

Guildhall Gainsborough
Lincolnshire DN21 2NA
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AGENDA

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

Planning Committee
Wednesday, 4th January, 2023 at 6.30 pm
Council Chamber - The Guildhall

Members:

- Councillor Ian Fleetwood (Chairman)
- Councillor Robert Waller (Vice-Chairman)
- Councillor Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor David Dobbie
- Councillor Steve England
- Councillor Cherie Hill
- Councillor Mrs Jessie Milne
- Councillor Peter Morris
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Jeff Summers
- Councillor Mrs Angela White

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 - 42)
 - i) Meeting of the Planning Committee held on 30 November 2022, 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.

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

5. **Update on Government/Local Changes in Planning Policy**

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

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

6. **Planning Applications for Determination**

- a) 145360 - Land to the rear of Marquis of Granby, High Street, Waddingham (PAGES 43 - 80)
- b) 145096 - Hybrid Planning Application for proposed 57km pipeline scheme between Elsham and Lincoln (PAGES 81 - 120)
- c) 145770 - Trinity Arts Centre, Gainsborough (PAGES 121 - 128)
- d) 145890 - Gainsborough Town Centre, Gainsborough (PAGES 129 - 138)

7. **Determination of Appeals** (PAGES 139 - 148)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Thursday, 22 December 2022

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 30 November 2022 commencing at 6.30 pm.

Present: Councillor Ian Fleetwood (Chairman)
Councillor Robert Waller (Vice-Chairman)

Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor David Dobbie
Councillor Mrs Jessie Milne
Councillor Peter Morris
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Jeff Summers
Councillor Mrs Angela White

In Attendance:
Russell Clarkson Development Management Team Manager
George Backovic Development Management Team Leader
Rachel Gordon Development Management Team Leader
Martha Rees Legal Advisor
Ian Elliott Senior Development Management Officer
Andrew Warnes Democratic and Civic Officer

Also In Attendance: Eighteen members of the public

Apologies: Councillor Steve England
Councillor Cherie Hill

72 PUBLIC PARTICIPATION PERIOD

There was no public participation at this point in the meeting.

73 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 2 November 2022 be confirmed and signed as an accurate record.

74 DECLARATIONS OF INTEREST

Councillor R. Waller declared a non-pecuniary interest, in relation to agenda item 6f, application number 145619, that he was the Local Ward Member for Sudbrooke, but had not participated in the application previously and at the Parish Council level, and would remain as a Member of the Planning Committee, and Vice-Chairman.

Councillor J. Summers declared a non-pecuniary interest, in relation to agenda item 6d, application number 145360, that he was the Local Ward Member for Waddingham and Spital, and had made his views known on the application. He would state his views on the application in this capacity, and leave the Chamber.

Councillor R. Patterson declared a non-pecuniary personal interest, in relation to agenda item 6a, application number 145135, that though he was not at the site visit, he regularly visited the area, and knew the site well enough to participate on the application.

Councillor D. Cotton declared a non-pecuniary interest, in relation to agenda item 6b, application number 145260, that he was the Local Ward Member for Saxilby, but had not participated in the application at the Parish level, and would remain on the Committee for the application.

Councillor A. White declared a non-pecuniary interest, in relation to agenda item 6a, application number 145135, that she had called in the application to be considered by the Planning Committee. She also declared that she had not communicated her views, and would remain as a Member of the Planning Committee.

Councillor A. White also declared a non-pecuniary interest, in relation to agenda item 6e, application numbers 144480 & 145076, that she was the Local Ward Member for Nettleham, and also a Parish Councillor for Nettleham. She had not made her views known on the application, and would sit with an open mind as Member of the Committee.

In relation to agenda item 6a, application number 145135, Councillors J. Milne, P. Morris, and J. Rainsforth declared a personal interest that they were not present at the site visit, and so would not participate in the item.

75 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Development Management Team Manager updated Members that the Levelling Up and Regeneration Bill was at the "Report Stage" and was being considered in the House of Commons. There were various reports of amendments to the Bill being tabled, and further information could be found online.

