

Guildhall Gainsborough
Lincolnshire DN21 2NA
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AGENDA

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

Planning Committee

Wednesday, 14th August, 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 - 7)
 - i) **Meeting of the Planning Committee held on 17 July 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

- a)** 147461 - Land off Bridle Way Market Rasen LN8 3ZT (PAGES 8 - 29)
- b)** 147958 - 11-15 Silver Street, Gainsborough, Lincolnshire, DN21 2DT (PAGES 30 - 43)
- c)** 147926 - Land at Gate Cliffe Farm, Bardney Road, Newball, Lincoln LN3 5DQ (PAGES 44 - 65)

7. Determination of Appeals (PAGES 66 - 80)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 6 August 2024

Planning Committee- 17 July 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 17 July 2024 commencing at 6.30 pm.

Present: 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 Peter Morris
Councillor Roger Patterson
Councillor Tom Smith

In Attendance:

Sally Grindrod-Smith	Director Planning, Regeneration & Communities
Russell Clarkson	Development Management Team Manager
Martha Rees	Legal Advisor
Chris Bradley	Conservation Officer
Ian Elliott	Development Management Team Leader
Richard Green	Development Management Officer
Maisie McInnes	Democratic and Civic Officer

Apologies: Councillor Sabastian Hague

121 PUBLIC PARTICIPATION PERIOD

There were no public speakers.

122 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on Wednesday, 12 June 2024, be confirmed and signed as an accurate record.

123 DECLARATIONS OF INTEREST

Councillor Carless declared an interest in application 144062 as a ward Member for Scotter and Blyton, and explained she would consider the application with an open mind.

Councillor Fleetwood declared an interest in application 148255 as a County Councillor of the villages surrounding Lissington.

Councillor Dobbie declared an interest in application 147958 as the application had been discussed as a Gainsborough Town Council meeting he had been present at, and he would consider the application with an open mind.

124 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

Members heard from the Development Management Team Manager that a new Planning and Infrastructure Bill was announced in the King's speech to 'get Britain building, including through planning reform, as they seek to accelerate delivery of high-quality infrastructure and housing.' In a statement from the cabinet office, the Bill would aim to 'speed up and streamline the planning process' to build more homes of all tenures and accelerate the delivery of major infrastructure projects. It claimed that by enabling democratic engagement with how, not if, homes and infrastructure are built, the major brakes on the planning system would be addressed to support sustainable growth.

The new Chancellor Rachel Reeves had outlined a series of planning changes to be rolled out and said the government would 'reform the National Planning Policy Framework [NPPF], consulting on a new growth-focussed approach to the planning system before the end of the month, including restoring mandatory housing targets.

She also confirmed a manifesto commitment to 'support local authorities with 300 additional planning officers across the country'. The government had issued a revision to the NPPF to remove what it called a 'de facto ban' on onshore wind schemes to ensure they were treated the same as other energy projects. It had also promised to consult on bringing larger onshore wind projects back into the streamlined major infrastructure planning regime.

<https://www.gov.uk/government/publications/policy-statement-on-onshore-wind/policy-statement-on-onshore-wind>

125 148255 - WHITE HART INN LINWOOD ROAD LISSINGTON LINCOLN LN3 5AE

The Case Officer explained there were no updates to the report since publication and delivered his presentation. He displayed the site location plan, photographs of the site and neighbouring dwellings, satellite photographs, and photographs of the car park from a North perspective off Linwood Road and to the South of the current beer garden. The Case Officer explained that the external changes would consist of removal of signage and a continuation of the picket fence across the car park, which would leave access for the two dwellings accessed through car park as well as the Maltings residence.

Mrs Redstone addressed the Committee and gave background to Members that she moved to Lissington and purchased the pub in the Covid-19 Pandemic and renovated the property. Following renovations, the pub was opened, and business was buoyant for the first few months and had become quiet. With the cost-of-living crisis, running costs for alcohol, food, utility bills and wages had impacted the owners, and the business was no longer viable. The owners had marketed the pub and ran local events such as quiz nights and approached the Parish Council. They had tried to sell the pub as a business and had received no interest or offers from potential buyers.

Mr Robinson addressed the Committee in objection to the application and explained he represented the White Hart Community Group. He shared that the previous owner had demonstrated the pub's viability from his turnover in 2020. The current owners had closed

the pub for months and it was felt the sale price was unrealistic given the property's proposed change of use. He explained that there were financial backers proposing to purchase the pub to keep in the community. Mr Robinson urged for the pub not to close as a community asset to Lissington, and for the owners to work with the community group to make the pub thrive.

Councillor Bunney clarified he was not a Ward Member for Lissington, but residents of his ward from surrounding villages had used the pub. It was felt the closure of the only pub in Lissington would have a detrimental effect on the social life of residents and impact the welfare of the community. He empathised with the owners given the economic pressure and impact of Covid-19 on managing and running a public house.

Officers responded to comments made by speakers and explained there had been no evidence of the profitability of the public house from previous owners, and the pub was purchased from administration by the current owners. There was no knowledge of any financial backers from the White Hart Community Group.

Members discussed the application and expressed their surprise that a parish council had not been arranged to discuss the closure of the pub. Members felt it was disappointing to hear of another pub closure, but expressed sympathy given the financial concerns and need for pubs to reinvent themselves to remain viable.

Officers responded to Member comments and explained the application had put forward for change of use and evidence demonstrated the loss of earnings and owner's attempts to market and run events. The pub had been marketed since December 2022 and the application was recommended for approval.

It was proposed and seconded that the application be refused.

Upon the vote for refusal of the application, there were 2 votes for refusal, 8 votes against and one abstention. The vote was lost.

The Chairman invited Members to vote to grant the application, as stated in the report under the officer's recommendations.

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

126 147461 - LAND OFF BRIDLE WAY MARKET RASEN LN8 3ZT

Members heard that there had been no further representations received by Planning Officers since the report had been published. Discussion regarding the Biodiversity Net Gain (BNG) conditions had taken place, and it was agreed there would be a requirement to secure 10% BNG with a combination of on-site and registered off-site BNG to meet the current legislation. The movement of the hedgerows would require mitigation as there was great crested newts in the area and condition 3 had been amended to reflect this.

In terms of access, the development site would be accessed off Bridle Way and the two properties would be Dorma style in character, and there was a proposal for modified grassland and mixed shrub. Site photographs showing the site and access were displayed.

The Chairman thanked the Planning Officer and advised the Committee there were two registered speakers on this item.

Reverend Diana E Carroll addressed the Committee on behalf of Bridle Way residents and expressed their concerns objecting to the development. They felt that the planning conditions did not adequately address the ecology of the site and did not take into account equality concerns relating to access to the site. She referred to the previous development where extensive landscaping and planting in front gardens had not taken place as outlined. Assurance was sought from planning officers to make sure that conditions were adhered to. There were accessibility and safety concerns as there was no pavement for pedestrian and wheelchair users on Bridle Way with the oncoming construction traffic gaining access to the site.

Councillor Stephen Bunney addressed the Committee in his capacity as Ward Member and a Member of Market Rasen Town Council. He explained the proposed dwellings were part of the Ridings original development which were single storey bungalows and the Dorma style was not in character with the rest of the site. He also expressed environmental and flooding concerns, particularly with the proposed pond.

The Development Management Team Manager responded to comments, and explained that ecology had been raised and addressed in the report and Planning Policy had made it mandatory for provision for BNG. With the great crested newts on site, the pond was deemed as the appropriate habitat. In relation to comments made on accessibility and equality, the construction management plan would address this as it formed a part of building regulations.

Members debated the application, and it was proposed and seconded that a site visit to view the character of the development and consider the highways and access to the site was needed.

Upon the vote, there was 5 votes for and 5 votes against a site visit. The Chairman used his casting vote in favour of a site visit.

RESOLVED that the application be deferred for a site visit to be held, to afford Members a greater understanding of the potential development site including the character of the area, highways and access to the site.

127 144062 - LAND WEST OF NORTH MOOR ROAD SCOTTER GAINSBOROUGH DN21 3HT

The Case Officer delivered his presentation and explained that the application was for 8 dwellings which were part of an allocated site. The original development was for 51 dwellings, and 43 were determined under reserved matters and the applicant was proposing to use some of the allocated site to meet the indicated numbers. The applicant had agreed to the pre-commencement conditions detailed in the report.

The Case Officer showed the elevation plan, external materials plan, driveway finishes and

the drainage plan for the site, as well as photographs from different perspectives of the site area.

The agent addressed the Committee and explained that the proposal delivered 8 residential properties on the allocated site which benefitted from the additional 51 units to meet the housing supply targets in the Local Plan. The purpose of the application was to gain consent and update the boundary for the additional space required. There were good design principles for the site, with generous gardens, soft landscaping and ample parking space. There would be no detrimental impact on current residents and conditions to the outline consent would be adhered to.

Members discussed the report and expressed that Section 106 monies should be increased for additional housing development.

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

128 147958 - 11-15 SILVER STREET, GAINSBOROUGH, LINCOLNSHIRE, DN21 2DT

The Case Officer delivered his presentation and showed the front and rear elevations, the window changes, the ground floor and first floor plans and explained that the property was 3 flats originally that had been reduced to 2 flats. He highlighted an extract from Schedule 3 Part A of the Town and Country Planning (Use Classes) Order 1987 and advised Members that the site had provision for class E.

Members expressed concerns relating to the potential nature of the business and location in the town centre. Members requested more information on what type of health centre the proposed site would be. It was proposed and seconded that the decision be deferred.

RESOLVED that the application be deferred so that more information could be obtained relating to the nature of health centre being proposed.

