and the kitchen extension would be replaced by another kitchen extension. The two extensions would be flat-roofed and would be linked together as a unified single wrap-around extension across the entire west elevation.
16. The existing garden room is flush with the south elevation of the property, which was historically the front of the dwelling. There are some discrepancies with the plans as the existing fenestration does not match with what is currently installed. On the south elevation the existing extension currently has two large '8 over 8' sliding sash windows yet the plans appear to show these to

- be fixed multipaned windows<sup>2</sup>. At first floor on the main south elevation there are three '6 over 6' sliding sash windows<sup>3</sup>. Despite these discrepancies, the proposed extension would have three '6 over 6' sliding sash windows that would better reflect the design and rhythm of the existing fenestration.
17. The proposed extension would also be set back from the south elevation of the property. This would allow the existing quoins to be revealed and better appreciated and allow the extension to be more subservient to the south elevation and in turn help reinstate the primacy of the building's historic core.
  18. Nevertheless, on the west elevation the extension would have a much larger footprint and extend much further along the elevation than the existing 'garden room' does. The new 'living' area would extend as far as the return of the first stack gable. However, the orangery-style central feature, with its three large full height sash windows, would over sail the return of the second gable. The next fully glazed component would also over sail the return with the main house. The proposed kitchen extension would fit between the outrigger (containing the boiler room) and the new dining room extension but would also fail to align with the natural breaks in the building.
  19. This series of misalignments with key breaks in the building would create an awkward and unsympathetic response to the rhythm of the west elevation. The awkwardness would be compounded by the design of the extension, which would read as a series of separate but connected stone and glazed components of varying heights, widths and design that would extend across almost the entire west elevation. The stop-start nature of the design would have little regard for the rhythm and breaks in the existing elevation.
  20. Furthermore, the proposed extension would introduce larger vertical expanses of full-height glazing separated by relatively tall and thin solid sections. This would disrupt the solid-to-void ratio of this elevation and further exacerbate the awkward alignment of the extensions. Whilst glazing can be used to create light-weight structures and indicate junctions between older and new building fabric, in this instance it is used unsuccessfully to break up the various sections of a continuous new façade.
  21. From the submitted evidence, including the appellant's indicative phasing of the building, the extension on the west elevation would be added to the oldest part of the building dating from the 18<sup>th</sup> century and possibly earlier. The proposed extension would wrap around this older part of the building and reduce the gap between the boiler room outrigger. This would make the floorplan more rectangular and dilute the legality of the more historic 'T' and 'L' plan forms and phasing of the building.
  22. Furthermore, the proposed extension would conceal more of the historic fabric on the west elevation by extending across the second gable stack, which the existing garden room does not do. The large areas of glazing, which might allow views through to the main building, would not compensate for the extent of concealment that would occur. The proposed extension would thus reduce the integrity and authenticity of how the building is read and would erode the building's heritage interests.

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<sup>2</sup> Erroneously shown as 20-pane windows on Drawing no.(08)006

<sup>3</sup> Erroneously shown as '8 over 12' sliding sash windows on Drawing nos.(08)006 and (08)013

23. Whilst the contemporary design of extension would be a legible modern phase of intervention, the use of precast stone dressings for cills, window surrounds, parapet cornice and string course and an unspecified 'grey roof covering' causes me to question the quality of materials that would be used. It is not clear whether the door and window frames would be powder-coated aluminium, although the fascias and soffits would be, and hence it is unclear what would surround the timber sliding sash windows. Whilst materials can be conditioned should the appeals be allowed sufficient detail should be included with the applications to allow a full assessment of the impact of the proposal. Consequently, the mix of traditional and contemporary design and materials do not sit comfortably with the host property.
24. However, part of the external wall of the west elevation has already been removed by the more recent kitchen extension. Internally, a single upright masonry pier, around which the existing kitchen island has been constructed, and decorative overhead timber beam would be removed. I saw that the pier and mock beam above are on the line of a likely main external wall that has been removed. The proposal would introduce a wall nib at each end of the existing opening to indicate the alignment of the old wall once the pier is removed. As this opening has already been created, there would be no loss of historic fabric. In addition, replacing the modern dual-pitched roof over the kitchen with a flat roof would reveal the windows and cills of the first floor windows directly above. This would offer an enhanced appreciation of these features and be a betterment to the west elevation.
25. The appellant contends that the extension would be reversible. Theoretically that might be the case, however I consider it highly unlikely. In any event the proposal would cause harm whilst it is in situ.
26. Drawing the various points together, the cumulative effects of the variation of roof heights, the over sail of breaks in the building, the uncomfortable mix of styles, fenestration patterns, materials, concealment of historic fabric and the overall size of the extension would create a proposal that would not assimilate well with the host building, and in particular would detract from and undermine the prominent west elevation, which the appellant himself regards as a positive aspect of the building's character. Despite some revelation of other features and no removal of historic fabric, overall I find the proposed extension would be of a design, size, scale and form that would fail to preserve the Grade II listed Manor House and hence would harm its significance as a heritage asset.

