

Officers Report

Planning Application No: 142221

PROPOSAL: Outline planning permission for three dwellings including demolition of existing commercial buildings - all matters reserved.

LOCATION: Land adjacent to Little London Farm Little London North Kelsey Market Rasen LN7 6JP

WARD: Kelsey

WARD MEMBER(S): Cllr P Morris

APPLICANT NAME: Executors of the Estate of Mrs A C Balderson

TARGET DECISION DATE: 03/12/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Dan Power

RECOMMENDED DECISION: Grant with conditions attached.

The application is being referred to the Planning Committee for determination following objections from the Parish Council and a number of objections from local residents, and as the planning matters under consideration are deemed to be finely balanced.

Description:

The site is located within the built footprint of North Kelsey and comprises two adjacent steel portal framed buildings. To the west of the site are a number of traditional barns with more recent modern additions which are subject to planning application 142247. The traditional barns are clustered around a former dovecote. There are signs on the dovecote which state that the following businesses occupy the barns and the steel portal framed buildings subject of this application (142221):

Keith Blackburn – Plant and Machinery Refurbishment.
Riflo Engineering - Painting, Shot Blasting and Fabrication Business.

To the south of the site is a detached bungalow (Little London Lodge, Little London) with its gardens mainly to the south. To the north of the site is countryside. To the west of the site are the aforementioned traditional barns to the south of which is a former two storey detached farmhouse (Little London Farm, Little London) and its gardens mainly to the south of the farmhouse. The site and the two existing dwellings and the site to the west (subject of planning application 142247) are accessed off the same access off Little London/School Lane. There is a Public Right of Way (NKel/61/1) to the west of the site.

The application seeks outline planning permission to erect three dwellings including the demolition of the existing steel portal framed buildings on the site

with all matters reserved (being matters of access, layout, scale, appearance and landscaping).

The landowner has entered into a certified S.106 (Unilateral Undertaking) which was completed on the 10/9/2021 (The Council is not a party to the document). The Unilateral Undertaking means that the existing uses on the site of this application (142221), for any fabrication of metal and the refurbishment of mechanical or agricultural machinery and for 142247 need to cease before commencement of development. This is to ensure that no noise and disturbance occurs to the occupiers of the proposed dwelling.

The applicant has provided evidence that there was only ever one tenant on the site (Keith Blackburn). The application was validated on the 29/12/2020 and on the 27 February 2021 the tenancy agreement for Keith Blackburn was formerly ended (with an extension until the 30 June 2021 to vacate the site). It has now been confirmed that the tenant had vacated the site.

Relevant history:

Site to west

142247 – Full planning for conversion of barns to 1no. dwelling. To be determined in tandem with this application.

Representations:

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

Parish Council: Comments and objections. The state and size of existing road cannot cope with more traffic - the carriageway is already broken and falling into disrepair in many places. There are several developments already in the village with properties unsold.

The application does not give the correct amount of employees affected - this would be 7 in total not 1. The adjacent paddock is in continual use.

Concern raised about infrastructure and services within the village being over stretched, such as Primary school admissions.

Although a brown field site is it outside the housing build line of the village and would therefore represent an extension of the village into open land.

Local residents: Little London Farm, Little London, Mousehole, South Street, Rowan Lodge, Station Road, Pinfold Farm, Church Street, Eastgate House, Maidenwell Lane, Capham Hall Farm, School Lane, North Kelsey. Object for the following reasons:

- If planning was to be granted this would result in overlooking to and from the proposed dwellings.
- The planned development would inhibit future plans for my property.