129 DETERMINATION OF APPEALS

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

130 PLANNING ENFORCEMENT - FORMAL CASE UPDATE

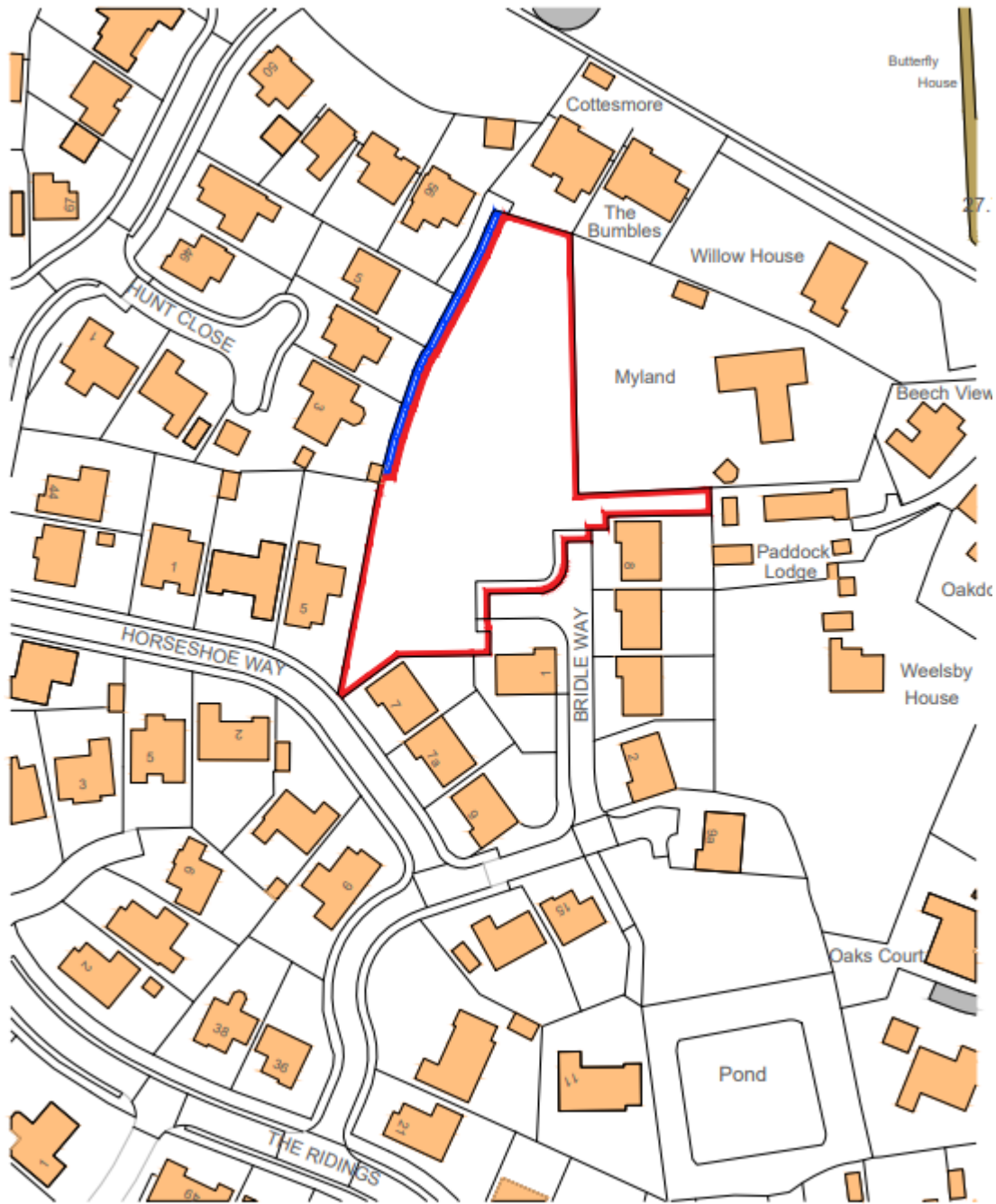
With no comments, questions or requirement for a vote, the planning enforcement report was **NOTED**.

The meeting concluded at 8.23 pm.

Chairman

Agenda Item 6a

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 16th August 2024)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission with conditions.

The application was deferred at the planning committee meeting of the 17th July to allow members to carry out a site visit on 25th July.

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.

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

- - **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/m²/yr and a site average total energy demand of 35 kWh/m²/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m²/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/m²/yr Plot 2- 4.96 kwh/m²/yr and a total energy demand of Plot 1 31.01 kwh/m²/yr and Plot 2 30.68 kwh/m²/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 hereby permitted shall take place unless evidence to demonstrate that the biodiversity value attributable to the development shall exceed the pre-development biodiversity value of the onsite habitat by at least 10%, has been submitted to and agreed with the Local Planning Authority.

The biodiversity value attributable to the development is the total of—

- (a) the proposed post-development biodiversity value of the onsite habitat,
- (b) the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and
- (c) the biodiversity value of any biodiversity credits purchased for the development.

Where criteria (b) or (c) apply, the evidence will need to demonstrate that registered offsite biodiversity gain and/or biodiversity credits has been secured, as appropriate.

Development may only proceed in accordance with the agreed details.

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:

3. The proposed hedgerows, newt mitigation pond and mixed scrub as detailed in the submitted Biodiversity Impact Assessment and Enhancement Plan by Ecology Resources and the Habitat Enhancement Plan dated April 2024 shall be completed prior to the occupation of any dwelling and retained in perpetuity for the lifetime of the development.

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. 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.

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.

5. 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.

6. No development, other than to foundations level, shall take place until details of all external facing materials, boundary treatments and the locations of the bat and bird boxes 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.

7. 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).

8. 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).

9. 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.

10. 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.

11. 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.

12. 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.

13. 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:

14. All planting, seeding or turfing comprised in the approved details of landscaping as required by condition 3 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.

15. 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.

16. 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 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge.

The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL. Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

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>.

Great Crested Newts- It is recommended that if any site works are to commence post 1st March 2025 then a further eDNA test on Pond 3 should be carried out and advise sought from Natural England regarding a Great Crested Newt Licence if there is a positive result.

Human Rights Implications:

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

Legal Implications:

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

Agenda Item 6b



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.

At the planning committee meeting dated 17th July 2024 the planning committee resolved to defer the application to the next planning committee (14th August 2024) for the case officer to request further information from the applicant/agent on the proposed occupier of the building and the specific type of health care the ground floor centre would be used for.

Prior to the Planning Committee of 17th July 2024 the agent stated that *"it's a charity who already provide healthcare services in Gainsborough"*.

Following a request post 17th July 2024 planning committee the agent stated that: *"I don't think it's that they are unwilling, I assume that the lease negotiations are progressing so it's not commercially appropriate to disclose the details, but if the tenants as soon as I am given the ok to disclose the information I will do so."*

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

147959 - Listed building consent for the conversion of the ground floor to health centre including a reception area, interview rooms, meeting rooms and staff wellbeing facilities and conversion of first floor to 2no. flats including replacement sash windows, addition of rear access door and awnings to shop front - 05/07/24 - Granted with conditions

Note:

Listed building consent 147959 was not considered necessary to put before the planning committee because the policies of the Central Lincolnshire Local Plan 2023 and Neighbourhood Plans are not applicable. Listed Buildings Consents are considered against Section 16 of the Planning (Listed Building & Conservation Areas) act 1990. Therefore, unlike this planning application the listed building consent was determined under delegated powers.

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: 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 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/uksi/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 (m²)

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 22nd 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 12th February 2024 – Site Plan
- 2503-PP01 Rev B dated 8th May 2024 – Ground Floor Plan
- 2503-PP02 Rev A dated 15th April 2024 – First Floor Plan
- 2503-PP03 dated 11th March 2024 – Front and Rear Elevation Plan
- 2503-PP04 dated 12th February 2024 – Shop Front Section and Windows Details
- 2503-PP05 dated 27th 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. The proposed development must be completed in strict accordance with document 1-HE-240702-082312-303 (Kingspan U-Value Calculation and Condensation Risk Assessment). The development must 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. The proposed development must be completed in strict accordance with the following window and door plans and retained as such thereafter.

- 2503-W-01 rev C dated 02/07/2024 – Window 01 details
- 2503-W-02 rev C dated 02/07/2024 – Window 02 details
- 2503-W-03 rev C dated 02/07/2024 – Window 03 details
- 2503-W-04 rev C dated 02/07/2024 – Window 04 details
- 2503-W-05 rev B dated 02/07/2024 – Window 05 details
- 2503-W-06 rev B dated 02/07/2024 – Window 06 details
- 2503-W-07 rev B dated 02/07/2024 – Window 07 details
- 2503-D.01 dated 14/06/2024 – Proposed Doors
- 2503-BC-02 dated 14/06/2024 – Proposed First Floor Plan

