

AGENDA

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

Planning Committee

Wednesday, 9th October, 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 - 27)
Meeting of the Planning Committee held on 11 September 2024, previously circulated.
4. **Declarations of Interest**
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

5. Update on Government/Local Changes in Planning Policy

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

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

6. Planning Applications for Determination

- i) 147672 - Saxilby (PAGES 28 - 64)
- ii) 147755 - Land off High Street, Glentham (PAGES 65 - 82)
- iii) 145253 - Hemswell Cliff (PAGES 83 - 111)

7. Determination of Appeals

(PAGES 112 - 121)

8. Exclusion of Public and Press

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

9. Exempt Reports

- i) Planning Enforcement - Formal Case Update (PAGES 122 - 129)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 1 October 2024

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 11 September 2024 commencing at 6.30 pm.

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

Councillor Emma Bailey
Councillor Owen Bierley
Councillor Karen Carless
Councillor David Dobbie
Councillor Ian Fleetwood
Councillor Peter Morris
Councillor Tom Smith
Councillor Paul Swift

In Attendance:
Russell Clarkson Development Management Team Manager
Ian Elliott Development Management Team Leader
Richard Green Development Management Officer
Danielle Peck Senior Development Management Officer
Martha Rees Legal Advisor
Ele Snow Senior Democratic and Civic Officer

Also In Attendance: 10 Members of the public

Apologies: Councillor John Barrett
Councillor Sabastian Hague
Councillor Roger Patterson

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

139 PUBLIC PARTICIPATION PERIOD

There was no public participation.

140 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on Wednesday, 14 August 2024, be confirmed and signed as an accurate record.

141 DECLARATIONS OF INTEREST

The Chairman made two declarations on behalf of all Members of the Planning Committee. The first declaration was in relation to application number 00585, Baltic Mill (agenda item 6f), as the applicant was West Lindsey District Council. He confirmed that Members would hear the application with an open mind and in accordance with their training.

The second declaration was in relation to application 147738, land off Gallamore Lane, Market Rasen (agenda item 6a), in that all Members of the Committee had received an email from Tesco superstore. This would not impact their decision making process.

Councillor D. Dobbie made a personal declaration of interest regarding application number 00585, Baltic Mill, (agenda item 6f) in that he was a member of Gainsborough Town Council, a consultee for the application, however he confirmed he would hear the application with an open mind and address the matter as a Member of the Planning Committee.

The Chairman made a personal declaration regarding application number 148001, Glebe Farm, (agenda item 6e), in that he knew the applicant through other associations however had not discussed any personal matters and he would consider the application with an open mind.

142 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard from the Development Management Team Manager regarding recent updates to local and national planning policy. He explained that the Government's proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system, were still under consultation which would run until 11.45pm on 24 September 2024. An all Member workshop had been arranged for 18 September, in order that officers could capture the views of Members when responding to the consultation.

With regard to CL Design Code consultation, it was explained that the preparation of an authority wide design code was a new national requirement, brought into force through the Levelling Up and Regeneration Act 2023. All local planning authorities were required to produce a design code for their area to cover design issues commonly found across the whole authority area. The Central Lincolnshire authorities were preparing a design code which would cover the entire administrative areas of the City of Lincoln, North Kesteven and West Lindsey. There would be three rounds of consultation as the Design Code was prepared. Consultation One was the first stage of public consultation and started on 10 September 2024. It would run for six weeks, closing on Tuesday 22 October. The consultation comprised two surveys: Survey 1: Tell us about your places! was a short survey asking what people thought was special about where they lived or worked in Central Lincolnshire, and what they thought worked well in terms of the design of buildings, streets and spaces. Survey 2: Design Code Consultation1 asked more detailed questions about the content of the Design Code. It focused on key aspects of the Code such as vision, design principles and selection of area types. The consultation could be viewed at: [Design Code | Central Lincolnshire Planning Hub \(arcgis.com\)](https://arcgis.com)

143 147738 - LAND OFF GALLAMORE LANE MIDDLE RASEN

The Committee gave consideration to the first application of the evening, number 147738, seeking permission to demolish all buildings on site and erect a Class E food store and a Class E(b) coffee shop drive-thru together with access, car parking, servicing, landscaping and associated works, on land off Gallamore Lane, Middle Rasen. The Officer confirmed that pre-commencement conditions had been accepted and provided the Committee with a short presentation of the application.

The Chairman stated there were three registered speakers, and invited the first, Mr Keith Nutter, Applicant, to address the Committee.

Mr Nutter stated that through a public consultation exercise, 91% of over 400 responses had been in support of the proposal. Objections had been that the application was speculative, however, there was now a defined scheme being presented for approval. He noted that it was common for objectors to be more vocal than those expressing support, and stated it was rare for the level of support given for the proposal to be seen. He explained that the proposal could only be beneficial to the local area, creating more jobs and more sustainable options for local residents, rather than them having to travel further afield to similar food stores. In seeking the support of the Committee, Mr Nutter concluded that the people of Market Rasen had long sought to have such facilities in their area, and the proposal would fulfil that need.

The Chairman thanked Mr Nutter for his comments and explained that the second speaker, Mr Matthew Horsefield, had been unable to attend however had submitted a statement to be read on his behalf. The following statement was read aloud.

“My Name is Matthew Horsefield. I am the owner of The Advocate Arms and The Heneage Arms Businesses. I have been running the two myself for the past 10 months but been back in Market Rasen for the past 2 years. I was originally at The Advocate Arms back 12 years ago when Market Rasen was a very different place. And so to the point. The plans to build an Aldi and a Coffee shop which i believe is to be a Starbucks concerns me greatly. I do agree that another supermarket may bring needed competition to Tesco however will also impact the Highstreet which is already greatly suffering. The footfall is nothing in comparison to what it was in the past. The Highstreet looks tired and uncared for. So why would we then look at development on the outside of the main street? Even if this is from a private developer.

The Building of the Aldi and Starbucks will only mean that people will shop and drink there and park for free and never touch the high street which already has plenty of coffee shops and food retailers that offer all that is being suggested. So why do we need more of things we already have! But allow free parking at Aldi but pay and display in Market Rasen?!?! I appreciate that Tesco don't charge for parking however since the Tesco was built it was decided by the council to charge for parking which has added to the negative effect on the high street as the Market place has become the only free parking which has added to the decrease in Markets as money is then required to close the Market Place to do Markets which drives up the costs to run them!

I myself since being back have invested my own time and money into Food and Drink festivals in the Market place which have been extremely well received and also increased

the footfall through the town centre to many of the shops. I plan to run another two next year and grow this if possible to more over time with the help of the town council who i feel need more support in order to bring back regular Markets which will in turn bring more people into Market Rasen. Many Thanks”

At the conclusion of the statement, the Chairman invited the third registered speaker, Ward Member Councillor Moira Westley, to address the Committee.

Councillor Westley stated she was speaking on behalf of Market Rasen Ward Members, Town Council and residents, in support of the application. She stated that the proposal was much needed in Market Rasen, and that it would provide employment opportunities, and result in the extension of the pathway and cycleway. She welcomed the proposal and looked forward to it being realised.

The Chairman thanked all speakers and in seeking a response from Officers, it was explained that there was an amendment required to condition 14, that being that “no development must take place *above ground level...*”. Members accepted this amendment as an omission in the original report.

Members of the Committee voiced their support for the application. In response to an enquiry regarding the Community Infrastructure Levy, it was confirmed the proposal would be subject to the levy. There were concerns raised regarding the inclusion of a franchised coffee retailer on the site, noting that there were several independent coffee retailers who could see a decline in their trade as a result. In response to questions regarding the inclusion of an extended footpath and the water connections, Officers confirmed the pathway was between the site and Market Rasen rather than Middle Rasen, and that the connection to the main water course for surface water was in line with the recommendation from Anglian Water.

In relation to Biodiversity Net Gain (BNG), it was explained that the best course of action for the applicant would be to achieve the necessary 10% BNG on site, however should that not be possible, they would be required to outsource off site to achieve that 10%. Suggestions such as a seeded roof could be put to the developer, however the specifics of how that 10% would be achieved would not impact the decision making by the Committee.

A Member of the Committee enquired as to whether it would be possible to amend the hours of deliveries, and add a condition regarding the retention of disabled and family parking spaces on site. It was explained that the hours of deliveries were standard hours, however a condition regarding the parking spaces could be included.

Having been proposed and seconded, with the amendment to condition 14 noted, and agreement for the Officer to condition the parking spaces, the Chairman took the vote and it was agreed that planning permission be **GRANTED** alongside the signed and certified legal agreement under section 106 of the Planning Act 1990 (as amended) dated 17th June 2021 pertaining to:

- £5000 for the processing of the alteration to the traffic regulation order and relocation of the existing speed limit terminal signs.
- £5000 for the future monitoring of the required Travel Plan

and subject to the following conditions:

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

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

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

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

2. No development must take place until, a contaminated land assessment and associated remedial strategy by a suitably qualified person with non-technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. (Outcomes must appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

e) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

f) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

g) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

h) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

i) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration to accord with the National Planning Policy Framework and local policy and S56 of the Central Lincolnshire Local Plan 2023.

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

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

Reason: To restrict disruption to the highway and the living conditions of the neighbouring dwellings and surrounding area from noise, dust and Page 50 vibration to accord with the National Planning Policy Framework and local policy S47 and S53 of the Central Lincolnshire Local Plan 2023.

4. No development must take place until construction details and position of a 1.8 metre wide footway, to connect the development to the existing footway network on the north and south side of Gallamore Lane has been submitted and agreed in writing by the Local Planning Authority. The works must include appropriate arrangements for the management of surface water run-off from the highway. No operation of the site must take place unless the footpath has been fully completed, in strict accordance with the approved scheme.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property to accord with the National Planning Policy Framework and local policy S21 and S47 of the Central Lincolnshire Local Plan 2023.

5. No development must take place unless details including the position to improve the public highway by means of a pedestrian refuge island have been submitted and approved in writing by the Local Planning Authority. No operation of the site must take place until the refuge island has been completed in strict accordance with the approved details and certified complete by the Local Planning Authority.

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

6. No development must take place unless evidence to demonstrate that the biodiversity value attributable to the development must exceed the pre-development biodiversity value of the onsite habitat by at least 10% (in compliance with metric trading rules), has been

submitted to and agreed in writing 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 evidence meeting the 10% Biodiversity Net Gain policy requirement and to increase the Biodiversity Value of the site or by Page 51 providing off site enhancements to accord with the National Planning Policy Framework and local policy S61 of the CLLP

7. No development hereby permitted until a written Habitat Management and Maintenance Plan [HMMP] in accordance with the evidence approved in condition 7 of this permission is submitted to and approved in writing by the Local Planning Authority. The HMMP must relate to all proposed habitats on site and must be strictly adhered to and implemented in full for a minimum of 30 years following an initial completion period. The HMMP must contain the following:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering/monitoring the [HMMP];
- c) the details of funding, resources and mechanisms for long term delivery of the [HMMP].
- d) the planned habitat creation and enhancement works for the initial completion period to create or improve habitat.
 - i. Explanation as to how climate change models (RCP 8.5) have impacted management, species selection and/or provenance.
 - ii. Explanation as to how soil sampling has impacted creation/enhancement of grassland habitats or any habitat creation on previous arable/contaminated land.
 - iii. Explanation as to any legal requirements associated with protected and or invasive species on site.
- e) the management measures to maintain habitat for a period of 30 years from the completion of development;
- f) the monitoring methodology and frequency in respect of the retained, created and/or enhanced habitat
- g) the mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

Reason: To ensure an appropriate management and maintenance plan is approved to accord with the National Planning Policy Framework and local policy S61 of the CLLP

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

8. 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:

- 7536/67 Rev G dated 7th August 2024 – Site Plan
- 7536/68 Rev G dated 7th August 2024 - Site Plan with Landscaping
- 7536/69 Rev J dated 7th August 2024 - Site Plan with Landscaping

- 7536/70 Rev A dated 1st May 2024 - Supermarket Floor and Roof Plan
- 7536/71 Rev A dated 9th November 2023 - Supermarket Elevation Plans
- 7536/72 Rev A dated 1st May 2024 - Drive-Thru Elevation, Floor and Roof Plans
- 7536/73 Rev C dated 7th August 2024 - Site Section Plans
- 7536/74 Rev E dated 7th August 2024 - Hard Landscaping Plan
- 7536/77 dated October 2023 - Location Plan
- 4672 01 Rev M dated December 2020 - Landscape Masterplan
- 4672 02 Rev H dated 12th August 2024 - Landscape Boundary Sections

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

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

9. No operation of the development hereby approved must take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development to accord with the National Planning Policy Framework and local policy S47 of the Central Lincolnshire Local Plan 2012-2036.

10. No development above ground level must take place until details of a scheme for the disposal of surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority.

The scheme must:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site; Page 53
- provide attenuation details and discharge rates which shall be restricted to 2 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No operation of the site must occur until the surface water drainage has been fully completed in strict accordance with approved scheme. The approved scheme must be retained and maintained in full, in accordance with the approved details.

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

11. No development above ground level must take place until details of a scheme for the disposal of foul water from the site and a plan identifying connectivity has been submitted to and approved in writing by the local planning authority. No operation of the site must occur until the foul water drainage has been fully completed in strict accordance with approved scheme. The approved scheme must be retained and maintained in full, in accordance with the approved details.

Reason: To ensure adequate foul water drainage facilities are provided to serve the buildings on the site and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy S21 of the Central Lincolnshire Local Plan 2023.

12. The proposed development must at all times be operated in strict accordance with the noise mitigation measures identified on page 14 of the Noise Impact Assessment (NIA) dated 12th February 2024 by Hepworth Acoustics and the acoustic fencing identified on hard landscaping plan 7536/74 Rev E dated 7th August 2024.

Reason: To protect the amenity of the adjacent neighbour from undue noise to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023.

13. The proposed development must be completed in strict accordance with the recommendations listed in Section 3.2 (Project Champion), Section 4.2 (General Good Practice Measures) and Section 5.0 (Site Clearance Methods) of the Great Crested Newt Non-Licensed Method Statement by Morbaine Ltd dated May 2024.

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 2023.

14. No development above ground level must take place until details of the position of 3 bat boxes as per the recommendations of the Bat Roost Survey Report (BRS) by Morbaine Ltd dated June 2024 has been submitted to and approved by the Local Planning Authority. The approved boxes must be retained as such thereafter.

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 2023.

15. Apart from the bat boxes approved in condition 13 above, the development hereby approved must be completed in strict accordance with the mitigation measures in section 4.2 of the Bat Roost Survey Report (BRS) by Morbaine Ltd dated June 2024. All mitigation measures relating to the operational phase of the development must be retained as such

thereafter following the completion of the construction phase.

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 2023.

16. The development hereby permitted must be carried out in strict accordance with the details set out in the submitted Energy and Sustainability Statement (Revision 1 (ref:Z61062)) dated 1st March 2024.

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of policies S6 and S8 of the Central Lincolnshire Local Plan 2023.

17. Prior to occupation of the development 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 Energy and Sustainability Statement (Revision 1 (ref:Z61062)) dated 1st March 2024 and approved in writing by the planning authority.

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of policies S6 and S8 of the Central Lincolnshire Local Plan 2023.

18. No external lighting must be installed on the site outlined in red on location plan 7536/77 dated October 2023 unless lighting details have been submitted to and agreed in writing with the Local Planning Authority. Such details are a lighting report with an illustrated light spill diagram and operational hours of all lighting. The development must adhere to the agreed lighting plan thereafter.

Reason: To restrict disruption from light spill on the living conditions of the neighbouring dwelling and the open countryside to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

19. No operation of the site must take place until details to permanently close the existing accesses off Gallamore Lane have been submitted to and agreed in writing by the Local Planning Authority. The closure of the two accesses must be completed within seven days of the new access being brought into use and in strict accordance with the approved scheme.

Reason: To reduce to a minimum, the number of individual access points to the site, in the interests of road safety to accord with the National Planning Policy Framework and local policy S47 and S53 of the Central Lincolnshire Local Plan 2023.

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

20. No deliveries must take place on the site between the hours of 23:00 and 7:00.

Reason: To restrict sleep disturbance from vehicle, human and delivery noises on the neighbouring dwelling during the hours stated to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023.

21. The retail store must not operate outside of the following hours:

- 8:00 and 22:00 on a Monday, Tuesday, Wednesday, Thursday, Friday and Saturday
- 9:00 and 18:00 on a Sunday

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023.

22. The coffee drive thru building must not operate outside of the following hours:

- 6:00 and 22:00 on a Monday, Tuesday, Wednesday, Thursday, Friday and Saturday
- 9:00 and 18:00 on a Sunday

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023.

23. No flues, vents or fans used for the extraction of food/cooking smells must be installed on the site outlined in red on location plan 7536/77 dated October 2023.

Reason: To protect the amenities of nearby properties and the locality from unacceptable odour nuisance to accord with the National Planning Policy Framework and local policies S53 of the Central Lincolnshire Local Plan 2023.

24. The proposed site outlined in red on location plan 7536/77 dated October 2023 must only be used for the purposes of retail and for a coffee drive thru (Use Class E(a) and E(b)). Any other uses including those within Class E (c, d, e, f and g) of the Town & Country Planning (Use Classes) Order 1987 as amended, are prohibited without the express planning permission of the Local Planning Authority.

Reason: To protect the amenities of nearby properties and to restrict the site from inappropriate uses in accordance with the National Planning Policy Framework, local policies S5 and S53 of the Central Lincolnshire Local Plan 2012-2036.

25. The gross internal floorspace of the foodstore hereby permitted must not exceed 1,802 square metres. The net sales area of the foodstore hereby permitted must not exceed 1,315 square metres. Whilst the combination of the net sales area devoted to the sale of convenience and comparison goods must not exceed 1,315 square metres, no more than 85% (or 1,118 square metres) must be used for the sale of convenience goods and no more than 25% (or 329 square metres) must be used for the sale of comparison goods.

Reason: To protect the vitality and viability of established centres in accordance with the National Planning Policy Framework and local policy S35 of the Central Lincolnshire Local Plan 2023.

26. 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 oil tanks or gas tanks must be placed within the curtilage of the building(s) hereby approved without the express planning permission of the Local Planning Authority.

Reason: In the interests of energy efficiency to accord with policies S6 and S8 of the Central Lincolnshire Local Plan 2023.

New Condition requested by committee and delegated to case officer to create:
The development hereby approved must include 8 family and 8 disabled off street parking spaces as identified on plans 7536/67 Rev G dated 7th August 2024, 7536/68 Rev G dated 7th August 2024 and 7536/69 Rev J dated 7th August 2024. The family and disabled parking spaces must be retained as such thereafter.

Reason: To ensure an acceptable mix of standard, family and disabled off street car parking spaces are available to customers to accord with the National Planning Policy Framework and local policy S49 and S53 of the Central Lincolnshire Local Plan 2023.

144 00420 - LAND TO THE NORTH OF 40 LODGE LANE NETTLEHAM

The Committee heard from the Development Management Team Leader regarding planning application number 00420, seeking permission for the construction of a specialist 65-bedroom dementia care home (Use Class C2) together with associated car and cycle parking, structural landscaping and amenity space provision, being a variation of conditions 3 and 6 of planning permission 145433 granted 10 February 2023, to allow shorter footpath link to serve the approved care home, on land to the North of 40 Lodge Lane, Nettleham. It was explained that further correspondence had been received from the agents for the applicant, stating that the provision of a footpath was not included in the original plans and there was no requirement for connectivity from the care home to the rugby club. The Officer also noted that the speed limit for a section of road detailed in the report was 40mph not 60mph as stated in the report. Additionally, he highlighted to Members that the only aspect of the application under consideration was the variation of the two stated conditions, numbers three and six.

Following a short presentation from the Officer, the Chairman invited the only registered speaker, Councillor Angela White, Nettleham Parish Council, to address the Committee.

Councillor White stated the objections of the Parish Council to the removal of the condition. She highlighted the importance of a footpath, with the road in questions being unsafe for pedestrians. She stated the lack of streetlighting, the liability of the road to flooding, meaning pedestrians walked in the road to avoid large puddles, and the current use of the road by residents and visitors to the area as being proof that a footpath was very much needed. She stated that by her measurements, the length of required pathway in question was less than 100m, with the given distance of 226m being the total length including existing footpaths. Having provided photographs to be shown to Committee Members, Councillor White noted the proximity of the entrance to a bridleway, which was frequently used by walkers, as well as demonstrating the length of the unpathed section of road. She requested that the Committee support local residents and retain the requirement for the footpath to be made.

The Chairman thanked Councillor White and invited a response from Officers. It was highlighted that there would be a pavement from the care home into the village, providing a safe route for care home staff, residents and visitors, and Members were reminded of the tests for appropriateness of conditions.

On inviting comments from Committee Members, there was general understanding of the concerns from the Parish Council and residents. Members requested to be shown the photographs of the area again, seeking to confirm the location of the footpath and how it would interact with the development. A Member of the Committee highlighted the specific objections from the Highways Agency, noting that the Committee had a duty to take professional opinions into account. On that basis, it was proposed that the variation to conditions be refused.

The Development Management Team Manager clarified the six tests for appropriateness of conditions, with Members confirming their understanding and assurance that the conditions did meet those six tests.

Having been seconded, the Chairman took the vote and it was unanimously agreed that permission be **REFUSED** on the basis that the 1.8m wide footway was necessary to ensure residents had a well-designed, safe and convenient access to existing infrastructure and the wider network. The condition was therefore necessary, reasonable and relevant to ensure that the proposed development was compliant with policy S48 of the Central Lincolnshire Local Plan, and policy D2 of the Nettleham Neighbourhood Plan which required integration and connection with the existing network and rights of way.

145 00360 - LAND AT 2 SCHOOL LANE GRAYINGHAM

The Committee considered the third application of the evening, that being application number 00360, for the erection of 1no. dwelling with associated access on land at 2 School Lane, Grayingham. With no updates from the Officer, there was a short presentation in which it was noted that the application was before the Committee as Grayingham Parish Meeting referred to the development, in cumulation with the dwelling (147469) previously approved to the east, and would now constitute a 'multiple' infill development and would not meet with Policy S1. It was the Officer's opinion that it was a single infill development, being sited in between the host dwelling and the dwelling which was now substantially constructed, and would meet with the definition of an infill within the glossary of the Central Lincolnshire Local Plan.

The Chairman noted there were three registered speakers, the first being Mr Geoff Boothby, representative of the Grayingham Parish Meeting. Unfortunately Mr Boothby had not been able to attend and so had been permitted to submit a written statement. The following statement was read aloud on his behalf.

"On behalf of Grayingham Parish Meeting, I would like to present the following comments for this committee to consider while determining the Application.