Moving to local matters, the Officer updated Members on the Central Lincolnshire Local Plan examination, and that two weeks of examination had been held. The examination was to recommence on 6 December, held in person, at Double-Tree by Hilton in Lincoln. In the week commencing 13 December, the hearings were to be held virtually. The Officer then progressed to highlight Neighbourhood Plan (NP) updates, informing Members that the Hemswell Cliff NP, Keelby NP, and the Nettleham NP Review had their different consultation stages completed and that the next stages of the processes were underway.

76 145135 - LAND REAR OF WATERING DYKE COTTAGES, GRANGE DE LINGS

The Chairman introduced the first application of the meeting, application number 145135, for the change of use of land for the siting of 12no. gypsy/traveller residential caravan and the erection of 2no. amenity buildings, on land rear of Watering Dyke Cottages, Grange De Lings, Lincoln. The application was being reconsidered at Committee following a site visit, as resolved to undertake at the previous meeting of the Planning Committee. The Officer stated that there were no major updates to the application, barring a small amendment to condition 2, which was to formalise the scheme for foul water. The Officer then gave a short presentation on the scheme.

The Chairman advised that there were two registered objectors wanting to speak on the application. He invited the first registered speaker, Alex Wright, to address the Committee. The following statement was made.

“Following on from our previous statement, we would like to further inform you why we strongly object to this proposal. Firstly, we disagree with the concluding remarks reported stating that this site doesn't impact the living conditions of the settled community, As you know on multiple occasions, we have received threats of criminal damage to the septic tank, personal threats, and verbal abuse. We have had our septic tank attempted to be tapped into for use and had confirmation that access will not be provided to empty it. There has been a significant increase in traffic and noise pollution. Intrusive lighting was installed without the required permission. Our driveway now looks industrialised and unpleasant, their land next to the driveway is unmaintained with masses of weeds and large soil piles dumped there. An excessive amount of unknown people enter our driveway, overlooking our gardens, there is no privacy. These incidents impact our living conditions and will get significantly worse if passed, currently, only a minor proportion of occupants live on site. To put this into context planning permission on this land was previously rejected for two stables due to it being unsuitable, how will this significant development be adequate?

We are is concerned about our driveway. Whilst the applicant has now served notice on our access, this was provided after an objection was submitted. Not before the application was submitted as is required by the regulations. Our objection stated we would not approve these works pm the driveway for access, for this use.

We are concerned about the number of caravans proposed on such a small site. This will harm our living conditions and amenities. There is a sad loss of agricultural land creating a loss of rural character. The noise pollution and disruption have been significant, regular shouting can be heard from the site; this will only get worse if approved. Vehicle movements, overlooking, verbal abuse and threats are likely to increase too. My family no longer enjoy or feel safe living in this area. Judging by the number of cars/vans/ visitors to the site this could lead to 30-plus vehicles when fully occupied, this will be disastrous considering they're using our driveway, passing our houses within close proximity. Hall Lane, the road used for accessing the shared driveway often gets congested with people who are waiting to turn onto the A15, this will get worse and will impact us exiting our driveway. The occupants will dominate the area 30 plus residents will be significantly larger than the 5 adults living in our 3 adjacent houses.

Our septic tank is of concern, we are unsure how we will obtain new needed sewage provisions due to the sheer lack of room and hardstanding. A drainage field is impossible to

install, and any new outlet pipe would be extremely difficult too. The current outlet pipe could get damaged due to the works and large vehicle movements. These difficulties could lead to contamination. We are also concerned about the applicant's drainage provisions, where will they have room to install them? The applicant has been seen recently dumping dirty water on the shared driveway, we believe this is needed now as this could have a significant environmental impact. These caravans are being lived for residential purposes so planning policies related to housing should apply. This wouldn't be a suitable site for 12 residential houses so why should this be any different?