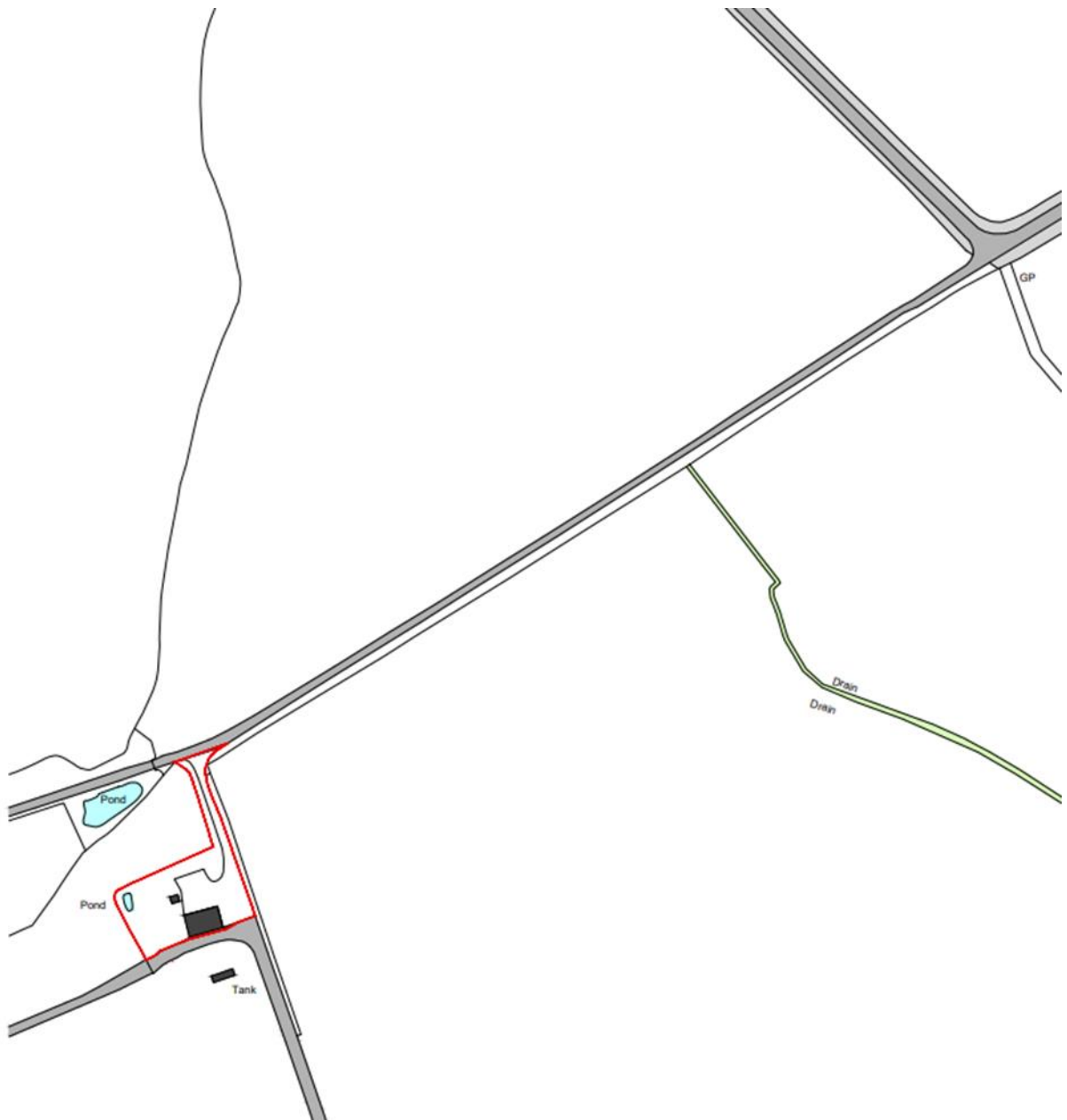
Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the Gainsborough Conservation Area. To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National 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 6c



Officers Report

Planning Application No: 147926

PROPOSAL: Planning application to remove existing agricultural building and erect 1no. dwelling.

LOCATION: Land at Gate Cliffe Farm, Bardney Road, Newball, Lincoln LN3 5DQ

WARD: Cherry Willingham

WARD MEMBER(S): Cllr Darcel, Cllr Bridgwood and Cllr Palmer

TARGET DECISION DATE: 03/04/2024

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Dan Galpin

RECOMMENDED DECISION: Grant (subject to conditions)

This application has been referred to the Planning Committee as it would represent a departure from Policy S1 (The Spatial Strategy and Settlement Hierarchy) and Policy S5 (Development in the Countryside) of the Central Lincolnshire Local Plan.

Description: The site is located within the open countryside with the closest settlements being Newball, Barlings and Low Apley, all of which are identified as hamlets. The closest village is Langworth which is located to the north-west of the site. Woodside Wildlife Park is also located approximately 1.6 kilometres to the north-west of the site. There are two patches of woodland (Gatecliff and Hardy Gang Wood) within 250 metres of the site. Gatecliff Wood is designated as a Local Wildlife Site and Site of Special Scientific Interest and Hardy Gang Wood is designated as ancient woodland. The site is located within Flood Zone 1 which is at the lowest risk of flooding.

Planning permission is being sought for the removal of an existing agricultural building and the erection of a single dwelling with a detached garage in lieu of a Class Q approval for a change of use from the existing agricultural building to a single dwelling.

Relevant history:

147272 – Planning application for the conversion of existing agricultural building to 1no. residential dwelling including change of use of additional land to residential curtilage. Refused – 1st November 2023. The reasons for refusal were as follows:

1. *Comprehensive and proportionate evidence has not been provided to demonstrate that the building can no longer be used for the purpose that it was original built or that there is no demand. The building is not considered to be of architectural or historic merit and it not intrinsically*

worthy of retention its setting. The alterations proposed are not minimal and incorporate a substantial number of new and inappropriate openings. The presence of a potential fallback position is not sufficient to outweigh this principle harm. The proposed development is therefore considered to be in conflict Policies S1 and S5 of the Central Lincolnshire Local Plan.

2. *The proposed development would see the change of use of an existing agricultural building to a single dwelling that would result in an unacceptable harm to the character appearance of the area. The proposed fails to be based on a sound understanding of its context and would go beyond design changes that are reasonably necessary. The proposal including the large curtilage and hard boundary treatments would result in the site appearing as an incongruous alien feature that would also cause harm to the rural openness of the landscape. It is therefore considered that the proposed development would conflict with Policy S53 of the Central Lincolnshire Local Plan and paragraphs 126, 130 and 134 of the NPPF. Paragraph 134 makes it clear that ‘development that is not well-designed Version: 1, Version Date: 01/11/2023 Document Set ID: 1188973 should be refused, especially where it fails to reflect local design policies and government guidance on design’.*

147605 – Prior approval application for change of use of agricultural building to 1no. dwelling. GC – 5th January 2024.

Representations:

Chairman/Ward Member(s)

No representations received to date.

Langworth Group Parish Council

Support – ‘Council is in favour’

Local Residents

No representations received to date.

LCC Highways/Lead Local Flood Authority

No objection – ‘*The proposal is for a dwelling and it does not have an unacceptable impact on the Public Highway*’

LCC Minerals & Waste

No reply received to date.

WLDC Archaeology

Comments – No archaeological input required.

ECM Checked: 8th April 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 (CLLP) (adopted in April 2023); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S2: Growth Levels and Distribution
Policy S5: Development in the Countryside
Policy S6: Design Principles for Efficient Buildings
Policy S7: Reducing Energy Consumption – Residential Development
Policy S11: Embodied Carbon
Policy S12: Water Efficiency and Sustainable Water Management
Policy S14: Renewable Energy
Policy NS18: Electric Vehicle Charging
Policy S20: Resilient and Adaptable Design
Policy S21: Flood Risk and Water Resources
Policy S47: Accessibility and Transport
Policy S49: Parking Provision
Policy S53: Design and Amenity
Policy S56: Development on Land Affected by Contamination
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>

National Policy & Guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**
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 Model Design Code (2021)**
<https://www.gov.uk/government/publications/national-model-design-code>

Main issues

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

Assessment:

Principle of Development

The proposed development is located within the open countryside and therefore falls within Tier 8 of the settlement hierarchy established by Policy S1 which is only supportive in principle of the following types of development:

Unless allowed by:

- policy in any of the levels 1-7 above; or*
- any other policy in the Local Plan (such as Policies S4, S5, S34, or S43) or a relevant policy in a neighbourhood plan, development will be regarded as being in the countryside and as such restricted to:*

- *that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
- *delivery of infrastructure;*
- *renewable energy generation; and*
- *minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.*

Part D of Policy S5 is only supportive in principle of the erection of new dwellings in the countryside when the following can be demonstrated:

- Details of the rural operation that will be supported by the dwelling;*
- The need for the dwelling;*
- The number of workers (full and part time) that will occupy the dwelling;*

- d) *The length of time the enterprise the dwelling will support has been established;*
- e) *The commercial viability of the associated rural enterprise through the submission of business accounts or a detailed business plan;*
- f) *The availability of other suitable accommodation on site or in the area; and*
- g) *Details of how the proposed size of the dwelling relates to the needs of the enterprise.*

Any such development will be subject to a restrictive occupancy condition.

The proposed development is for the erection of a single market dwelling and it is not considered that this would accord with any of the criteria outlined above. As such, it is considered that the proposed development would be in contrast to both Policies S1 and S5 of the CLLP. There is no disagreement between the Local Planning Authority and the applicant on this matter. The main consideration is therefore whether there are any material planning considerations which indicate that a departure from the Local Plan may be acceptable.

Fallback Position

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the relevant policies in the development plan unless material considerations indicate otherwise. The main consideration is whether the relevant site-specific material considerations which will be assessed below outweigh the departure from the Policies S1 and S5.

The argument in favour of the proposed development hinges on whether there is a '*real prospect*' of a permitted development fallback position and whether this fallback position should be afforded sufficient weight to outweigh the conflict with Part D of Policy S5 that has been outlined above. *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314¹ is the most relevant piece of case law which discusses this matter. A real prospect does not have to be likely, a possibility is enough to justify a real prospect.

However, this is often argued as a blank cheque for granting planning permission in the face of policy conflict where a fallback position exists. Like any planning application, it should be determined in accordance, first and foremost with the Development Plan. In addition, a fallback position is not the only material consideration in an application; in all applications, the NPPF and Planning Practice Guidance (PPG) are also material planning considerations which should be afforded due weight depending upon the individual circumstances of an application. This matter can be clarified by citing an

¹ <https://www.midsussex.gov.uk/media/6320/cd62b-appendix-b-ewca-civ-1314-2017.pdf>

appeal decision at Roundabout Farm Roughton, Shropshire² which explicitly states that in order for significant weight to be afforded to a fallback position, there has to both be a real prospect of a fallback position and this fallback position has to be **equal to or more harmful** than the development being proposed. Therefore, the remainder of this section will establish whether a real prospect exists and whether this is sufficient to outweigh the policy conflict outlined above.