*Appeal proposal and effects on the CA*

27. In light of my aforementioned duties, I must pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
28. Manor House is set well back from the road and is largely screened by mature vegetation within the landscaped grounds. Nonetheless, as one of a number of listed buildings within the CA, Manor House is an integral and important element of its character and appearance.
29. It follows that the harmful effects I have identified to the heritage interests of Manor House would fail to preserve or enhance the character and appearance of the CA and would result in some residual harm to its significance.



*Public benefits and heritage balance*

30. The Framework states at paragraph 195 that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraphs 207 and 208 set out that, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed.
31. The harm to the significance of the listed Manor House would be 'less than substantial', as would the harm to the CA. This harm carries considerable importance and weight. Under such circumstances, paragraph 208 of the Framework requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
32. There would be some economic benefits to the wider local economy from jobs and spend during the construction phase. The proposed extension would see the removal of the modern dual-pitched roof over the kitchen that would in turn reveal the existing first floor windows and their cills. The 'set back' of the extension from the south elevation would reveal more of the historic fabric of the building and create a better subservient relationship between the extension and the host property. Hence the proposal would create some betterment and allow greater appreciation of some aspects of the historic fabric of the building. These would be public benefits.
33. Public benefits can also include works to a designated heritage asset to help secure its future. There is no substantive evidence before me that demonstrates that the proposal is necessary to secure the continued use of the building as a dwelling or that the use of the building would be at risk if the appeals were to fail. In other words, the building is already in use as a dwelling and that use would not cease in the absence of the proposed extension.
34. I acknowledge that the proposal would increase the ground floor accommodation to help offset the use of one of the principal ground floor rooms as an ensuite bedroom, which I saw already existed, and potentially improve the usability and connectivity of the ground floor accommodation. The ground floor was spacious with a large hallway and several reception rooms, including the existing garden room that was large enough to accommodate a 16-18 seat dining table at the time of my visit. There was a sizeable and functional kitchen/breakfast room, plus other ancillary rooms for use as separate utility and laundry rooms, and a study. Removing the dual pitched roof over the kitchen would also improve the outlook from the upper floor windows for the benefits of occupants of those rooms. However, these changes would be for the preference of the appellant and hence of a private, not public, benefit.
35. The identified public benefits weigh in favour of the appeals. However, the weight I ascribe to them is not sufficient to outweigh the considerable importance and weight I attach to the harm that would occur to the significance of the listed building and the CA as designated heritage assets. Accordingly, the proposal would fail to preserve the Grade II listed building known as Manor House, or any features of special architectural and historic interest which it possesses, and would not preserve or enhance the character



and appearance of the CA. As a result the proposal would fail to satisfy the requirements of the Act and the Framework.

36. The proposed development would also conflict with Policy S57 of the Central Lincolnshire Local Plan<sup>4</sup>, which seeks, amongst other things, to protect the significance of heritage assets and enhance the historic environment of Central Lincolnshire.

### **Other Matters**

37. There are other listed buildings in the vicinity of the appeal site, indicated in the CAA and referred to in the appellant's HIA, but which the Council does not comment on. Mindful of my statutory duty set out in section 66(1) of the Act, I have had special regard to the desirability of preserving their settings.
38. From the evidence before me and my observations on site, the special interest and significance of these assets largely stem from their architectural and historic interests but are also derived in part from their well-defined immediate settings as well as their wider rural village settings. Given the nature and extent of the proposal, I consider that the settings of these other designated heritage assets would be preserved, and the significance of the assets would not be harmed. The Council has raised no concerns in this regard either.

### **Conclusions**

39. Appeal A: The proposed development would conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
40. Appeal B: For the reasons given, I conclude that Appeal B should be dismissed.