The area is unreasonable for the development proposed, the applicants couldn't have done much more wrong in my opinion. Developing the site without permission and the actions taken by the applicant have significantly impacted the lives of the local community negatively hence 90% of residents objecting to this proposal in the local area. Multiple relevant objections have been put forward by local residents, the showground and Riseholme Parish Council."

The Chairman thanked the speaker for his statement, and then invited the next registered objector, Peter Metcalfe, to address the Committee, who made the following statement.

"In a hamlet of nine houses, twelve caravans will patently dominate the population. With deception and intimidation from the outset, and changing residents, how can this be a community? This unauthorised development has taken away enjoyment of my home. Because the applicant's daily life is lived outdoors, it has a huge impact. In the past couple of weeks there have been unfamiliar vehicles, adding insecurity, as it's impossible to know your neighbours. Retrospective permissions are part of planning, but there is a gulf between not realising permission is needed for an extension to illegally turning a green field into a sterile caravan park. That is the purpose of the 2015 Ministerial Statement into intentional unauthorised development and it should be paramount in your decision. The Planning report says 'not unacceptable harm', 'not unacceptably severe' and 'not unacceptably dominant'. Remove the double negative and you have 'acceptable harm', 'acceptably severe' and 'acceptably dominant'. How is any harm, any severity and any domination acceptable?

A stable was refused previously, but this has been recommended for approval. W/beg It is contrary to so many local and national policies it beggars belief that the application wasn't refused earlier. West Lindsey may need to provide Traveller sites, but do it in a strategic way. The allocation for 2019-2024 is already met, so consult with local communities, put the site somewhere where it doesn't dominate the existing settlement. Don't reward this behaviour by approving. Don't fulfil any future need by sacrificing a tiny hamlet now. Greenlighting this disrespectful and illegal approach will set a precedent and be detrimental throughout West Lindsey."

The Chairman thanked the speaker for his statement, and invited a response from the Planning Officer. In his response, the Officer stated that this was an emotive application, and that the right of access was a civil matter and not for the consideration of the Committee. He also explained that the drainage and lighting were to be conditioned and had a time limit to come in. In concluding his response, the Officer highlighted that Lincolnshire County Council Highways had raised no objections on safety grounds.

The Chairman invited comments from Members of the Committee. Members raised several points, with some referencing the site visit, the lack of statutory objectors, concerns about a

possible appeal if the application was to be refused, the lighting of the site, the septic tank, and the setting of the caravans on the site. There were also remarks about the specific concerns being more relevant for other authorities, such as the police, environmental health, and Lincolnshire County Council Highways, rather than the Authority's Planning department. In a separate query, Members learned of the dwellings around the proposed site, which included the 3 Watering Dyke Cottages and six dwellings north of the cottages.

In answers to questions about the septic tank, Members learned that this was not relevant to the planning application and was a concern in civil law, not planning nor planning enforcement. Regarding the conditions and the controls that applied to the application, the Case Officer explained that these would be within three months of the permitted date, with the agreement of the local planning authority.

In reply to a query about the application of LP 56 and the allocation of sites, the Officer explained that it was 27 pitches in need and that the current review of the Central Lincolnshire Local Plan was considering these sites. The Officer also clarified that unallocated sites were required to meet the need of traveller communities. Responding to a query about the lighting, Members learned that it could be conditioned further and explained that the lights should be high spec, direct, and not filter out. There was also a reference to street lighting on the adjacent A15 road.

During the discussion, several members wished for more explicit language on the site's lighting. This push led to amending Condition 4 to ensure no further lighting was installed on this site without a full planning application being approved.

Having been proposed and seconded, the Chairman took the vote and it was agreed that permission be **GRANTED** subject to the following conditions:

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

NONE

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:

1. 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:

- Proposed Site Plan and Pitch Layout received 19th October 2022
- Smaller Amenity Building Elevation and Floor Plans received 7th July 2022
- Larger Amenity Building Elevation and Floor Plans received 7th July 2022
- Post and Rail Fencing Elevation Plan received 7th July 2022

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

application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17, LP26, LP55 and LP56 of the Central Lincolnshire Local Plan 2012-2036 and S5, S53 and S83 of the Submitted Central Lincolnshire Local Plan Review.