Does the fallback position exist?

The original decision to refuse planning permission (147272) raised significant doubt as to whether a real prospect of a fallback position existed. This primarily stemmed from it being highly uncertain as to whether the works went beyond construction works that can be deemed '*reasonably necessary*' to convert an agricultural building into a dwelling. It was concluded that (having regard for *Hibbitt v Secretary of State for Communities and Local Government* [2016] EWHC 2853) at the time of this submission, the proposed development would constitute a re-build or fresh build forming a new building, rather than a conversion of the existing building. This, alongside concerns relating to the design of the proposed development resulted in planning permission being refused.

However, a subsequent application under Schedule 2 Part 3 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (147605) concluded that the construction works would not go beyond what is *reasonably necessary* to convert the existing agricultural building into a dwelling. This was due to the applicant confirming that the internal structure of the agricultural building would then be retained alongside existing foundation and block work.

With regard to original concern relating to the impact of the proposed development on the impact of the character and appearance of the area, the impact of the Class Q development (147605) was considered to be acceptable for two reasons. Firstly, the proposed curtilage of this development was considerably smaller (which is a requirement of Class Q) which significantly reduced the harm of the development on the character and appearance of the area. Secondly, it was concluded that the standard of design required by Policy S53 of the CLLP and Section 12 of the NPPF placed a greater burden on ensuring that development is well designed rather than just not being poorly designed. In contrast, Class Q merely places a generic requirement to assess the design and external appearance of a proposed dwelling which was considered to be a lower burden than the one which is set out in policy. For these two reasons, the impact of the proposed Class Q development on the character and appearance of the area was considered to be acceptable.

² <https://shropshire.gov.uk/committee-services/documents/s34512/Appeal%20decision%202022-01124-FUL.pdf>

Given that 147605 granted prior approval for a Class Q development which was not the case when 147272 was submitted, the assessment of this report must be based on the current planning history. Having regard for the Class Q fallback position, it is considered that a real prospect of a fallback position does now exist and were planning permission to be refused, this fallback position could be implemented..

The circumstances between this application and 147272 are therefore materially different and this alters the planning balance. Whether this real prospect of a fallback position is afforded significant weight depends on whether the Class Q position can be considered as being equally to or more harmful than the current planning application.

Planning Harm?

The original reasons for refusal on 147272 centred on the principle of development in terms of its conflict with Policies S1 and S5 and the harm of the proposed development on the character and appearance of the area (Policy S53). These remain the principle concerns with regard to this application and whether these harms are outweighed by the presence of a fallback position and the amendments to the current scheme compared with the original. The previous refusal is only highlighted as a reference point, the main focus of this section will be whether the Class Q fallback position established by 147605 is equal to, or more harmful than, the current proposal.

The current development has been demonstrated as being in conflict with Policies S1 and S5 of the CLLP. Although Class Q is not subject to consideration against Development Plan policies, it is considered that were the fallback position to be assessed against these policies (as was the case in 147272) the fallback position would clearly be in conflict with Policies S1 and S5 of the CLLP. Given that the current development is also in conflict with these policies, it is considered that both proposals are equally harmful purely in terms of their location within the Settlement Hierarchy established by Policy S1 and the fallback position allowing for the conversion of a agricultural building in the countryside with no architectural or historic merit (Policy S5).

The level of harm resulting from the current development on the character and appearance of the area relative to the fallback position afforded by Class Q is considered to be a finely balanced matter. The current scheme has a larger curtilage than the Class Q by a significant margin (being approximately 0.11 hectares in scale). In contrast, the curtilage under the Class Q development is restricted to an area the size of the building footprint plus the area needed to achieve access to the dwelling. It can be said that the large curtilage is more harmful than the fallback position but 0.11 hectares is notably smaller than the 0.14 hectares of the previously refused scheme (147272) so it is clear than an attempt has been made by the applicant to reduce this harm.

Furthermore, it is important to assess what the degree of harm is from a larger curtilage. Whilst the proposed development would be visible from public

vantage points to the north-east, the distance from the public highway is at least 300 metres with several hedgerows intervening within the landscape and belts of woodland restricting views in other directions. Whilst a larger residential curtilage within the open countryside can be considered as being more harmful in principle, the perception of this harm from public vantage points would be nearly impossible for the average person to experience or even ascertain and this is notwithstanding that large residential curtilage is commonplace within such remote locations where dwellings do occasionally exist. It is therefore considered that the difference in curtilage size in terms of the material harm to the character and appearance of the area is comparatively minimal with the currently scheme being marginally more harmful.

This would be sufficient to reduce the material weight given to the presence of a fallback position, but the remaining principle consideration is whether the overall design and external appearance is more harmful to the character and appearance of the area. The fallback position has a degree of similarity to the current scheme. The Class Q fallback is of a similar size and scale and retains an agricultural pastiche. That being said, the overall design of the fallback scheme retains the design features of an agricultural building with no architectural or historic merit and therefore the design can be considered neutral in terms of its overall quality. The current scheme whilst not exceptional in its design offers a more diverse and unique palette of materials that create both a well-designed contemporary dwelling through the use of zinc metal roofing and aluminium windows but retain the agricultural pastiche of the building in terms of the overall form, use of timber cladding and quasi-industrial appearance of the roof and first floor of the dwelling combined with the brickwork on the ground floor. This combination of contemporary residential and agricultural design should be afforded modest weight in favour of the proposal development and is considered to neutralise the additional harm from an extended curtilage. The presence of a double garage increases the built footprint on site but the height of this garage at just over four metres is clearly subservient to the proposed dwelling whilst also being screened to the north-east by the proposed dwelling. Overall, the marginally improved design is considered to counterbalance the minimal harm from a larger curtilage.

Therefore, it is considered the current scheme is at a minimum equally harmful to the scheme approved under Class Q (147605) but is considered to achieve a better quality of design. This will be summarised briefly in the visual amenity section of this report which should be read in conjunction with this section.

There is also one final consideration in favour of the current scheme which relates to the overall energy efficiency of the proposed development.

Energy Efficiency/Embodied Carbon

To elaborate more on this matter, another principle consideration is Policy S11 of the CLLP which outlines a presumption against demolition unless one of the following can be demonstrated:

1. *the building proposed for demolition is in a state of such disrepair that it is not practical or viable to be repaired, refurbished, re-used, or re-purposed; or*
2. *repairing, refurbishing, re-using, or re-purposing the building would likely result in similar or higher newly generated embodied carbon than if the building is demolished and a new building is constructed; or*
3. *repairing, refurbishing, re-using, or re-purposing the building would create a building with such poor thermal efficiency that on a whole life cycle basis (i.e. embodied carbon and in-use carbon emissions) would mean a lower net carbon solution would arise from demolition and re-build; or*
4. *demolition of the building and construction of a new building would, on an exceptional basis, deliver other significant public benefits that outweigh the carbon savings which would arise from the building being repaired, refurbished, re-used, or re-purposed.*

The total energy demand of the dwelling proposed is only 24 kwh/m²/yr significantly below the maximum total energy demand permitted by Policy S7 and is a third lower than the target figure of 35 kwh/m²/yr. This total energy demand would be met by the installation of 14 solar panels. This high standard of thermal efficiency and low overall energy demand is considered to exceed the requirements of Policy S7 and would accord with both criteria 2 and 4 of Policy S11 over the lifetime of the development through lower lifetime carbon emissions. The applicant has also proposed to install Air Source Heat Pumps (ASHPs) to meet the heating demand which is also below the target standard of 15-20 kwh/m²/yr being only 8.49 kwh/m²/yr. This is achieved through the dwelling having an air tightness of 2.0 m³/m²/yr which is slightly above the optimal passive house standard but still results in the dwelling being highly energy efficient and a low form factor of 2.2 which reduces the level of thermal bridging within the dwelling.

There is no mechanism for the Local Planning Authority to guarantee or enforce that the fallback scheme achieves the same standard of energy efficiency. A full planning permission also allows for conditions to be imposed completely restrict the use of piped natural gas or other fossil fuel systems such as diesel generators (the Energy Statement itself can be conditioned) which would negate the benefits of solar panels being on the fall-back scheme. The applicant has also provided the following supporting information:

The reference study period for whole life carbon is 60 years as set out in the RICS methodology. This allows for a significant carbon disparity between those dwellings permitted through the new CLLP (which need to be 'net zero') and those which must adhere to Building Regulations (which do not need to be 'net zero'). In this case this is further exacerbated by the difference between how the standards Building Regulations set for the performance of new dwellings, built from the

ground up, and those formed through a change of use (and conversion). Therefore, over the course of 60 years the net zero dwelling will contribute no CO2 from its operational energy whereas a conversion, with no renewables, will contribute a significant amount of CO2 depending upon the heating source. This is of course without consideration to the embodied carbon expended through the fabric of construction and lifetime of maintenance. However, as a starting point a total operational CO2 for the conversion can be used to estimate a budget for construction for the new build.

There is a useful article by the Guardian which provided a very basic overview of how much CO2 (80 tonnes) is used in building a 2-bedroom house. From this a rule of thumb of 1 tonne of CO2 per m2 of new build using traditional construction would not be unreasonable (i.e. assuming 80m2 to comply with minimum space standards for a two storey 2-bedroom dwelling, costing 80 tonnes of CO2).