- The current tenant is my employer, if the planning was granted I would be redundant and have to claim benefits whilst looking for alternative employment, where inevitably I would have to travel and be increasing my carbon footprint.
- The application site is described as an 'eyesore' but can only be seen from Little London Farm and Little London Lodge.
- Cemetery Lane/Little London Farm driveway does not have clear visibility at all or passing places. Due to the nature of Cemetery Lane (trees on either side) don't believe it is big enough to sustain any additional traffic.
- My children attend the village school and if the proposed dwellings are to be family homes I struggle to see how the school will accommodate these children.
- I am fearful that if planning is granted, revisions would quickly be made to extend this application and increase the number of dwellings substantially which then would not be in keeping with the houses nearby which are all detached substantial properties.
- I'd like to draw attention to the fact that the planning has been split into two applications, whereas this is one single site and has been for all of recent history.
- The current tenant has uninterrupted and sole access to the entire site, however I believe only leases the brick section. I believe this should be investigated as it should permit the current tenants to claim possession of the site. Planning should not be granted until the legal status is concluded.
- I would like to draw your attention to "jobs", the site currently employs 7 people. This has been the case for many years, this plan will force local business to close and the employees to travel much greater distance to commute to a place of work. Currently 5 of the employees live within 1 mile of the premises.
- 5.5c "Excludes" – "Agricultural buildings and associated land on the edge of the settlement" The buildings in question are on agricultural land and are in fact agricultural buildings, the use may have changed to commercial, but the fabric of the site is still agricultural heritage
- From my very brief research it appears there are multiple development sites available within North Kelsey which would not involve the forced business closures by this application.
- By approving this application you are shutting down local thriving business and forcing local people to travel far and wide to seek alternate employment
- To the north of the application site there is open land and a paddock which is not actively used." The paddock is in constant use, horses, livestock and poultry are managed on site.
- With two recent developments, North Kelsey has already dramatically increased the capacity for housing. The homes being developed doesn't help the local community as they cannot afford.
- The site currently under application houses a vital service to the community, a mechanic is always in demand and would surely be unable to find suitable premises within the locality.

- At present part of the farm buildings are rented and used for a successful agricultural maintenance business occupied by Mr K H Blackburn who employs several villagers and in return financially supports their families. As a local farm worker we use this firm regularly to maintain our vehicles and farm equipment.
- The land designated for industry within the village is very limited. The majority of village services have closed. The village has become a satellite, dormitory settlement for nearby towns. I would like to fight for local jobs for local people. It is important to have employment opportunities within the village in order to give North Kelsey a healthy long term future. Local jobs reduces the carbon footprint for travel as low as possible. .
- I strongly believe there has been too much growth in a village with no facilities. It would be good to see the council approve and support a thriving business employing local people instead of more and more housing.
- The site is adjacent to a public footpath and can be seen from a public road (application states not).
- The Central Lincolnshire Local Plan Policy LP4 applies a sequential hierarchy to development in Category 5 settlements which includes North Kelsey. No sequential test or evidence of clear community support has been submitted with this application.
- Planning Policy LP5 sets out the preference for local employment and specifically, the encouragement of 'micro businesses' such as that currently occupying the building which this application proposes to demolish. LP5 specifically addresses whether the loss of land or buildings would adversely affect the economic growth and employment opportunities in the area. The loss of these buildings would adversely affect the employment opportunities in the settlement of North Kelsey; there are few other businesses in the village or surrounding area and there are no obvious relocation sites in the village.
- The Local Plan places a significant emphasis on the importance of the agricultural economy in Lincolnshire, this proposal would result in the closure or forced relocation of a business which is part of, and supports, the local agricultural economy.
- No mains sewer overflow so sewerage could enter our dyke to the north of the site.
- Extra traffic would make access to our farmland north of the site difficult.

Riflo Engineering, Little London, North Kelsey: objects for the following reasons:

- I am the business owner of Riflo Engineering Ltd at the site. I live locally and can currently walk to work. If the planning application were granted, I would have to seek employment elsewhere most likely being in Lincoln, Grimsby or Scunthorpe, the local industrial areas. I would not be able to walk to work if I had to change employment and this would substantially affect the environment. I believe the government

are trying to reduce the level of CO2 where as granting this planning permission would most definitely go against the green targets set. To note there are another 4 people locally employed on the site.

- I have placed offers to purchase the proposed development site from the owner but I have been rejected. I would like to own the yard to develop and expand my business further and to update the steel buildings to suit this.
- The village school is full to capacity. If the planning is granted for additional dwellings which are to be family homes then I feel my daughter (who is currently at the pre-school) may have to travel further afield to a different school again increasing my family's carbon footprint.
- Cemetery Lane is a hazardous road to pull out onto. There is not clear visibility to the right. Further down Cemetery Lane there are no safe passing places. The lane between Little London Lodge and Little London Farm is very narrow and also there are no passing places.
- I am employed at the site by Riflo Engineering Ltd and K H Blackburn. If the application were granted, I believe with my specific skill set I would struggle to find alternate employment
- Granting the planning permission is sure to close the businesses and leave me out of work with limited employment options.