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

2. Within three months of the date of this permission details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests and justification for not using a main sewer for foul water) from the site and a plan identifying connectivity and their position must be submitted to and approved in writing by the local planning authority and thereafter implement the approved scheme. The development must be occupied in strict accordance with the approved drainage scheme and retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve 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 LP14 and LP56 of the Central Lincolnshire Local Plan 2012-2036 and S83 of the Submitted Central Lincolnshire Local Plan Review.

3. Within 3 months of the date of this permission comprehensive details of a footway (width to be agreed) to connect the development from the west of its vehicular access to the existing footway network to the east of the A15, must be submitted to the Local Planning Authority. The detail submitted must include appropriate arrangements for the management of surface water run-off from the highway. The approved footway and surface water run-off scheme must be installed within 6 months of the date of the formal written approval date of the Local Planning Authority. The footway must be retained thereafter.

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 policies LP13, LP55 and LP56 of the Central Lincolnshire Local Plan 2012-2036 and S5, S47 and S83 of the Submitted Central Lincolnshire Local Plan Review.

4. Within 3 months of the date of this permission details of all existing external lighting on the site or its boundaries must be submitted to and approved in writing by the Local Planning Authority. No further external lighting must be installed on the site or its boundaries unless it has been submitted to and approved in writing through a full planning application. Details of all existing and further external lighting must include light specification, position, height and a light direction plan. The development must thereafter be occupied in strict accordance with any lighting scheme approved.

Reason: To protect the amenities of nearby properties and the rural locality to accord with the National Planning Policy Framework and local policies LP17, LP26, LP55 and LP56 of the Central Lincolnshire Local Plan 2012-2036 and S5, S53 and S83 of the Submitted Central Lincolnshire Local Plan Review.

77 145260 - LAND AT LINCOLNSHIRE SHOWGROUND, HORNCastle LANE, SCAMPTON

The Chairman introduced the next application of the meeting, application number 145260, a hybrid planning application comprising: (1) full planning application for a petrol filling station (Sui Generis) with rapid electric vehicle charging facility and retail kiosk (Use Class E), alongside a drive- thru coffee shop (Use Class E / Sui Generis) with associated access, parking, servicing and landscaping areas; and (2) outline planning application for an additional drive-thru facility (Use Class E / Sui Generis) with associated parking, servicing and landscaping areas (with all matters reserved for future consideration), on land at Lincolnshire Showground, Horncastle Lane, Scampton, LN2 2NA. The Officer informed Members that there were no updates, and gave a short presentation to the application.

After a query clarifying the consultation process with the parish, the Chairman invited the agent and a joint applicant for the application, James Cox and Jane Hiles, to address the Committee.

In his brief statement, the speaker welcomed the recommendation and highlighted the possible benefits of the application, emphasising the need for HGV parking, rapid electric vehicle charging, new food and drink establishments, and up to 68 new jobs created with the development. He also emphasised that there were no objections by the statutory bodies. He concluded his statement and handed over the remaining time to Jane Hiles.

Immediately following the agent, Jane Hiles addressed the Committee and described her status as a past Chairman of the charity responsible for the Showground. She progressed to state that the number of showgrounds across England was decreasing and that there was a concern about losing the prestige nature of the site. The speaker explained that this was not the route the charity trustees wished to have taken but raised concerns about the financial pressures. She then stated that the charity was proud of the year-round work, which included thousands of school children visiting, supporting trained and trainee teachers, and over a hundred Lincolnshire businesses being involved.