*K Stephens*  
INSPECTOR

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<sup>4</sup> Adopted April 2023



## Appeal Decision

Site visit made on 30 April 2024

by **S Pearce BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 July 2024

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**Appeal Ref: APP/N2535/W/23/3333015**

**Ashblake House, High Street, Upton, Gainsborough, Lincolnshire DN21 5NL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Dick Metcalf against the decision of West Lindsey District Council.
  - The application Ref is 146905.
  - The development proposed is described as "the erection of a new two storey dwelling, on existing land at Ashblake House, High Street, Upton DN21 5NL."
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party's interests would be prejudiced by my taking this approach.

### Main Issues

3. The main issues are:
  - the effect of the proposed development on the living conditions of the occupiers of 11 High Street, with regard to outlook,
  - the effect of the proposed development on highway safety, with regard to parking provision and access arrangements, and
  - whether the proposed development complies with the requirements of the development plan in respect of reducing energy consumption and design principles for efficient buildings.

### Reasons

#### *Living conditions*

4. The appeal site is located adjacent to 11 High Street, a residential property with a detached outbuilding, sited in a long and relatively narrow plot. The area immediately to the rear of No 11 is an area of hardstanding. Beyond this area, and located largely to the rear of the outbuilding, the land is laid to grass.

5. The appeal scheme seeks to introduce a two storey, detached property on a section of the appeal site that is largely devoid of buildings or structures. The proposed property would be sited with its frontage some distance from the highway, broadly in line with the two storey rear elevation of No 11. Although at an oblique angle, the side elevation of the proposed property would be close to the shared side boundary with No 11. As such, the proposed development would sit alongside the area of hardstanding located to the rear of No 11.
6. While the appellant contends the hardstanding area is not used as an outdoor amenity area, there is little substantive evidence confirming this. From my observations during the site visit and the evidence submitted, this area comprises part of the rear garden associated with No 11. Given its size, proximity and relationship to the rear of No 11, the hardstanding area could reasonably be used as an outdoor seating area.
7. As a result of the proposed property's height, siting and depth, together with its proximity to the shared boundary with No 11, the appeal scheme would result in a dominant and oppressive form of development that would significantly reduce and adversely affect the outlook for the occupiers of No 11 when using the hardstanding section of their garden.
8. The orientation of the roof slope and oblique siting of the property would offer little mitigation against the harm identified, given the proximity of the appeal scheme to the shared boundary, its two storey height and depth.
9. Due to the location of the appeal scheme, there would be no material loss of outlook for the occupiers of No 11 when using the lawned section of their garden.
10. For these reasons, the proposed development would cause unacceptable harm to the living conditions of the occupiers of 11 High Street, with regard to outlook. This is contrary to Policy S53 of the Central Lincolnshire Local Plan Adopted April 2023 (LP) which seeks, among other things, to ensure development proposals do not result in harm to people's amenity. It is also contrary to the Framework which seeks, among other things, to ensure development proposals have a high standard of amenity for existing users.

#### *Highway safety*

11. The appeal site is located within Upton, which is designated as a small village. Considering its location, LP Policy S49 requires the proposed three-bedroom property to have three off-street parking spaces. The supporting text to this policy highlights that an under provision of parking can lead to unsuitable or unsafe on-street parking. The evidence indicates that the appeal scheme proposes two off-street parking spaces.
12. The appellant states that there is sufficient space within the appeal site to provide an additional parking space, which could be secured by a pre-commencement condition requiring an updated scheme to be submitted and agreed by the local planning authority.
13. The Planning Practice Guidance<sup>1</sup> advises that while conditions can be used to modify plans, it would not be appropriate to modify the development in a way that makes it substantially different from that set out in the application. Having

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<sup>1</sup> Planning Practice Guidance Paragraph: 012 Reference ID: 21a-012-20140306

regard to the modest size of the appeal site and orientation of the existing garage, I cannot be certain whether the provision of an additional space could be accommodated without substantially altering the appeal scheme. Therefore, in the absence of substantive evidence to the contrary, the proposed development would result in a shortfall of one off-street parking space.