<https://www.theguardian.com/environment/green-living-blog/2010/oct/14/carbon-footprint-house>

Turning to the comparison of the two schemes I can offer the following statement to demonstrate planning 'betterment'. This should avoid a heavy-handed approach for full whole life carbon assessment. In any event I would hope that this response to Policy S11 is seen as proportionate, given the minor nature of the application and taking into fact that the Hardwick scheme which is very similar, was more than twice the size and was not deemed necessary to provide an Embodied Carbon assessment.

For the Class Q our understanding is that the solar panels would be beyond the scope of Class Q. Whilst they were drawn on the elevations they are clearly labelled as not being part of the application. They would be a separate permitted development or planning matter outside of the scope of Class Q. Therefore, there can be no reliance in law that the solar panels could be insisted upon, it would be discretionary to the applicant and any further permission necessary for their installation. Nor can the Building Regulations insist upon any renewables due to the current rules associated with conversion as opposed to 'new builds' under Part L of the Building Regulations. Notwithstanding this the legal position for compliance under Part L would mean that the conversion does not have to meet any of the targets of the 'notional dwelling' and therefore it is a record of Energy Performance rather than anything target driven. There are some minor exceptions to this insofar that U values must meet Table 4.2 in Part L or where existing thermal elements are present Table 4.3. However, this performance gap is significant and barns that we have worked on have had a range recorded performance of EPC depending upon choices of fuel. Currently unlike new dwellings which have performance targets from CO2 emissions a change of use gives the freedom to the owner to choose. Therefore, oil or tanked gas are not out of the question.

A good performance level for an average sized conversion (120-150m²) would be around 5 tonnes of CO₂ per annum produced by the running of the dwelling but cannot be insisted upon. With tanked oil or tanked gas I think this can easily be doubled to 10 tonnes of CO₂ per annum, even with high levels of insulation. I think this is fair baseline for performance for the Class Q. This would give a maximum budget of 600 tonnes of CO₂ for construction (60 years x 10 tonnes CO₂ per annum) of the new dwelling to still be a better option using Clause 2 from Policy S11.

In this case, and using the above established rule of thumb, the approx. 200m² new build would expend 200 tonnes of CO₂ for cradle to practical completion [A1-A5]. Even if a further 50% was allowed for in use/ maintenance/replacement etc [B1-B5] this would total around 300 tonnes of CO₂ for whole life carbon, as none would be need for operational energy i.e [B6]. This is significantly less than just the total operational carbon estimate [B6] above for the conversion. It should be further noted no inclusion for the embodied carbon for stages [A1-A5] conversion or in use [B1-B5] has been taken into account in reaching this conclusion which would further sway the argument.

Based upon the submitted information and the assessment outlined above, it is considered that the proposal would meet criteria 2 of Policy S11 as the construction of a highly energy efficient dwelling would result in a lower embodied carbon footprint over the lifespan of the development. The main carbon savings would come from the higher operational carbon emissions of the lifespan of the development so it can be said in this instance that refurbishment would indirectly result in a higher carbon output. This would also satisfy criteria 4 in the sense that the new-build would offer an exceptionally high level of energy efficiency through lower energy demand, zero carbon heating and renewable energy generated on-site. The use of zinc roofing and aluminium windows would also be a sustainable choice of resource as the lifespan of metal roofing can be double that of a standard roof and metal used in construction is relatively easily recycled.

For these reasons, it is considered that the proposed development would accord with Policies S6, S7 and S11 of the CLLP. Limited to modest weight should also be afforded in favour of the proposed development due to it achieving an average space heating demand and total energy demand below the optimal standard outlined within Policy S7.

Although the proposed development would be in contrast to Policy S1 and S5 of the CLLP, it is considered that there is a real prospect of a fallback position afforded by Schedule 2 Part 3 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Having regard for the case law and appeal decision referenced above, it is considered that for the reasons explained in this report, the fallback scheme would be equally, if not marginally more harmful than the current scheme being proposed.

This is undoubtedly a finely balanced decision but it is considered that the standard of design and a high standard of thermal efficiency combined with the real prospect of a fallback position, outweigh the conflict with Policies S1 and S5 of the CLLP alongside some outstanding concerns over the curtilage of the scheme and increased footprint. The remainder of this report will assess the other relevant material planning considerations. The next section specifically will reiterate the design issues outlined above alongside some additional condition which serve to mitigate the proposed development.

Visual Amenity

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

The overall design of the scheme and the impact of the proposal on the character and appearance of the area was fully explored above, but to summarise, it is considered that the overall nature, scale and external appearance of the development achieves a very modest betterment than the fallback position. This is despite there being some concern over the size of the curtilage and the increased footprint.

Whilst the design in itself is considered to be acceptable on balance, granting full planning permission would offer a full suite of residential permitted development rights which could lead if fully utilised lead to an unacceptable harm to the character and appearance of the area via the use of extensions, alterations to the dwelling, outbuildings, unsympathetic boundary treatments and even additional floors. Therefore, it is considered that there is a clear justification for restrict all of Schedule 2 Part 1 of the Order (Development within the curtilage of a dwellinghouse), alongside Schedule 2 Part 2 Class A (gates, fences, walls etc.) which would otherwise permit boundary treatments up to two metres in height without planning permission.

No specific details have been provided with regard to an exact specification of external material and boundary treatments which will also be conditioned. The boundary treatments will be conditioned as part of a landscaping scheme as the development appears to illustrate a number of hedgerows. It is considered necessary to secure these details to provide both a biodiversity enhancement but also ensure that native species are also utilised to preserve the rural character and appearance of the immediate locality.

Subject to the conditions outlined above, it is considered that the proposed development is in contrast with Policy S53 of the CLLP and Section 12 of the NPPF.

Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things. Furthermore, paragraph 130 f) of the NPPF requires that development proposals provide a high standard of residential amenity for both existing and future users.

The proposed development would not have an unacceptable impact on residential amenity given its isolated location. In addition, the proposed development would also meet the requirements of the national technical space standards which are a material consideration when assessing residential development. It is also considered that the proposed development would afford a sufficient amount of residential curtilage.

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

Highways

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

Paragraph 92 of the NPPF supports development proposals that allow for the creation of healthy and safe places. This is reinforced by paragraph 110 of the NPPF which requires that development proposals provide safe and suitable access to all users. Paragraph 111 of the NPPF in turn states that development proposals can only be refused on highways grounds where there is an unacceptable impact on highway safety, or the wider cumulative impact would be severe.

The proposed development would see the introduction of a single dwelling and although the access is not considered to be optimal, it would currently have the potential to accommodate large agricultural vehicular movements. It is therefore considered that the use of the site as a dwelling is more preferable than large agricultural vehicles. The impact on highway safety and the wider cumulative impact of one dwelling is not considered to be unacceptable. No objection has been received from the Local Highway Authority and the proposed development would comply with the parking standards outlined within Policy S49.

An informative will be attached to the decision notice which has been included within the consultation response received from the Local Highway Authority.

In respect of the above, it is considered that the proposed development would accord with Policies S47 and S49 of the CLLP and paragraphs 92, 110 and 111 of the NPPF.

Ecology & Biodiversity

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

The proposed development is located 60 metres to the south-east of Gatecliff Wood which is classified as both a Local Wildlife Site and a Site of Special Scientific Interest. In addition, Hardy Gang Wood is located just over 200 metres to the north-east of the site which is designated as an area of ancient woodland meaning that it has existed since at least 1600. Although the site is located within a relatively close proximity to these natural features, it is not considered that there would any harm to these sites as the application relates to a change of use to an existing building. The applicant is not proposing to remove any existing trees or hedgerows. It has been stated in the application form that where appropriate new landscaping will be provided. It is therefore considered important to ensure that any species that are planted are appropriate (e.g. native species). Therefore, one condition will be attached to the decision notice requiring that a landscaping scheme should be submitted to and agreed in writing with the Local Planning Authority. This would also ensure that the boundary treatments proposed do not have an unacceptable impact on the character and appearance of the area.

The only aspect that requires any detailed consideration is the demolition of the existing building. In this instance, the Planning Practice Guidance is relevant and states the following:

Bats in buildings

Construction, demolition, extension or conversion proposals could affect a bat roost in a building or barn. You should ask for a survey where roosts are likely if the building or barn:

- *has little or no disturbance from artificial lighting;*
- *is close to woodland or water*
- *has uneven roof tiles and large roof timbers*
- *has cracks, crevices and small openings;*
- *has a roof that warms in the sun with a large roof space for flying;*
- *has hanging tiles or timber cladding on south-facing walls and has not been used for several years*

The applicant has confirmed that the building has been in consistent agricultural use for at least the last 25 years and therefore can be considered

as 'disturbed'. Despite the building being located within a relatively close proximity to two patches of woodland, the building remains in a relatively good structural condition with a contiguous built envelope that would make it difficult for bats or birds to enter the building. Furthermore, this is not a traditional agricultural barn with roof timbers, it has an industrial appearance being finished with grey brick and a corrugated roof (assumed to be asbestos).

In relation to development proposal that have the potential to impact wild birds, the following guidance from the PPG is relevant:

Wild birds

'You should also ask for a survey if a development proposal affects:

- natural habitats, such as wetland, woodland, scrub, meadow or moorland;
- mature gardens;
- trees that are more than 100 years old;
- trees that have holes, cracks and cavities;
- trees that are more than 1 metre around at chest height;
- buildings that could support nesting birds, such as agricultural buildings;
- cliff or rock faces;

The reference to agricultural buildings is noted. However, there are a number of considerations that need to be considered. Firstly, the building is not a barn, it is a portal framed, brick-built buildings with a more industrial character. Secondly, Table 1 in this section of the PPG that relates to ecological surveys more generally states that a survey should be requested where a building has features suitable for bats or traditional timber framed agricultural buildings.