Moving to how the application fitted into the Showground, the speaker argued that it could be delivered without damaging the rest of the Showground and the work done. The Showground Charity owned 290 acres, with only 1.22 acres of land utilised for this application. Plenty of alternative space was available for current and future agricultural events, exhibitions, and car parking. The speaker also explained that it would provide vital services and would be able to compete with the other 16 showgrounds. The speaker explained that the high costs of running the significant events might be better supplemented with this application and that it had support from their regular exhibitors and contractors.

The speaker then referenced that other Showgrounds had nearby facilities, some being on-site or less than a mile away, and that the application outcome might allow for a hotel to be developed on-site. In concluding her statement, the speaker stated that the money the Showground earned was to be spent on their educational work or improving the Showground itself. She thanked the Committee for listening to her comments.

The Chairman thanked the speakers for their statements and invited comments from Members of the Committee.

At this time, Members made multiple references to the local traffic situation and possible queuing, the environmental costs, the nearby roads, access to the site, and the support from local people nearby. Members also raised concerns over the current lack of lorry parking in the District, which this application was scheduled to provide.

Members referenced nearby filling stations and possibly other places in the District that could host a similar site. Assertions were also made to the design of the site buildings, the application that might cause accidents, and the provisions for electric vehicles on the site. Members were reminded by the Development Management Team Leader that their consideration was only on the application in front of the Committee.

In response to queries on highways and traffic concerns, Members heard from the Development Management Team Leader that Highways had been consulted and that transport assessments had been submitted. The road junction that provided the entry and exit had a pedestrian refuge to put in, with good access proposed, which took safety into account. Subsequent answers from the Officer explained that the drive-thru was to the furthest point on the south part of the site, with its separated parking, that the access was deemed acceptable by Lincolnshire County Council Highways, and the public right of way would not be affected.

Responding to a query about the food provisions on the site, this was to be ancillary to the petrol station, whilst the food provided at the Showground was to remain specialist. In reply to a query on the outline part of the application, the Officer clarified that this was a reserved matter and was for Use Class E / Sui Generis.

In reply to a remark about the environmental impact of the application, Members heard that though the focus was on reducing the environmental harm, the NPPF facilitated that there was to be a transition period necessary, which would allow for the proper infrastructure to be implemented.

Having been proposed and seconded, the Chairman took the vote and it was agreed that permission be **GRANTED** subject to the conditions detailed below.

Note: Councillor D. Cotton requested that his vote against granting on the above vote be recorded in the minutes.

Note: Councillor J. Summers requested that his vote against granting on the above vote be recorded in the minutes.

Outline Planning Permission

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 drive thru unit (Use Class E / Sui Generis) located within the outline area of the site (as shown on plans 210642_PLG_104E and 210642_PLG_110B) 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 hybrid form (i.e. seeking part full planning permission and part outline planning permission) and the Local Planning Authority wishes to ensure that the 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. The development hereby permitted may not commence until such time as a scheme to install underground tanks has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

Reason: To ensure that the underground storage tanks do not harm the water environment in line with paragraph 174 of the National Planning Policy Framework and Position Statements D1 – D4 of the ‘The Environment Agency’s approach to groundwater protection’.

5. No development shall take place until a surface water drainage scheme for the site based on sustainable urban drainage principle and an assessment of the hydrological and hydrogeological context of the development has submitted to and approved in writing by the Local Planning Authority. The scheme shall:

Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

Provide attenuation details and discharge rates which shall be agreed with the Internal Drainage Board;

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.

The development shall be carried out in accordance with the approved drainage scheme and shall not 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 adequate drainage facilities are provided to serve the development in accordance with policy LP14 of the Central Lincolnshire Local Plan.

6. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the routeing and management of construction 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 during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xi) Measures for the protection of any existing trees and hedgerows;

Reason: In the interests of amenity and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

7. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by

record, preservation in situ or a mix of these elements).

2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework.

8. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 7 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

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

9. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 7. Following the archaeological site work a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

The report and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

10. 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 and to accord with the National Planning Policy.

11. The development shall be carried out in strict accordance with the mitigation measures recommended within the Preliminary Ecological Appraisal Report reference ER-6084-01A dated 15/06/2022 by Brooks Ecological.