14. While only a snapshot in time, during a quieter part of the day, I observed some on-street parking availability and no parking restrictions along High Street. However, the availability of on-street parking along High Street is restricted due to the alignment of the carriageway, its narrower width in places and the location and number of existing driveways. The lack of off-street parking for some residential properties is likely to contribute towards the demand for on-street parking in the area, with further evening demand likely to come from residents returning from work.
15. Limited evidence has been submitted which demonstrates that there is sufficient capacity to safely accommodate the additional demand for on-street parking that would result from the proposed development. In the absence of such evidence and having regard to the existing demand for on-street parking, the proposed development is likely to increase on-street parking pressure along High Street.
16. Although the private drive is an existing access point for Ashblake House, the appeal proposal would, nevertheless, result in an increase in vehicles utilising the drive. While the width of the private drive falls below the Highway Authority's requirements, the Council has not provided any robust evidence to explain what harm, if any, would arise from the proposed arrangement. In any event, I have found harm in respect of the proposed parking arrangements.
17. Therefore, I conclude that the proposed development would have a harmful effect on highway safety. This is contrary to LP Policies S47 and S49 which, among other things, collectively seek to ensure development proposals contribute towards a safe transport network and make appropriate and deliverable parking provision. It also conflicts with the Framework which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

#### *Efficient buildings*

18. Policy S7 of the LP requires all new residential development proposals to include an Energy Statement to demonstrate how the specified standards of performance and the design principles outlined within LP Policy S6 for energy efficient buildings would be met. None of the 'exceptional basis clauses' apply in this instance. The introductory text to these policies highlights that it is significantly cheaper and easier to install energy efficiency and low carbon heating measures when homes are built, rather than retrofitting them afterwards.
19. No energy statement was submitted with the planning application, although the appellant has indicated that such a requirement could be secured by a pre-commencement condition. However, the policies seek that compliance should be demonstrated prior to a decision, rather than details being dealt with through a planning condition.

20. In the absence of an energy statement, it is not clear whether the standards specified within LP Policy S7 would be met and whether the design principles stipulated within LP Policy S6 have been fully considered in the design and layout of the proposed development. Consequently, as I cannot be certain that compliance would be achievable in respect of the scheme before me, it is not appropriate to defer these matters to a planning condition.
21. For these reasons, the proposed development would not comply with the requirements of the development plan in respect of reducing energy consumption and design principles for efficient buildings, contrary to LP Policies S6 and S7, as set out above.

### **Other Matters**

22. The Church of All Saints, a Grade II\* Listed Building lies within Upton. In determining this appeal, I am required to have special regard to the desirability of preserving the setting of this listed building, as set out by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
23. The significance of the listed building is derived, in part, from its architectural and historic interest as an important long-standing place of worship, and its prominent location and relationship with the village. Having regard to the physical separation between the appeal site and the designated heritage asset, together with the intervening features, including residential properties and their gardens, I am satisfied that the setting of the listed Church, and its significance, would be preserved.
24. The appellant asserts that the appeal scheme comprises sustainable development in accordance with paragraph 10 of the Framework. However, the Framework shares similar aims to the development plan of protecting the living conditions of neighbouring occupiers, highway safety and energy efficiency. Therefore, the policies of the Framework taken as a whole, do not weigh in favour of allowing the appeal.
25. The appellant indicates that they are agreeable to a condition to obscure glaze the three first floor, side windows and highlights that there have been no objections from interested parties. These aspects are neutral matters in the planning balance.

### **Conclusion**

26. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

*S Pearce*

INSPECTOR



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# Appeal Decision

Site visit made on 26 June 2024

**by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 July 2024**

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**Appeal Ref: APP/N2535/W/24/3337002**

**Hillcrest Park, Caistor, Lincolnshire, LN7 6TG**

- 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 Oliver Lawrence c/o Lincs Design Consultancy Ltd against the decision of West Lindsey District Council.
  - The application Ref 146461, dated 16 March 2023, was refused by notice dated 2 November 2023.
  - The development proposed is described as '*The erection of 1no wind turbine.*'
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Mr Lawrence against West Lindsey District Council. An application for costs was made by West Lindsey District Council against Mr Lawrence. An application for costs was made by Mr Dunwell (a local resident) against Mr Lawrence.<sup>1</sup>
3. These three applications will be the subject of separate Decisions.

## Main Issues

4. The Council indicated three reasons for refusal of permission on their decision notice. These, together with the evidence before me from the main and other parties, have informed the main issues in this case.
5. The main issues are:
  - The effect of the proposal on local aviation systems; and,
  - The effect of the proposal on the Area of Outstanding Natural Beauty; and,
  - The effect of the proposed development on the living conditions of nearby residential occupiers.

## Reasons

### *Aviation systems*

6. The appeal scheme seeks the erection of a wind turbine measuring approximately 14.3 metres to the centre of the hub and a blade span of

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<sup>1</sup> Costs Applications A, B and C respectively, provided under separate cover.

approximately 8.56 metres as shown on drawing LDC4091-PL-02A. The Council's Statement of Case indicate that the overall height to tip of blade would be about 17.6 metres. With no evidence to the contrary I have based my decision on the basis of the submitted drawings, which appear to broadly reflect these measurements.