It has been concluded above that the buildings are not considered to have potential to support bats or wild birds. The buildings are also not timber framed. Thirdly, as mentioning previously, the existing portal framed buildings are in a condition that makes it very unlikely that the buildings have any significant potential for nesting birds or bats. Although the building is approximately 40 years old, the applicant has confirmed that the proposed development has been used for the purposes of agriculture for at least the last 25-years so can be considered as being disturbed. It has also been noted above that although the building is not brand new in chronological age or appearance, it is apparent that the building retains a good structural condition which would prevent bats or birds entering. The building is not located in a mature garden and there are not trees that would be impacted by the proposed development.

As such, it is not considered that any ecological surveys are required in this instance. This is notwithstanding the fact that bats/wild birds are a protected species under the provisions of the Wildlife and Countryside Act 1981. This makes it a criminal offence to disturb, kill or other protected species. The

building could also be converted via the prior approval process without the need for any surveys due to the presence of a clear fallback position.

It is not considered to be reasonable or necessary to require the applicant to provide a quantitative BNG value as part of this application as the proposal relates to the erection of a single dwelling with a fallback position which is also exempt from delivering BNG.

It is therefore considered that the proposed development is in accordance with S60 and S61 of the CLLP and paragraph 174 of the NPPF subject to the landscaping condition outlined above.

Flood Risk

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

The proposed development is located within Flood Zone 1 which is at the lowest risk of flooding. It is proposed to utilise soakaways to address to accommodate any surface water drainage and a package treatment plant for foul sewage. Due to the proposed development being located within Flood Zone 1, both of these mitigation measures are considered to be acceptable in principle. No details have been provided in terms of the parking spaces and patio but there is nothing in principle to prevent these from being of a permeable design.

Notwithstanding this, the proposed development would not significantly increase the impermeable area of the site so permeable paving is not considered essential and the patio/parking spaces could be sufficiently mitigation by appropriately design soakaways.

Therefore, subject to the imposition of one condition requiring specific details of foul sewage and surface water drainage, including any relevant specifications and percolation tests shall be attached to the decision notice of this application.

Other Matters:

Contamination

The roof of the building is assumed to contain asbestos. However, there is no clear evidence to affirm or deny this conclusion. Due to the risk to human health posed by asbestos, it is considered reasonable to impose a standard condition relating to unidentified contamination. This would only require mitigation measures to be submitted to the Local Planning Authority in the event that contamination is identified. There is also separate legislative control

on asbestos that is required under the Control of Asbestos Regulations 2012. It is also proposed to fully remove the metal cladding on the walls and windows which would eliminate the risk of asbestos on site.

Subject to this condition, it is considered that the proposed development is in accordance with Policy S56 of the CLLP and paragraphs 183 and 184 of the NPPF.

Conclusion:

The proposal has been considered in light of relevant development plan policies namely S1: The Spatial Strategy and Settlement Hierarchy, S2: Level and Distribution of Growth, S5: Development in the Countryside, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S11: Embodied Carbon S12: Water Efficiency and Sustainable Water Management, S14: Renewable Energy, NS18; Electric Vehicle Charging, S20: Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S56: Development on Land Affected by Contamination, S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains and S66: Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan. Relevant guidance in the NPPF has also been considered.

In light of the assessment outlined in this report, it is considered that the proposed development be in contrast with Policies S1 and S5 of the Central Lincolnshire Local Plan. However, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions should be determined in accordance with the Development Plan unless there are material considerations that indicate otherwise.

The site is subject to an extant prior approval permission (147605) afforded by Schedule 2 Part 3 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Having regard for *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314, it is considered that there is a '*real prospect*' of a fallback position afforded by Class Q which is equal to, if not marginally more harmful than the scheme that is being proposed as part of this application. This material consideration is afforded significant weight in favour of the proposed development and in combination with the likely improvements in thermal efficiency is afforded modest weight in favour of the proposed development. These material considerations are considered to outweigh the harm associated with the proposal development that would result from the policy conflict outlined above.

It is acknowledged that this is a finely balanced decision, but in the absence of other reasons for refusal, it is considered that the proposed development is acceptable on its merits and it is recommended that planning permission is granted subject to conditions.

Recommendation - Grant permission with the following conditions subject to the Planning Committee delegating back to officers to issue a decision once the consultation period has concluded:

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:
 - Proposed Plans and Elevations – J1948a-PL-22 P01;
 - Proposed Elevations – J1948a-PL-21 P01;
 - Proposed Plans – J1948a-PL-20 P01
 - Proposed Site Plan – J1948a-PL-02 P01

All plans received February 7th 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 Plan.

3. No development above foundations level shall take place until a scheme of foul sewage and surface water drainage has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To prevent flooding and protect future residents to accord with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan.

4. The development hereby permitted shall be carried out in accordance with the details set out in the Amended Energy Statement received 7th February 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).

5. Prior to occupation of the dwelling hereby permitted, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the Amended Energy Statement received 7th February 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.

6. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health in accordance with the National Planning Policy Framework and Policy S56 of the Central Lincolnshire Local Plan.

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

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

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no development as may otherwise be permitted by virtue of the following:

- Schedule 2 Part 1 Classes A, AA, B, C, D, E, F, G and H of the Order shall be carried out within the curtilage of the dwelling permitted; and

- Schedule 2 Part 2 Class A.

Without the express planning permission of the Local Planning Authority.

Reason: To ensure that the development hereby permitted does not have an unacceptable impact on the character and appearance of the area in accordance with paragraph 130 f) of the National Planning and Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -
(highlight requirements):

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

Prepared by: Dan Galpin

Date: 21st May 2024

Signed: *D. Galpin*

Authorising Officer: Date:

Decision Level (tick as appropriate)

Delegated

Delegated via Members

Committee

Agenda Item 7



Planning Committee

**Wednesday, 14 August
2024**

Subject: Determination of Planning Appeals

Report by:

Director - Planning, Regeneration &
Communities

Contact Officer:

Maisie McInnes
Democratic and Civic Officer
maisie.mcinnnes@west-lindsey.gov.uk

Purpose / Summary:

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

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

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

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

Risk Assessment: None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal by W & H Jackson Ltd against the decision of West Lindsey District Council to refuse planning permission for a planning application to erect 1no. dwelling, resubmission of application 145923. Land adjacent to Holme Farm, Laughton Road, Blyton Carr, Gainsborough, DN21 3EL.

Appeal Dismissed – See copy letter attached at Appendix Bi.

Officer Decision – Refused

Appendix B - Summary

- ii) Appeal by Mrs Gail Barber against the decision of West Lindsey District Council to refuse planning permission for the erection of a new single storey dwelling with annex. Ambleside, Gallamore Lane, Middle Rasen, Market Rasen, Lincolnshire, LN8 3UB.

Appeal Dismissed – See copy letter attached at Appendix Bii.

Officer Decision – Refused

Appendix C - Summary

- iii) Appeal by Mr B Lane against the decision of West Lindsey District Council to refuse planning permission to erect single storey detached annex being removal of condition 4 of planning permission 134423 granted 29 July 2016 re: occupancy condition - resubmission of 146376. 54 Wragby Road East, Greetwell, Lincoln, Lincolnshire, LN2 4QY.

Appeal Dismissed – See copy letter attached at Appendix Biii

Officer Decision – Refused

Appendix D - Summary

- iv) Appeal by Mr M Kelly against the decision of West Lindsey District Council to refuse planning permission for Prior approval change of use of agricultural barn to 1no. dwelling. Old Hall Farm, Caenby Road, Caenby, Market Rasen, Lincolnshire, LN8 2EF.

Appeal Dismissed – See copy letter attached at Appendix Biv

Officer Decision – Refused



Appeal Decision

Site visit made on 2 July 2024

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2024

Appeal Ref: APP/N2535/W/23/3331343

**Holme Farm, Laughton Road, Blyton Carr, Gainsborough, Lincolnshire
DN21 3EL**

- 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 W & H Jackson Ltd against the decision of West Lindsey District Council.
 - The application reference is 146838.
 - The development proposed is dwelling (rebuilding of dwelling approved under previous application ref 143968).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was amended in December 2023. I am satisfied that the amendments made have not had a material bearing on how the appeal proposal is considered. References in the decision are to the December 2023 Framework.

Main Issues

3. The main issues are whether the proposal would be in a suitable location for housing having regard to the development strategy for the area, and whether it would comply with the requirements of the development plan in respect of energy consumption.

Reasons

Development Strategy

4. Policy S1 of the 2023 adopted Central Lincolnshire Local Plan (the LP) sets out the development strategy for the area, based on a settlement hierarchy. The aim is to make the most of existing services and facilities; deliver growth to where it is most needed; and provide associated opportunities to regenerate urban areas, provide new jobs and new homes in accessible locations, and focus infrastructure improvements where they will have the greatest effect.
5. The appeal site is not within a named town or village in Policy S1, nor is it immediately adjacent to the development footprint of one. My attention has not been drawn to any development plan policy that would specifically allow the development. For development plan purposes, the site is in the countryside. Part D of LP Policy S5 only allows for new dwellings in the countryside where they are essential to the effective operation of existing rural operations listed in

- tier 8 of Policy S1. There is no evidence to suggest that the proposed dwelling would be essential to the effective operation of any of the specified operations.
6. Paragraph 84 of the Framework seeks to avoid the development of isolated homes in the countryside unless one of the five listed circumstances apply. While the area in the vicinity is not free from development, the nearby properties do not form part of a recognised settlement and are surrounded by open countryside. There is no evidence before me to suggest that the proposal would meet any of the circumstances listed in paragraph 84 of the Framework.
 7. The site is some distance from any town or village. These would have to be accessed along predominantly unlit roads with no pavements which would be disincentives to travelling on foot or by bicycle, especially during darker winter months or in inclement weather. There is no evidence to suggest that the site would be accessible by public transport, nor did I observe any nearby bus stops during my site visit. While recognising that opportunities for sustainable transport solutions varies between rural and urban areas, the proposal would not support the locational aims of the LP or the Framework to avoid unsustainable patterns of development.
 8. I therefore conclude that the proposal, through its location in the countryside, would not be in a suitable location as it would undermine the Council's development strategy. Consequently, it would conflict with Policies S1 and S5 of the LP and the Framework as summarised above.