Reason: To safeguard wildlife in the interests of nature conservation in accordance with policy LP21 of the Central Lincolnshire Local Plan.

12. No development, other than to foundation levels, shall take place until details of a scheme for the disposal of foul sewage from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and maintained thereafter.

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

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

None

Full Planning Permission

Conditions relating to the phasing of the development:

13. No development shall take place until a Phasing Plan, detailing the different phases of development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Phasing Plan thereafter.

Reason: To enable the delivery of a phased development.

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

14. 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:

15. Each of the approved phases of development may not commence until such time as a scheme to install underground tanks has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

Reason: To ensure that the underground storage tanks do not harm the water environment in line with paragraph 174 of the National Planning Policy Framework and Position Statements D1 – D4 of the 'The Environment Agency's approach to groundwater protection'.

16. No development within any approved phase of development shall take place until a surface water drainage scheme for the site based on sustainable urban drainage principle and an assessment of the hydrological and hydrogeological context of the development has submitted to and approved in writing by the Local Planning Authority. The scheme shall:

Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

Provide attenuation details and discharge rates which shall be agreed with the Internal Drainage Board;

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.

The development shall be carried out in accordance with the approved drainage scheme and shall not 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 adequate drainage facilities are provided to serve the development in accordance with policy LP14 of the Central Lincolnshire Local Plan.

17. No development within any approved phase of development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the routeing and management of construction 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 during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xi) Measures for the protection of any existing trees and hedgerows;

Reason: In the interests of amenity and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

18. No development within any approved phase of development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework.

19. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 18 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

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

20. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 18. Following the archaeological site work a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

The report and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

21. 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 and to accord with the National Planning Policy.

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

210642_PLG_104E

210642_PLG_105 (elevations only)

210642_PLG_106

210642_PLG_107

210642_PLG_112

210642_PLG_110B

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

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

23. Each of the approved phases of development shall be carried out in strict accordance with the mitigation measures recommended within the Preliminary Ecological Appraisal Report reference ER-6084-01A dated 15/06/2022 by Brooks Ecological.

Reason: To safeguard wildlife in the interests of nature conservation in accordance with policy LP21 of the Central Lincolnshire Local Plan.

24. No development within any approved phase of development, other than to foundation

levels, shall take place until details of a scheme for the disposal of foul sewage from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and maintained thereafter.

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

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

25. The pedestrian route to the college and showground shown on plan 210642_PLG_104E shall remain open and accessible, without obstruction, at all times.

Reason: To allow permeability through the site for pedestrians and users of the Showground in accordance with policy LP13 of the Central Lincolnshire Local Plan.

78 145314 - LAND SOUTH OF THE RIDINGS, MARKET RASEN

The Chairman introduced the next application of the meeting, application number 145314, for the construction of 22no. apartments and 11no. bungalows; including associated gardens, vehicle access and parking, on land south of The Ridings, Market Rasen, Lincolnshire, LN8 3EE.

The Development Management Team Leader gave the Committee several updates. The first was an update following communication received from Lincolnshire County Council. It was noted that although Section 38 and Section 104 technical approvals had been granted, the developer had apparently made subsequent arrangements with Anglian Water to change the surface water drainage disposal strategy to discharge into the existing main sewer, rather than to provide a sewer that would fall into the watercourse on Legsby Road. The Officer suggested an additional condition that would not allow development until a drainage strategy had been submitted and approved in writing by the Local Planning Authority. This would allow determination of the current application as a funding deadline was in for affordable housing and a deferral might affect funding.

The Officer then commented that the report should have also included an objection from an adjacent dwelling. In summarising the statement, it was referenced that the objector claimed the application was contrary to the Central Lincolnshire Local Plan, the upcoming revised local plan, and expressed concerns over the heavy rainfall and flooding on the site in recent memory. The Officer noted the attenuation pond which was in place stopped some residents from being flooded. The Officer also explained that the concern about the highway access was moot, as the access had already been approved and there was no proposed change. Finally, responding to a concern about the potential noise and disturbance concerning LP 26, Members heard there was a condition that required a Construction Management and Method statement to be submitted for the development. The Officer then gave a short presentation on the application.