At a parish meeting held to discuss this application, about 50% of the homes in Grayingham were represented at that meeting or tended apologies sending their comments to the parish for submission, all comments received were against granting permission for this second dwelling based on the following:

Impact on the character of Grayingham; Planning policy defines Grayingham as a settlement not listed elsewhere in this policy and goes on to state '...of such hamlets, development will

be limited to single dwelling infill'. Within the last seven months a 'single infill Dwelling' on Land, also associated with No.2 School Lane was granted permission, it is currently under construction. We believe that this dwelling should be taken into account when determining this new application. In our opinion, the developer has exploited the single infill policy by submitting this second application to achieve what is becoming a 'multiple infill' development. This is creating a cramming effect, not in keeping with the surroundings. It will significantly change the rural open feel of School Lane, creating a character more like an urban development in what is a rural settlement in the open countryside. It is disappointing the developer didn't have a more sympathetic approach, involving the community of their intentions, up front, as this area of land was always considered to attract maybe one or two suitably spaced dwelling in the future.

Grayingham relies on the NPPF & Central Lincolnshire Local Plan 2023 Policies to provide the controls on development in these settlements; These policies should ensure the characters of small rural settlements are retained. That character being the very reason many residents came & wished to continue living here.

Grayingham is not considered a sustainable location for further new developments. There is very little work within the Parish & a lack of facilities to meet the day-to-day needs of residents.

Access and issues with School Lane: Highways Safety, School Lane at a width of only 2.5 metres, is extremely narrow with risks involved when larger vehicles turn into school lane only then do they find no suitable turning area up the lane, thus have to reverse back down the lane & out on to Low Road 'blind'. This occurs often, particularly with delivery vans & drivers unfamiliar with the Grayingham. Previously this has resulted in one resident nearly being knocked down, having to jump out of the way of the reversing vehicle. Note that Grayingham has no actual footpaths just verges of varying widths throughout the settlement. Another resident who lives on Low Road near the junction with School Lane had their parked car damaged by a vehicle reversing out 'blind' on to Low Road. Although the proposed dwelling will have a private turning space for their own smaller vehicles, these spaces are 'private' will not help larger vehicles turn round to exit the lane in a forward direction. Note - The one letter of support, although not sent to the parish, referenced that 'highway safety not a problem' that's because they had a large access & turning space on their property for their delivery vehicles.

Foul water Infrastructure: Grayingham residents are very concerned about the effect more growth will have on the existing capacity of our utility services; particularly with reference to the sewerage infrastructure. Resident living close to the Grayingham sewerage pumping station, see road tankers visiting to remove excess volume when the pumping station is unable to cope, it often is in winter & during periods of heavy rainfall. Parish suggests the sewerage infrastructure may be already over its design capacity. We understand that Grayingham had only a total of 20 dwellings in 1971 when the Mains Sewerage System was installed, we don't know what the actual designed capacity is in terms of number of dwellings, we do know that it now has over 130% more properties connected to the system today. Severn Trent Water advise the system should 'theoretically' cope with the current number of dwellings in Grayingham; In practice this theory has been proved incorrect as problems are witnessed by residents who have experienced foul water backing up in their drains when heavy rainfall occurs, the parish believe rainfall has not been factored in to the theory. This results in STW, particularly in wintertime, needing to assist the Grayingham

Pumping station to empty by using road tankers, but often don't or cannot respond to the situation fast enough. Building more dwellings will just make matters worse.

Thank you for this opportunity to address the planning committee.”

The Chairman invited the second speaker, Kate Kelly, Agent for the Applicant, to address the Committee. She stated that the site was an existing garden area for number 2 School Lane and met the definition of infill, was within the existing development and did comply with policy. She highlighted that all policies had been met, there had been no concerns raised from the Highways Agency, and that public concerns regarding the problems with the lane would remain whether the dwelling was there or not. She stated that disruptions during the construction phase would be kept to a minimum, as the intention was for the dwelling to be built quickly. It was also highlighted that the drainage plans for the recently constructed property had been approved and a similar approach would be taken with this proposal. She highlighted the letter of support which had been received, stating that the land had been used as a car breakers' yard, meaning the proposal would have no greater detriment than previous uses of the land. She thanked the Committee for their time and requested support for the Officer recommendation to approve.

The third and final speaker, Mr David Harrison, was invited to address the Committee.

Note: Councillor K. Carless left the Chamber at 7:32pm

Mr Harrison thanked the Committee for the opportunity to speak, and stated his support for the comments from the Parish Meeting. He recognised that Members could only deal with the application that was placed before them, however stated his belief that there was the intention of building more dwellings, with each one being applied for individually to fulfil the criteria of infill construction. He requested Members to be sympathetic to the concerns of residents, highlighting that should the area be developed in such a piecemeal manner, it would detract from the character of Grayingham, and it would be preferable for the full intentions to be clear from the outset, meaning the development could be designed in a manner to compliment the existing area. Mr Harrison demonstrated the spread of the site on the maps shown to the Committee, suggesting to the Committee the space for additional builds to be requested. He reiterated the risk this posed to Grayingham, not that new construction should be restricted, but that it should be undertaken in an open manner with the design approved as a whole. He repeated his understanding that Members needed to address the proposal as it was presented to them, however he again requested that they consider the use of the land as whole, rather than piecemeal development.

Note: Councillor K. Carless returned to the Chamber at 7:35pm

The Chairman thanked all speakers and, on inviting Members of the Committee to offer comments, there were concerns raised regarding the pumping station and whether it was fit for purpose. Officers highlighted that the drainage hierarchy was being followed and it was not for the developer to resolve existing concerns. In response to queries regarding the suggested piecemeal approach, it was confirmed that there was a variety of styles and designs in Grayingham and therefore there was no obvious style to be adhered to.

Members expressed their recognition of the concerns raised by Mr Harrison, however also agreed that they could only address the proposal that was presented to them. Therefore,

having been moved, seconded and voted upon it was agreed that planning permission be **GRANTED** subject to the following conditions:

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

1.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:

- Location Plan 708. 01 Rev B;
- Scheme Floor Plans and Elevations 708.04 Rev C;
- Scheme Block Plan 708.03 Rev B;
- External Materials Sheet;
- All received 11th May 2024.

The work, including proposed materials shall be carried out in accordance with the details shown on the approved plans.

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

3. The Biodiversity Gain Plan shall be prepared in accordance with the Ecological and Biodiversity Net Gain Statement dated August 2024 and prepared by ESL Ecological Services.

Reason: To ensure the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990.

4. The development hereby approved shall proceed in accordance with the surface water and foul drainage details submitted as part of the application, as shown on plan reference 708.03 Rev B. 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.

5. The development hereby permitted shall be carried out in full accordance with the details set out in the submitted Energy Statement by G Reports received 08/02/2024 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).

6. 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 Energy Statement by G Reports received 08/02/2024 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).

7. The proposed landscaping hereby approved as shown on drawing no.708.03 Rev B shall be carried out in the first planting season following the occupation of the extension and any landscaping which within a period of 5 years from the completion of the development dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

8. The development hereby permitted shall proceed in strict accordance with the recommendations contained within Section 6 of the Ecological Appraisal by ESL dated August 2024.

Reason: In the interests of protected species in accordance with Policies S60 and S61 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

9. 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:

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting 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. 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 2023.

146 148165 - LAND ADJACENT TO GRANGE FARM, SANDY LANE, TEALBY

The Committee considered planning application number 148165, seeking permission to erect 2no. dwellings on land adjacent to Grange Farm, Sandy Lane, Tealby. There were no updates from the Officer however it was noted that a recommended condition had been missed regarding dropped kerbs. Following a presentation of the application, the Chairman invited the registered speaker, Mr Liam Riggall, Agent for the Applicant, to address the Committee.

Mr Riggall thanked the Committee for their time and stated that he found the Officer's report to be well-considered. He provided a brief summary of the application, highlighting that the proposal for the new dwellings enabled a much improved layout and would be far more energy efficient than simply attempting to convert the existing building. He stated that the removal of the existing building, with the replacement of new, would be far more in keeping with the aesthetics of the area, providing clear betterment and enhancement of the site. He highlighted that the development which would be possible under the existing Class Q permission would not provide the same level of betterment, nor abide by the newly updated policies, in the way the application under consideration would be able to. He again thanked the Committee and requested that they support the Officer recommendation to grant approval.

The Chairman thanked Mr Riggall for his time, and with no further comments from the Officer, invited Members of the Committee to speak.

On the basis of what was considered to be an obvious betterment of the site, when compared with the plans under Class Q provision, Members were content with the proposals. Having been moved, seconded and voted upon it was agreed that planning permission be **GRANTED** subject to the following conditions:

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

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

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

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

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

- Details of the size, species, planting arrangement and position of all trees, hedgerows and other vegetation to be planted in accordance with the details in the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for 'Land off Sandy Lane, Tealby' (KJ Ecology Ltd June 2024) and Drawing No. LDC4041-201B dated 09/08/2024)

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

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

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

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

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Drawing No. LDC4041-201B dated 09/08/2024, LDC40923-202 Rev B dated February 2024 and LDC40923-200 Rev B dated 08/08/2024. 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 in the interests of proper planning.

4. No development, other than to foundations level shall take place until the following external materials (including the colour finish, type and manufacturer details) have been submitted to and approved in writing by the local planning authority:

- Roofing Materials.
- Details of Window and Doors including section drawings at 1:20 scale.
- Rainwater Goods.
- A 1 metre square sample panel of the proposed new stonework/brickwork, showing the coursing of the stonework/brickwork, colour, style and texture of the mortar and bond of the stonework/brickwork shall be erected on site for inspection and shall be retained on site until the new development is completed.
- A metre square panel of pointing with the specification identified.

The development shall thereafter be constructed in accordance with the approved details and retained as such thereafter.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the locality in accordance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

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

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with Policy S21 of the Central Lincolnshire Local Plan.

6. New hardstanding shall be constructed from a porous material and shall be retained as such thereafter.

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

7. The development hereby permitted shall be undertaken in accordance with the details set out in the submitted Energy Statement (Lincs Design Consultancy dated 03/05/2024) unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt this includes the standards set for the performance of the fabric of the building, the utilisation of air source heat pumps, solar panels and mechanical ventilation with heat recovery.

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

8. Prior to occupation of the dwellings hereby permitted, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement (Lincs Design Consultancy dated 03/05/2024) 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.

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

- Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for 'Land off Sandy Lane, Tealby' (KJ Ecology Ltd June 2024)

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

10. No development, other than to foundations level shall take place until details of the position of the bat bricks and bird boxes, as per the recommendations of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for 'Land off Sandy Lane, Tealby' (KJ Ecology Ltd June 2024) has been submitted to and approved by the Local Planning Authority. The approved bat bricks and bird boxes must be installed prior to occupation of the site and retained as such thereafter.

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

11. 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 and the water environment as recommended in accordance with Policy S56 of the Central Lincolnshire Local Plan and the National Planning Policy Framework

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

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

13. All planting and turfing approved in the Biodiversity and Landscape Management Plan under condition 2 shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or hedging which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure the site is visually softened by appropriate methods in accordance with the National Planning Policy Framework and Policies S53 and S57 of the Central Lincolnshire Local Plan.

14. Notwithstanding the provisions of Classes A, AA, B, C, D, E, F, G, H of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the buildings hereby permitted shall not be altered or extended (including the installation of solar panels), no new windows shall be inserted, no porches, no outbuildings, no hard surfaces, no chimneys and flues, no microwave antenna and no new gates, walls or fences shall be erected unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of the proposed dwelling/the resulting amount of space around the proposed dwelling and to safeguard the character and appearance of the host dwelling(s) and its surroundings in accordance with the NPPF and Policy S1, S5 and S53 of the Central Lincolnshire Local Plan.

Note: Councillor D. Dobbie left the Chamber at 7:53pm

147 148001 - GLEBE FARM BARN FEN ROAD OWMBY BY SPITAL

The Committee considered the next application, number 148001, seeking permission for the conversion of existing barn building to 1no. dwelling including erection of extension and new garage, boundary features and access gates, at Glebe Farm Barn, Fen Road, Owmbly by Spital, Market Rasen. There were no updates from the Officer. During the course of the presentation Members heard that the barn was considered to be a non-designated heritage asset as it was listed on the Lincolnshire HER, and dated back to the mid-19th century. The proposal went beyond the 'minimal alterations' requirement of Part A, criteria b of Policy S5 of the Central Lincolnshire local Plan, however significant weight was given to the fact that the conversion would bring back into use a non-designated heritage asset as well as securing its long-term use.

Note: Councillor D. Dobbie returned to the meeting at 7:55pm

With no speakers registered, the Chairman invited comments. There was overall support for proposal, with Members noting the design and approach had been consulted on, with the proposed design being preferred over previous options.

Having been moved, seconded and voted upon, it was agreed that planning permission be **GRANTED** subject to the following conditions:

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the details as shown on the approved plans and any other document forming part of the application:

- OMS/01 Site Location Plan
- OMB_02 Rev B Proposed Floor Plans
- OMB_03 Rev A Proposed Block Plan
- OMB_04 Rev B Proposed Elevations

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

3. No development, other than to foundations level on the proposed extension shall take place until details and samples (where stated) of the following materials have been made available on site for inspection and agreed in writing with the Local Planning Authority. The

proposed development shall only proceed in accordance with the approved materials.

- Details of the reclaimed Brickwork, fencing and gates to be used in the boundary treatments; Page 140
- Specifications of Roof Tiles;
- All new external cladding– Samples to be made available on site for inspection;
- Specifications of all new windows (including roof lights), doors (including garage door), glazing and joinery details at a scale of 1:20, including colour and finish;
- Rainwater goods.

Reason: In the interests of visual amenity and to ensure the materials used are appropriate in this sensitive setting in accordance with Policies S53 and S57 of the Central Lincolnshire Local Plan 2023 and the NPPF.

4. No development other than to foundation level on the proposed extension shall take place until full details of foul and surface water drainage (including the results of percolation tests) has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

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.

5. The development hereby approved must only be carried out in accordance with the recommendations set out in the Bat Roost and Nesting Bird Potential Survey by Delta Simons dated April 2024.

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

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

Reason: To safeguard the fabric and appearance of the host building, a non- designated heritage asset in accordance with Policies S53 and S57 of the Central Lincolnshire Local Plan 2023.

7. No development other than to foundation level on the proposed extension shall take place until full details until a scheme of ecological enhancements, including the provision of Bat and Bird Boxes and the Owl nest box have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and Policies S60 and S61 of the Central Lincolnshire Local Plan.

8. Prior to the first occupation of the dwelling hereby permitted, a scheme of landscaping including details of the size, species and position or density of all trees and hedges to be planted, shall be submitted to and approved in writing by the Local Planning Authority. All planting comprised in the approved details of landscaping shall at the latest be carried out in

the first planting season following the occupation of the relevant dwelling; and any landscaping which within a period of 5 years from the completion of the development dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the visual impact of the development on the area is minimised and in the interests of providing biodiversity enhancements in accordance with the requirements of Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

9. 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:

10. 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, windows, additions or enlargement of the dwelling, or additional buildings within its curtilage, unless planning permission has first been granted by the local planning authority.

Reason: To allow the Local Planning Authority to appropriately assess the visual impacts of any alterations to the development in accordance with Policies S53 and S57.

148 00585 - BALTIC MILL LAND, BRIDGE STREET, GAINSBOROUGH

The Committee gave consideration to the final application of the evening, application number 00585, seeking approval for the demolition of the remaining Baltic Mill wall on Baltic Mill Land, Bridge Street, Gainsborough. It was explained that since the report was published, a consultation response had been received from the Environment Agency. Whilst they had no objections to the application, they had advised that the applicant would require a Flood Risk Activity Permit due to the proximity of the site in relation to the River Trent. In the event permission be granted, an informative advising the applicant on how to obtain a permit would be added to the decision notice. Additionally, a 'no objection' response had been received from Gainsborough Town Council. The Officer summarised that the application proposed to demolish the remaining south flank wall of Baltic Mill. Structural issues with the wall had come to light since the granting of the landscaping scheme, meaning that the proposed landscaping could affect the stability of the wall. Members received a short presentation on the application.

With no registered speakers, the Chairman thanked the Officer and invited comments from Members. Councillor D. Dobbie reiterated his declaration from earlier in the meeting and stated that, on the basis of the application as presented to the Committee, the proposal was

entirely reasonable.

Having been moved and seconded, the Chairman took the vote and it was unanimously

RESOLVED that approval to **GRANT** planning permission (subject to conditions) be delegated back to officers to issue a decision once the re-consultation period on changes to the site location / red line ownership plan had expired.

149 DETERMINATION OF APPEALS

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

The meeting concluded at 8.02 pm.

Chairman

SITE LOCATION PLAN REF 147672 LAND OFF SYKES LANE, SAXILBY



PROPOSAL: Outline planning application for residential development of up to 100no. dwellings, including new junction to Sykes Lane, estate roads and associated infrastructure with all matters reserved.

LOCATION: Land at Sykes Lane
Saxilby
Lincoln
Lincolnshire

WARD: SAXILBY Cllr Mrs Jackie Broadway and Cllr Paul Lee

WARD MEMBER(S):

APPLICANT NAME: Mr G Hotchkin

TARGET DECISION DATE: Extension of Time to 10.10.2024

CASE OFFICER: G. Backovic

Recommended Decision: Defer and delegate approval to officers subject to completion of a Section 106 legal agreement (that delivers affordable housing , plots for self-build and custom housing and financial contributions towards education, medical and highway safety measures) and imposition of planning conditions

Description and Proposal:

The application site covers approximately 7.17 hectares of agricultural land on the north western rural fringe of Saxilby. There are existing dwellings running along the entirety of the eastern and southern boundaries of the site. There is agricultural land to the west and north beyond Church Lane. The entirety of the site is allocated for residential development by the Central Lincolnshire Local Plan with an indicative capacity of 134 dwellings.

This application seeks outline planning approval for up to 100 dwellings. The means of access; appearance, scale, layout and landscaping are reserved for subsequent planning applications.

The following documents have been submitted in support of the application:

- Flood Risk Assessment.
- Ecological Appraisal.
- Arboricultural Impact Assessment
- Transport Assessment
- Travel Plan
- Landscape and Visual Statement
- Phase 1 Contamination Risk Assessment

- Energy Statement
- Geophysical Survey Report
- Drainage and Maintenance Strategy
- Biodiversity Net Gain Statement
- Biodiversity Metric Calculation Tool
- Earthwork Survey

Screening/EIA Assessment:

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development.

Representations

Saxilby with Ingleby Parish Council:

The application site is allocated in the Central Lincolnshire Local Plan (CLLP) which was adopted in 2023. Policy S80: Housing Sites in Large Villages identified Land off Sykes Lane, without any meaningful engagement with the community. Saxilby with Ingleby has already had 366 dwellings and further allocations have been identified without any detailed work on the impact to our infrastructure. The allocation is not accompanied by a detailed site-specific policy in the Local Plan therefore we believe that a community-led masterplan for the site is appropriate at a reserved matters stage.

Although this is an outline application, there is material supporting this application for those issues that normally accompany a full planning application. This is leading to some confusion within the community about what they should be commenting on. There are a number of unacceptable infrastructure impacts for the village. The outline planning application itself is not detailed enough in terms of how it seeks to resolve these impacts.

Highways and Access

Firstly, highway capacity and access to the development site is not sufficient in terms of providing a free-flowing and safe highway. The Transport Assessment document submitted highlights that by 2028, the A57/Mill Lane junction will be at, or near capacity, this is only four years away and does not include the other twelve dwellings and other possible infill sites over the next four years. This is not forward planning. It does not detail the required mitigation necessary to compensate for the direct traffic impact arising from the site.

Drainage The drainage report that accompanies the application is not detailed enough in terms of its direct impacts and any mitigation that is needed to reassure residents that there will be no flooding or drainage issues from this development. The recent developments of Ingleby View (133 dwellings) and Church Fields and Saxilby Heights (233 dwellings) and gives a total of 366 dwellings built in the village within the last five years. Since these developments, there has been no updated baseline assessment of the impact from these sites on the social infrastructure to the village including schools, healthcare, retail, and green spaces.

Furthermore, there is also outline planning permission for twelve dwellings (also classed as major development) on another site identified in the Central Lincolnshire Local Plan (CLLP) with no change to the infrastructure of the village. The concentration of the development focuses on the northern part of the village where there are small rural 'lanes' not higher standard 'roads'. In addition, these sites are further away from the village centre, and they have no retail or community facilities to support the growing number of residents in this part of the village. Saxilby is classed as a 'larger village' in the CLLP and already acts as a hub to provide services to nearby smaller satellite villages

In the CLLP, Policy S35: Network and Hierarchy of Centres, Saxilby is identified as Tier 4, but does not have a sufficient quantum of community facilities in relation to the development of the area. The Saxilby with Ingleby Neighbourhood Plan is currently under review and the draft Design Code and Housing Need Assessment is due this month (February). Once these are available, we hope they can be used to further shape and influence the development of this site. The National Planning Policy Framework (2023) supports early engagement and encourages applicants to engage with the local community. So far, there has been no formal engagement with the community from the agents. The parish council would like to work with the developers to highlight the infrastructure concerns, in order for suitable mitigation to be planned.

We believe the proposed development conflicts with:

1. National Planning Policy Framework 2023 115 Impact on Highway Safety ,Saxilby with Ingleby Neighbourhood Plan polices:
2. NDP Policy 1 Housing Mix
3. NDP Policy 2 Design of New Developments including sub paragraph (i)incorporate flood resilience and resistance measures including, where appropriate Sustainable Urban Drainages Systems.
4. NDP Policy 11: Minimising the Impact of Development on the Natural Environment
5. NDP Policy 12: Green Infrastructure
6. NDP Policy 14: Open Spaces, Sports Facilities and Recreational Facilities
7. NDP Policy 16: Existing and New Non-Vehicular Routes
8. NDP Policy 17: Traffic and Movement around the village

Planning Obligations

The parish council requests a meeting with the applicant to discuss the application, s106, and facilities required at the north end of the village such as retail and recreational, if the application were to be approved.

Public Meeting

The parish council facilitated a public meeting on the 30 January 2024. Over fifty residents attended to share their views on the proposed development. The key issues raised from this meeting were:

- Heritage concerns. Previously a ridge and furrow field with an old 'well' in the centre
- The village cannot cope with anymore houses • Sewage capacity - with present issues at the Water Recycling Treatment Works how will it cope? • Flooding - more building will lead to more flooding
- Dykes are blocked
- Education- local children are not guaranteed a place at the primary school • Education - There is limited choice for secondary education due to schools being in Lincoln city
- Medical services – local GP's cannot register any new patients
- Hedgerows - should have been protected but have been cut down by some new residents
- The poor condition of Church Lane - road surface and footpaths
- Traffic around the village - the need to consider a one-way system
- Traffic assessment needed • Car parking and congestion around the village and school
- The Coop store car park is not sufficient for the number of residents using the store. During peak times it is very difficult to park.
- Play areas - only one play area in the centre of the village
- Lack of facilities in the north part of the village including retail and community facilities
- A57/ Mill Lane Junction capacity. Queues and congestion. Dangerous junction at peak times
- Church Lane junction and parking around the church/nursery

The outline application is not acceptable due to the overall impact on the existing infrastructure and lack of evidence and information to satisfactorily address issues raised by residents, the parish council, and other stakeholders. The strong concern highlighted by residents at a public meeting and the high number of online comments on the planning portal supports these concerns. Saxilby with Ingleby Parish Council

respectfully request for it to be called in to West Lindsey District Council Planning Committee for a decision. Saxilby with Ingleby Parish Council's position is this planning application should be refused.