LCC Highways/ Lead Local Flood Authority: This is an outline application with all matters reserved, the principle of 3 dwellings in this location is acceptable, the site is large enough for sufficient off road parking and the proposal would not adversely impact on highway safety. Details of access would need to be assessed when applied for.

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 is acceptable and accordingly, does not wish to object to this planning application.

LCC Rights of Way: No representations received to date.

The Ramblers Association: No representations received to date.

LCC Archaeology: No representations received to date.

Environmental Protection Officer: Nuisance potential - The applicant site has potential to be impacted by way of nuisance (noise/odour/dust) from commercial undertakings that will remain as well as that of existing, continuing and potential further diversification of agricultural activity.

This potential needs to be better understood and/or mitigated in order that an appropriate assessment can be made as to the suitability of this outline proposal. It is likely that a noise assessment will be required to identify existing and potential noise and background levels.

Comment in the Planning Statement to the effect that other buildings are subject of a separate application for a dwelling ought not to negate or minimise the above unless there is to be an overall assessment.

Comment at 5.8 is also of concern:

'These buildings are not intensively used at present, but should the use intensify with a new owner or tenant, this would have serious adverse impacts on the amenity of the nearby dwellings.'

In that prior use would appear to be established and unless changed would appear to enable continuation, intensification and/or further diversification. Significant perhaps is that land use in the immediate area and that of the applicant site is commercial diversification of and agricultural whereas the more sensitive uses i.e. residential, are to the south (refer annotated plan)

Contamination - Contamination is acknowledged in the application. Any resulting permission ought to have a comprehensive contamination condition attached to it.

IDOX checked: 18/11/2021

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017).

Development Plan:

The following policies are particularly relevant:

*Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages.

LP5: Delivering Prosperity and Jobs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP16: Development on Land Affected by Contamination

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

**With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2, LP3 & LP4 are consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP5 is consistent with chapter 6 of the NPPF as they both seek to create a strong and sustainable economic growth. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to*

avoid putting inappropriate development in areas at risk of flooding. LP16 is consistent with NPPF paragraphs 183 as they both seek to ascertain if the ground conditions of a particular site are suitable for the proposed use. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.

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

Draft Central Lincolnshire Local Plan:

The first round of consultation on the Draft Central Lincolnshire Local Plan has now completed. The consultation ran for 8 weeks from 30 June to 24 August 2021. The NPPF states:

“48. Local planning authorities may give weight to relevant policies in emerging plans according to:
(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given) 24.”

The early stage of preparation, because consultation has only just completed on the Draft Plan and untested consistency with the Framework mean some weight (but it is still limited) is given to the policies it contains relevant to this proposal at this moment.

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

Neighbourhood Plan:

No plan is currently being prepared.

National policy & guidance (Material Consideration)

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

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

The NPPF sets out the Government’s planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in July 2021.

Paragraph 219 states:

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

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

Main issues:

- Principle of the Development
- Loss of Employment
- Scale, Appearance and Layout
- Access and Highway Safety
- Foul and Surface Water Drainage
- Ecology
- Boundary Treatments, Landscaping and Trees
- Other Matters

Assessment:

Principle of Development

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

The site is located within the built footprint of North Kelsey and comprises two adjacent steel portal framed buildings. To the west of the site are a number of traditional barns with more recent modern additions which are subject to planning application 142247. The traditional barns are clustered around a former dovecote. There are signs on the dovecote which state that the following businesses occupy the barns and the steel portal framed buildings subject of this application (142221):

Keith Blackburn – Plant and Machinery Refurbishment.
Riflo Engineering - Painting, Shot Blasting and Fabrication Business.

There are existing residential dwellings immediately to the south of the site (Little London Farm and Little London Lodge). The site is brownfield land within the built footprint of the settlement. It is therefore considered to be brownfield land within the developed footprint and is within the first category of land to be developed under the land availability sequential test in Policy LP4.