The Chairman advised there were four registered speakers, and invited the Democratic and Civic Officer to read out the first statement, from Stuart Liles, the agent for the application.

The following statement was read aloud.

“Good evening, this statement has been prepared on behalf of the Applicant concerning the proposed LACE Housing development to be determined at today’s committee. The application site forms part of a wider development for up to 150no dwellings which was granted Outline Approval in 2017. A later Reserved Matters Application for the wider development by Rippon Homes was approved in 2019, which again included the parcel of land associated with this application. Included within the Reserved Matters Application were full details of the intended Road and Drainage Design for the whole development. These were all approved by the Highways, LLFA and Local Authority as part of that determination process.

The application to be determined today is a Full Plans Application for 33 Affordable Homes specifically designed to meet the changing needs and requirements of older people. These homes would be a replacement for the 33 General Needs Affordable Housing which has already been granted approval, not in addition to this number. The change to the proposed housing provision for this parcel of land is due to the significant population growth of older residents within Lincolnshire and helps to meet the housing need for older residents which is in short supply across the county.

The land parcel associated with this application sits at the entrance into the wider development near the northern boundary. As such the site will enjoy positive views out across the existing open space to the north and act as a gateway site for the development as a whole. The site layout has been designed as a perimeter block with active frontages and generous front gardens facing out on all sides, and a semi-private feel to the central spaces at the heart of the scheme.

The 2-storey apartment building has been located to the north of the site, with generous offset distances of over 30m to the existing properties to the north. The mature vegetation along the boundary of the site is also retained to provide screening. The new bungalows are then arranged along the remaining edges of the site to provide a continuous ribbon of development looking out onto the street. The APPROVED Surface Water Drainage Strategy developed as part of the RMA incorporates drainage swales around the eastern, southern and western frontages of the application site so vehicle access is limited to a single point.

Areas of parking associated with the apartments are located to the north and south of the access road, with a central square acting as a point of arrival. Parking for the bungalows is also arranged around a central square with large amounts of manoeuvrability space for cars. As parking for the bungalows is behind the properties; they have been designed to include a defined second entrance to the garden side. This garden entrance has been highlighted with a change in material and the provision of a canopy to emphasise it’s function as a point of arrival. Communal garden areas around the central space have also been provided to soften this key area at the heart of the scheme. We have engaged proactively with West Lindsey District Council via a Pre-Application enquiry; and comments made at Pre-App stage have been incorporated into the final design.

The proposed drainage design for this application has been developed to integrate into the wider drainage strategy and the drainage network approved under the previous Outline Approval and Reserved Matters Approval respectively. As stated previously this application is for 33 homes for older persons, which would be built to replace the 33 General Needs

housing units already approved. Two submissions had been made with regard to the drainage issues, both available on the planning portal website. BSP consulting have confirmed that the foul and surface water drainage for the development has been designed in accordance with the requirements of the approved Flood Risk Assessment and Drainage Strategy, and has addressed any surface water flooding issues, to ensure that the development will be safe without increasing flood risk elsewhere. The foul and surface water drainage has also been designed in accordance with the requirements of Anglian Water Services Limited and will be adopted under a S104 Agreement. The Anglian Water Services technical approval letter has also been received.

In summary we have looked to create a high-quality addition to the town of Market Rasen, which will provide attractive and well-designed contemporary homes specifically for elderly residents.”

The Chairman thanked the Democratic and Civic Officer for reading the statement, and invited him to read the next statement, from Don Westman and Christine Slack, objectors to the application. The following statement was read aloud.

“There are unaddressed flood risk concerns associated with this current application, which is for development on part of the site associated with a previous application (no 140365). The Flood Risk Assessment (FRA) in the current application uses the same report provided by BSP Consulting for 140365 which contains a major error with respect to surface water flooding risk.