7. The turbine would be situated on the eastern edge of an existing small enterprise centre, housing local small businesses adjacent to the A46 highway. It is anticipated that the turbine would provide an annual yield of around 12'895kwh (with an average domestic house cited by the Appellant as using around 2'800kwh per annum).

8. Amongst others, Policy S14 of the *Central Lincolnshire Plan – Adopted 2023* (the LP) sets out the local policy position on renewable energy. In particular, it states that:

*Proposals for renewable energy schemes, including ancillary development, will be supported where the direct, indirect, individual and cumulative impacts on the following considerations are, or will be made, acceptable. To determine whether it is acceptable, the following tests will have to be met:...*

*ii. The impacts are acceptable on aviation and defence navigation system/communications...*

9. The *National Air Traffic Service* (NATS) were consulted as the Claxby Radar is located within the vicinity of the appeal site. There is no dispute by the Appellant on the fact that the wind turbine could have an unacceptable impact on operation of the Claxby Radar or other nearby aviation facilities. The issue lies around as to the solution.

10. I note the Appellant's point about commercial wind turbine operations and that similar schemes for residential buildings would not necessarily require an assessment of the impacts on NATS radar areas. That may be so, however the proposal here is clearly for a scheme not associated with a residential building, and therefore I give extremely limited weight to this factor.

11. The Appellant contacted NATS and identified that there is another wind turbine around 3 miles to the south at North Wold Farm. I have not been provided with the full details of that scheme, but the main facets are explained by the main parties. It is understood that that site was deemed acceptable and some form of solution has been put in place to 'modify' the radar.

12. It is not known, however, what the financial contribution would be required to mitigate this potential impact. The Appellant explains their case that it would be for NATS to address this unknown cost. Moreover, there is no planning policy that requires the Appellant to bear the costs of the adjustments to the radar and it is not justified to use either a planning condition or a legal agreement under such circumstances as this would not meet the requirements of national guidance.

13. On the basis of the evidence before me, it appears as though the likely solution will involve some form of financial cost in order to update or alter existing systems. As such, like the Appellant indicates, I am not convinced that the imposition of a planning condition which would ultimately seek to secure some form of financial contribution towards re-programming or altering the radar



system is reasonable in this instance. This is not only because the amount of financial contribution in order to mitigate the impacts of the proposal have not been fully justified, but the use of planning conditions to secure monies does not appear to be the appropriate mechanism to use.

14. Indeed, the problem here is that neither myself nor the Appellant have been directed to any detailed evidence which demonstrates what monies are sought to mitigate this potential impact arising from the proposal. I note that the Council indicate that the Appellant has not submitted any s106 planning obligation, but this is not surprising given that neither NATS nor the Local Planning Authority have appeared to inform the Appellant of the amounts that any such planning obligation would seek to achieve. At the very least, as set out in the national *Planning Practice Guidance* (the Guidance), Paragraph 57 of the *National Planning Policy Framework* (the Framework) and the CIL Regulations, the lack of information on this point means that the obligation sought would not be fairly and reasonably related in scale and kind to the development as it is not publicly known.
15. At the same time, the evidence before me suggests that the proposal is likely to have an adverse impact on aviation systems. There are alterations to the radar system that need to take place directly because of the proposed development, and the potential impacts for which no suitable method has been put forward to make acceptable in this case. In the absence of such solutions, I can only logically conclude that the impacts would not be acceptable on aviation and/or defence navigation system/communications.
16. Accordingly, I find that the proposal would have an adverse effect on local aviation systems. As such, it would not accord with Policy S14 of the LP, which seeks the aforesaid aims.

#### *Area of Outstanding Natural Beauty*

17. The appeal site is within the Lincolnshire Wolds Area of Outstanding Beauty (AONB). The Framework sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty<sup>2</sup>.
18. Paragraph 163 of the Framework, in relation to renewable and low carbon developments, sets out that local planning authorities should approve the application if its impacts can be made acceptable. However, Footnotes 57 and 58 which relate to that Paragraph, are clear in that;

*Except for applications for the repowering and life-extension of existing wind turbines, a planning application for wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan or a supplementary planning document; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.*

19. Policy s62 of the LP relates to the Lincolnshire Wolds Area of Outstanding Natural beauty (AONB). This policy sets out that all development proposals within the AONB shall, among others, have regard to conserving and enhancing