Local residents:

Objections have been received from:

1a; 11, 14 39 43 Sykes Lane; 1 Kenilworth Lane

31, 102 Mill Lane, 66 Manor Road 14 West Bank 3 St Botolphs Close

7 Meadow Rise, 20 The Sidings, 6 South Parade, The Oaks, Broadholme Road,

6 Northfield Rise 1 New Cottages 18 Cecil Street Ingleby 17 Frank Ford Close:

3 Lambert Place 91 High Street 48 Meadow Rise

Summary of comments below with full details available to view on website

Sykes Lane has suffered significant flooding in the past 20 years, most recently this autumn. This flooding is due to drains being overwhelmed by rainwater and infrastructure not being maintained. New developments along Church Lane put too much strain on the dated sewage system which spills over from the drains onto low lying properties during adverse conditions. Another development would only make matters worse. We have to put up with Anglian water tankers emptying a not fit for purpose sewage works on a single track road.

Traffic flow through the village at peak times is already at standstill leading to a very dangerous junction on to the A57. The GP surgeries cannot cope with any more patients. it's virtually impossible to get an appointment The village school is at bursting point.

This threatens this tranquillity of one of the only remaining areas of the village to have not been built up. The local facilities are nowhere near adequate for a village the size of Saxilby - the local shops are constantly overwhelmed which is great for business but not so much for people using the facilities including the inadequate parking.

I've lived on Sykes Lane for over 25 years. I've seen do many changes in the village over that time. What I have failed to see is the improvement in the roads, the amenities, the congestion and the support for wildlife. I've failed to see the infrastructure support the thousands of people who now live here. The failure of first-time buyer homes. I've 5 children. None can afford to stay in the village.

The original beauty of the north side of the village has now gone, what compensation have we got for the long-term damage?

Loss of land to wildlife

Saxilby Health Centre 85 Sykes Lane:

Our services are already at breaking point and both surgeries cannot cope with the influx of patients into the area. The funding into primary care is dropping every day

and therefore the answer would not be to just employ more staff as there is no funding to allow

us to do so. This would also have a big impact on the road infrastructure at our surgery site. Our services are already overstretched, and we would not cope with an influx of potentially 400 additional residents in the area.

Active Travel England: Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application.

Lincolnshire Police: No objections with advice on: Layout; Footpaths, Dwelling Frontages, Perimeter; Gates; Landscaping; Parking provision; letter plates; intruder alarms; utilities; public open spaces; Reference is also made to Building Regulations and the Police Secured by Design Award Scheme.

LCC Highways and Lead Local Flood Authority:

10.06.2024 No Objections

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.

Recommendation for no objection subject to the below conditions and S106 requests.

Metaling of the existing Public Right of Way on the southern boundary.

A frontage footway link on Sykes Lane, connecting to the site access.

A scheme of 3 passing places (local carriageway widening) along Church Lane.

A scheme of tactile crossing points at the following junction on Sykes Lane; Ashfield Grange, The Rowans, Western Avenue, Torksey Avenue and the junction with Sykes Lane and the High Street.

Section 106 requests:

- Speed limit alterations and signage works on Sykes Lane and Church Lane - £2300
- £125,424 to provide 2 x 6 month bus passes per household, 12 months of bus passes per household in total.

Comments:

There is no precise definition of "severe" with regards to NPPF Paragraph 115, which advises that "Development should only be prevented or refused on highways

grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications.

This application has an acceptable drainage strategy in principle subject to detailed design.

Therefore, the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

Highway safety

Acceptable impact, subject to highway safety improvements and mitigation.

The proposed development triggers the need to extend the speed limit on Sykes Lane and Church Lane.

Highway capacity

Acceptable impact on the network, submitted transport assessment is a fair and reasonable representation of the developments impact on highway capacity, and it is not considered objectionable.

Travel Plan

Submitted as part of the application, requires a condition.

Site Layout

A reserved matter and not for consideration as part of this application.

Flood Risk and Drainage

Surface water flood risk is to be mitigated by an on-site sustainable drainage system subject to detailed design at a later stage. The submitted strategy is acceptable in principle and ensures that surface water discharge from site is at a limited rate and therefore reduces the impact on the receiving watercourse when compared to the current situation of unrestricted greenfield run-off.

Off-Site Improvements

Detailed above and in the below conditions.

Planning Conditions:

These require:

A construction management plan and method statement to be submitted for written approval; Details of surface water drainage to be approved; 2 metre wide frontage footway to connect to existing network; 3 passing places on Church Lane; Metaling of existing right of way; Tactile crossings on junctions with Sykes Lane; Commencement of proceedings with the Highways authority for a Traffic Regulation Order for a 30mph speed limit extension on Sykes Lane and Church Lane; roads and footways to be at finished surface level prior to occupation of dwellings; Travel Plan submission for written approval and subsequent implementation; A S106 sum of £2300 is requested for the speed limit alterations and signage works on Sykes Lane and Church Lane, in the interests of highway safety. A S106 sum of £125,424 is requested to provide 2 x 6 month bus passes per household, 12 months of bus passes per household in total, in the interests of promoting sustainable travel and to reduce the dependency on car travel.

Witham Internal Drainage Board

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water system.

The Board has no objection to the proposed development provided it is constructed in accordance with the Flood Risk Assessment, noting the proposed attenuated discharge of 28.5l/s. Also as identified in section 4.1 the proposals must include appropriate future maintenance of the roadside watercourse to ensure the Syke Lane Flood Alleviation Scheme operates as intended.

Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act. 1991, the prior written consent of the Lead Local Flood Authority (Lincolnshire County Council) is required for any proposed works or structures in any watercourse outside those designated main rivers and Internal Drainage Districts. At this location this Board acts as Agents for the Lead Local Flood Authority and as such any works, permanent or temporary, in any ditch, dyke or other such watercourse will require consent from the Board.

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority. This includes the surface water flood area identified in the Flood Risk Assessment.

Note on Flood Risk Assessment

In addition to being able to discharge via Hardwick Drain under gravity to Fosdyke Navigation the normal discharge is via Sykes Lane Branch to Torksey Syke Pumping Station where it is pumping into the Fosdyke Navigation.

Strategic Housing:

Should the proposal be acceptable, the application would trigger an affordable housing obligation of 20% under Policy S22 of the adopted Central Lincolnshire Local Plan (April 2023) as the site falls within Value Zone B. Given the indicative dwelling number, this would equate to 20 affordable housing units, and it is noted that the proposals include the provision of 20% affordable housing on the site. The details of the appropriate mix of affordable property types would require agreement with the Council at the reserved matters stage. The distribution of the affordable housing units across the site would also need agreement, and it should be noted that Policy S22 requires the affordable housing to integrate seamlessly into the site layout amongst the private housing.

A Section 106 agreement would be required in order to secure the affordable housing obligation. Following the introduction of the governments First Homes policy, the Councils preferred tenure split for a site is:

25% First Homes

15% Shared Ownership

60% Affordable Rent.

It should be noted that Policy S22 applies a maximum value price cap to a First Home of £179,000 after the necessary 30% discount is applied, with this figure being adjusted annually in April.

The proposal also includes the provision of 5% of the dwellings as serviced plots for self-build or custom build homes, as required by Policy NS24 of the Local Plan. The applicant is encouraged to have further discussions with Strategic Housing regarding the affordable housing requirement for the site as the proposals progress.

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applicant is encouraged to have further discussions with Strategic Housing regarding the affordable housing requirement for the site as the proposals progress.

LCC Education and Cultural Services

Please see below table in relation to the number of places required and available in local schools from/for the proposed development:

Type	Children produced by scheme	Sufficient places available 2026/27 (Y/N/Partial)	Places to be mitigated	Contribution sought
Primary	30	N	30	£ 594,405
Secondary	16	N	16	£0
Sixth-form	6	N	6	£0
			Total	£ 594,405

Please note, where an application is outline, a formulaic approach will be taken in a section 106 agreement, this may result in a higher contribution if a high proportion of large houses are built. This would be finalised at the reserved matters stage. All section 106 agreements should include indexation using the Tender Price Index of the Royal Institute of Chartered Surveyors Building Cost Information Services (RICS BCIS TPI).

The above contributions would be spent on the following:

Type	Amount	Scheme
Primary	£594,405.00	Education provision at Saxilby primary school
Secondary	£436,021.44	N/A - CIL
Sixth-form	£163,508.04	N/A - CIL

Following the removal of Regulation 123 from the Community Infrastructure Levy Regulations on 01 September 2019, requests for items formerly on a Regulation 123 list are now permitted.

House Type (if known)	No of Properties	PPR Primary	Primary Pupils	PPR Secondary	Secondary Pupils	PPR Sixth Form	Sixth Form Pupils
Unknown	100	0.30	30	0.1611	16.11	0.060	6
Total (rounded down)	100	-	30	-	16	-	6

Capacity is assessed using the County Council's projected capacity levels at 2026/27, this is the point when it is reasonable to presume that the development would be complete or well on the way.

Type	Local School/School Planning Area	Pupils generated	Sufficient places available 2026/27 (Y/N/Partial)	Places to be mitigated
Primary	Saxilby Primary School	30	N	30
Secondary	Lincoln North Secondary planning area	16	N	16
Sixth-form	Lincoln North Secondary planning area	6	N	6

As the development would result in a direct impact on local schools, a contribution is therefore requested to mitigate the impact of the development at local level. This is a recognisable and legitimate means of addressing an impact on infrastructure, accords with the NPPF (2019) and fully complies with CIL regulations; we feel it is necessary, directly related, and fairly and reasonably related in scale and kind to the development proposed in this application. The level of contribution sought in this case is in line with the below table.

Type	Places to be mitigated	Contribution per place*	Sub-total	Local multiplier **	Lincolnshire contribution per place	Total contribution requested
Primary extension	30	£19,425	£582,750	2.00	£19,813.50	£594,405
Secondary extension	16	£26,717	£427,472	2.00	£27,251.34	£436,021.44***
Sixth-form extension	6	£26,717	£160,302	2.00	£27,251.34	£163,508.04***
Total	-	-	£1,170,524	-		£594,405

* Current cost multiplier per pupil place based on National Cost Survey ** to reflect Lincolnshire's average build cost compared to national average ***amounts for indicative purposes only, request reduced to £0 in line with Developer Contributions Supplementary Planning Document. We would suggest the s.106 monies are paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability. Please note the County Council retains the statutory duty to ensure sufficiency of school places and this includes capital funding provision of sufficient places at maintained schools, academies, and free schools. We would invest the funding at the most appropriate local school(s) regardless of their status but ensure the s.106 funding is used only to add capacity as this is the only purpose for which it is requested.

NHS Lincolnshire Integrated Care Board

Impact of new development on GP Practice

The development is proposing up to 100 dwellings which, based on the average of 2.3 people per dwelling for the West Lindsey District Council area, would result in an increase in patient population of 230. The calculations below show the likely impact of this new population in terms of number of additional consultation time required by clinicians. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Service.

Consulting room GP

Proposed population	230
Access rate	5260 per 1000 patients
Anticipated annual contacts	$0.230 \times 5260 = 1209.80$
Assume 100% patient use of room	1210
Assume surgery open 50 weeks per year	$1210/50 = 24.2$
Appointment duration	15 mins
Patient appointment time hrs per week	$24.2 \times 15/60 = 6$ hrs per week

Treatment room Practice Nurse	
Proposed population	230
Access rate	5260 per 1000 patients
Anticipated annual contacts	$0.230 \times 5260 = 1209.80$
Assume 20% patient use of room	242
Assume surgery open 50 weeks per year	$242 / 50 = 4.839$
Appointment duration	20 mins
Patient appointment time hrs per week	$4.839 \times 20/60 = 1.6$ hrs per week

Therefore an increase in population of 230 in the West Lindsey District Council area will place extra pressure on existing provisions, for example- extra appointments requires additional consulting hours (as demonstrated in the calculations above.) premises, with extra consulting/treatment room requirements.

GP practice(s) most likely to be affected by the housing development

Due to the fact that patients can choose to register at any practice that covers the area of the development, and there are no waiting lists for patients, all practices that provide care for the region that the development falls within are obliged to take on patients, regardless of capacity. The development will impact The Glebe Practice and Trent Valley Surgery as the development is within their catchment area.

Issues to be addressed to ensure the development is acceptable

This development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands. NHS Lincolnshire Integrated Care Board (LICB) wishes for the Section 106 contribution from the development of up to 100 dwellings on Land at Sykes Lane, Saxilby, Lincoln to contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the Trent Primary Care Network (PCN) at The Glebe Practice and/or Trent Valley Surgery. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

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The strategic direction both nationally through the development of PCNs and locally through the Sustainability Transformation Plan is to provide primary care at scale, facilitating 100% patient population primary care and services delivered in the community in an integrated way. Included within the PCNs this is the introduction of additional roles to enhance the delivery of primary care, including a Clinical Pharmacist, Physiotherapist and Social Prescriber. Nationally the NHS Long Term Plan, published in January 2019, seeks to improve the quality of patient care and health outcomes. The plan builds on previous national strategies, including the General Practice Forward View (2016), includes measures to:

- Improve out-of-hospital care, supporting primary medical and community health services.
- Ensure all children get the best start in life by continuing to improve maternity safety including halving the number of stillbirths, maternal and neonatal deaths and serious brain injury by 2025.
- Support older people through more personalised care and stronger community and primary care services.
- Make digital health services a mainstream part of the NHS, so that patients in England will be able to access a digital GP offer.

The Glebe Practice and Trent Valley Surgery are within the LICB Trent PCN where the housing is being developed; there is a huge variation in the type; age and suitability of premises within the PCN of the planned development.

Fairly and reasonably related in scale and kind to the development

	Average list size per GP	Required m2	£ per m2	Total cost	£ per person
GP team	1,800	170	2,300	£391,000	217
GP furnishings	1,800			£20,000	12
					229
Contingency requirements @ 20%					46
Total per resident					275
Total per dwelling (resident x 2.3)					632.50

The table above shows the contribution formula which is based on the needs of a Primary Care Health Team and associated administration support. By applying average national list sizes to these groups and identifying the required area and furnishings, a total cost of £275 per patient is determined. This figure is multiplied by 2.3 (the average number of persons per dwelling for West Lindsey District Council) to provide a funding per dwelling of £632.50.

Financial Contribution requested

The contribution requested for the development is £63,250.00 (£632.50 x 100 dwellings). Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified above.

Trigger Point

After reviewing the practice response regarding their capacity to accommodate the increase in patient numbers arising from this development, it's requested that the trigger point for the release for funds for health care be set at payment of all monies upon completion of 50 percent of the dwellings for each phase of the development. This will ensure the practices are not placed under undue pressure. To ensure that there is sufficient time carry out the works and allow the s106 funds to be spent in the most appropriate way, a repayment period of 10 years from receipt of the final payment transfer (for the entire development) to the relevant NHS body will be required.

Lincolnshire Wildlife Trust:

The Preliminary Ecological Appraisal that accompanies the proposal gives several recommendations for subsequent ecological documents to ensure the development meets the relevant local and national legislation for environmental protection and enhancement.

Section 6.2 covers elements related to Biodiversity Net Gain (BNG), now a requirement under the Environment Act 2021 and Policy S61 of the Local Plan. The baseline, pre-development habitat units, including any and all existing trees and hedges would need to be assessed using the latest DEFRA Biodiversity Metric and the UK Habitat assessment required by the metric. A habitat management and monitoring plan will also be required to ensure created habitats meet the conditions need to attain the required biodiversity units and managed for the full 30-year period. This is additional to the species-specific mitigation and enhancement measures described in 6.2.5-6.2.9 which would be included in a subsequent Construction Ecological Management Plan (CEMP) or equivalent document.

The proposed site plan includes large areas to use used for surface water attenuation. This area can contribute to the above requirements and may be seeded with an appropriate wetland mix to reflect the damper soil conditions. Details for this should be included in a Landscape Ecological Management Plan (LEMP) or equivalent document as well as details of native planting throughout the site.

Sustrans ("Walking, wheeling and cycling charity, and the custodian of the National Cycle Network")

Sustrans have been in consultation with Saxilby and Ingleby Parish Council following on from an Active Travel Feasibility Study between Lincoln and Torksey to improve all aspects of Active Travel along this corridor. Sykes Lane was highlighted as a candidate for Quiet Lanes treatment due to the quiet nature of its design, its recreational use by many people, the two existing nature reserves and the low traffic and speed count of motorised vehicles. Lincolnshire CC and the Parish Council have also shown initial support of this desire. It is Sustrans opinion that Section 106 monies could be utilised to pay for this Quiet Lanes desire and cover the consultation, detailed designs and interventions required to create this re-appropriation of Sykes Lane into a Quiet lane.

If this request were to be ignored then Sykes Lane could risk becoming a 'Rat Run' for the new residents wishing to travel towards Torksey and Gainsborough and the

tranquility of the road would be ruined for the current, and any future users. Saxilby with Ingleby Parish Council will be making direct representation regarding this request, and it should be included in any planning meetings and consultations moving forward.

Saxilby Sports Hub: I am writing to you as a volunteer of Saxilby Sports Hub.

Saxilby Sports Hub is a volunteer-run non-profit unincorporated association along with the Saxilby Recreation Charity, that is responsible for the upkeep and maintenance of the Memorial Recreational Field in Saxilby, which has been the main sports facility in the Village since it opened in 1921.

Saxilby is a very active community with a great sporting history and the Field is the central 'hub' to the Village which offers facilities for all age groups. The Field plays host to the Village Tennis Club, Bowls Club, football teams, cricket teams and also a children's equipped play area, skate park as well as being a large green open amenity space for everyone to enjoy. As well as hosting our neighbouring village Spaandam from The Netherlands every other year for a fun filled football weekend.

The benefits of sporting activities are well known and increasingly recognised, including social, mental and physical health. Everyone here involved in Saxilby Sports Hub is passionate about retaining the sporting facilities within the village and ensuring they remain available for future generations and new residents to enjoy, as they have for years.

The Parish Council is the consultee for the Village for new planning applications, however Saxilby Parish Council are no longer involved in the running of the Memorial Recreation Field. We do not receive any regular funding to cover the costs of maintaining the Field or assets the sports teams need, and are continually exploring potential funding avenues and grants. We have recently started to operate the Pavilion Sports Bar for a few hours on Friday afternoon/early evening for local school children and their parents to enjoy refreshments while playing in the park, and multiple sports training nights on Fridays, as well as a social gathering for the retired and those after a working week. This is staffed entirely by unpaid volunteers, to raise funds to help keep the sporting facilities available for the benefit of the community.

As sporting facilities are a vital part of our community and these will be available and enjoyed by residents of the new development off Sykes Lane, I would like to request that some of the s106 planning gain is made available to the Saxilby Sports Hub for the future upkeep of the Field and its facilities. This will go towards multiple projects. We need cricket nets, a lawn mower to be able to cut the football field and also the cricket wicket, football goals, the tennis club needs new fencing due to safety, resurfacing the courts, floodlights and a new clubhouse. All quotes are available for your viewing if required.

Environment Agency: The Environment Agency does not wish to make any comments on this application. It does not appear to fit any of the criteria on our consultation checklist, 'When to consult the Environment Agency'

Principal Ecology and Wildlife Officer: The BNG can be delivered by the suggested condition.

LCC Archaeology:

07.06.2024: I can confirm that the results of the archaeological evaluation have demonstrated that it is unlikely that any significant archaeological remains will be impacted by the proposed development. No further archaeological input is required for the proposed development.

04.03.2024: I am happy with the geophysics report provided, it does not indicate the presence of any archaeological remains besides the medieval ridge and furrow. However, the applicant will need to undertake predetermination archaeological evaluation by trial trenching to confirm the reliability of the geophysics results and to establish the presence/absence, significance, character, depth and date of any potential archaeology present. The archaeological contractor will have to provide our department a Written Scheme of Investigations (WSI) which we will need to approve before works commence.

29.12.2023: The site lies in an area of known ridge and furrow earthworks, which are remnants of a medieval form of cultivation. There is also evidence of an enclosure (HER: MLI124920) on the western edge of the site, the function of which is unknown. The earthwork survey supplied with the planning application provides a record of the ridge and furrow earthworks but does not give a definitive answer to the function of the enclosure and its relationship with the ridge and furrow earthworks. The origin and function of this enclosure will need to be investigated further.

The ridge and furrow earthworks may also be masking evidence of earlier archaeological features. The proposed development comprises residential development consisting of 100 dwellings and associated works including landscaping, drainage, roads and services. Groundworks associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss.

Recommendation: Currently there is insufficient site-specific archaeological information on the site and given the scale of the development, I would recommend that further evaluation is necessary to inform an appropriate planning recommendation and if necessary, a fit for purpose mitigation strategy for this site. I recommend that applicant provide the results of a geophysical survey for the full site area. The results of this will inform a trial trench evaluation which will be required prior to determination. This will aim to identify the presence/absence, significance, character, depth and date of any archaeology present within the site and provide clear evidence for an appropriate mitigation strategy if necessary and if consent is subsequently granted. Trenching results are necessary to test the reliability of the geophysics results and are also essential for effective project risk management if permission is granted. Failing to adequately evaluate a site of this nature at an early stage could lead to unnecessary destruction of heritage assets, potential programme delays and excessive cost increases that could otherwise be avoided. I believe that this is necessary to allow an informed planning recommendation and should be

undertaken to meet the requirements of the National Planning Policy Framework (NPPF) paragraphs 200 and 211.

Anglian Water:

Assets Affected There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Wastewater Treatment The foul drainage from this development is in the catchment of Saxilby Water Recycling Centre that will have available capacity for these flows.

Used Water Network

This response has been based on the following submitted documents: FRA Nov 23 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

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 the Saxilby With Ingleby Neighbourhood Plan (Made 8 May 2017).

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

S4: Housing Development in or Adjacent to Villages

S6: Design Principles for Efficient Buildings

S7: Reducing Energy Consumption – Residential Development

S12: Water Efficiency and Sustainable Water Management

S21: Flood Risk and Water Resources

S22: Affordable Housing

S23: Meeting Accommodation Needs

NS24: Custom and self-build Housing

S45: Strategic Infrastructure Requirements

S47: Accessibility and Transport

S51: Creation of Open Space, Sports and Leisure Facilities

S53: Design and Amenity

S60: Protecting Biodiversity and Geodiversity

S61: Biodiversity Opportunity and Delivering Measurable Net Gains

S80: Housing Sites in Large Villages

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

Relevant policies of the NP include:

Policy 1 Housing Mix

Policy 2 Design of New Developments

Policy 4 Allocation of Affordable Housing

Policy 11: Minimising the Impact of Development on the Natural Environment

Policy 12: Green Infrastructure

Policy 14: Development along the Fosdyke Canal

Policy 16: Existing and New Non-Vehicular Routes

Policy 17: Traffic and Movement around the village.