In the Central Lincolnshire Local Plan, North Kelsey is designated as a medium village (LP2) within which it is acknowledged there can be up to 10% growth with small scale development of a limited nature (up to 9 dwellings per site) being accommodated. As of the 08/11/2021 the following table shows that there is remaining growth of 13 dwellings to be accommodated in North Kelsey:

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

The principle to develop three dwellings here is acceptable as the site is within the built form of the village and will contribute to the allocated housing growth apportioned to North Kelsey in the adopted Central Lincolnshire Local Plan.

Loss of Employment

Firstly it should be noted that the landowner has entered into a certified S.106 (Unilateral Undertaking) which was completed on the 10/9/2021 (The Council is not a party to the document). The Unilateral Undertaking means that the existing uses on the site of this application (142221), for any fabrication of metal and the refurbishment of mechanical or agricultural machinery and for 142247 need to cease before commencement of development. This would be a consequence of planning permission being granted on this site and it will be necessary to weigh up whether the loss of employment is justified by the proposal.

The site is located within the built footprint of North Kelsey and signs on the dovecote to the west of the site state that the following businesses occupy the site and the traditional barns to the west of the site subject of a separate planning application (142247):

Keith Blackburn – Plant and Machinery Refurbishment.
Riflo Engineering - Painting, Shot Blasting and Fabrication Business.

Representations have been received objecting to the application on the grounds of loss of employment with estimates of the number of jobs actually on site between 4 and 7.

At the time of the Officer's site visit the only activity taking place on the site was the repair of cars within some of the modern additions to the traditional barns subject of planning application 142247. This business was being undertaken by Mr Keith Blackburn and is believed to have operated on the site for over 10 years. The business has no online presence.

Examining Riflo Engineering's website and Facebook page this appears to be a business run by Mr Rick Blackburn (the son of Keith). The business celebrated its second birthday on the 14/01/2021 and is primarily located at the following address 'The Forge, Swallow Road, Thorganby, DN37 0SU' which is a steel portal framed building with outside storage space primarily to the north (east) which has the following planning history:

W111/383/75 - Construct a blacksmiths/agricultural engineering workshop and office. Granted 10/07/75.

Riflo Engineering carries out a wide variety of agricultural and non-agricultural work. It appears that the site at Little London, North Kelsey is only used when larger pieces of equipment are being refurbished and seem to mainly utilise the large steel portal framed building subject of this application (142221).

There was no evidence on site at the time of the Officer's site visit of the 7 employees cited by the Parish Council. Furthermore, the applicant has since provided evidence that there was only ever one tenant on the site (Keith Blackburn). The tenant never received planning permission for the B2 use operating from the site. There is no planning history for Riflo Engineering.

The application was validated on the 29/12/2020 and on the 27 February 2021 the tenancy agreement for Keith Blackburn was formerly ended (with an extension until the 30 June 2021 to vacate the site). It has now been confirmed that the tenant had vacated the site.

Policy LP5: Delivering Prosperity and Jobs is relevant. Loss of Employment Sites and Buildings to Non Employment Uses Conversion and redevelopment of, or change of use from, existing non-allocated employment sites and buildings to non-employment uses will be considered on their merits taking account of the following:

- whether the loss of land or buildings would adversely affect the economic growth and employment opportunities in the area the site or building would likely serve;
- whether the continued use of the site or building for employment purposes would adversely affect the character or appearance of its surroundings, amenities of neighbouring land-uses or traffic conditions that would otherwise be significantly alleviated by the proposed new use. It should also be shown that any alternative employment use at the site would continue to generate similar issues;
- whether it is demonstrated that the site is inappropriate or unviable for any employment use to continue and no longer capable of providing an acceptable location for employment purposes; and
- whether the applicant has provided clear documentary evidence that the property has been appropriately, but proportionately, marketed without a successful conclusion for a period of not less than 6 months on terms that reflect the lawful use and condition of the premises. This evidence will be considered in the context of local market conditions and the state of the wider national economy.

Within the supporting paragraphs for Policy LP5 it states that it is not the intention of the policy that such proposals shall meet all of the above bullet points, but instead will be considered on their merits having regard to the four criteria and the evidence provided, which should be proportionate to the development proposed.