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<sup>2</sup> Framework Paragraph 182



the special quality and scenic beauty of the landscape, respect the landscape character, topography, and context in relation to the siting, design, scale and extent of development and protect and enhance important views into, out of and within the AONB. It goes on to state that:

*Proposals which will result in an adverse impact on the AONB or which fail to demonstrate that they will not have an adverse impact taking into account any mitigation proposed, will not be supported.*

20. The Appellant has also drawn my attention to Policy S14, which sets out that proposals for small to medium single wind turbines, which is defined as a turbine up to 40m, are, in principle, supported throughout Central Lincolnshire, subject to meeting certain criteria, including that above in relation to aviation, and the requirements of national planning policy. I have found that the proposal would not meet one of the criteria set out in Policy S14 in relation to aviation and/or defence navigation system/communications. Accordingly, I do not find that this Policy provides support in favour of the proposal in this instance.
21. The Appellant does not consider that a Landscape and Visual Impact Assessment is necessary in this case as there was no need for an LVIA for a nearby solar scheme and photomontages have been provided (after being requested by the Council). I do not have the full details of the solar scheme and in any case the proposal in this case is for a wind turbine.
22. Furthermore, the photomontages submitted in this case are limited to five viewpoints and it is not possible to see whether they have been created to scale. Moreover, there is very little detailed analysis as to why the proposal would not harm the landscape and scenic beauty of the AONB. Indeed, much of the argument put forward by the Appellant revolves around the sites location at the Northern end of the AONB, the fact that it is near to the relatively busy A46 road and a small enterprise park, and that there are some communication towers to the south. The result of this context is that 'the effects would be a conspicuous change that will not affect the overall quality of the area'.
23. Respectfully, I disagree. It is clear that both local and national policy identifies an AONB as having an importance within the decision-making process as designated areas. The appeal site is within such an area. The Council indicated early on that an LVIA would be required in order for it to assess the impact of the proposal on the designated landscape. The absence of this information led to the Local Planning Authority refusing permission.
24. In assessing the potential impact of the proposal on the AONB, on the basis of the limited evidence before me, it is clear that the proposed wind turbine would be visible from within the AONB and its wider setting. It has not been demonstrated by the Appellant as to how the proposal would conserve or enhance the landscape or its scenic beauty within the AONB.
25. This requirement is even more pressing now given that the *Levelling-up and Regeneration Act 2023* amended section 85 of the *Countryside Rights of Way Act 2000* to create a duty on relevant authorities – that is for example the Local Planning Authority and the Secretary of State – to seek to further the purpose of conserving and enhancing the natural beauty of the area. On the basis of the evidence in this case, it has not been demonstrated how a wind turbine of over 17 metres in total height, with its moving parts and stark visual

- appearance with a vertical emphasis within the AONB would accord with this duty.
26. Therefore, when taken in the round, I find that the proposal would have an adverse impact on the AONB. This has not been mitigated in accordance with the footnotes of the Framework and therefore the proposal cannot be deemed to have addressed the planning impacts identified. It would also fail to conserve and enhance the landscape and scenic beauty of the Lincolnshire Wolds AONB.
27. Accordingly, the proposal would be contrary to Policies S14 and S62 of the LP which seek the aforesaid aims. It would also conflict with the Policies of the Framework as supported by the Footnotes, including those set out in Paragraph 163.
28. The decision notice also refers to Policy S53 of the LP relating to design and amenity and Policy 3 of the Caistor Neighbourhood Plan, which refers to proposals for new development being of a high quality. However, given the subject matter of these policies and the fact that there is little dispute over the proposed design of what is essentially a wind turbine I do not find that the proposal conflicts with these policies in relation to AONB matters.

#### *Living conditions*

29. To the south of the appeal site is a residential dwelling. The Appellant indicates that this is located about 60 metres from the proposed wind turbine. They have also provided details that the manufacturer indicates a noise level of 40 to 45db which the Appellant considers is appropriate for a residential setting. Furthermore, this is considered to be the worst case scenario as it does not take into account the noise from the enterprise park and the A46, nor does it take into account the landscape and buildings between the turbine and the residential dwelling.
30. The omission of this information is central in this case. For example, the 111 pages contained in Appendix C – Noise Information of the Appellants Statement of Case provides lots of data on the acoustic performance test of a SD6 Wind Turbine undertaken in February 2019, but it provides very little detail in terms of the specifics of the appeal site and the immediate surrounds of the proposed wind turbines location.
31. Indeed, on the last page of this appendix, a birds eye photo is given of the location in the wind survey yet this does not show the building located on the southern side of the appeal site, adjacent to what appears to be the garden area of the nearby residential property. This calls into question as to whether the suggested 'worst case scenario' of 40 to 45 db is the case in reality when I am uncertain as to what impact this building, not shown in the aerial view may or may not have on the sound envelope around the proposed wind turbine. The provision of a site specific noise survey would have set out clearly the ambient noise environment and the impact(s) of introducing the proposed wind turbine into this.
32. In the absence of such information, I can only conclude that the proposed would have an adverse effect on the living conditions of the nearby occupiers of the residential dwelling. Accordingly, the proposal would conflict with Policies S14 and S53 of the LP which, amongst other aims, seek to ensure that