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

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

National policy & guidance (Material Consideration)

National Planning Policy Framework (NPPF)

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

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).

A review of the existing Saxilby with Ingleby Neighbourhood Plan is currently being prepared by the Saxilby with Ingleby Parish Council. The review is expected to conclude in 2025 and at this stage with no draft policies to examine no weight can be attached to it.

Main Considerations:

- Principle of Development:
- Highway Safety:
- Drainage
- Visual impacts on site and wider landscape
- Affordable Housing
- Infrastructure Requirements and Contributions:
- Open Space
- Custom and Self Build Housing:

- Biodiversity and Net Gain:
- Climate Change
- Historic Assets:

Assessment:

Principle - Policy S80 Housing Sites in Large Villages of the Central Lincolnshire Local Plan (Adopted in April 2023) allocates the site which is identified as "WL/SAXI/004, Land off Sykes Lane" primarily for residential development." The indicative number of dwellings identified over the plan period is 134. It also identifies a number of site specific requirements:

- Development will need to assess drainage and surface water flood risk on the site;
- Provide a frontage footway connecting to the existing footway on Sykes Lane;
- Access to be provided at south east corner or if access it to be provided via Sykes Lane it will require widening and may require footpath provision.
- Design to be sensitive to the local rural context and in keeping with the local vernacular.

As the application simply seeks outline consent with all matters including access reserved for future applications the first bullet point is assessed in the drainage section below. The last 3 bullet points would be addressed by future planning applications.

It is noted that Parish Council objects to the development on the grounds of it being contrary to policies within the Neighbourhood Plan. Addressing the policies in turn:

- Policy 1 Housing Mix – This principally requires development to contribute a range of housing types and a mix of tenures. There will be a mix of tenures and affordable housing will be delivered on this site and this is discussed later in this report.
- Policy 2 Design of New Developments – This is a matter that is not capable of detailed consideration at this stage and would be determined following submission of an application for approval of reserved matters, as scale, appearance and layout are all reserved. This is similar to the requirement for design to be sensitive to the local rural context and in keeping with the local vernacular set out by policy S80.
- Policy 4 Allocation of Affordable Housing. The section 106 legal agreement that delivers affordable housing will include an allocation criteria.
- Policy 11: Minimising the Impact of Development on the Natural Environment. This policy is not considered applicable as the principle of development of the site has already been established by its allocation in the Central Lincolnshire Local Plan. Any subsequent reserved matters applications will need to accord with the policy.

- Policy 16: Existing and New Non-Vehicular Routes. These details are not provided or considered by this application which simply seeks approval to the principle of development. Access is reserved for subsequent approval.
- Policy 17: Traffic and Movement around the village. This requires transport impacts to be identified and acceptable. This has been done and has been addressed later in this report.

In conclusion it is considered that the proposals would not be contrary to the Neighbourhood Plan.

It is further noted that a large number of objections have been received to the application principally objecting on the grounds of existing "inadequate" infrastructure and some questioning the principle of any additional development in Saxilby.

Section 11 of the National Planning Policy Framework (2023) sets out the established presumption in favour of sustainable development. " For decision making this means:

c) approving development proposals that accord with an up-to-date development plan without delay"

Central Lincolnshire Local Plan which was adopted in April 2023 is an up-to-date Development Plan. Policy S80 allocates the site for primarily residential development. This principle cannot be revisited by this application, and there are no known material considerations that would justify a significant departure from the development plan.

The dwellings are below the indicative number of 134 in the CLLP with 100 proposed which could be considered an inefficient use of land. An Arboricultural Impact Assessment (AIA) has been submitted and this has been used to inform the indicative layout together with a Landscape Visual Statement (LVS) The design and access statement helps explains the rationale for the lower density:

"The indicative masterplan submitted with the application has evolved as part of an iterative process of assessment; the layout design responds to the landscape and visual context of the site. The proposals incorporate and retain where possible existing natural features that offer valuable habitat to support biodiversity. These considerations, combined with appropriate landscape and boundary treatments, will assist in the integration of the development into the surrounding area. The mature/veteran trees and surrounding damp grassland are incorporated into the indicative layout proposals and site boundary hedgerows shown for retention. Built form is excluded from the north-western corner of the application site to respond to the analysis of key views and the landscape character. This also presents additional opportunities for Biodiversity Net Gain to meet Local Plan requirements."

The detailed information provided in the AIA and LVS reports is considered to support a lower density which is considered sufficient to outweigh "inefficient use of land" and would also help accordance with policies S53, S60 and S61 of the Central Lincolnshire Local Plan and Neighbourhood Plan Policy 11. This will be subject to imposition of a condition requiring any submission at reserved matters to reflect the indicative layout.

Detailed impacts including, highway safety, drainage, and on existing education and medical services are discussed below.

Highway Safety

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.

Lincolnshire County Council have considered the submitted Transport assessment and associated documents submitted. It is worthwhile to repeat the conclusion "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"

The allocation has a site specific requirement for a frontage footway connecting to the existing footway on Sykes Lane and highways have recommend such a condition be imposed. Clarification has been sought from West Lindsey by the applicants as to the specific extent of the hard surfacing required "*as the request does not specify this for a route which could be interpreted as being over some considerable distance.*" This request was subsequently sent by West Lindsey to the Highways Authority and as of writing this report this response is still awaited. On this basis it is therefore considered appropriate to secure this footway by a of section 106 legal agreement.

A S106 sum of £2300 is requested for the speed limit alterations and signage works on Sykes Lane and Church Lane, in the interests of highway safety.

The sum of £125,424 to provide bus passes per household has been challenged by the applicant on the basis that it is not clear how it will be used to secure public transport in Saxilby against the well established methods advocated by Travel Plans. This is noted.

The request for tactile crossings is noted but not considered reasonable or necessary to make the development acceptable as they are proposed at existing junctions located to the east with no direct connection to the site. The indicative proposal includes a footpath connection to Church Lane to reflect current walking patterns in the area, whereby Sykes Lane and Church Lane are used.

The parish councils concerns in relation to the future capacity of the A57/ Mill Lane are acknowledged and this junction was modelled in the submitted Transport Assessment which showed that whilst maximum capacity would be approached in 2028 it would nevertheless remain within available capacity.

A Travel plan also forms part of the submission to reduce dependence on the car.

Subject to the imposition of certain conditions requiring the improvements specified to be completed before occupation of any dwellings it is considered that no harm would arise to highway safety, and it would be in accordance with policy S47.

Drainage

A Drainage Strategy has been submitted in support of the application. This shows that the site is within Zone 1 (Land having a less than 1 in 1,000 annual probability of river or sea flooding) . (Shown as 'clear' on the Flood Map – all land outside Zones 2 and 3).

The Environment Agency Long Term Flood Risk Maps show that parts of the site close to the western boundary are at risk of surface water flooding with a maximum flood depth of 0.4m during the 1% annual probability (1 in 100 chance each year) with climate change event. A dike, that forms part of the local drainage network, is located on the western boundary of the site. The indicative layout submitted with the application shows that along this boundary attenuation ponds will be located.

Mitigation measures in the Flood Risk Assessment and Drainage strategy include:

- the management of surface water so that the site and areas downstream of the site have no increase in the risk of flooding during the 1% annual probability (1 in 100 chance each year) event with 40% climate change.
- the construction of an attenuation basin close to the western boundary of the site including the associated earthworks to raise ground levels;
- limiting the surface water discharge rate to 28.5l/s, equivalent to the greenfield runoff value for Qbar; and
- the finished floor level of the dwellings is not less than 8.15m AOD.

It is also recommended that in addition to the minimum level identified within the drainage strategy that the finished floor level is a minimum of 0.15m above surrounding ground.

It is worth repeating the comments of the Lead Local Flood Authority:

"The submitted strategy is acceptable in principle and ensures that surface water discharge from site is at a limited rate and therefore reduces the impact on the receiving watercourse when compared to the current situation of unrestricted greenfield run-off.

Subject to the imposition of conditions requiring detailed proposals to be submitted for written approval incorporating the elements above no objections are raised from the Lead Local Flood Authority or the Internal Drainage Board. It would be in accordance with policy S21.

S12 seeks to minimise impact on the water environment of by utilising water efficiency measures including the provision of water harvesting butts and this will be secured by condition.

Design, Visual Impacts on the site and wider landscape.

These matters are not capable of detailed consideration at this stage as access appearance, scale, layout and landscaping are reserved for future consideration. Nevertheless a Landscape and Visual Statement (LVS) has been submitted in support together with an Arboricultural Impact Assessment.

The LVS states

"Whilst it is not the intention of this study to represent a Landscape and Visual Appraisal (LVA) or a Landscape and Visual Impact Assessment (LVIA), the following considerations have been assessed in the production of the report: Physical landscape features and elements; Landscape character; and representative Viewpoints and visual receptors."

It is considered worthwhile to reproduce sections from the conclusion below:

It is concluded from the baseline visual assessment that views from the wider setting in a northerly direction from the south, from the east in a westerly direction and longer distance views in an easterly and southerly direction towards the application site are screened by existing vegetation, topography and built form.

It is acknowledged, as a result of the findings of the baseline visual appraisal, that the application site and the existing residential development to the east is visible from the local setting and in particular public viewpoints to the west and north-west.

A positive approach to the location, setting, scale and topography of the site underlies the proposals with the intention of integrating the proposals into the landscape setting and providing Biodiversity Net Gain through the use of appropriate infrastructure tree, hedgerow planting which are in keeping with the character of the area."

The comments below relate to the indicative layout (drawing no 1032-3-OP-SP01) submitted in support of the application.

" The sensitive nature of the application site's location on the north-west fringe of the village of Saxilby, has been recognized during the design process for the proposed development. As a response to the principal of reducing the scale and density towards the periphery of development parcels in locations that create new edges to Saxilby and to acknowledge visual considerations and key views from the west and north-west, in particular, the development proposals exclude the positioning of residential units in the north-western corner of the application site. Units that will effectively form the outward facing north-western edge of the development have been shown at a lower density, with greater spacing and orientated and positioned in a manner to avoid a single, continuous wall of development and to acknowledge the importance of views towards St Botolph's Church.

As part of the development proposals, infrastructure tree and shrub planting including street trees will be implemented to integrate the new development into its

surroundings and reduce and mitigate against any adverse impact on the landscape setting and character of the area

and break up the massing of the built form. Substantial new tree and hedgerow planting designed to reflect the distinctive local landscape character of the area is proposed as an integral part of the proposals providing additional green infrastructure to the locality, Biodiversity Net Gain and a response to the landscape setting, allowing the development proposals to integrate into it. "

Arboricultural Impact Assessment (AIA)

Summary of potential Impacts:

- There is a group of ancient/veteran trees on site.
- 23m of boundary hedgerow will be lost.
- The proposed works are in proximity to existing trees with possible impact on roots, stems and canopies.

Summary of proposed mitigation:

- The ancient/veteran trees will be incorporated into an area of green open space to ensure no harm occurs to this irreplaceable habitat
- Mitigation for loss of hedgerows will be provided by new landscaping with approximately 47m of new hedgerow and 150 new trees
- Tree protection measures will be implemented to avoid harm to existing trees.

The case officer is in agreement with these findings, principally that the existing landscape is capable of accommodating the proposed development without significant adverse impacts arising. A condition will be imposed, however, that requires subsequent future applications to reflect the details shown on the indicative layout and the Arboricultural Impact Assessment (AIA). This would also be expected to be in accordance with the Neighbourhood Plan , Policy 11: Minimising the Impact of Development on the Natural Environment

Affordable Housing

Policy S22 requires the provision of 20% affordable housing on the site which would equate to 20 units. This has been agreed by the applicant and can be delivered through the completion of satisfactory S106 agreement. Subject to this it would be in accordance with S22.

Infrastructure Requirements and Contributions

Policy S45 requires development to be supported by and have good access to infrastructure. [refer to SPD]

Medical Services

Whilst acknowledging the objection from Saxilby Health Centre it is worthwhile to repeat some of the comments from the NHS Lincolnshire Integrated Care Board below with officer underlining:

"Due to the fact that patients can choose to register at any practice that covers the area of the development, and there are no waiting lists for patients, all practices that provide care for the region that the development falls within are obliged to take on patients, regardless of capacity. The development will impact The Glebe Practice and Trent Valley Surgery as the development is within their catchment area.

The contribution requested for the development is £63,250.00 (£632.50 x 100 dwellings). Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified above.

After reviewing the practice response regarding their capacity to accommodate the increase in patient numbers arising from this development, it's requested that the trigger point for the release for funds for health care be set at payment of all monies upon completion of 50 percent of the dwellings for each phase of the development. This will ensure the practices are not placed under undue pressure. "

On this basis, therefore, the impact of development on medical services will be mitigated by a financial contribution of £63,250.00 to cover improvements. This is to be delivered by completion of a satisfactory legal agreement under Section 106 of The Town and Country Planning Act 1990.

Education :

The County Council have requested a financial contribution of £594,405. This is intended to mitigate the impact of the demand for 30 additional school places at primary school level arising from the development. This would be paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability. It is also important to note as the County Council itself states "it retains the statutory duty to ensure sufficiency of school places, and this includes capital funding provision of sufficient places at maintained schools, academies, and free schools. We would invest the funding at the most appropriate local school(s) regardless of their status but ensure the s.106 funding is used only to add capacity as this is the only purpose for which it is requested."

This is to be delivered by completion of a satisfactory legal agreement under Section 106 of The Town and Country Planning Act 1990.

Public Open Space:

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

Appendix 3 of the CLLP details the standards for open space provision in Central Lincolnshire with regard to the quantity, quality and accessibility of open space, this is detailed in Table A3.1.

Type of Open Space	Quantity Standard	Access Standard	Quality Standard
Allotments and Community Growing Spaces Areas of land that provide opportunities for growing fruit, vegetables and other plants, either in individual allotments or as a community activity	0.31 ha per 1,000 population	1,600m walking distance	Good and above as defined by any locally agreed quality criteria
Amenity Greenspace Open spaces that are normally predominantly mown grass, but may also include areas of trees and landscaping. They may be used for a variety of informal recreational or social activities close to home or work, such as walking, sitting and passive recreation.	0.66 ha per 1,000 population	400m walking distance	Good and above as defined by Green Flag standard or any locally agreed quality criteria
Provision for Children and Young People Equipped children's play areas (LAPs, LEAP and NEAPs) Outdoor youth provision (MUGAs and skateboard parks)	0.12 ha per 1,000 population	LAP/LEAP - 400m walking distance NEAP - 1,200m walking distance	Good and above as defined by Fields in Trust standards or any locally agreed quality criteria.

Natural and Semi-Natural Greenspace Natural and semi-natural open space which have been planted or colonised by vegetation and wildlife, including woodland and wetland areas, and where the public have legal or permissive access.	1 ha per 1,000 population (which ideally meets the criteria for LNR designation in Lincoln and West Lindsey)	400m walking distance to an accessible natural greenspace of at least 2 ha 2km from home to an accessible natural greenspace 20ha in size 5km from home to an accessible natural greenspace 100ha in size 10km from home to an accessible natural greenspace 500ha in size	Good and above as defined by any locally agreed quality criteria. Areas of natural and semi-natural greenspace should support local biodiversity and take opportunities to link to the green infrastructure network.
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According to The Fields in Trust website (FIT) (previously the National Playing Fields Association (NPFA)) standards have 3 categories of equipped play areas. These are local areas for play (LAP), local equipped area for play (LEAP) and neighbourhood equipped area for play (NEAP). The main characteristics of each category are:

LAP (Local Area for Play) The LAP is a small area of open space specifically designated and primarily laid out for very young children to play close to where they live.

LEAP (Local Equipped Area for Play) The LEAP is an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live.

NEAP (Neighbourhood Equipped Area for Play)

Table 3: Open Space Quantity Standards

Open Space Provision Type	Quantity Standard
Allotments and Community Growing Spaces	0.31ha per 1,000 population
Amenity Greenspace	0.66ha per 1,000 population
Provision for Children and Young People	0.12ha per 1,000 population
Local and Neighbourhood Parks and Gardens	0.38ha per 1,000 population
Strategic Parks and Gardens	No standard – opportunity based on opportunity and design led
Outdoor Sports Facilities (Public)	1.09ha per 1,000 population
Natural and Semi-Natural Greenspace	1ha per 1,000 population

Where household size is unknown (e.g. outline permission) the district average household size will be used (2.3).

The average occupancy levels for calculating development population are set out in Table A3.3 in Appendix 3 of the Central Lincolnshire Local Plan and replicated below.

Tables A3.2-A3.4 of Appendix 3 go on to detail thresholds and calculations for on- and off-site provision as well as average occupancy levels.

Number of bedrooms	Lincoln	North Kesteven	West Lindsey
1	1.3	1.3	1.3
2	1.9	1.7	1.7
3	2.4	2.3	2.3
4	2.9	2.9	2.8
5 or more	3.5	3.2	3.1
District average occupancy rate	2.2	2.3	2.3

Upto 100 Dwellings proposed x 2.3 : Therefore total population calculated to be 230.

TOTAL POPULATION= 230

Calculated requirement of Open Space by type:

Allotments and Community Growing Space:

$230/1000 \times 0.31 = 0.0713$ hectares or 713m²

Amenity Greenspace:

$230/1000 \times 0.66 = 0.1518$ hectares or 1518m²

Provision for Children and Young People:

$230/1000 \times 0.12 = 0.053$ hectares or 535m²

Local and Neighbourhood Parks and Gardens:

$230/1000 \times 0.38 = 0.0874$ hectares or 874m²

Outdoor Sports Facility:

$230/1000 \times 1.09 = 0.2597$ hectares or 2507m²

Natural and Semi-Natural Greenspace:

$230/1000 \times 1 = 0.1025$ hectares or 1025m²

The total requirement expressed in size is for 7172 sq.m of Green Space.

On the submitted indicative layout the amount of Green Space (including surface water attenuation areas) is approximately 17,500 sq.m. This demonstrates that the total requirement can be met. The demand generated by the development is therefore capable of being met on site which is the preferred option, and a LEAP is shown on the indicative layout.

As the requirement arising from the development is capable of being met on site the financial contribution towards the "Saxilby Sports Hub" requested is not considered necessary to make the development acceptable. Subject to the completion of a section 106 legal agreement in relation to the form, composition and delivery of Public Open Space it would accord with policy S51 of the Central Lincolnshire Local Plan.

Conclusion on strategic infrastructure requirements

As discussed above it can be concluded that these will be met subject to completion of acceptable legal agreement under Section 106 of The Town and Country Planning Act 1990

Custom and Self Build Housing

Policy NS 24: Part 3 Provision of plots on large sites: This requires proposals for 100 or more dwellings to deliver serviced plots of at least 5% of the total number of dwellings. All plots set aside for self build or custom build housing (secured via a legal agreement **or** planning condition) must include:

- a) Legal access onto a public highway
- b) water, foul drainage, broadband connection, and electricity supply available at the plot boundary.
- c) sufficient space to build without compromising neighbouring properties and their amenity and the amenity of future occupiers: and
- d) an agreed design code or plot passport

If plots remain unsold after a thorough and proportionate marketing exercise which:

- e) includes making details available to people on the custom and self build register at the Central Lincolnshire Districts: and
- f) covers a period of at least 18 months from the date at which the plots are made available (with the 18 month time frame not commencing until (i) thorough and appropriate marketing is in place and (ii) criteria (a)-(d) have been implemented):

These plots may be built out as conventional market housing subject to detailed permission being secured and the relevant District being satisfied that e) and f) have been satisfactorily concluded. This can be secured by a Section 106 legal agreement.

Biodiversity:

The application was submitted in 2023 prior to mandatory net gain being introduced and after the adoption of the CLLP. Nevertheless S61 requires the delivery a minimum of 10% BNG. A biodiversity metric calculation forms part the submission which shows the baseline units.

<i>Habitat units</i>	16.17
<i>Hedgerow units</i>	7.13
<i>Watercourse units</i>	0.00

On site habitation creation, retention and enhancement will result in 2.04 additional habitat units and 0.8 additional hedgerow units representing a 12.65% and 11.25% increase in BNG both exceeding the minimum requirement of 10%

<i>Habitat units</i>	18.21
<i>Hedgerow units</i>	7.93
<i>Watercourse units</i>	0.00

The Principal Ecology and Wildlife officer has agreed that this is capable of being delivered by use of conditions.

This will require the submission of a Habitat Management and Maintenance Plan which sets out very detailed, specific requirements relating to the delivery and ongoing maintenance of biodiversity gains for a minimum period of 30 years. A Construction Ecological Management Plan will also be required pre development to ensure existing ecology is not harmed as a result of construction works. Subject to the imposition of these conditions it would be in accordance with policies S60 and S61.

Climate Change

Policies S6 and S7 collectively seek to reduce energy consumption in all new residential development and set out design guidance. The submission of an Energy Statement is required. The principal aim is to ensure that the energy demands of new development are met by renewable energy. The target is to achieve a site average space heating demand of 15-20 kW/m²/yr and a site average total energy demand of 35kW/m²/yr. No single dwelling can have a total energy demand of greater than 60kW/m²/yr irrespective of the amount of renewable energy generation. A condition will be placed requiring an Energy Statement to be submitted with the Reserved Matters application. It would therefore be in accordance with S6 and S7.

Historic Assets

Policy S57 requires that development affecting archaeological remains should take steps to protect them. The site lies in an area of known ridge and furrow earthworks, which are remnants of a medieval form of cultivation. Following further investigations recommended by LCC Archaeology it has been determined that it would be unlikely that any significant archaeological remains will be impacted by the proposed development. On this basis it would accord with policy S57.

Conclusion and reason for decision:

The decision has been considered against policies S1 The Spatial Strategy and Settlement Hierarchy, S2 Growth Levels and Distribution, S4 Housing Development in or Adjacent to Villages, S6 Design Principles for Efficient Buildings, S7 Reducing

Energy Consumption – Residential Development, S12 Water Efficiency and Sustainable Water Management, S21 Flood Risk and Water Resources, S22 Affordable Housing, S23 Meeting Accommodation Needs , NS 24 Custom and Self Build Housing, S45 Strategic Infrastructure Requirements, S47 Accessibility and Transport, S51 Creation of New Open Space, Sports and Leisure Facilities, S53 Design and Amenity, S60 Protecting Biodiversity and Geodiversity, S61 Biodiversity Opportunity and Delivering Measurable Net Gains, and S80 Housing Sites in Large Villages of the Central Lincolnshire Local Plan 2023 and the Saxilby with Ingleby Neighbourhood Plan. Furthermore, consideration has been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Model Code.