Clear evidence has been provided that no businesses are now operating from the site. The application site also shares an access with residential properties to the south (Little London Farm and Little London Lodge). As part of the wider site was primarily used by a Car Repair Business which is a B2 use for over ten years then there was the potential to use these buildings for an unrestricted general industrial purpose without the need for a further planning application. An intensification of this use could cause potential adverse impacts on the residential amenity of nearby residents and on Cemetery Lane to the south of the site. Furthermore, the current steel portal framed buildings are in a poor state of repair and are unsuitable to be re-used for a business use.

The proposal would not adversely affect the economic growth and employment opportunities in the area in accordance with the NPPF and Policy LP5 of the Central Lincolnshire Local Plan as clear evidence has been provided that no businesses are now operating from the site.

Scale, Appearance and Layout

As scale, appearance and layout is a reserved matter the visual impact on the site and surrounding area will be fully considered and assessed at a future reserved matters stage. However, the site is considered large enough to accommodate three dwellings, which will allow for an adequate amount of outside amenity space. The site is also considered to be large enough to accommodate three dwellings without affecting the residential amenity of neighbouring dwellings and the dwelling proposed to the west through planning application 142247 and the amenity of the three dwellings proposed through this planning application. Materials will be finalised at the reserved matters stage and will be conditioned accordingly.

It is therefore considered that the site can accommodate three dwellings without affecting the residential amenity of neighbouring properties or the proposed dwellings.

Access and Highway Safety

Policy LP13 of the Central Lincolnshire Local Plans states that development proposals which contribute towards an efficient and safe transport network will be supported.

This is an outline application with all matters reserved including access and site layout. The proposal is for 3 dwellings which is a minor planning application and as such the development will not generate significant movement or disturbance.

Lincolnshire County Council Highways have indicated in principle that the proposed development is acceptable.

Whilst access and layout are a reserved matter, it is considered that the proposal can achieve a suitable access, given its current width. A reserved matters application will need to show sufficient parking. However given the size of the site, it is considered that this can be achieved.

The Highways Authority will be consulted again at the Reserved Matters stage when a detailed scheme is submitted for consideration.

Foul and Surface Water Drainage

The application form does not state how foul sewerage will be dealt with and states that soakaways will be used for the disposal of surface. The appropriateness of the intended method(s) cannot be assessed at this stage; if permission was to be granted a planning condition to secure full foul and surface water drainage details would be recommended

A condition should also be attached to the decision notice if permission was to be granted requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site.

Ecology

A Preliminary Ecological Appraisal (CGC Ecology August 2020) has been submitted as part of this applications supporting documentation. The site survey for the appraisal was conducted on the 15/07/2020. The report states the following results and recommendations:

Bats - The preliminary roost assessment indicates that Buildings 1 and 5 have low potential to support roosting bats, with Building 1 also being a confirmed historic feeding roost for brown long-eared bats.

Further survey work on Buildings 1 and 5 will be required in accordance with the Good Practice Guidelines (2016), to determine the presence/absence of bats. This will involve a minimum of one evening emergence/dawn re-entry survey of the buildings during the active season for bats (May-September). If bats are found to be present then further roost characterisation surveys will be required during the active season.

Following this survey work, further advice can be provided to ensure legal compliance during the proposed works.

Common Bird Species - Any demolition/conversion works should commence outside of the active nesting season which typically runs from early March through to early September. If work starts during the bird breeding season, a search for nests should be carried out beforehand, and active nests should be protected until the young fledge.

Consideration should be given to the provision of nest boxes within the new dwellings, which will replace the nesting sites that will be lost through the conversion works. These should include at least 4 x integral Woodstone build-in swift nest box A's on the eastern elevations of the new dwellings. These integral boxes should be situated as high as possible, at a height of between 4-6 metres above ground level, just below the eaves with a clear flight-way for the birds to exit. As swifts are a colonial breeding species, the boxes should be situated together, approximately 1 metre apart. These boxes must be

installed during the construction phase, as they must be incorporated into the walls.