renewable energy proposal must have an acceptable impact on the amenity of sensitive neighbouring uses (including local residents) by virtue of such matters such as noise.

*Conclusion*

33. I acknowledge the broadly supportive approach to renewable and low carbon energy creation given by national and local planning policy. The proposed scheme would contribute towards the overall targets of moving to low carbon and net zero. However, the proposal would also result in harm to aviation, the designated landscape of the Lincolnshire Wold AONB, and to the living conditions of nearby occupiers in relation to noise, which have either not been adequately mitigated or insufficient detail has been provided. I do not find that the benefits of renewable energy creation in this case outweigh this identified harm.
34. The proposed development would conflict with the adopted development plan when considered as a whole, and there are no material considerations which indicate a decision otherwise than in accordance with it.
35. For the reasons given above, I conclude that the appeal should be dismissed.

*C Parker*

INSPECTOR



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## Costs Decision

Site visit made on 26 June 2024

**by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 July 2024**

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### **Costs application A in relation to Appeal Ref: APP/N2535/W/24/3337002 Hillcrest Park, Caistor, Lincolnshire LN7 6TG**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Oliver Lawrence for a full award of costs against West Lindsey District Council.
  - The appeal was against the refusal of planning permission for the erection of 1no wind turbine.
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### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The Guidance also indicates that where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs.
3. The Applicant considers that the Local Planning Authority was unreasonable in asking for either agreement to a planning condition or legal agreement to secure mitigation for impacts on aviation systems, in asking for a full LVIA to be submitted, and in requiring further noise evidence. It is considered that this unreasonable behaviour by the Council justifies an award of costs.
4. In this case, the Local Planning Authority refused permission on the basis of a conflict with planning policies contained within its adopted development plan. This is in accordance with section 38(6) of the *Planning and Compulsory Purchase Act 2004*, as amended. Furthermore it is a normal and standard part of the planning process. As such, I do not find that it is unreasonable for the Local Planning Authority to have exercised its powers to refuse permission.
5. Moreover, the Appellant was given an opportunity to provide further information before the planning committee meeting to address the concerns raised on various issues. Whilst further information was provided, it did not address site specific mitigation, for example in terms of the impact on local aviation systems, or site specific impacts, for example on the occupiers of the nearby residential dwelling.
6. In adopting such an approach, where further information was sought, accepted and then considered, I can find no fault with the Council's approach in this

instance. I do not find, therefore that the Council's behaviour was unreasonable in this respect.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. The application for costs is therefore refused.

*C Parker*

INSPECTOR



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## Costs Decision

Site visit made on 26 June 2024

**by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 July 2024**

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### **Costs application B in relation to Appeal Ref: APP/N2535/W/24/3337002 Hillcrest Park, Caistor, Lincolnshire LN7 6TG**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by West Lindsey District Council for a full award of costs against Oliver Lawrence.
  - The appeal was against the refusal of planning permission for the erection of 1no wind turbine.
- 

### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

### **Reasons**

2. The parties to this application have set out their respective cases in writing and I do not seek to replicate it here. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Appellant indicates that in relation to Policy S14 and the NATS objections, it was not aware that the site was within a NATS radar area at the time of submission. That is a fair point given that there does not appear to be a national public register or similar for planning applicants to review their locations. However, early on in the planning application process the Applicant's agent was made aware that this matter was an issue in this case. Furthermore, the Applicant was then made aware that the impacts could be made acceptable or mitigated through changes being made to the radar system to 'blank out' the development from the radar system.
4. The conflict in this case has been over the disagreement as to who should pay for these alterations to mitigate the impact of the proposed wind turbine on aviation and/or communication systems. Added to this, is the Appellant's position that the policy does not specifically require a financial contribution but rather that the proposals impacts are acceptable. However, this creates a position whereby the way in which the proposal could be acceptable, in impact terms, is through making changes to the radar system to 'blank out' the proposed wind turbine. Rather like the chicken and egg conundrum, albeit somewhat easier to solve, unless the mitigation to the radar system is provided – in this case by means of a financial contribution – the impacts of the scheme are not acceptable.