This is an application for outline permission with all matters reserved for future consideration for up to 100 dwellings on a site specifically allocated for residential development with an indicative capacity of 134 in an up to date development plan. The need for additional school places and improvements to existing medical services have been considered in detail and are capable of being provided through financial contributions secured by legal agreements. Highway safety has also been considered and has been found to be acceptable subject to the imposition of conditions. Surface water drainage arrangements have been considered by the Lead Local Flood Authority who raise no objections. The required level of affordable housing and public open space will also be secured by legal agreements. No significant adverse impacts are considered to result and a grant of permission subject to completion of legal agreements and planning conditions is considered appropriate.

Recommendation: Defer and delegate approval to officers subject to completion of a **Section 106 agreement that provides:**

Education

A contribution of up to £594,405 to be paid on completion of 50% of the development to increase primary school capacity

NHS

A contribution of up to £63,250 on completion of 50% of the dwellings in order to contribute to the extension of existing medical facilities at the Glebe Practice and Trent Valley Surgery.

Affordable Housing

20% of the dwellings to be delivered as affordable housing. The tenure split shall be:
25% First Homes; 15% Shared Ownership and 60% Affordable Rent.

Highway Safety

£2300 for speed limit alterations and signage works on Sykes Lane and Church Lane Frontage Footway connecting to existing footway on Sykes Lane.

Custom / Self Build Housing

For 5 custom /self build plots

And imposition of the following conditions:

1. Apart from the five self-build plots an application for approval of the reserved matters for the remaining 95 dwellings must be made to the Local Planning Authority before the expiration of three years from the date of this permission. No commencement of the five self-build plots must occur until the reserved matters for the self-build plots are approved.

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

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

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

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

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

4. The reserved matters planning application submitted to the Local Planning Authority considering access, landscaping, layout, scale and appearance must demonstrate that it reflects the proposed site plan drawing no. 1032-3-OO-SP01 and the Arboricultural Impact Assessment prepared by Ecological Services Ltd dated October 2023.

Reason: This formed part of the consideration to allow a lower density and grant approval.

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

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

6. No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority.

The Plan and Statement shall include.

- the phasing of the development to include access construction
- the routes of construction traffic to and from the site
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials.
- the on-site storage of all plant and materials
- Measures to control the emission of noise, dust and dirt during construction
- Wheel Wash Facilities

Reason: In the interests of highway safety and to restrict disruption to the living conditions of neighbouring dwellings and the surrounding area from noise, dust and vibration in accordance with policies S47 and S53 of the Central Lincolnshire Local Plan.

7. No development must take place a Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented for as long as any part of the development is occupied.

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

8. No development shall commence until a surface water and foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.
- provide flood exceedance routing for storm event greater than 1 in 100 year.
- provide details of how run-off will be safely conveyed and attenuated during storms upto
and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existi

ng local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site.

- provide attenuation details and discharge rates which shall be restricted to an agreed greenfield run off rate.
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream in accordance with policy S21 of the Central Lincolnshire Local Plan.

9. No development shall take place until a written Habitat Management and Maintenance Plan [HMMP] in accordance with the Biodiversity Net Gain Statement dated January 2024 and prepared by Luke Hartley has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall relate to all 'significant' biodiversity gains on site and must be strictly adhered to and implemented in full for a minimum of 30 years following completion of the development. The HMMP must contain the following:

- a. a non-technical summary.
- b. the roles and responsibilities of the people or organisation(s) delivering/monitoring the [HMMP].
- c. the details of funding, resources and mechanisms for long term delivery of the [HMMP].
- d. the planned habitat creation and enhancement works to create or improve habitat.
 - i. Explanation as to how climate change models (RCP 8.5) have impacted management, species selection and/or provenance of woody species.
 - ii. Explanation as to how soil sampling has impacted creation/enhancement of grassland habitats or any habitat creation on previous arable/contaminated land.
 - iii. Explanation of how Hydrological surveys have impacted the creation and species selection of SUD features
 - iv. Explanation habitat creation/enhancement has included micro-topologies to maximise ecological niches.

- v. Explanation as to the selection of donor site for green hay and/or choice of seed mixes
 - vi. Explanation/specification as to any protected/notable species, mitigation, compensation and enhancement methods (such as the inclusion of beetle banks, wildlife towers, Hibernacula) within public open space.
- e. the management measures to maintain habitat for a period of 30 years from the completion of development.
- i. Explanations as to how minimum intervention management techniques have been prioritised.
 - ii. Explanation as to frequency and method of grass cutting (where grazing is not used) ensuring nutrient level and ecological niches are managed appropriately.
 - iii. Explanation as to how management allows for creation/maintenance of quality overwintering habitat.
 - iv. Explanation as to how mosaic features within each habitat type will be supported whilst ensuring habitat definitions are maintained for the 30-year period.
 - v. Explanation of methods employed to reduce/mitigate local scale anthropogenic risks (for example tree guards or restricting access)
- f) the monitoring methodology and frequency in respect of the retained, created and/or enhanced habitat to be submitted to the local planning authority for years 1, 3, 5, 10, 15, 20, 25 and 30 following the completion of the development.
- g) Reports to the Local Planning Authority should use the Natural England HMMP Monitoring report template (Word) supplemented with either an updated Statutory Metric showing gains to date or Natural England HMMP Monitoring report template (Excel). Geostamped Photo evidence must also be provided.

All reports must be submitted no later than September 1st on each reporting year

h) the mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

(Applicants are advised to use the Natural England HMMP Template found at <https://publications.naturalengland.org.uk/publication/5813530037846016>)

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with policy S61 of the Central Lincolnshire Local Plan.

10. No development shall take place on the site until a Construction Environmental Management Plan in accordance with the Arboricultural Impact Assessment dated October 2023 has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting biodiversity and the existing landscape character of the site in accordance with policies S53 and S60 of the Central Lincolnshire Local Plan.

11. Development on the site shall be in full accordance with the Flood Risk Assessment, in particular the finished floor level of the dwellings is not less than 8.15m AOD.

Reason: To reduce flood risk in accordance with policy S21 of the Central Lincolnshire Local Plan.

12. Prior to completion of development details of 3 passing places on Church Lane must be submitted to and approved in writing by the Local Planning Authority . Evidence of completion of the approved works must be submitted to and approved in writing by the local Planning Authority prior to occupation of any dwellings on the site.

Reason: In the interests of Highway Safety in accordance with policy S47 of the Central Lincolnshire Local Plan

13. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

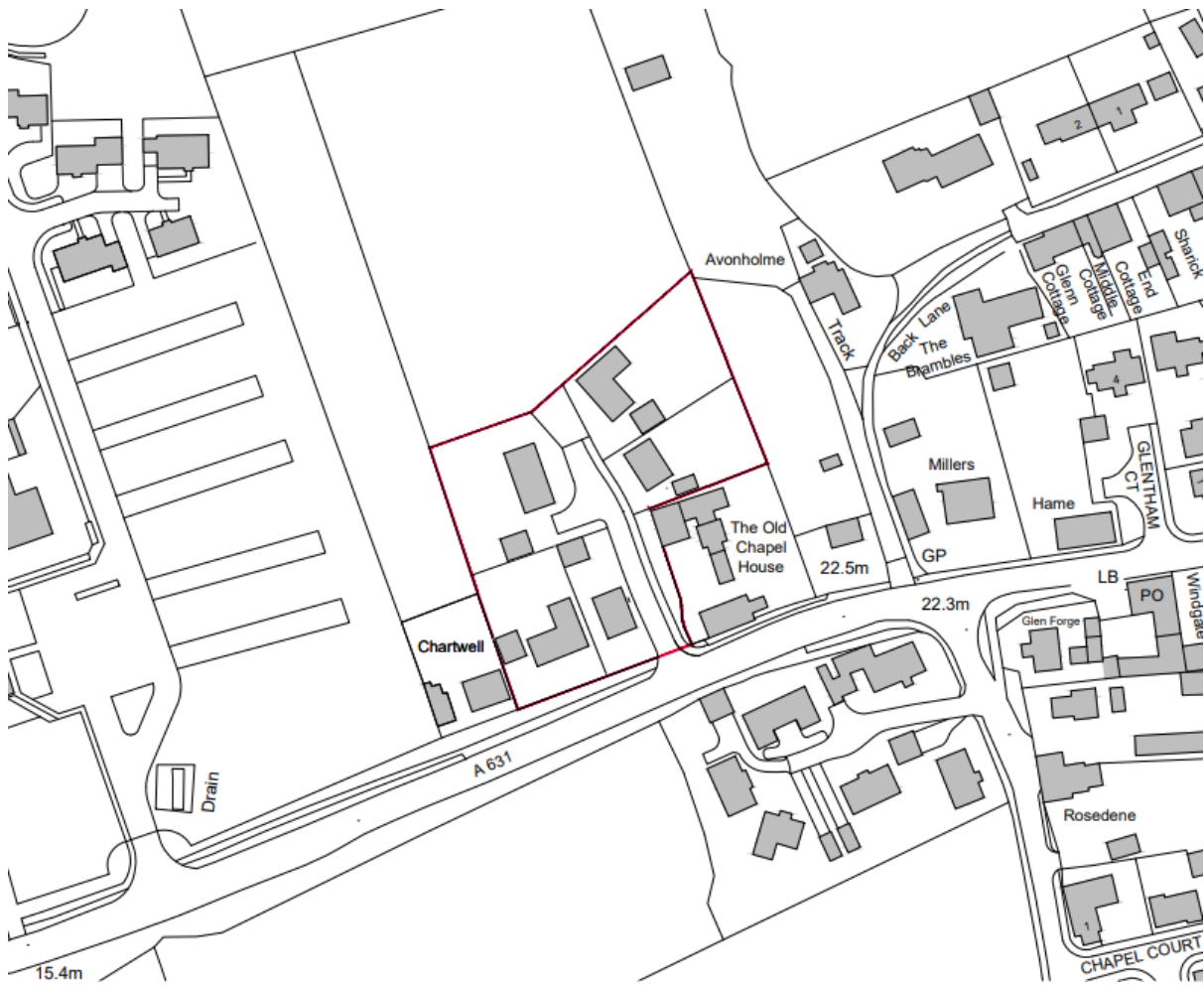
Reason: In the interests of highway safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels in accordance with policies S47 and S53 of the Central Lincolnshire Local Plan.

14. Before any dwelling is occupied it must have a rain harvesting water butt of a minimum 100 litre capacity within its garden area.

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

147755 – Land off High Street, Glenthams.

Erect 5 dwellings



Officers Report

Planning Application No: 147755

PROPOSAL: Planning application to erect 5no. dwellings with detached garages, associated access, car parking, infrastructure and landscaping.

LOCATION:

Land off High Street
Glenthams
Market Rasen

WARD: WADDINGHAM AND SPITAL

WARD MEMBER(S): Cllr Duguid

APPLICANT NAME: Mr Lawless

TARGET DECISION DATE: 14/02/2024

CASE OFFICER: Vicky Maplethorpe

Recommended Decision: Grant permission

This application has been referred to the Planning Committee due to Parish Council and neighbour objections and the development is considered a departure from the CLLP, policy S61.

Site Description and Proposal:

The application site consists of arable agricultural land with a frontage gate and hedgerow. The site frontage is located between two dwellings known as Chartwell and The Old Chapel House. The Willows garden centre is to the west of the site.

Relevant Planning History

NONE

Representations

Chairman/Ward member(s): None received

Glenthams Parish Council:

'The parish has reached its quota of housing as set out in the CLLP .
Glenthams is classed as a small village with an expected growth level of 10% which equates to 21 dwellings. 42 dwellings have already been approved, 39 of which are still outstanding. Another 5 will therefore inflate the already vastly exceeded figure.

This is a greenfield site at the edge of the settlement and is therefore not deemed an appropriate site for development.

The site is situated at the brow of a hill at the entrance to the village where there have been many reported instances of speeding. Access and egress of additional vehicles on to a site at this point would be dangerous due to poor visibility caused by the hill and the bend at the bottom.

Glenthams already has a large proportion of large 3/4 bed houses and further such properties does not satisfy the housing need in the village which is for smaller/starter homes.'

Local residents: Objections received from Chartwell; Avonholme Highfield Terrace; Old Chapel House, High Street, Glenthams.

Objections (summarised) relate to:

- legal easement rights over the land where the development is proposed
- Overlooking
- Distressing for animals
- Impact on wildlife
- Highway safety
- Noise
- Do not need any more dwelling due to lack of amenities in the village

LCC Highways and LeadNo objections. Local Flood Authority: 'The proposal is for 5 dwellings and it does not have an unacceptable impact on the Public Highway.' Request informatives.

LCC Archaeology: *'The proposed site is located in an area of archaeological potential. Since-levelled earthworks of the medieval settlement of Glenthams were located in this field. There is potential for below-ground archaeological remains relating to these earthworks in the site area. As well as this, there is a building recorded in 19th century mapping in the southern part of the site. This since-demolished building was located immediately to the west of Old Chapel House, which is thought to be a former Wesleyan Methodist Chapel. There may be some association between the two buildings. Methodist chapels sometimes had burial grounds attached, some of which are not well recorded, there may be a possibility for this to be the case here as we do not have enough information. If this were the case, there may be human remains affected by the proposed development. Groundworks of the proposed residential development will necessarily have an impact on any surviving archaeological remains.'*

'The results of the evaluation have shown that it is unlikely for there to be any further archaeological remains of significance. Therefore, no further archaeological input will be required on the application.'

Conservation Officer: None received

Date Checked: 20/9/24

Relevant Planning Policies and Legislation:

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 –**

Relevant policies of the CLLP include:

- S1 The Spatial Strategy and Settlement Hierarchy
- S4 Housing Development in or Adjacent to Villages
- S6 Design Principles for Efficient Buildings
- S7 Reducing Energy Consumption –Residential Development
- S12 Water Efficiency and Sustainable Water Management
- S20 Resilient and Adaptable Design
- S21 Flood Risk and Water Resources
- S47 Accessibility and Transport
- S49 Parking Provision
- S53 Design and Amenity
- S57 The Historic Environment
- S60 Protecting Biodiversity and Geodiversity
- S61 Biodiversity Opportunity and Delivering Measurable Net Gains
- S66 Trees, Woodland and Hedgerows

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

- **Neighbourhood Plan (NP)**

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

Parish not currently preparing NDP

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

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

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

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:

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).

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

- National Planning Practice Guidance

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

- National Design Guide (2019)

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

- National Model Design Code (2021)

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

Main Considerations:

- Principle of development:
- Design and visual amenity:
- Residential amenity
- Climate change and Energy efficiency:
- Ecology and biodiversity
- Highway safety and parking provision:
- Flood risk, Water efficiency and drainage:
- The historic environment and archaeology:

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.

Policy S1 of the CLLP provides a hierarchy of settlements within West Lindsey. Glenthams is situated within Tier 6 of the settlement hierarchy and is therefore considered a 'Small Village' which is described as a village having between 50 and 249 dwellings as of April 1st 2018. Subject to the principles in Policy S4, the development of dwellings within Tier 6 settlements is considered to be acceptable in principle providing that it meets the definition

of both an 'appropriate location' and is located within the 'developed footprint'. It is important to initially assess where the site sits within this hierarchy.

The 'developed footprint' is referenced in Policy S1 with the full definition described in the glossary (pg221) of the CLLP and is defined as a '*settlement is defined as the continuous built form of the settlement and excludes:*

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

In addition the term 'appropriate locations' is referenced throughout Policies S1 and S4, including for applications that may relate to Tier 6 of this policy. The proposed development of five dwellings in Glenthams may be acceptable in principle providing that it is located within the 'developed footprint' and is within an 'appropriate location' which is defined by the CLLP (pg220) as:

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

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

Assessing the above criteria, it is considered that the matter of whether the development is within the 'developed footprint' is finely balanced. The proposed application site is located between two established dwellings, Chartwell and Old Chapel House, alongside the now vacant The Willows Garden Centre to the west. In addition, there are also a considerable number of dwellings to the east at Glenthams Court and Highfield Terrace. The scale of the proposed development would protrude north of the adjacent dwellings but not north of The Willows Garden Centre or the aforementioned dwellings to the east. Therefore it is considered that the proposed site is located within the 'developed footprint' of Glenthams.

In order for a development to be acceptable in principle, it also would need to qualify as an 'appropriate location', the definition of which is outlined above. Based on the definition outlined above, it is considered that the erection of five dwellings in this location would retain the core shape and form of Glenthams, is proportionate in scale for its location. and would not significantly harm the character and appearance of the settlement or the countryside.

The PC have stated that 'The parish has reached its quota of housing as set out in the CLLP . Glenthams is classed as a small village with an expected growth level of 10% which equates to 21 dwellings. 42 dwellings have already been approved, 39 of which are still outstanding. Another 5 will therefore inflate the already vastly exceeded figure.' A review of the Central Lincolnshire Local Plan went through an inspectors examination which led to the adoption of the Central Lincolnshire Local Plan 2023. The inclusion of housing targets for small and medium villages was removed from the local plan therefore these figures are no longer a policy requirement of the CLLP.

For the reasons described above, it is considered that the site falls within the developed footprint of Glenthams and it is therefore considered that the proposal is acceptable in principle and accords to Policy S1 and S4 of the Central Lincolnshire Local Plan.

Visual Amenity

Policy S53 states that all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. Development must relate well to the site, its local and wider context and existing characteristics including the retention of existing natural and historic features wherever possible and including appropriate landscape and boundary treatments to ensure that the development can be satisfactorily assimilated into the surrounding area. It further states that development should contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness, and should be appropriate for its context and its future use in terms of its building types, street layout, development block type and size, siting, height, scale, massing, form, rhythm, plot widths, gaps between buildings, and the ratio of developed to undeveloped space both within a plot and within a scheme.

The application proposes 5no. detached dwelling, No.4 2 storey houses and No.1 bungalow sited within an agricultural field along High Street between two existing dwellings.

The dwellings and garage are to be constructed from:

Walls: Red brick
Roof Tile: Slate/clay tile
Windows and doors: Aluminium
Window Header and Cills: Stone
Rainwater Goods: Aluminium half round
Porch: Timber Pergola with solar blinds
Photovoltaic panels
Cladding: Timber

The dwellings in the vicinity of the site are varied in size, scale and design. The form and articulation of each proposed property is different, although do share commonalities such as the use of external materials.

The site is certainly of a size which can accommodate 5 detached dwellings therefore is not an overdevelopment of the site.

Chartwell, to the west of the site, is a two storey red brick dwelling and Old Chapel House, to the west, is a single storey dwelling with a mix of painted white brick and buff brick. Therefore it is considered that the proposed height would not be excessive when taken into context with the surrounding dwellings.

It is accepted that the dwellings would have a varying appearance to those in the immediate surroundings, being more modern in appearance. However, given the variety of styles in the area they would not unacceptably harm the character and appearance of the area.

The site is located along the A631/High Street and rises steeply as you enter the village from the west. The proposed development would be seen against the backdrop of the existing built form of the village as you enter along the A631 from the west and Plot 3 has been amended to a single storey bungalow to help reduce the impact of the new development on the landscape. The site does not occupy a prominent position within the wider landscape as views are fairly localised to when entering the village from the west. It is therefore considered that the proposed development would not unacceptably harm the character and appearance of the settlement or the wider rural setting.

It is considered that the proposed dwellings, subject to a external materials and landscaping condition, would not have an unacceptably harmful visual impact on the site, the character of the area or the surrounding street scene context in which it would be viewed and accords to the aims of policy S53 of the CLLP.

Residential Amenity

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; With regards to this the proposed dwelling and the host dwelling are situated with adequate separation distances as to not cause any unacceptable overshadowing or overlooking impacts.

Concerns have been raised by nearby residents with regards to overlooking. The dwellings that would be most affected by the proposed development are Chartwell, Old Chapel House and Avonholme.

The proposed dwellings have been designed so that they will not offer direct overlooking of the existing neighbouring properties. Specifically plot 2 has only one first floor window, serving a bathroom, facing Old Chapel House, with Plot 5 having just 1 ground floor window, serving a wc, facing south towards Old Chapel House.

Plot 1, directly to the east of Chartwell, has 1 small en-suite bathroom window at first floor level facing south west. The windows on the rear elevation of plot 1 will only offer oblique views of Chartwells rear garden. The immediate garden area of Chartwell would remain private.

The rear elevations of plots 4 and 5 face north east, towards Avonholme, a detached cottage set back from High Street. The nearest elevation of the cottage is located over 45 metres away at the closest point with the rear elevation of plot 4. This is considered a more than sufficient separation distance to not result in direct overlooking of Avonholme.

It is therefore considered that the proposed development will not offer direct overlooking of the rear garden / private amenity space of existing neighbouring properties and would not have an unacceptable harmful impact on their living conditions.

It is also considered that the proposed dwellings have been sited and designed as to not have an unacceptable harmful impact on the living conditions of the potential occupants.

Overall, the proposal accord to the aims of policy S53 of the CLLP in that the proposal will not cause unacceptable harm to neighbouring residential amenity.

Energy Efficiency

Policy S6 of the CLLP sets out 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 which uses the SAP route to demonstrate details of assured performance targets, and how the proposed development will accord with the aims of the energy policies. The statement details how the dwellings have

been considered against the design expectations of Policy S7. The report concludes 'The design of the proposed development site has been prepared to satisfy Policies S6, S7 and S8 of the Central Lincolnshire Local Plan (adopted on the 13th April 2023).

The supporting Energy Statement outlines where informed and proportionate early design decisions have been considered in accordance with best practice and targets set out in the Central Lincolnshire Energy Efficiency Design Guide (2023). The proposed development makes use of compact building forms, optimal window to external wall ratios, and a fabric first approach.

The report states that the 'proposed U-values for thermal elements are specified in line with recommendations for compliance with the Policy S7 SAP route for residential buildings and exceed the national targets set out in Part L of the Approved Documents (Building Regulations).' See table below:

	Design Element	Recommended Specification
Ground Floor	0.10 W/m ² K	≤ 0.10 W/m ² K
Walls	0.13 W/m ² K	≤ 0.13 WW/m ² K
Roof	0.10 W/m ² K	≤ 0.10 W/m ² K
Windows	0.8 W/m ² K	≤ 0.8 W/m ² K
Air Permeability	1.0m ³ /hm ²	≤ 1.0m ³ /hm ²
Ventilation	MVHR, 90% efficiency	MVHR, ≥ 90% efficiency
PV Panels	PV Panels	Designed to suit annual energy demand.

Figure 05. Proposed design elements in line with recommendations for compliance with Policy S7 SAP route.