Replacement nest sites for swallows must also be considered, with the simplest option to allow them access into a suitable outbuilding or garage adjacent to the site (bearing in mind the number of droppings produced can be significant). If this is not possible, then a simple lean-to structure built onto an existing building on site will suffice. Nesting ledges should be provided within the lean-to, or nest cups can be installed, such as the No. 10 Schwegler swallow nest. These should be located at a suitable height to avoid the risk of predation by cats.

2 x Vivara Pro Woodstone integral house sparrow terrace nest boxes should also be installed, to give a total of 4 new nesting features. These boxes should be installed at a minimum height of 3 metres above ground, beneath the eaves on the northern or eastern elevations of the new dwellings. These boxes must be installed during the construction phase, as they must be incorporated into the walls.

Birds (Schedule 1 Species) - Buildings 1 and 2 on site are in use by barn owls as day roost sites. The roost sites used by this species are very important to the breeding success and long-term conservation of local barn owls.

It is therefore recommended that at least two replacement barn owl features or nest boxes are installed, to provide two alternative day roost sites, ideally prior to Buildings 1 and 2 being converted. Two of the following options are recommended, one of which must be a barn owl loft:

- A barn owl loft must be created on site. A small area of a roof void within one of the new dwellings or a garage can be partitioned off and a suitable access hole made, preferably on an eastern elevation gable end. There should be a clear flyway from the access hole, with no overhanging vegetation. No external lighting should be directed onto the access hole.
- Barn owl tower – a brick-built structure, which should be constructed to overlook open countryside. The ideal position would be along the northern boundary of the site overlooking the open fields. It should be noted that barn owl towers require planning permission.
- Internal box – this is the preferred box option if there is a suitable location on or close to the site. The box can be placed within a barn or outbuilding on a suitable ledge as high as possible.
- Tree mounted boxes – this option requires a suitably mature tree for fixing the box to and is best placed overlooking open countryside
- Pole mounted box – these can be difficult to erect but if used they are best placed along a hedgerow or treeline overlooking open countryside. Due to the lack of hedgerows in the area, a suitable location would be alongside the drain at the south of the site.

Following the above appraisal, a Bat Survey (CGC Ecology) was carried out on the 28/09/2020. No bats were seen to emerge from either of the buildings during the survey, although a moderate amount of bat activity was recorded

on the site. This included several passes by noctule *Nyctalus noctula*, brown long-eared bat *Plecotus auritus* and soprano pipistrelle *Pipistrellus pygmaeus*, and repeated passes and social calling by common pipistrelle *Pipistrellus pipistrellus*.

It is recommended that when the barns are converted, the following enhancements for bats are implemented:

- At least two bat roost features suitable for pipistrelle species should be incorporated into or onto the new buildings on site. The bat roost features can take the form of integral bat roost units or external boxes. These should be placed on the southern or eastern elevations at least 3m above ground level avoiding any windows or doors. The boxes must not be subjected to external lighting.
- It is recommended that lighting on site is kept to a minimum. If it is necessary to include some external lighting, this should be carefully designed to minimise disturbance to bats by using down-lights rather than up-lights and using shields to limit light spill. Any external lighting should be sensor-activated and on a timer, to limit light pollution.
- Any external lighting used should emit minimal ultra-violet light, be narrow-spectrum (avoiding white and blue wavelengths) and should peak higher than 550nm. Ideally, 'warm-white' LED lights with no UV component would be used. It should be remembered that artificial lighting disrupts and disturbs many animals, including birds and invertebrates, as well as bats.
- Plant flower borders within any landscaped areas of the site to include night scented flowers in order to attract moths and other night flying insects (which will provide foraging opportunities for bats). Species should include evening primrose *Oenothera biennis*, sweet rocket *Hesperis matronalis*, honeysuckle species *Lonicera* sp., lavender *Lavandula* sp., white jasmine *Jasminum officinale*, night-scented catchfly *Silene noctiflora*, night-scented stock *Matthiola longipetala* and soapwort *Saponaria officinalis*.

A suitably worded condition should be attached to the decision notice if it is minded to grant permission to ensure development is carried out in full accordance with the recommendations contained within the Preliminary Ecological Appraisal (CGC Ecology August 2020) and within the Bat Survey (CGC Ecology October 2020).