5. The likely solution, therefore, is the provision of a legal agreement securing an obligation to provide a financial contribution towards the works needed to mitigate the impacts arising from the proposed development. The Appellant points to the fact that the policy does not specifically state this is required. However, there are many planning policies which do not explicitly state a legal agreement is required to secure, for example works to local highways to secure access for a site, and yet section 106 agreements are used to secure such mitigation.
6. The Appellant consistently argues in their appeal statement that they cannot secure a financial contribution as they have not been told what the contribution sought is. However, in their Rebuttal, at paragraph 7, they state *'The applicant has clearly not behaved unreasonably in this matter and has attempted to find a solution with NATs and the LPA but is unwilling to pay a financial contribution of circa £40,000 for obvious reasons'*. It is unclear as to what the sum of circa £40,000 relates to. If this is the monies which the Appellant thinks would be sought for the mitigation to the nearby radar system, then it is strange that they were aware of it for the costs rebuttal but were not aware of it for their appeal statement or final comments. If, on the other hand, it is a figure plucked from the air, then it does not indicate that to be the case and is unhelpful at best.
7. I do not agree with the Council's submission that the Appellant acted unreasonably in submitting the appeal – that is their right and the costs process does not exist to penalise people for exercising such rights. However, I do find that the Appellant acted unreasonably as they have not offered any substantive evidence to address the critical point as to why the impacts of their proposal are acceptable when no mechanism has been offered or secured to ensure that this would be the case in practice.
8. In terms of the lack of an Landscape and Visual Impact Assessment (LVIA), I note that this is not a requirement of the absent local list. Nonetheless, the Appellant was aware that the site lies within a nationally designated landscape in the form of the Lincolnshire Wolds AONB. To inform the planning decision-makers, the Appellant submitted five photomontages. Whilst I note the scale and quantum of the development is relatively small in size in relation to the size of the AONB, the impacts it could have on the landscape and scenic beauty of this important landscape could be disproportionately greater. This is due not only to the potential height within such a sensitive and important landscape, but also owing to the moving nature of the turbine which can raise its visibility to 'receptors' or people.
9. The absence of an LVIA in this case, or a detailed analysis of the impact on the AONB in landscape and scenic beauty terms, meant that it was not easy for a decision-maker to consider what impacts could arise in this case. It also meant that the duty relating to AONB imposed on relevant bodies; in this case the Council, could not be effectively discharged. I acknowledge that there is not a specific requirement for an LVIA to be submitted, but there is a policy requirement to consider the impacts on AONB when proposals are submitted. The request for an LVIA to be submitted, or at the very worst some form of detailed landscape and scenic beauty assessment, was reasonable.



10. The lack of detailed justification as to why this was not submitted, or even a more basic assessment of the impact on the AONB, was unreasonable behaviour by the Appellant.
11. In terms of noise, the Council does not appear to have had a formal response from their Environmental Health Team. Even if this were a 'no comment' response, it would at least give some reassurance to the Appellant and the local community that the matter had been considered by what are generally considered to be the in-house experts at a local authority on such subjects.
12. At the same time, the provision of a generic noise information from the manufacturer, including a 111-page report with numerous graphs is unhelpful when an assessment needs to be made on the site specific impacts of the development on nearby occupiers. The Appellant was plainly aware of the context of the site, including the A46 road, and had some awareness of how various factors could affect the ambient and active noise from the site and local area. Had a site specific noise survey or assessment been submitted this would have provided a more informed evidence base with which to consider the proposal and its potential impacts. The inability to provide such reasonably sought information results in unreasonable behaviour.
13. I have found that there was unreasonable behaviour in respect of not providing either information or a mechanism to secure mitigation against impacts directly arising as a result from the proposed development. The lack of providing these resulted in unnecessary and wasted expense on the part of the Applicant (the Council) who, were such information provided, could have led to issues narrowing at the appeal stage, or led to an appeal having been avoided altogether.
14. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

### **Costs Order**

15. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Oliver Lawrence shall pay to West Lindsey District Council, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
16. The applicant is now invited to submit to Oliver Lawrence, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*C Parker*

INSPECTOR



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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