The report also states that *'To maximise solar generation, PV panels require unobstructed access to direct sunlight and should be oriented to the south, or along a shallow E-W axis. Although south facing PV panels are more effective, it is not essential for all panels to face south. The Central Lincolnshire Energy Efficiency Design Guide (2023) notes that, generally, maximising roof area utilisation is more important than optimising panel angle and orientation. Refer to PP001 and PP200 drawing series for location of PV panels.'* and continues *'The percentage of roof area to be installed with photovoltaic panels will be calculated based on the total energy demand for each dwelling, as per the SAP calculations in Appendix 1.0. Requirements for the PV array in terms of performance and output will be designed with a specialist supplier. PV panels to Plots 1 & 2 will be installed to the south roof while PV panels to Plots 3, 4 & 5 will be installed equally over the east and west facing roofs.'*

The conclusion states that *'the proposed strategies have sufficiently reduced predicted energy demand. With the inclusion of sustainable systems and green generation outlined in sections 5.0 & 6.0, the proposed development is deemed to satisfy the mandatory planning requirements of Policies S6 & S7 of the Central Lincolnshire Local Plan (April 2023).'*

Overall it is considered that the proposal meets the SAP requirements and accords with Policies S6 and S7, subject to conditions.

Ecology and Biodiversity

The application has been accompanied with documents which address matters of ecology and biodiversity. The application was submitted prior 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 submitted Biodiversity Assessment states the following in terms of baseline figures and units created: *'the calculator has indicated a LOSS in habitat (area) biodiversity units of -2.3202 units (-66.44% change) post-works which falls short of the National biodiversity net gain expectations (i.e., +10%) mandated as part of the Environment Act 2021. However, the calculator indicates a significant GAIN in habitat (linear) biodiversity units of +1.0643 units (+253.40% change) post-works which exceeds the net gain expectations.'*

Some compensation tree planting has been recommended in the report by the ecologist, on land owned by the applicant. However, this falls outside the application site and is therefore not considered acceptable in this case.

In conclusion the applicant has proposed biodiversity measures on the site, but would still amount to an overall net loss. This has been reviewed by the Central Lincolnshire Ecologist who advises he has no objections.

It is considered that, in this case, if the proposed habitat creation methods are implemented, as stated in the Biodiversity Assessment and the proposed recommendations within the Ecological Appraisal are carried out, along with the significant gain in habitat (linear) on the site, the development will deliver measurable and proportionate net gains in biodiversity given the application was submitted prior to the mandatory legislation and therefore satisfies policy S61.

Highway Safety and Car Parking

The application site would create a new access off High Street. The highways authority has reviewed the proposal and raise no objections. It is therefore not considered that there would be a harmful impact upon highway safety. As well as the above, there is an acceptable level of off-road parking and turning provision within the site. Policy S49 Appendix 2 of the CLLP states that three/four and five+ bed dwellings within villages need to provide 3 parking spaces, the site plans show that this would be achievable. The proposal therefore accords to Policies S47 and S49.

Flood Risk and Foul and Surface Water Drainage

Policy S21: Flood Risk and Water Resources relates to development proposals being in areas at the lowest risk of flooding and being adequately drained.

The site is in flood zone 1 which is sequentially preferable, and is not at risk of surface water flooding as shown on the Environment Agency's flood risk maps. In relation to drainage, it is noted that the application form states that soakaways are proposed for surface water and mains for foul sewage. However, no specific information to prove their adequacy for the development have been included. Consequently, further information is required in this

regard and will be secured with conditions to ensure a suitable drainage scheme is achieved. With such conditions in place the development would be expected to accord to local policy S21 of the CLLP and the provisions of the National Planning Policy Framework.

Archaeology

Policy S57 states “Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance”.

The proposed site is located in an area of archaeological potential. The Historic Environment Officer at Lincolnshire County Council commented that:

'Since-levelled earthworks of the medieval settlement of Glentham were located in this field. There is potential for below-ground archaeological remains relating to these earthworks in the site area. As well as this, there is a building recorded in 19th century mapping in the southern part of the site. This since-demolished building was located immediately to the west of Old Chapel House, which is thought to be a former Wesleyan Methodist Chapel. There may be some association between the two buildings. Methodist chapels sometimes had burial grounds attached, some of which are not well recorded.'

Following these comments an Archaeological Evaluation was carried out in April 2024. The report concludes:

'Despite the high potential of the area, the evaluation exposed limited archaeological remains. Of five trenches excavated, two contained features, with a total of three features being recorded. None of these features could be dated.

Trench 1 exposed a single pit of uncertain function, whilst two intercutting ditches were observed extending through the centre of Trench 5. The orientation of these features suggests that they pre-date current boundaries.

It is concluded that the further archaeological intervention is unlikely to produce any significant results, and hence that development of this site is unlikely to have any adverse impact on significant archaeological remains.'

The Historic Environment Officer at LCC has stated that *'The results of the evaluation have shown that it is unlikely for there to be any further archaeological remains of significance. Therefore, no further archaeological input will be required on the application.'*

Therefore the proposed development complies with policy S57 of the CLLP.

Conclusion and reason for decision:

-
The application has been considered against Policy S1 The Spatial Strategy and Settlement Hierarchy, S6 Design Principles for Efficient Buildings, S7

Reducing Energy Consumption –Residential Development, S12 Water Efficiency and Sustainable Water Management, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S47 Accessibility and Transport
S49 Parking Provision, S53 Design and Amenity, S57 The Historic Environment
S60 Protecting Biodiversity and Geodiversity, S61 Biodiversity Opportunity and Delivering Measurable Net Gains, S66 Trees, Woodland and Hedgerows
in the first instance, the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment the site is considered to be within the developed footprint of Glenthams. The proposed dwellings would not unacceptable harm the character and appearance of the site or the surrounding area and would not have unacceptable harmful impact upon residential amenity. The proposal is acceptable in terms of impacts upon highway safety and drainage. The application is recommended for approval subject to conditions.

Conditions

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

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

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

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

None

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings dated Dec 2023:

- PP002 Rev 02
- PP006 Rev 01
- PP100 Rev 01
- PP101
- PP102 Rev 01
- PP103
- PP104
- PP105 Rev 01
- PP106 Rev 01

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 shall take place above damp proof course level until details of all external and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved materials and retained thereafter.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene in accordance with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

4. The development hereby permitted shall be carried out in full accordance with the details set out in the submitted Energy Statement dated December 2023, 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.

5. Prior to occupation of the dwellings, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement dated December 2023, and approved in writing by the Local Planning Authority.

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

6. The development shall be carried out in full accordance with the recommendations contained within the Preliminary Ecological Appraisal by Archer Ecology dated July 2023 at Land north of A631, Glentham, Market Rasen.

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.

7. The development shall be carried out in full accordance (excluding para 3.43 compensation) with the Biodiversity Assessment by Archer Ecology dated December 2023 at Land north of A631, Glentham, Market Rasen.

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.

8.No development above damp proof course level shall take place until details of a scheme for the disposal of foul sewage and surface water from the site (including the results of any necessary soakaway/percolation tests and connectivity plan) have been submitted to and approved in writing by the Local Planning Authority. No occupation must occur until the approved scheme has been installed and retained as such thereafter.

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

9.Prior to occupation of the approved dwelling, 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.

10. Prior to the first occupation of the dwellings hereby approved, a scheme of landscaping including details of the size, species and position or density of all trees and hedges to be planted, along with any new fencing/walls and hardstanding shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the visual impact of the development on the area is minimised and in the interests of providing biodiversity enhancements in accordance with the requirements of Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling 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 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.

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

- None

- **Informatives**

The permitted development requires the formation of a new vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website.

The highway improvement works referred to in the above informative are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority. For further guidance please visit our website;
www.lincolnshire.gov.uk/highwaysplanning/works-existing-highway

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>

The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

Decision Level: Committee

Human Rights Implications:

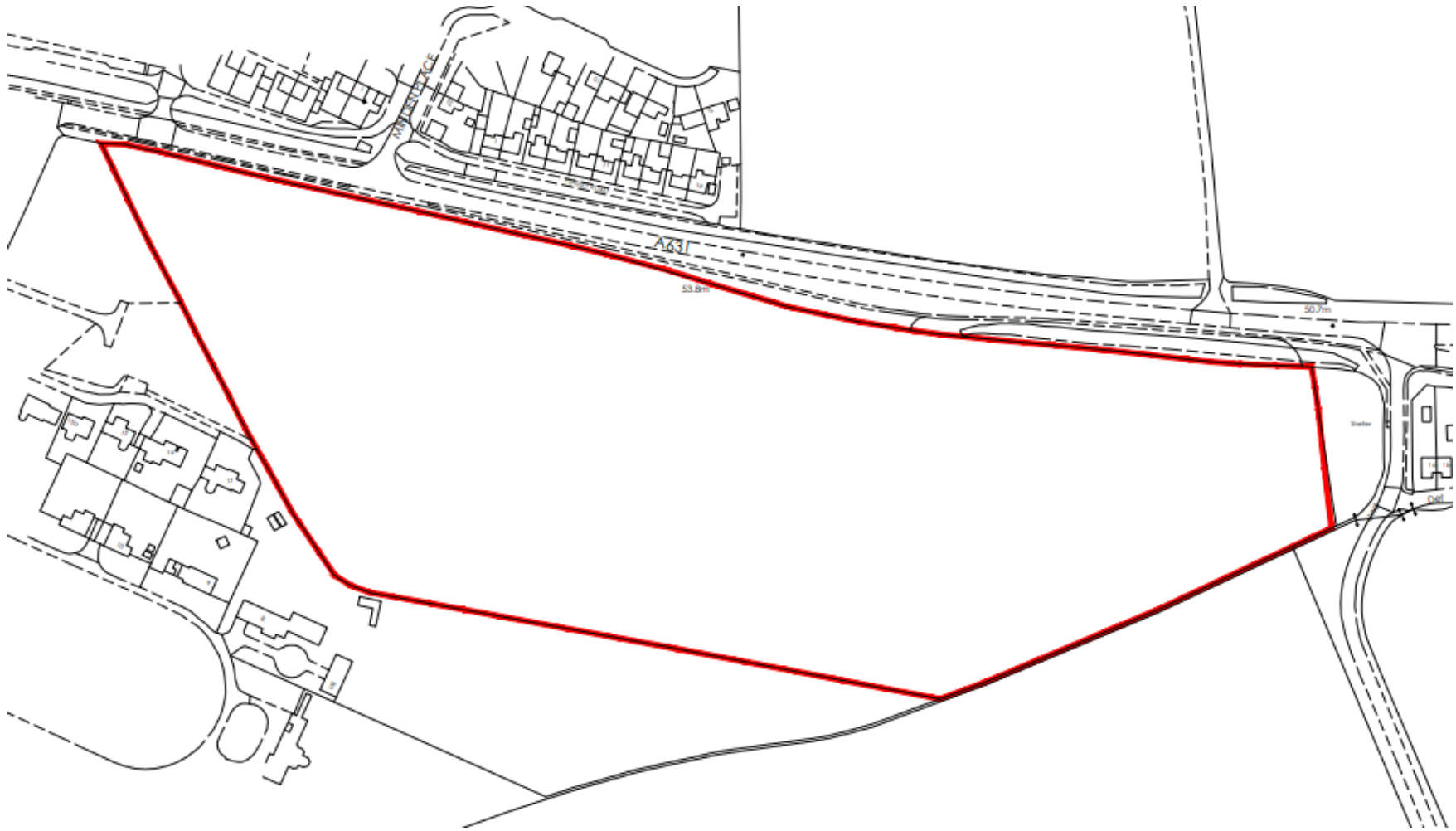
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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



SITE LOCATION PLAN REF 145253 LAND SOUTH OF A631 HEMSWELL CLIFF



PROPOSAL: Planning application to erect 196no. dwellings and associated infrastructure, drainage and open space.

LOCATION:

Land south of A631
Hemswell Cliff
Gainsborough
DN21 5UA

WARD: HEMSWELL

WARD MEMBER(S): Cllr. Paul Howitt Cowan

APPLICANT NAME: Gleasons Regeneration Ltd.

TARGET DECISION DATE: Extension of Time agreed to 12th September 2024.

CASE OFFICER: G. Backovic

Recommended Decision: Defer and delegate approval to officers subject to the completion of a section **106 legal agreement** that delivers a contribution of £61,985 towards medical services **and** a contribution of £100,000 towards secondary education provision **and** the extension and upgrading of the footway to a to the south of the A631 to a minimum width of 1.8m from Lancaster Green to Dog Kennel road **and** the provision of an uncontrolled tactile crossing point to connect to the existing footway on the northern side of the A631 at Gibraltar Road and Capper Avenue **and** details of the composition, management and maintenance of public open space and the specification of the proposed Locally Equipped Area of Play **and** if a start on site has not occurred within 2 years of the granting of permission the viability assessment must be reviewed and if it shows that contributions towards affordable housing and medical facilities would be viable they must be made in accordance with details to be agreed

Introduction

This application is considered to be finely balanced and is the reason for presentation to planning committee and is a partial departure from the Development Plan. Following the submission of a viability report which was evaluated by a consultant appointed on behalf of West Lindsey District Council it was concluded that financial obligations arising from requested financial contributions towards affordable housing; NHS facilities and school places would render the development unviable.

The application has been submitted for 2 years. This length is principally due to the fact that the submitted drainage scheme was not considered acceptable, and this resulted in the requirement for a new scheme following groundwater testing of the site.

Site Description and Proposal:

The application site is an agricultural field located to the south of the A631, on the southern side of Hemswell Cliff and is approximately 7.6 hectares (19 acres). The site is enclosed by trees and hedgerows. To the north west is an area of trees beyond which is Hemswell Court. South west are dwellings running along Lancaster Green. Agricultural fields are located to the south whilst to the east are dwellings along Creampoke Crescent. The entirety of the site is allocated for residential development by the Central Lincolnshire Local Plan 2023.

This is a full planning application for 196 dwellings. A single access is proposed from the A631 southwards which splits east and west, with further branches off providing access to the proposed dwellings.

Dwelling Types

40 2 bed semi-detached houses in 4 forms

60 3 bed semi-detached houses in 6 forms

58 3 bed detached houses in 4 forms

38 4 bed detached houses in 4 forms

Screening/EIA Assessment:

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

Relevant Planning History

134720 Outline planning application for up to 180no. residential units with access to be considered and not reserved for subsequent applications. GC 05.09.2017.

142659 Application for approval of reserved matters to erect 163no. dwellings considering appearance, landscaping, layout and scale - following outline planning permission 134720 granted 19 December 2017. This was withdrawn following submission of the current application.

Representations: These are summarised below with full details available to view on the WLDC website

Hemswell Cliff Parish Council

No objections to the proposal but Hemswell Cliff Parish Council make the following observations:

1. We welcome the inclusion of a puffin crossing.
2. We'd like to see the provision of green space for children on the site and consider there is capacity to achieve this. We would expect that the green

space does not require adoption by the Parish Council. This reduces the risk of crossing over the road to access play parks on the other side of the road.

3. Can consideration be given to improve the footpath from this estate to the shop/post office as a condition of this planning application.

Local residents:

49 Buchanan Road Object

Current infrastructure and travel won't withstand more buildings. Significant investment would be required in my opinion.

4 Wellington Way Hemswell Cliff Object

Having these houses built on the opposite site of the development will not only harm the natural habitat, ruin the views and make the village look ridiculous. Having the current housing estate just undergoing it will make the road more busy and isn't fair on its current residents.

LCC Highways and Lead Local Flood Authority:

No Objections

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

Recommendation for no objection subject to:

Planning Conditions as detailed below.

Comments: There is no precise definition of "severe" with regards to NPPF Paragraph 115, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues.

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF. As

Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. This application has provided a suitable drainage strategy in principle, subject to detailed hydraulic approval, and therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

Highway capacity

Submitted Transport Assessment makes a fair and reasonable representation of the developments likely impact on the highway network, and it is considered acceptable.

Travel Plan Submitted, to be conditioned.

Site Layout Acceptable, will require S38 approval as part of the highway adoption process. Flood Risk and Drainage Submitted drainage strategy is acceptable in principle, subject to technical approval by the relevant body.

Off-Site Improvements

The following off-site improvement is required:

An upgraded footway link from Lancaster Green to Dog Kennel Lane, to provide a footway of 1.8m in width will be required. To include a suitable uncontrolled tactile crossing point to connect to the existing footway on the northern side of the A631 at Gibraltar Road and Capper Avenue.

Planning conditions are recommended. These relate to the provision of footways, tactile crossings, the phasing of development, implementation of Travel plan and the submission of a surface water drainage scheme for approval. Informatives are also recommended.

Anglian Water

Wastewater Treatment

The foul drainage from this development is in the catchment of Hemswell R A F Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Used Water Network

This response has been based on the following submitted documents: FRA/Application Form/Planning Statement. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Strategic Housing:

Following the undertaking of an independent development viability appraisal of the proposal, it is accepted that the scheme is unable to deliver any affordable housing on the site.

NHS Lincolnshire Integrated Care Board

The above development is proposing 196 dwellings which, based on the average of 2.3 people per dwelling for the West Lindsey District Council area, would result in an increase in patient population of 64.

The calculations below show the likely impact of this new population in terms of number of additional consultation time required by clinicians. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services

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Consulting room GP	
Proposed population	451
Access rate	5260 per 1000 patients
Anticipated annual contacts	$0.451 \times 5260 = 2372$
Assume 100% patient use of room	2372
Assume surgery open 50 weeks per year	$2372/50 = 47.4$
Appointment duration	15 mins
Patient appointment time hrs per week	$47.4 \times 15/60 = 11.9$ hrs per week
Treatment room Practice Nurse	
Proposed population	451
Access rate	5260 per 1000 patients
Anticipated annual contacts	$0.451 \times 5260 = 2372$
Assume 20% patient use of room	474.4
Assume surgery open 50 weeks per year	$474.4/50 = 9.488$
Appointment duration	20 mins
Patient appointment time hrs per week	$9.488 \times 20/60 = 3.2$ hrs per week

Therefore an increase in population of 451 in the West Lindsey District Council area will place extra pressure on existing provisions, for example- extra appointments requires additional consulting hours (as demonstrated in the calculations above.) This in turn impacts on premises, with extra consulting/treatment room requirements.

	Average list size per GP	Required m2	£ per m2	Total cost	£per person
GP team	1,800	170	2,300	£391,000	217
GP furnishings	1,800			£20,000	12
					229
Contingency requirements @ 20%					46
Total per resident					275
Total per dwelling (resident x 2.3)					632.50

The table above shows the contribution formula which is based on the needs of a Primary Care Health Team and associated administration support. By applying average national list sizes to these groups and identifying the required area and furnishings, a total cost of £275 per patient is determined. This figure is multiplied by 2.3 (the average number of persons per dwelling for West Lindsey District Council) to provide a funding per dwelling of £632.50.

G.P Practices affected:

Due to the fact that patients can choose to register at any practice that covers the area of the development, and there are no waiting lists for patients, all practices that provide care for the region that the development falls within are obliged to take on patients, regardless of capacity. The development will impact The Ingham Practice as the development is within their catchment area. This development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands. Lincolnshire Integrated Care Board (LICB) wishes for the Section 106 contribution from the development of 196 dwellings on Land South of A631, Hemswell Cliff, Gainsborough to contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the IMP Primary Care Network (PCN) at The Ingham Practice. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

The contribution requested for the development is £123,970.00 (£632.50 x 196 dwellings). Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified above.

LCC Property Services (Education)

Please see below table in relation to the number of places required and available in local schools from/for the proposed development:

Type	Children produced by scheme	Sufficient places available 2025/26 (Y/N/Partial)	Places to be mitigated	Contribution sought
Primary	36	Y	0	£0
Secondary	33	N	33	£0
Sixth-form	6	N	6	£0
			Total	£0

Following the removal of Regulation 123 from the Community Infrastructure Levy Regulations on 01 September 2019, requests for items formerly on a Regulation 123 list are now permitted; the Central Lincolnshire Developer Contributions

Supplementary Planning Document (2018) still restricts secondary and school-based sixth form to CIL only. Requests can also be made toward more than one scheme to provide the ability to extend the most appropriate school to mitigate the impacts of development at the time those impacts are felt.

As the development would result in a direct impact on local schools, a contribution is therefore requested to mitigate the impact of the development at local level. This is a recognisable and legitimate means of addressing an impact on infrastructure, accords with the NPPF (2019) and fully complies with CIL regulations; we feel it is necessary, directly related, and fairly and reasonably related in scale and kind to the development proposed in this application. The level of contribution sought in this case is in line with the below table.

Type	Places to be mitigated	Contribution per place*	Sub-total	Local multiplier**	Lincolnshire contribution per place	Total contribution requested
Primary extension	0	£18,007	£0	2.00	£18,367	£0
Secondary extension	33	£25,003	£825,099	2.00	£25,503	£841,599***
Sixth-form extension	6	£25,003	£150,018	2.00	£25,503	£153,018***
Total	-	-	£975,117	-		£994,617

* Current cost multiplier per pupil place based on National Cost Survey

** to reflect Lincolnshire's average build cost compared to national average

*** amounts for indicative purposes only, request reduced to £0 in line with Developer Contributions Supplementary Planning Document

Tree and Landscape Officer:

08.04.24: Much better screening of the development. The scheme is now appropriate for its surroundings and setting.

04.04.24 "Garden trees have been appropriately positioned off-set from house fronts to avoid windows being blocked by trees as their canopies grow.

Site boundary hedgerows are to be trimmed and gaps infilled with native species.

Along the southerly boundary (from plot 68 towards the orchard block) there are very few site edge trees proposed for screening views of the houses in the surrounding countryside. The boundary hedgerows which are to be reduced in height and width will provide some low-level screening, but trees are required for some higher-level screening and softening of the buildings above hedge height. There are a few wild cherry trees proposed around the play area mound and at the rear of plot 68, and a couple of rowan and fastigate hornbeam trees either side of the easterly end easement strip. The two prunus trees and the fastigated hornbeam are within front gardens and so cannot be relied upon to be retained in the future, particularly the hornbeam as it matures and broadens out. A *Carpinus betulus* 'Fastigiata' remains narrow when young but is recommended for parks and woodlands as it will grow wider unless regularly pruned to manage its width unless a cultivar that stays narrow is used, such as a 'Frans Fontaine'

Along the SE boundary hedgerow some of the proposed trees are hawthorns. Although hawthorn are high biodiversity value, planting hawthorn trees within a hawthorn hedge seems a bit pointless as they are likely to end up being cut and incorporated into the hedge, resulting in longer stretches of hedgerow with no trees. Other trees along the SE edge are some rowan and crab apple along the hedgerow with a couple of groups of three oaks off-set from the hedgerow, but there would still be stretches with clear views of the development from the south, namely along Dog Kennel Road.

The Planting Schedule provides suitable information regarding tree and plant sizes and quantities.

Conclusion

The proposed landscape scheme is appropriate other than requiring a few additional trees that should be planted along the clear stretches of the South hedgerow and two or three additional trees in the clear spaces along the SE boundary. This is for improved screening and softening of the development adjacent open countryside, and to reduce its visual compact on the adjacent countryside to help integrate the development into its rural surroundings. Locally characteristic trees are field maple, beech and oak. “

Principal Ecology and Wildlife Officer:

As they aim to achieve over 10% on site you will not need to condition evidence of how it will be reached. You will need to condition that the proposed gains are managed and monitored for the next 30 years following completion of the development.