Boundary Treatments, Landscaping and Trees

The site has a good screening on its eastern boundary in the form of a hedgerow and there is fencing between the site and Little London Lodge to the south. The site is open to the traditional barns to the west and to the north there is some limited screening with more substantial screening further to the north in the form of trees. However, landscaping is a reserved matter.

Other Matters:

S.106 (Unilateral Undertaking)

The landowner has entered into a certified S.106 (Unilateral Undertaking) which has been completed (The Council is not a party to the document). The Unilateral Undertaking means that the existing uses on the site of this application (142221), for any fabrication of metal and the refurbishment of mechanical or agricultural machinery and for 142247 need to cease before commencement of development.

Contamination

A Phase 1 Geoenvironmental Risk Assessment by Michael D Joyce Associates (July 2021) has been submitted with this application. It identifies some previous potentially contaminative uses and due to the potential risk to end users recommends an intrusive Phase 2 Ground Investigation for the whole site. Therefore, if it is minded to grant permission an appropriate condition will be attached to the decision notice to cover site investigation, subsequent remediation and validation.

Permitted Development

The site is located on the edge of the open countryside and adjacent to a group of traditional barns subject of planning application 142247 which are recorded on the Lincolnshire Historic Environment Record, and can be considered a non-designated heritage asset. If it is minded to grant permission certain permitted development rights should be removed in order to protect visual amenity and this adjacent heritage assets.

Public Right of Way

There is a Public Right of Way (NKel/61/1) to the west of the site beyond the traditional barns. The proposal would not be detrimental to existing users and potential future users of the nearby Public Right of Way.

Balancing evaluation and conclusion:

The decision has been considered against policy LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP4: Growth in Villages, LP5: Delivering Prosperity and Jobs LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP16: Development on Land Affected by Contamination, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity and LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan and the guidance contained in the National Planning Policy Framework and National Planning Practice Guidance.

The site is brownfield land within the built footprint of the settlement. The principle to develop three dwellings here is considered acceptable as the site is within the built form of the village and will contribute to the allocated housing growth apportioned to North Kelsey in the adopted Central Lincolnshire Local Plan.

It is considered that the proposal would not adversely affect the economic growth and employment opportunities in the area in accordance with the

NPPF and Policy LP5 of the Central Lincolnshire Local Plan as clear evidence has been provided that no businesses are now operating from the site. Furthermore, it is considered that appropriately designed dwellings in this location could protect residential amenity and the visual amenity of the street scene/countryside and could provide an appropriate amount of outside residential amenity space. The proposal is not considered to raise any unacceptable highways issues. The proposal would not be detrimental to existing users and potential future users of the nearby Public Right of Way.

Recommendation: Grant planning permission subject to the conditions below:

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

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

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

2. No development shall take place until, plans and particulars of the access, appearance, layout and scale of the buildings to be erected and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall 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 shall be begun before the expiration of two years from the date of final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

4. No development shall take place until, suitably qualified contaminated land assessments and associated remedial strategy with none technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative

summary with justifications cross referenced]. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

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

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environment Agency and the Housing and Environmental Enforcement Manager in accordance with the NPPF and Policy LP16 of the Central Lincolnshire Local Plan.

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

5. No development other than to foundations 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 scheme and be available for use before the first occupation of the dwellings.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

6. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

Reason: To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

7. The development shall be carried out in full accordance with the recommendations contained within the Ecological Appraisal (CGC Ecology August 2020) and within the Bat Survey (CGC Ecology October 2020).

Reason: To safeguard wildlife in the interests of nature conservation in accordance with National Planning Policy Framework and Policy LP21 of the Central Lincolnshire Local Plan.

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

8. Notwithstanding the provisions of Classes A, AA, B, C, D, and E of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the building hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the host dwelling, no new hardstanding and gates, walls or fences unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of the host and neighbouring dwellings and the resulting amount of space around the host dwelling and to safeguard the character of its surroundings in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

Notes to the Applicant

S.106 (unilateral undertaking)

The landowner has entered into a certified S.106 (Unilateral Undertaking) which has been completed (The Council is not a party to the document). The Unilateral Undertaking means that the existing uses on the site of this application (142221), for any fabrication of metal and the refurbishment of mechanical or agricultural machinery and for 142247 need to cease before commencement of development.

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