Energy Consumption

9. Policy S7 of the LP requires all new residential development proposals to include an Energy Statement to confirm that the specified standards of performance for energy use and supply and the design principles for energy efficient buildings outlined in LP Policy S6 would be met.
10. No Energy Statement was submitted with the planning application or appeal. The appellants' view is that these measures could be secured by planning condition. However, Policies S6 and S7 require that compliance is demonstrated prior to a decision.
11. In the absence of an Energy Statement, or any other evidence, it is not clear whether the standards specified in Policy S7 would be met or whether the principles specified in Policy S6 have been fully considered in the design and layout of the proposal. Given this uncertainty, it would not be appropriate to defer consideration of this matter to a planning condition.
12. For these reasons, I conclude that the proposal would not comply with the requirements of the development plan in respect of energy consumption, contrary to Policies S6 and S7 of the LP, as summarised above.
13. Policy NS18 of the LP sets out criteria to ensure that electric vehicle charging points are well situated so that they will be readily accessible to future users. I am satisfied that details of the charging point(s) could be secured through a planning condition. Consequently, subject to such a condition, there would be no conflict with the requirements of Policy NS18 of the LP

Other Considerations

14. The proposed dwelling would be on the site of where an agricultural building stood. In January 2022 prior approval¹ was granted for the change of use of this agricultural building to a dwellinghouse under the provisions of Schedule 2, Part 3, Class Q of the GPDO². The appellants argue that this prior approval represents a fallback position.
15. Work started on the conversion, but following the removal of the roof the building became unsafe. It was then determined that, due to the condition of the building fabric, the dwelling should be built as a new construction. The Council contends that the removal of the roof structure and its replacement did not form part of the building operations identified in the prior approval application. The Council's position is that the removal of the roof structure and two walls, which were also recommended in the structural survey commissioned after the prior approval was granted, collectively would have gone beyond what is reasonably necessary for the conversion of the agricultural building to residential use.
16. From what I observed during my site visit the agricultural building has been removed down to slab level. Consequently, based on the submitted evidence and what I observed, taken as a whole, the operations needed to provide a building suitable for residential use would be extensive and would not amount to a conversion. I therefore give limited weight to the prior approval as a fallback position.
17. The appellants have highlighted a number of appeal decisions³ which it is contended gives weight to their arguments. In these cases, while weight was given to the attempts to implement the Class Q prior approval and the existence of the resulting dwelling, other considerations also weighed in the planning balance. In my view, these schemes are not therefore directly analogous to the appeal proposal which I have in any event considered on its own planning merits based on the evidence before me.

Planning Balance and Conclusion

18. The proposal would not be in a suitable location for housing as it would undermine the planned approach to the distribution of development. The Framework states that the planning system should be genuinely plan-led. The conflict with the Council's development strategy is therefore a matter which I afford significant weight to. In addition, I cannot conclude that adequate consideration has been given to energy consumption in the design of the development.
19. The other considerations in this case are not sufficient to outweigh the conflict with the development plan taken as a whole. I therefore conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR

¹ Application reference 143968

² Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

³ Appeal references APP/R0335/C/20/3245838 and APP/R0335/C/20/3245839; APP/N1025/C/19/3238932 and APP/N1025/C/19/3238933; APP/A3010/C/17/3177396, APP/A3010/C/17/3177397 and APP/A3010/W/17/3177393



Appeal Decision

Site visit made on 7 June 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2024

Appeal Ref: APP/N2535/W/24/3338491

**Ambleside, Gallamore Lane, Middle Rasen, Market Rasen, Lincolnshire
LN8 3UB**

- 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 Mrs Gail Barber against the decision of West Lindsey District Council.
 - The application Ref is 147649.
 - The development proposed is the erection of a new single storey dwelling with annex.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers where necessary.

Main Issues

3. The main issues are: (a) whether the appeal site is in a suitable location for the proposed development; (b) the effect of the proposal on climate change; and (c) the effect of the proposal on flood risk.

Reasons

Suitable Location?

4. Policy S1 of the Central Lincolnshire Local Plan adopted 2023 (LP) sets out the spatial strategy and settlement hierarchy for delivering sustainable growth for Central Lincolnshire. The appeal site is on the northern side of Gallamore Lane/A46. It comprises an open field used for grazing by animals and the exercising of horses with some agricultural/equestrian outbuildings mainly located towards the northern part of the site.
5. The appellant's dwelling is to the west of the appeal site and four dwellings with associated agricultural/equestrian outbuildings are clustered to the east. The group of dwellings would not comprise a "hamlet" as LP Policy S1(7) defines a hamlet as consisting of a cluster of 15 dwellings or more.
6. The group of dwellings are surrounded by open fields which serve as a Green Wedge to prevent the merging of Middle Rasen (a Medium Village) to the west of the appeal site and Market Rasen (a Market Town) to the east. Development

proposals within Market Towns and Medium Villages are required to be within the "developed footprint" which 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".

7. The group of dwellings, including the appeal site, are clearly detached from the continuous built-up area of either settlement and therefore they do not form part of their developed footprint, nor is the appeal site immediately adjacent to the developed footprint. Accordingly, the appeal site is within the countryside.
8. LP Policy S5 details the types of development that will be supported in the countryside, and restricts new homes to those that are essential to the effective operation of existing rural operations. The proposal seeks permission for a dwelling to serve the needs of the appellant and their family and consequently, does not meet this exception.
9. Middle Rasen and Market Rasen contain a range of services and facilities that would meet the day-to-day needs of future occupiers. However, the routes between the appeal site and these settlements are unappealing for walking and cycling because it comprises a busy A-road with a 60mph speed limit that has no pavement and is unlit. I have not been directed to any bus stops within proximity of the appeal site, nor could I see any on my site visit. Therefore, public transport could not be relied upon by future occupiers. As such, future occupiers would be reliant on the private motor vehicle.
10. I acknowledge that the Council has granted planning permission for new dwellings within proximity of the appeal site. However, these involved the conversion of existing agricultural buildings under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and are therefore not directly comparable to the appeal proposal. While one of the Class Q sites was subject to a full planning application for a single dwelling, the Council gave weight to the Class Q fallback.
11. In reference to the first main issue, the appeal site is not in a suitable location for the proposed development. It would conflict with Policies S1 and S5 of the LP, the content of which is detailed above. It would also conflict with the Framework.

Climate Change

12. The appellant asserts that the proposal would be designed to exceed the minimum Building Regulations standards. However, I have not been provided with any substantive evidence regarding how this would be achieved. The appellant also asserts that they intend to plant numerous trees on-site to assist with offsetting the carbon footprint of constructing the dwelling and its ongoing occupation. However, I have not been provided with a landscaping scheme that demonstrates this proposition.
13. I accept the appellant's willingness to submit an ES to support the planning application and the Council's reason for declining it. However, no ES was submitted with the appeal to overcome the Council's reason for refusal. Accordingly, insufficient information has been provided to confirm whether the proposal would meet the development plan's climate change requirements.

14. In reference to the second main issue, I cannot be satisfied from the information before me, that the proposal would not have an adverse effect on climate change. It would therefore conflict with Policies S6 and S7 of the LP which, amongst other things, require new residential development to include an ES that confirms it can generate at least the same amount of renewable electricity on-site as the electricity they demand over the course of a year.

Flood Risk

15. Parts of the appeal site are located within Flood Zones 2 and 3. Footnote 59 of the Framework states that a site-specific Flood Risk Assessment (FRA) should be provided for all development in Flood Zones 2 and 3. No FRA was submitted with the planning application. I accept the appellant's willingness to submit an FRA to support the planning application and the Council's reason for declining it. Notwithstanding this, an FRA was not submitted to support the appeal.
16. I accept that the proposed dwelling would be sited within Flood Zone 1. However, the access and part of the dwelling's driveway would be within Flood Zones 2 and 3. Therefore, I cannot be sure from the information before me, whether a safe access and escape route can be provided for the lifetime of the proposal.
17. The appellant asserts that the appeal site boundary could be amended to exclude Flood Zones 2 and 3. However, I do not have an amended drawing before me. Even if an amended drawing had been submitted, it is likely that the position of the access would have altered, and therefore highway safety or character and appearance could have been affected.
18. In reference to the third main issue, insufficient information has been submitted to enable me to determine the effect of flood risk on the proposal. It would therefore conflict with Policy S21 of the LP which, amongst other things, states that all development proposals will be considered against the Framework, including the application of the sequential, and if necessary, the exception test. It would also conflict with chapter 14 of the Framework.

Other Matters

19. It has been brought to my attention that two members of the family have a disability, and the appellant and their partner describe themselves as elderly. The appellant asserts that their existing dwelling is not suitable for their needs as they require a dwelling that is all on one level.
20. The appellant asserts that their existing dwelling is unsuitable for renovation or extension without multiple compromises or expense. However, limited evidence has been provided to substantiate these claims. The appellant also asserts that there are very limited properties on the market within a reasonable travel distance of the site which would be suitable for the appellant's needs, and those that would meet their needs would still require extensive adaptation. However, limited evidence has been supplied to support these claims, or that the cost of adaptation would be prohibitive. Consequently, I am not persuaded that, in the face of conflict with the Council's spatial strategy, the required accommodation could not be provided by other means.
21. I appreciate the appellant's frustration that the LP permits new residential accommodation in the open countryside for rural workers if an applicant can successfully demonstrate an essential need to care for animals, but it does not

extend its support for dwellings in the open countryside to care for humans. However, I must determine the proposal against the development plan and any other material considerations.