Lincolnshire Police

A good use of a predominantly cul-de-sac style and layout, however, I would recommend that where a circular through route layout has been intended consideration is given to restricting any through access or permeability as this will significantly help to reduce crime and disorder and ASB.

No objections with advice provided on:

- Dwelling Frontage
- Perimeter
- Gates
- Landscaping
- Lighting
- Footpaths
- Parking Provision
- Utilities
- Building Regulations

LCC Archaeology:

This office has commented on earlier proposals for this site, which has already been subject to previous archaeological evaluations that did not reveal anything sufficient to justify further archaeological work. We would therefore like to reiterate our earlier recommendation that no further archaeological input be required in association with the proposed development.

Relevant Planning Policies and Legislation:

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 the Hemswell Cliff Neighbourhood Plan was Made 6th November 2023.

Development Plan

- **Central Lincolnshire Local Plan 2023 –**

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy

S6 Design Principles for Efficient Buildings

S7 Reducing Energy Consumption –Residential Development

S20 Resilient and Adaptable Design

S21 Flood Risk and Water Resources

S23 Meeting Accommodation Needs

S45 Strategic Infrastructure Requirements

S47 Accessibility and Transport

S49 Parking Provision

S51 Creation of New Open Space, Sports and Leisure Facilities

S53 Design and Amenity

S56 Development on Land Affected by Contamination

S60 Protecting Biodiversity and Geodiversity

S61 Biodiversity Opportunity and Delivering Measurable Net Gains

S66 Trees, Woodland and Hedgerows

S81 Housing Sites in Medium Villages

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

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

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

Relevant policies of the NP include:

Policy 1: Sustainable Development.

Policy 2: Delivering Good Design

Policy 3: Housing Development

Lincolnshire Minerals and Waste Local Plan (LMWLP)

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

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

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:

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).

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

National Planning Practice Guidance

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

National Design Guide (2019)

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

National Model Design Code (2021)

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

Other

- Central Lincolnshire Developer Contributions SPD

Main Considerations:

- Principle of development:
- Design and Visual Amenity including landscaping and layout
- Noise impacts from the A631
- Flood Risk and Drainage:
- Highway Safety
- Custom and Self Build Housing
- Climate Change:
- Ecology, Biodiversity, and Net Gain:
- Strategic Infrastructure Requirements
- Public Open Space
- Minerals

Assessment:

Principle of the Development:

The Central Lincolnshire Local Plan identifies the site as WL/HEMC/001 under Policy S81: Housing Sites in Medium Villages which "are allocated primarily for residential development". Whilst the indicative capacity is 180 dwellings, the application is for 196 dwellings. It is important to note that indicative capacity does not limit the number of dwellings.

The site has previously benefited from planning permission for up to 180 dwellings - this permission has expired and carries little to no weight.

Neighbourhood plan policy 3 allocates 3 sites for housing development H2, H3 and H4 and sites which are "already committed for housing purposes."

The site is labelled as "an extant housing commitment".

On this basis the principle of residential development on the site would accord with the allocation in the Development Plan. Its acceptability rests on a consideration of its detailed impacts below.

Design and Visual Amenity including landscaping and layout

Policy S53 requires high quality design that contributes to local character, landscape and town scape. It is assessed against specified criteria including context and identity. Policy 2 of the Neighbourhood Plan requires principles of good design to be incorporated within development and to have due regard to the Hemswell Cliff Character Assessment.

There is no established design or vernacular in the vicinity of the site. This is reflected in the Hemswell Cliff Character Assessment (October 2019) which forms part of the neighbourhood plan. "Lancaster Green" to the west is described as "detached houses with large gardens and privately owned green" . "Creampoke

Crescent to the east as " semis with large gardens". All the dwellings proposed are either semidetached or detached.

All dwellings are two storey with a pitched roof. 4 designs are proposed for the 2 bed semi-detached dwellings. Minor variations to each are proposed for differentiation including the use of a solid entrance/porch. 6 designs are proposed for the 3 bed semidetached dwellings , with details such as full height central projections, a recessed central section , use of dormer windows and varying roof heights providing design interest. Additional interest is provided by pairing semidetached sections with those of a different size and design. Similarly, 4 designs are proposed for the detached dwellings. These designs would not look out of place on a traditional housing estate and relate well to each other. Materials are not specified and this will need to be the subject of a planning condition. There is also sufficient internal and external amenity space provided. There would not be any amenity concerns in relation to overshadowing, dominance or loss of privacy within the development nor to existing residents.

Layout - A single access is proposed from the A631 running south. This takes the form of a road with a footpath on its western side. Along its eastern flank is a hedgerow and trees running alongside a proposed grassed area with an informal path. This main road branches off to the east and west at approximately the midpoint of the site. The grassed area with informal path continues southward alongside the proposed surface water attenuation basin. The road to the east carries on to the end of the site with one main branch northwards and two to the south that connect to each other in an east to west direction serving the dwellings in the south eastern section of the site facing onto a wildlife pond and grassed and landscaped area. The road to the west runs for a short section before heading north and south with connecting roads to the east.

The majority of the northern boundary with the A631 will consist of trees and hedgerows , retained existing and additional planting. This will soften the visual impact of the built development together with the set back of housing within the site. The submitted landscaping scheme was amended as requested by the Tree and Landscape Officer who has commented : " Much better screening of the development. The scheme is now appropriate for its surroundings and setting."

The density of development for the indicative dwelling number of 180 dwellings would be 23.68 per hectare whilst the current proposal is 25.78 per hectare. This is still an acceptable density which demonstrates that the site is capable of accommodating the higher number.

The design and visual impacts are considered acceptable and would accord with policy S53 of the CLLP and Policy 2 of the Neighbourhood Plan.

Noise Impacts from the A631

A noise assessment has been submitted in support of the application due to its proximity to the A631.

This shows that during the daytime noise levels across the site are predominantly generated by traffic movements along the A631 to the north, as well as other nearby roads. During the night-time road traffic movements are shown to reduce.

During the daytime, noise levels measured across the site are LAeq,16hour 56-65dB. During the night-time, noise levels measured across the site are LAeq,8hour 50-58dB. Following development, the noise prediction model shows that noise levels would reduce in the central areas of the site, as the houses would provide screening from one another. Nonetheless, noise levels inside some of the habitable rooms with windows open during the daytime would exceed the “reasonable” internal noise levels set out in BS 8233:2014 in some areas of the site. Therefore, mitigation would be required in order to achieve acceptable internal noise levels.

External walls of the dwellings would provide some attenuation.

In addition to this for plots 1-3, 14-21, 33-36, 43-47, 137-144, 160-164 and 171-179 (those closest to A631) the following will be required:

A standard double-glazed unit (rated a minimum of Rw+Ctr 25dB), typically comprising of 4mm float glass, 12mm cavity, 4mm float glass **and** acoustic trickle ventilators (rated a minimum of Dn,e,w + Ctr 42dB). For the remaining plots this can be achieved by use of the double glazing specified above with standard hit and miss trickle ventilators.

Acceptable Outdoor Noise Levels (LAeq,16 hour 55dB).

This can be achieved by use of close boarded fencing of between 2m and 2.5 in height.

Plots	Mitigation Type
Plots 2-3, 14, 32-33, 35-46, 152-159, 171-172, 174-179. Plots 34, 160-163, 173 .	2m high close boarded timber fence. 2.5m high close boarded timber fence.

Subject to implementation of the mitigation measures recommended by condition noise levels would be considered acceptable.

Flood Risk and Drainage (Surface Water and Foul)

The site is located within Flood Zone 1 which is land having a less than 1 in 1,000 annual probability of river or sea flooding (low probability). The preferred hierarchy for surface water disposal is that consideration should firstly be given to discharge to soakaway/infiltration system, watercourse and public sewer in that order. Infiltration has been excluded as a means of surface water disposal due to the high groundwater, which is less than 1m below ground level. Aisthorpe Springs is approximately 450m northeast of the development site, as this is the nearest watercourse it is proposed to discharge surface water flows from the development to this location. Attenuation basins form part of the drainage proposals. No objections are raised to the drainage strategy from the Lead Local Flood Authority

It is also noted that Anglian Water in relation to foul drainage comment that it does not currently have capacity although they are legally obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity if planning permission. On this basis it would be considered reasonable to impose a condition prohibiting occupation until the required improvements are in place.

Highway Safety:

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.

Lincolnshire County Council have considered the submitted Transport assessment and associated documents submitted. It is worthwhile to repeat the conclusion "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"

The existing footway to the south of the A631 will be upgraded to a minimum width of 1.8m from Lancaster Green to Dog Kennel road. An uncontrolled tactile crossing point to connect to the existing footway on the northern side of the A631 at Gibraltar Road and Capper Avenue was requested by highways and this together with the upgraded footpath will be provided by a section 106 agreement. This will improve pedestrian access and is considered safe. The parking standards reflect those of the previous CLLP when the application was submitted with 2 spaces for three bed dwellings rather than the 3 required in rural areas. Nevertheless the parking provision provides in excess of the old standards with the inclusion of garages with internal dimensions of 6m x 3m that can accommodate parking and storage of bicycles.

Subject to the completion of a Section 106 agreement and imposition of the conditions suggested no harm would be considered to arise to highway safety and it would be in accordance with policies 47-49.

Climate Change

Policies S6 and S7 of the CLLP sets out design principles for efficient buildings and reducing energy consumption. This requires all developments to achieve a site average space heating demand of around 15-20kWh/m²/year and a site average total energy demand of 35 kWh/m²/year, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m²/year, irrespective of amount of on-site renewable energy production. Unless covered by an exceptional basis clause below, all new residential development proposals must include an Energy Statement. This has been

submitted. The results have been calculated using the Standard Assessment Procedure (SAP 10.2) .

The proposed energy strategy will incorporate renewable technology on-site via air source heat pumps. The development achieves a site average space heating demand of 10.35/m²/year and a site average total energy demand of 25.38 kWh/m²/year. No single dwelling has a total energy demand in excess of 28.68 kWh/m²/year. This is in accordance with S6 and S7.

Ecology and Biodiversity Net Gain

Policies S60 and S61 of the CLLP require 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.

An Ecological Impact Assessment (EclA) was submitted in support of the application.

The EIA results are summarised below.

Statutory Designated Sites.

The Site and 2km search area do not contain any statutory designated sites. The core of the site consists of a large arable field which is bordered by hedgerows and lacks field margins. At the time of survey, the field had been recently ploughed. Hedgerows are present alongside the east, north, west and south site boundaries.

Roosting and Foraging Bats

There are 23 records of bats within 2km of the Site centroid provided by Lincolnshire Environmental Record. Hedgerows within the site contain few young trees and a line of young and semi-mature trees exist immediately outside site boundaries. No potential roosting features were identified within any of the trees. Nonetheless, the hedgerows and line of trees form excellent habitat for foraging and commuting bats and as such, the site has been assessed as having local importance for foraging and commuting bats.

Badger

The Lincolnshire Environmental Record has returned 12 records of badger (*Meles meles*), dated 2007-2021, within a 2km radius of the site centroid, none of which related to the site itself. Furthermore, no badger setts or evidence of badger was identified within the Site or its boundaries, during the ecological survey.,

Water Vole

The Lincolnshire Environmental Record data search has returned three records of water vole (*Arvicola amphibius*) within 2km of the site centroid. However, this species does not have potential to occur on site, or to be fundamentally affected by the proposals, as no potentially suitable habitat occurs.

Amphibians (including Great Crested Newt)

The site does not contain any ponds or suitable features for great crested newts and is unlikely to support great crested newt or any other amphibian species.

Breeding and Wintering Birds

Few birds were recorded on site. Boundary hedgerows and trees were found to support an assemblage of bird species typical of this habitat and it is possible that these species, and other common birds, may nest within hedgerows and trees. The core of the site, consisting of an arable field, may be suitable for a small number of ground-nesting bird species, such as skylark (*Alauda arvensis*) in years where a cereal crop is cultivated. However, no ground nesting species were recorded within the site during the survey.

Reptiles

The site has little to no potential to support reptiles.

The report submitted also assessed the effects of the development including mitigation and enhancement. These are set out below:

Hedgerow

The construction of an access track and suitable visibility splay will result in the loss of approximately ten metres of existing hedgerow. Pruning/ cutting back of hedgerow elsewhere may be necessary to facilitate the development. In order to mitigate for the loss of this hedgerow habitat and to enhance the site's biodiversity value circa 278 metres of new species rich hedgerow planting will take place, including filling in of existing hedgerow gaps with a species rich native hedgerow mix. The new hedgerow planting and hedgerow gapping up will contain the species rich hedgerow. In addition, 140 native standard street trees shall be planted across the development.

Roosting and Foraging Bats

The planting proposed including a traditional orchard and wildflower rich grasslands and SUDS features which will offer enhanced opportunities for foraging and commuting bats. In addition to this, 10% of the houses shall include integrated bat boxes, such as the Ibstock Enclosed Bat Box which will enhance the site for roosting bats. Overall, there is predicted to be an improvement in the value of the site for foraging, commuting and roosting bats.

Nesting Birds

Where possible, the removal of vegetation should take place outside of the main bird breeding season (which broadly extends between March and August inclusive); if this is not possible, removal should immediately follow a search for active nests by a suitably qualified ecologist, and if active nests are found, these would be safeguarded, along with a suitable buffer, until the young have fledged, or the nesting attempt is otherwise complete.

In addition to the proposed planting 10% of the houses shall include an integrated bird box. Combined, these features will significantly improve conditions for a range of nesting birds.

A Construction Environmental Management Plan (CEMP: Biodiversity) and Biodiversity Management Plan (BMP) also forms part of the submission. This sets out details for: site preparation and precautions; Hedgerow and Tree Planting and Maintenance; Creation of Wildflower Grassland and wildflower rich SUDS features.

Biodiversity Metric 3.1 22 was used to calculate the existing baseline score for the Site and the post-development score of the scheme, considering the relevant biodiversity enhancements proposed. In summary, the site was assessed as having a baseline value of 15.38 biodiversity units; following installation and considering all of the biodiversity enhancements described within the report and summarised in the Landscape Plan the Site is predicted to have a value of 18.74 biodiversity units, equating to a 21.84% net increase. In terms of linear habitats, approximately 278 metres of new native species-rich hedgerow will be planted, including in-filling, resulting in a net increase in value of 61.92%.

The delivery of BNG is afforded positive weight in the determination of this application.

Conditions will be imposed requiring works to be carried out in accordance with the CEMP and BMP. This will ensure biodiversity is protected and enhanced in accordance with policies S60 and S61.

Viability

Policy S45 requires new development to have good access to infrastructure including healthcare facilities and education.

National Planning Practice Guidance on Viability sets out that:

"The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.

Paragraph: 008 Reference ID: 10-008-20190509"

This approach taken in the Planning Obligations Supplementary Planning Document mirrors this approach with added details including

"Central Lincolnshire has an up-to-date Local Plan, having been adopted in April 2023. The policies in the Local Plan have been tested against the Whole Plan Viability (WPV) Study (2021 and 2022 update) and found to be sound by the Inspector."

and

"The use of further viability assessments at the decision-making stage should not be necessary. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage."

Nevertheless a viability assessment was submitted and the applicants agreed to fund an independent appraisal of their submission that was commissioned by West Lindsey District Council.

The review of the submitted viability assessment concludes that:"Despite our assessment showing that the scheme is more viable than the Applicants assessment mainly due to our higher sale values, lower abnormal costs and lower land value it is not to the extent that results in a viable development to enable an affordable housing contribution" , and "We therefore conclude that the scheme cannot provide any affordable housing based on viability. But given that our sensitivity testing has shown that values are forecasted to increase at a quicker rate than costs we recommend that if a start on site has not occurred within 2 years of the granting of permission, then viability is revisited before development commences."

Affordable Housing

Policy S22 requires a contribution of 20% towards affordable housing which would equate to 39 dwellings.

Policy S22 states that "

"The Central Lincolnshire Authorities will seek the level of affordable housing on the basis of the above targets but will negotiate with developers if an accurate viability assessment which reflects the recommended approach in the national Planning Practice Guidance demonstrates these cannot be met in full."

Following a review of the viability assessment which followed the recommended approach in Planning Practice Guidance it is agreed that no affordable housing can be provided.

Education Contribution:

There are sufficient primary school places to cover the demand arising from this development. Notwithstanding the viability appraisal, the sum requested by the County Council of £954,617 towards secondary and sixth form provision is not considered reasonable as this would normally be funded by the Community Infrastructure Levy. Notwithstanding this a contribution of £100,000 is offered towards secondary school provision. This will be secured by a section 106 legal agreement.

Medical Facilities

The applicants have been able to offer a financial contribution of £61,985.00 towards NHS facilities. This is 50% of the requested NHS contribution of £123,970.00. This could be secured by a section 106 legal agreement. The lack of a full contribution towards meeting the needs generated by the development will lead to increased pressure on existing facilities.

Public Open Space:

The submitted design and access statement describes the Public Open space:

"The public open space within the development incorporates appropriate overlooking and safety principles and will allow the planting of new soft landscaping which will in turn enhance biodiversity. It also allows the retention of important landscape features such as mature trees and hedgerows around the perimeter of the site. The public open space has been designed within the scheme in the following forms.

The Green Frontage

The development is set back behind a green space at the entrance to the development. This will provide an attractive entrance to the site and a visual link the green buffer along the southern boundary.

The Green Core

This area provides an attractive green space within the centre of the site, with easy access from all parts of the development. It is surrounded and overlooked by plots 79-81 / 90 / 119 / 129 and will provide an opportunity for an equipped / recreation play area.

The Green Buffer

The 'Green Buffer' along the southern and eastern edge of the development will form part of the public open space to provide a suitable interface between the development edge and the open fields beyond. This will provide a visually attractive boundary that respects the area's character and ensure satisfactory integration of the built form with the wider landscape. This area is fronted by plots 124-129 / 130-135 / 148-156 to ensure the attractive spaces form part of the public realm.

The total POS area on the site including the surface water balancing areas amounts to approximately 1.38 Ha.

The areas of open space and their details are shown on the landscape plan; Drawing No. WL-01 Rev H.

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

Appendix 3 of the CLLP details the standards for open space provision in Central Lincolnshire with regard to the quantity, quality and accessibility of open space, this is detailed in Table A3.1.

Type of Open Space	Quantity Standard	Access Standard	Quality Standard
Allotments and Community Growing Spaces Areas of land that provide opportunities for growing fruit, vegetables and other plants, either in individual allotments or as a community activity	0.31 ha per 1,000 population	1,600m walking distance	Good and above as defined by any locally agreed quality criteria
Amenity Greenspace Open spaces that are normally predominantly mown grass, but may also include areas of trees and landscaping. They may be used for a variety of informal recreational or social activities close to home or work, such as walking, sitting and passive recreation.	0.66 ha per 1,000 population	400m walking distance	Good and above as defined by Green Flag standard or any locally agreed quality criteria

Provision for Children and Young People Equipped children's play areas	0.12 ha per 1,000 population	LAP/LEAP - 400m walking distance NEAP - 1,200m walking distance	Good and above as defined by Fields in Trust standards or any locally agreed quality criteria.
Natural and Semi-Natural Greenspace Natural and semi-natural open space which have been planted or colonised by vegetation and wildlife, including woodland and wetland areas, and where the public have legal or permissive access.	1 ha per 1,000 population (which ideally meets the criteria for LNR designation in Lincoln and West Lindsey)	400m walking distance to an accessible natural greenspace of at least 2 ha 2km from home to an accessible natural greenspace 20ha in size 5km from home to an accessible natural greenspace 100ha in size 10km from home to an accessible natural greenspace 500ha in size	Good and above as defined by any locally agreed quality criteria. Areas of natural and semi-natural greenspace should support local biodiversity and take opportunities to link to the green infrastructure network

According to The Fields in Trust website (FIT) (previously the National Playing Fields Association (NPFA)) standards have 3 categories of equipped play areas. These are local areas for play (LAP), local equipped area for play (LEAP) and neighbourhood equipped area for play (NEAP). The main characteristics of each category are:

LAP (Local Area for Play)

The LAP is a small area of open space specifically designated and primarily laid out for very young children to play close to where they live.

LEAP (Local Equipped Area for Play)

The LEAP is an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live.

NEAP (Neighbourhood Equipped Area for Play)

The NEAP is an area of open space specifically designated, laid out and equipped mainly for older children but with the play opportunities for younger children as well.

Table 3: Open Space Quantity Standards

Open Space Provision Type	Quantity Standard
Allotments and Community Growing Spaces	0.31ha per 1,000 population
Amenity Greenspace	0.66ha per 1,000 population
Provision for Children and Young People	0.12ha per 1,000 population
Local and Neighbourhood Parks and Gardens	0.38ha per 1,000 population
Strategic Parks and Gardens	No standard – opportunity based on opportunity and design led
Outdoor Sports Facilities (Public)	1.09ha per 1,000 population
Natural and Semi-Natural Greenspace	1ha per 1,000 population

Tables A3.2-A3.4 of Appendix 3 go on to detail thresholds and calculations for on- and off-site provision as well as average occupancy levels.

Table A3.3. Average Occupancy Levels for Calculating Development Population

Number of bedrooms	Lincoln	North Kesteven	West Lindsey
1	1.3	1.3	1.3
2	1.9	1.7	1.7
3	2.4	2.3	2.3
4	2.9	2.9	2.8
5 or more	3.5	3.2	3.1
District average occupancy rate	2.2	2.3	2.3

TOTAL of 196 DWELLINGS

40 (two bed) x 1.7 = 68

118 (three bed) x 2.3 = 271.4

38 (four bed) x 2.8 = 106.4

Total Population= 446 (445.8)

Calculated requirement of green space by type:

Allotments and Community Growing Space:

$446/1000 \times 0.31 = 0.1382$ hectares or 1382m²

Amenity Greenspace:

$446/1000 \times 0.66 = 0.2943$ hectares or 2943m²

Provision for Children and Young People:

$446/1000 \times 0.12 = 0.0533$ hectares or 535m²

Local and Neighbourhood Parks and Gardens:

$446/1000 \times 0.38 = 0.1694$ hectares or 1694m²

Outdoor Sports Facility:

$446/1000 \times 1.09 = 0.4861$ hectares or 4861m²

Natural and Semi-Natural Greenspace:

$446/1000 \times 1 = 0.4460$ hectares or 4460m²

TOTAL REQUIREMENT= 1.57 hectares 15,875 m²

The total amount of open space including the surface water balancing areas provided within the development is approximately 1.38 hectares which is less than the policy requirement. The original provision was shown on the landscape plan drawing number WL-01 Rev F. This was primarily in the form of amenity green space and natural and semi-natural green space. A swathe of greenspace was proposed along the south eastern edge of the site and included a wildlife pond , orchard , an area labelled "*play area with trim trail / exercise area and balancing challenges for children*". Informal paths are shown running through areas of green space "*Informal path with timber edge and gravel allows use of POS even in wet weather conditions. Bench seats with varying aspects*".