22. The Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010 (the Act) sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. The Act sets out the relevant protected characteristics which include disability and age. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act.
23. The negative impact of dismissing this appeal would arise from the appellant and their family potentially continuing to live in accommodation that is unsuitable for their needs. However, it does not follow from the PSED that the appeal should succeed. I have taken into account the personal circumstances of the appellant and their family. However, I am not convinced that their needs cannot be achieved by a less intrusive action that would comply with the policies of the LP. My actions in this respect, and my decision therefore on the appeal, are a proportionate response to the requirements of the Act and those of the plan led system.
24. The absence of comments from the public or neighbours does not indicate no objection to the proposal. While statutory consultees did not raise an objection to the proposal, this does not outweigh my findings in respect of the development plan.
25. The appellant asserts that the proposal would be a Custom or Self-Build dwelling (CSBD). However, the application form states that it would be an open market dwelling. Even if it was a CSBD, I have not been provided with a mechanism to provide certainty that the dwelling would be a self-build project. Furthermore, it is unclear whether the appellant is on the Council's register. Even if the proposed dwelling was occupied as a CSBD, the contribution to the overall demand for such housing would be modest.

Conclusion

26. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR



Appeal Decision

Site visit made on 11 June 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/N2535/W/23/3330582

54 Wragby Road East, North Greetwell, Lincoln, Lincolnshire, LN2 4QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr B Lane against the decision of West Lindsey District Council.
 - The application Ref is 146951.
 - The application sought planning permission for the erection of a single storey, detached annex without complying with a condition attached to planning permission Ref 134423, dated 29 July 2016.
 - The condition in dispute is No 4 which states that: The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling now known as 54 Wragby Road.
 - The reason given for the condition is: To ensure that the development is not used unlawfully as a separate unit of accommodation on a site where dwellings would not normally be permitted in accordance with policy RES13 of the West Lindsey Local Plan First Review 2006.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning permission for the construction of the annex required that the development was constructed in accordance with certain drawings. In relation to the internal arrangement of rooms, the relevant drawing was the 'Proposed Site and Floor Plan' ref 02 which showed the provision of two bedrooms. This was subsequently altered by way of an approved non-material amendment which slightly altered the dimensions and position of the building as well as the number and location of window openings. Unlike the earlier plan this did not include details of its internal layout.
3. On the basis of the site visit, other than for windows, the internal space of the annex appears to have been arranged, and a kitchen and bathroom installed, in accordance with the plan that was originally approved as part of the 2016 planning permission for an annex with two bedrooms.
4. The appellant submitted a 'revised block /layout plan' with the appeal application that shows a particularly small kitchen and bed/dining room with the rest of the inside of the building having an open plan layout with no bathroom shown. As this appeal is against the refusal to remove condition 4, which is an occupancy condition, I have assessed the appeal application on the same basis as the Council, namely that the proposal would allow a two bedroom annex to be used as a two bedroom dwelling.

5. The revised National Planning Policy Framework ('the Framework') was published on 20 December 2023 after the appeal had been made. However, as the changes that occurred are not material to this decision, the cases of the parties have not been prejudiced by not being able to comment on the revised Framework. I have therefore determined the appeal on the basis of the statements and comments that have been received.

Main Issue

6. The main issue in this appeal is whether condition 4 is reasonable and necessary in order to ensure good living conditions with regard to internal living space and outdoor amenity space.

Reasons

Internal space

7. Since the permission for the annex was granted in 2016 the West Lindsey Local Plan First Review 2006 has been superseded by the Central Lincolnshire Local Plan ('Local Plan'). Policy S53 of the Local Plan requires, amongst other matters, that a home has a good quality internal living environment with adequate space for users.
8. The Nationally Described Space Standard (NDSS) was published by government as part of its Technical Housing Standards in 2015 and sets minimum internal space standards for new dwellings. For a one storey, two bedroom, three person dwelling the minimum gross internal floor space set by the NDSS is 61sqm. The appeal building has an internal floorspace of 53sqm. Compliance with the NDSS though is not required by the development plan. Therefore whilst the NDSS remains a material consideration, insofar as it indicates what the government envisages internal space standards could be where the need for an internal space standard can be justified, I attach only moderate weight to it. In the absence of adopted space standards for new dwellings, the adequacy of internal space is therefore a matter of planning judgement.
9. The annex contains a reasonably sized bathroom and kitchen. However, both bedrooms are small and would struggle to accommodate a bed, bed side tables and furniture for storage whilst also providing sufficient circulation space for occupants. The lack of space is even more acute in the lounge which would need to accommodate a sofa, television and dining table whilst also allowing occupants to easily move around the room and carry out day to day activities. Given these observations and the limited floor area of the building, even if the internal space of the building was rearranged, I am not persuaded that a good quality living environment with adequate space for users could be provided.
10. Occupied as a residential annex to the house, the internal living space in offering some privacy and independence for occupants who would also spend time in the house is acceptable. However, as a separate dwelling, the internal living space would be cramped and would result in unsatisfactory living conditions that fall well short of what could reasonably be interpreted as the good standard of amenity for occupants of buildings sought by policy S53 of the Local Plan and paragraph 135 (f) of the Framework.

Outdoor amenity space

11. The driveway and grassed border to the side of the bungalow at No 54 would be divided in two with one half providing access and amenity space to the

dwelling and the other providing access and amenity space to the annex. Further dedicated private amenity space would be provided to both buildings to the rear of No 54. Although an unconventional and purely functional arrangement this would result in sufficient private outdoor amenity space in association with the residential occupation of both buildings.

12. Notwithstanding my favourable findings in relation to outdoor amenity space provision, this is insufficient to overcome the poor living conditions that would be provided in the annex if condition 4 was removed and the building was occupied as a dwelling. I therefore conclude that condition 4 is both reasonable and necessary in order to ensure good living conditions in accordance with policy S53 of the Local Plan and paragraph 135f of the Framework. Paragraph 135f of the Framework advises that, amongst other matters, decisions should ensure a high standard of amenity for future occupiers.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector



Appeal Decision

Site visit made on 11 June 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal Ref: APP/N2535/W/23/3328189

Old Hall Farm, Caenby Road, Caenby, Market Rasen, Lincolnshire, LN8 2EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO').
 - The appeal is made by Mr M Kelly against the decision of West Lindsey District Council.
 - The application Ref is 146796.
 - The development proposed is the change of use of an agricultural building to a dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Class Q of the GPDO was amended on 21 May 2024. As the application that is the subject of this appeal was made before that date, I have determined this appeal in accordance with Class Q that applied at the time the application was made.
3. A unilateral undertaking has been submitted. I shall address its provisions later in this decision.

Main Issues

4. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO planning permission is granted for the change of use of an agricultural building to a use falling within Class C3 (dwellinghouse) of the Schedule to the Use Classes Order, together with building operations reasonably necessary to convert the building. Paragraphs Q.1 and Q.2 of the GPDO specify limitations and conditions in relation to Class Q.
5. The Council has refused the application on the basis that the proposed development fails to accord with the restrictions contained within paragraph Q.1.(i). This paragraph relates to building operations reasonably necessary for the building to function as a dwellinghouse. It has also stated that prior approval is required in relation to the location and siting of the building, and its design and external appearance (paragraphs Q.2.(1) (e) and (f)).
6. On the basis of the evidence of the Council and appellant, the main issues in this appeal are:
 - whether the proposed development would fall within development permitted under Schedule 2, Part 3, Class Q of the GPDO, and would not be excluded by paragraph Q.1; and,

- if permitted and not excluded under Class Q, whether prior approval is required, firstly, as to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use to a use falling within Class C3 (dwellinghouses) and, secondly, as to the design and external appearance of the building.

Reasons

Whether the proposed development would be permitted development

7. The building is a large, lightweight, rectangular, steel framed structure that is open on two of its four sides, namely its long front elevation and shorter western side. The other two sides of the building are enclosed by a low, blockwork wall with corrugated sheets used above as cladding. Corrugated sheets also cover the roof.
8. It is not a matter in dispute that the appeal building was constructed as an agricultural building and I saw during the site visit that it was in agricultural use.
9. Paragraph Q.1(i) states that development is not permitted by Class Q if it would consist of building operations other than (i) the installation or replacement of windows, doors, roofs, or exterior walls... to the extent reasonably necessary for the building to function as a dwelling house; and (ii) partial demolition to the extent reasonably necessary to carry out the building operations described.
10. In this case, the development would involve stripping the existing building so that only its skeleton in the form of its steel frame, low wall on two sides and roof purlins would remain. The roof would then be re-covered and the cladding on its two sides replaced. The development would also involve the insertion of new external walls into which a number of windows and doors would be inserted to enclose most of the open front elevation and all of the open western elevation. Windows would also be inserted in the eastern flank elevation.
11. In my judgement, the extent of works described would go well beyond the extent reasonably necessary for the building to function as a dwellinghouse and would amount to re-building. It would therefore not be permitted development as it would be excluded from Class Q by virtue of paragraph Q.(b) and paragraph Q1.(i). Accordingly, it is not necessary for me to consider whether prior approval should be granted in relation to the location and siting of the building, and its design and external appearance.

Other Matters

12. As I have noted earlier, a planning obligation has been submitted. In the event that the appeal was allowed, its purpose was to ensure the retention and repair of a historic wall and to ensure that a new section of walling is constructed. However, as the proposal has been found to be unacceptable for other reasons, it is not necessary to consider its provisions.

Conclusion

13. For the reasons given above, the proposal would not constitute permitted development. Accordingly, the appeal should be dismissed.

Ian Radcliffe

Inspector