The applicants have agreed to add a Locally Equipped Area of Play (LEAP) to the provision. On balance, notwithstanding the reduced size, subject to agreeing the details of the LEAP, implementation ,maintenance and management with a section 106 legal agreement the Public Open Space provision could be considered acceptable.

Minerals

The site is in a Minerals Safeguarding Area and policy M11 of the Core Strategy applies. The plan is currently under review nevertheless policy M11 exempts allocated sites which this and it would be in accord with M11.

Conclusion and reason for decision:

The proposed development has been assessed against policies S1 The Spatial Strategy and Settlement Hierarchy, S4 Housing Development in or Adjacent to Villages, S6 Design Principles for Efficient Buildings, S7 Reducing Energy Consumption –Residential Development, S20 Resilient and Adaptable Design S21 Flood Risk and Water Resources, S23 Meeting Accommodation Needs, S47 Accessibility and Transport, S53 Design and Amenity of the Central Lincolnshire Local Plan 2023, Policy M11 of the Core Strategy. Furthermore, consideration has been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Code, as well as all other material considerations and representations received.

There are no anticipated adverse impacts on highway safety or drainage and the scheme proposed is considered acceptable in terms of its landscaping, layout appearance design and contribution towards biodiversity. It is on an allocated site which will help meet the Central Lincolnshire Local Plan housing targets over the plan period. It will also deliver 20% BNG, double the normal requirement. The provision of an improved footpath along the southern boundary of the A631 and tactile crossings is considered a positive measure which will be a highway safety benefit to existing residents south of the A631.

Viability is accepted as a reason for no provision of affordable housing and a shortfall towards medical provision is considered a negative impact.

This is therefore a finely balanced decision and the case officer considers that the positive elements of the proposal outweigh the lack of infrastructure.

Recommendation: Defer and delegate approval to officers subject to the completion of a section **106 legal agreement** that delivers a contribution of £61,985 towards medical services **and** a contribution of £100,000 towards secondary education **and** the extension and upgrading of the footway to a to the south of the A631 to a minimum width of 1.8m from Lancaster Green to Dog Kennel road **and** the provision of an uncontrolled tactile crossing point to connect to the existing footway on the northern side of the A631 at Gibraltar Road and Capper Avenue **and** details of the composition, management and maintenance of public open space and the specification of the proposed Locally Equipped Area of Play **and** if a start on site has not occurred within 2 years of the granting of permission the viability assessment must be reviewed and if it shows that contributions towards affordable housing and medical facilities would be viable they must be made in accordance with details to be agreed

and imposition of the following planning conditions:

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

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

2. No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority.

The Plan and Statement shall include.

- the phasing of the development to include access construction
- the routes of construction traffic to and from the site
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials.
- the on-site storage of all plant and materials
- Measures to control the emission of noise, dust and dirt during construction
- Wheel Wash Facilities

Reason: In the interests of highway safety and to restrict disruption to the living conditions of neighbouring dwellings and the surrounding area from noise, dust and vibration in accordance with policies S47 and S53 of the Central Lincolnshire Local Plan.

3. No development shall take place until a written Habitat Management and Maintenance Plan [HMMP] in accordance with the [Ecological Impact Assessment (EclA)] dated [June 2022] and prepared by [SLR] is submitted to and approved in writing by the Local Planning Authority. The HMMP shall relate to all 'significant' biodiversity gains on site and must be strictly adhered to and implemented in full for a minimum of 30 years following completion of the development. The HMMP must contain the following

- a. a non-technical summary.
- b. the roles and responsibilities of the people or organisation(s) delivering/monitoring the [HMMP].
- c. the details of funding, resources and mechanisms for long term delivery of the [HMMP].
- d. the planned habitat creation and enhancement works to create or improve habitat.
 - i. Explanation as to how climate change models (RCP 8.5) have impacted management, species selection and/or provenance of woody species.
 - ii. Explanation as to how soil sampling has impacted creation/enhancement of grassland habitats or any habitat creation on previous arable/contaminated land.
 - iii. Explanation of how Hydrological surveys have impacted the creation and species selection of SUD features
 - iv. Explanation habitat creation/enhancement has included micro-topologies to maximise ecological niches.
 - v. Explanation as to the selection of donor site for green hay and/or choice of seed mixes
 - vi. Explanation/specification as to any protected/notable species, mitigation, compensation and enhancement methods (such as the inclusion of beetle banks, wildlife towers, Hibernacula) within public open space.
- e. the management measures to maintain habitat for a period of 30 years from the completion of development.
 - i. Explanations as to how minimum intervention management techniques have been prioritised.
 - ii. Explanation as to frequency and method of grass cutting (where grazing is not used) ensuring nutrient level and ecological niches are managed appropriately.

- iii. Explanation as to how management allows for creation/maintenance of quality overwintering habitat.
- iv. Explanation as to how mosaic features within each habitat type will be supported whilst ensuring habitat definitions are maintained for the 30-year period.
- v. Explanation of methods employed to reduce/mitigate local scale anthropogenic risks (for example tree guards or restricting access)

f) the monitoring methodology and frequency in respect of the retained, created and/or enhanced habitat to be submitted to the local planning authority for years 1, 3, 5, 10, 15, 20, 25 and 30 following the completion of the development.

g) Reports to the Local Planning Authority should use the Natural England HMMP Monitoring report template (Word) supplemented with either an updated Statutory Metric showing gains to date or Natural England HMMP Monitoring report template (Excel). Geostamped Photo evidence must also be provided.

All reports must be submitted no later than September 1st on each reporting year

h) the mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

(Applicants are advised to use the Natural England HMMP Template found at <https://publications.naturalengland.org.uk/publication/5813530037846016>)

Reason: To ensure the development delivers a biodiversity net gain on site double that of the minimum requirement which was afforded positive weight in the determination of the application.

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

Planning Layout Drawing No. 21-770-03 Rev H 23.09.24

Landscape Plan Drawing No. WL-01 Rev F 03.04.24

Urban 201 House Type Drawing No. 21-201-U-0001 C02:

Urban 202 House Type Drawing No. 21-202-U-0001 C02;

Urban 250 House Type Drawing No. 21-250 -U -001 C01;

Urban 252 House Type drawing no. 21-252-U-0001 C01:

Urban 301 House Type drawing no. 21-301-U-0001 C02;

Urban 303 House Type drawing no. 21-303 -U-0001 C02;

Urban 304 House Type drawing no. 21-304-U-0001 C02:

Urban 311 House Type drawing no. 21-311-U-0001 C02;

Urban 313 House Type drawing no. 21-313-U-0001 C02

Urban 314 House Type drawing no. 21-314-U-0001 C02.
Urban 340 House Type drawing no. 21-340-U-0001 C02.
Urban 350 House Type drawing no. 21-350-U-0001 C01:
Urban 360 House Type drawing no. 21-360-U-0001 C01.
Urban 401 House Type drawing no. 21-401 -U-0001 C02.
Urban 403 House Type drawing no. 21-403-U-0001 C02:
Urban 435 House Type drawing no. 21-435-U-0001 C03.
Urban 436 House Type drawing no. 21-436-U-0001 C02.
Gable Front Sales Garage drawing no. EY -01-07 Rev D.
201/ 301 House Types Floor Plans and Elevations drawing no. No. 21-573-101.
202 House Type Floor Plans and Elevations drawing no. No. 21-573-108.
403 (OP) House Type- Floor Plans and Elevations drawing no. No. 21-573-119:
301/201 House Type- Floor Plans and Elevations drawing no. No. 21-573-102:
304 (OP) House Type- Floor Plans and Elevations drawing no. No. 21-573-111:
311 (OP) House Types Floor Plans and Elevations drawing no. No. 21-573-121.
314 (OP) House Type Floor Plans and Elevations drawing no. No. 21-573-113.
435 (OP) House Type- Floor Plans and Elevations drawing no. No. 21-573-117:
337 (OP) House Type- Floor Plans and Elevations drawing no. No. 21-573-115:
360 (AS) House Type- Floor Plans and Elevations drawing no. No. 21-573-100:
313/340 (OP) House Type- Floor Plans and Elevations drawing no. No. 21-574-125:
401 (OP) House Type- Floor Plans and Elevations drawing no. No. 21-573-107:
436 (OP) House Type- Floor Plans and Elevations drawing no. No. 21-573-121:
1800mm high close boarded timber fence drawing no. SD-100.
600mm high post and wire fence drawing no. SD-103.
Detached Single Garage drawing no. SD1700.
Detached Double Garage drawing no. SD1701.

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

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

5. No construction works above ground level must take place until details of the proposed walling and roofing materials and all external hard surfaces have been submitted to and approved in writing by the Local Planning Authority. It shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure a satisfactory visual appearance in accordance with policy S53 of the Central Lincolnshire Local Plan

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

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development in accordance with policy S47 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 Noise Assessment prepared by Spectrum Acoustic Consultants dated 02/08/2022 in particular pages 11 and 12 which identify the specification for sound insulation to achieve acceptable internal noise levels within the dwellings and mitigation to achieve acceptable noise levels in outdoor amenity spaces. These must be in place prior to occupation of the dwellings identified.

Reason: To ensure an acceptable level of noise mitigation from the A631 within the hereby approved dwellings and in outdoor amenity areas in accordance with policy S53 of the Central Lincolnshire Local Plan.

8. The development hereby permitted shall be carried out in full accordance with the Ecological Impact Assessment prepared by SLR Consulting dated 02/08/2024 in particular the required mitigation measures identified in section 5.

Reason: In the interests of Biodiversity protection in accordance with policy S60 of the Central Lincolnshire Local Plan.

9. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels in accordance with policies S47 and S53 of the Central Lincolnshire Local Plan.

10. The permitted development shall not be occupied until those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained

therein and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development

11. All planting comprised in the approved details of landscaping shown on drawing number WL-01 Rev H dated 23.09. 2024 shall be carried out in the first planting and seeding season following the occupation of the dwelling 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: In the interests of the visual amenity of the area and to provide biodiversity enhancements in accordance with policies S53, S60 and S61 of the Central Lincolnshire Local Plan (adopted April 2023)

12. Prior to occupation of any dwelling they must each have a rain harvesting water butt of a minimum 100 litre capacity in place.

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

13. No dwelling shall be occupied before evidence has been submitted to and approved in writing by the local planning authority that Anglian Water has capacity to treat foul drainage from the site.

Reason: Anglian Water in their response to the application stated they had no capacity to treat foul drainage from the development and in accordance with policy S21 of the Central Lincolnshire Local Plan.

Agenda Item 7



Planning Committee

**DATE 10th October
2024**

Subject: Determination of Planning Appeals

Report by:

Director – Planning, Regeneration & Communities

Contact Officer:

Ele Snow
Senior Democratic and Civic Officer
ele.snow@west-lindsey.gov.uk

Purpose / Summary:

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

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

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

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

Risk Assessment: None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal by Matthew Trimmer against the decision of West Lindsey District Council refusal to grant a lawful development certificate for use of outbuildings B, C and D for commercial workshops and storage facilities at Kellaway House, Marton Road, Sturton By Stow, Lincoln LN1 2AH

Appeal Allowed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse

- ii) Appeal by Peter Geldart against the decision of West Lindsey District Council refusal to grant a lawful development certificate regarding use of the annexe of The Bungalow, Sturton Road, Ingelby.

Appeal Dismissed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse

Appeal Decision

Site visit made on 27 August 2024

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24th September 2024

Appeal Ref: APP/N2535/X/23/3334923

Kellaway House, Marton Road, Sturton By Stow, Lincoln LN1 2AH

- The appeal is made by Matthew Trimmer under section 195 of the Town and Country Planning Act 1990 against a refusal by West Lindsey District Council to grant a lawful development certificate.
 - The application Ref: 146684, dated 28 April 2023, was refused by notice dated 4 July 2023.
 - The application was made under section 191(1)(a).
 - The existing use for which the certificate is sought is the use of outbuildings B, C and D for commercial workshops and storage facilities.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use relating to the existing use, which I consider to be lawful at the time of the application.

Reasons for the decision

2. Section 195 requires an assessment to be made as to whether the Council's refusal of the application is or is not well-founded. The assessment is based on the lawfulness of the use at the time of the application. The planning merits of the use are not relevant to the appeal and there is no planning application before me.
 3. Outbuilding C was blown down in a storm shortly before my site visit. I have nevertheless continued to deal with the appeal relating to it, since the required assessment is based on the lawfulness of its use at the time of the application for the certificate in April 2023.
 4. The Council refused the application for the following reason: -
"Insufficient information has been provided to demonstrate that, on the balance of probabilities, the buildings (B, C and D) have been used for a continuous period of more than 10 years before the date of this application, as stated within Section 171B (3) of the Town and Country Planning Act 1990. The certificate is therefore refused."
 5. The Council have asked me to disregard the evidence submitted with the appeal that was not available when the Council made their decision. I have not
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done so, because I have to make an assessment as to whether the Council's refusal of the application is or is not well-founded and additional evidence received from either the appellant or the Council is relevant to that duty. The Council have, however, responded to the additional evidence and I have taken their response into account.

6. The appellant states that the outbuildings B, C and D are utilised by Spalding Fasteners Ltd. as commercial workshops and storage facilities and that they have been in continuous use as such by various businesses for over 10 years. The use appears to have been limited to activities that did not have an adverse impact on the amenity of the area by reason of noise or other emissions. The evidence produced by the appellant consists of: -
 - Companies House filings for Friction Bonding & Lining Limited of Kellaway Workshops (2001), Fallowgate Limited of Kellaway House (2007) and Super Squad Ltd of Kellaway House (2018).
 - Aerial images of the site taken in 2015, 2020 & 2022. These show the existence of a vehicle weighbridge on the site.
 - Statements made by the appellant, as follows. He and his partner bought the property in 2022 with business use in all three of the outbuildings. Businesses have been paying rates for all the outbuildings for nearly 20 years. Friction Bonding & Lining gave Kellaway Workshops as their trading address on all their documents from 2001-2010. Fallowgate (Batri bikes) operated from the workshops from 2007-2017. There are many articles on the internet about bikes being built in the workshops - see links to websites showing the workshops being used for storing and building bikes and to an article in *Lincolnshire World* about bikes being built in the workshops. Super Squad were a textiles business which operated from the site from 2018-2022; they used the weighbridge for weighing vehicles and their loads of textiles.
7. The Council state that the Companies House filings "Kellaway House" do not show that the businesses were operating from the outbuildings. They also state that information from the Revenues Team at the City of Lincoln Council shows that "Kellaway House only came into the NDR (Non-Domestic Rates) on 1 April 2015", but that information too is similarly imprecise. The 2001 filing for Friction Bonding & Lining Limited does, however, indicate that this business was operating from the outbuildings. The Council's case also relies in part on a statement on the application form that the use began on 1 April 2013, which they maintain is inconsistent with other dates provided; however, looking at the completed form as a whole, the appellant's agent appears simply to have picked a date that is 10 years before the date of the application.
8. The most telling part of the Council's statement does in fact support the appellant's case. This is the record they have of a visit to the site in June 2012 in which a reference is made to an electric bike shop. That record is consistent with the appellant's statement that Batri bikes operated from the outbuildings from 2007-2017.
9. I consider that the weight of evidence supports the application and that the appellant has made out the case for the certificate to the standard required, namely the balance of probabilities. I have concluded that the outbuildings B, C

and D have been used as commercial workshops and storage facilities for a continuous period of more than 10 years before the date of the application and that the Council's refusal of the application is therefore not well-founded.

10. The appeal has therefore been allowed and, as required by section 195(2), a certificate of lawful use has been granted.

D.A.Hainsworth

INSPECTOR



Appeal Decision

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19th September 2024

Appeal Ref: APP/N2535/X/24/3336904

The Bungalow, Sturton Road, Ingleby, Lincoln LN1 2PQ

- The appeal is made by Peter Geldart under section 195 of the Town and Country Planning Act 1990 against a refusal by West Lindsey District Council to grant a lawful development certificate.
 - The application Ref:147348, dated 19 September 2023, was refused by notice dated 3 November 2023.
 - The application was made under section 191(1)(a).
 - The existing use for which the certificate is sought is described on the application form as "The annexe of The Bungalow separately let as single dwelling house" and in the Council's decision notice as "to continue use as a dwellinghouse in breach of occupancy condition 2 of planning permission W85/231/89".
 - Planning permission W85/231/89 authorised the alteration of outbuildings to form a granny annexe at the appeal site. Condition 2 of the permission states: "The conversion of the outhouses to a granny annexe hereby approved shall not be occupied independently of The Bungalow and at no time shall be occupied as a separate dwelling."
-

Decision

1. The appeal is dismissed.

Reasons for the decision

2. Section 195 requires an assessment to be made as to whether the Council's refusal of the application is or is not well-founded. The assessment is based on the lawfulness of the use at the time of the application. The planning merits of the use are not relevant to the appeal and there is no planning application before me.
 3. The Council refused the application for the following reason:
"Insufficient evidence is available or been presented to demonstrate that the annexe has been used as a separate dwelling since 1991 or indeed for a period of 4 years or more from the date of this application."
 4. The appellant states that the annexe has been let to tenants from the time that ill-health prevented it from being used as a granny annexe, with periods of non-occupation occurring only because of the time taken to find new tenants and with one period of continuous occupation lasting more than 4 years. The documentary evidence that has been submitted includes a list of tenants since
-

1992, a statutory declaration made by a tenant and a copy of a handwritten note of invoices issued for electricity supplied during that tenancy.

5. The tenant's statutory declaration states:

"From October 2011 to October 2016, I was the tenant of the property known as The Annexe at The Bungalow, Ingleby, LN12PQ – the property of Mrs S Sharpe, and was in continuous occupation of the property during that time. The Annexe was let to me as a separate dwelling unit with all utilities available."

The declaration was made on 30 November 2023 and was therefore not available to the Council when they made their decision on the application, but the Council did have at that time a copy of an email from the tenant to the appellant stating that she was the tenant of the annexe from October 2011 to April 2016.

6. The Council maintain that the information supplied is insufficient to demonstrate that the annexe has been used as a separate dwellinghouse in breach of Condition 2. They accept that the information suggests that the annexe has been let to others, but state that it does not demonstrate that they were living independently of The Bungalow or that the annexe was used as a separate dwellinghouse. The Council also state that contrary information has been supplied to the Council Tax department and that there are inconsistencies between the information submitted now and the information submitted with the earlier applications 145409, 145742 and 146432.

7. The Council have a pre-2014 note that states:

"EXTENSION DONE TO PROPERTY - RANG AND SPOKE TO MRS SHARPE WHO SAYS ACCOMMODATION BUILT ON EXISTING PROP. IS NOT AN ADDITIONAL PROPERTY."

This note could be about the annexe but it is not clear that it is, in the absence of more details. I have therefore attached no weight to it.

8. In 2019, the Council's Revenues Officer reported in response to an email from the Council's Housing and Communities Officer (which indicated that the annexe was a separate dwelling and asked whether it should be separately assessed for Council Tax purposes):

"I have had a look at this property and we are aware there is an extension to the main property which is occupied. We have been advised it is not a separate annex and they have always rented rooms out."

9. The application form 145409 dated 10 August 2022, submitted by the owner, states that the removal of Condition 2 is being sought "so that we can let part of our residence" "to allow it to be a standalone residence".

10. The owner of the property responded to a letter from the Council sent in August 2022 as follows:

"The building was originally converted into a Granny Flat (i.e. the annexe) for my parents. When it was no longer required, we let it furnished under the "room to let" scheme. This is why we have always treated it as part of our

dwelling in that tenants are never charged Council Tax or water rates, and there is direct access through a door.”

11. On 11 October 2022, the appellant wrote to the Council, stating:

“It might also be argued that the Condition attached to the original permission has not been breached, since the original occupation and subsequent letting of the annexe has always been ancillary to the Sharpe's own occupation of The Bungalow and has not been occupied as a single dwelling. In support of that argument, we can submit the following : 1. There is one electricity supply, paid by T.S. 2. There is a single water supply, also paid by him. 3. An inspection by WLDC rated the combined units as a single building and Council Tax has been paid by T.S. 4. All occupants of both units are entered onto the Electoral Roll and are registered as residents of The Bungalow. 5. Both units share the sewage and drainage systems, paid by T.S.”

12. The application form 145742 dated 19 October 2022, signed by the appellant, contains the following information:

“In 1989 Planning consent was granted for a redundant farm building adjacent to The Bungalow to be converted into a " granny annexe" for Mrs Sharpe's parents. A condition was attached to the consent preventing the annexe from becoming a separate dwelling. Mrs Sharpe's mother died in 1990 and her father was unable to continue to occupy the converted extension with the consequence that Mrs Sharpe was left with a fully furnished but unoccupied asset. For 30 years from 1992 Mrs Sharpe has let the annexe to a number of tenants.”

“Mrs Sharpe claims that the time within which a valid challenge of breach of the original consent could be made by WLDC has expired. In addition, Mrs Sharpe queries whether there has in fact been a breach of the condition 2 of the original consent that "the annexe shall not be occupied independently of The Bungalow, and at no time shall be occupied as a separate dwelling".

1. An inspection by WLDC rated the combined units as a single building and Council Tax has been paid by Mrs Sharpe 2. The annexe has always been let as ancillary to Mrs Sharpe's own occupation of the Bungalow 3. There is one electricity supply, paid by Mrs Sharpe 4. There is a single water supply, also paid by Mrs Sharpe 5. All occupants of both units are entered onto the Electoral Roll and are registered as residents of The Bungalow. 6. Both units share the sewage and drainage systems, paid by T.S.

Mrs Sharpe submits that in addition to the lawful use being established by the passage of 30 years without challenge, it is also open to question if there has been a technical breach of the original planning condition.”

13. The application form 146432 dated 11 March 2023 and submitted by the appellant states:

“The planning permission was for use as a " granny annexe", but as the proposed occupants, Mrs Sharpe's mother and father were unable to continue occupation, the annexe has been let to a series of tenants since 1992. As a small farmer, Mr Sharpe was encouraged by the then MAFF to let a room or part of his dwelling to augment the farm income. Though they have now been

made aware that a separate dwelling will attract separate assessment for Council Tax, Mr & Mrs Sharpe have continuously paid the original assessment by WLDC as a single dwelling.”

14. I have assessed all the available information. The onus is on the appellant to make out the case for the certificate to a standard based on the balance of probabilities. The statutory declaration of 30 November 2023 is brief and does not explain in any detail what the arrangements were for the occupation of the annexe during the period referred to. The appellant has not produced any tenancy agreements or other written evidence setting out the arrangements made with any of the occupiers of the annexe at any time in the period since 1992. The information set out in paragraphs 8 to 13 above is authoritative and detailed. It indicates that the annexe has always been let as furnished rooms forming part of The Bungalow and never as a separate dwelling.
15. I am therefore satisfied that the Council’s refusal of the application is well-founded. The appeal has therefore been dismissed.

D.A.Hainsworth

INSPECTOR

Agenda Item 9a

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

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