The error lies in BSP’s assertion that the site is protected from surface water inflow from the South by a ditch running the length of the southern boundary. In fact the ditch does not exist on that portion of the southern boundary which, during prolonged wet weather, is subject to a massive influx of underground-sourced water from a spring on adjacent land to the South West. This underground source is clearly shown on the Environment Agency Flood Risk map which was presented with 140365. I have submitted copy of this same map to the meeting and have marked the presence and absence of the ditch. (This map also shows those areas of The Ridings development adjacent to the building site that are already marked as being at flood risk from surface water runoff).

The invading ground water from the spring flows downhill like a river into the site during prolonged wet weather. Lakes form in the building site, spill over onto the public open space on The Ridings and thence into the adjacent Woodland Walk, exiting into an existing road drain in Stable Way. In 2019/2020, this heavy rate of flow lasted many months, thereby contributing to the water load on the existing inadequate attenuation pond in The Ridings. I have also submitted a copy of an aerial photo clearly demonstrating the significant flood risk from this water source.

The underground water source did not reach the surface during this last dry summer, when the water table was low, but after recent rainfall, a lake has already formed on the South West corner of building site and on the Ridings public open space. This matter has been repeatedly raised with West Lindsey planning department and publicised in the Market Rasen Mail article of October 19th. The planning department has never responded. Is it the intention of the developers to simply divert this additional flood water from their own site, (where the ground levels are also being raised) onto the Ridings? This application neither acknowledges its existence or has presented any mitigation measures.

At one point both Lincs County Council (LCC) as Lead Local Flood Authority and WLDC were stating they would not address the above concerns with the FRA and that we should contact the other Authority. LCC did then propose a site meeting in November. WLDC were apparently invited to attend by LCC but refused. As a result of the meeting, LCC appreciate our concerns re the FRA, plus another issue with a new pond that has appeared to the West of the site.”

The Chairman stopped the statement at that point, in order to allow sufficient time for other registered speakers, and invited the Democratic and Civic Officer to read the next registered statement, from another objector, Hazel Barnard. The following statement was read aloud.

“The proposed block of flats within the proposed development by LACE housing is totally out of place in our rural landscape, having an atrium connecting two solid brick structures does not lessen the appearance of a monolithic edifice. This identikit design is more in keeping with the urban landscape in which the majority of their housing schemes are found.

With more imagination and care, the much needed housing could fit into its rural surroundings without the brutal harshness that is currently proposed. Why have a second floor when the housing is intended for an ageing population? Mobility issues for tenants mean possible problems in the future, so why not build single storey accommodation to future proof this? This would allay the fears of nearby residents being overlooked by tenants and give the tenants a more realistic chance of enjoying their homes without concerns about future mobility issues.

To say that screening is provided by trees is to misunderstand or misrepresent the fact that the trees are deciduous thereby meaning that for 6 months of the year are not in leaf, so offering no screening whatsoever. Having the ability to show CAD drawings with trees blocking this proposed monolithic building is therefore disingenuous. I note here that according to the LACE housing current brochure, this development is already a done deal and is a fact as shown on their locations map, how? Is there something that the public is not aware of?

The widely reported flooding problems should also be raised here, we have an ongoing problem with raised water levels since the larger development under 140365, of which this is a part, began. The lagoon is already not able to cope with runoff water and has led to the flooding of existing nearby properties, the boundary ditches have been back filled and the Internal Drainage Board are in constant communication regarding this. The proposed block of flats is obscene in its dimensions in our rural landscape and single storey development should be encouraged for the health and well being of future tenants and for nearby single storey property owners. I therefore urge that this application in its current format be refused.”

The Chairman then asked the Democratic and Civic Officer, in the remaining time, to continue reading the statement from Don Westman and Christine Slack.

“They have undertaken therefore to investigate both issues, review the FRA, and to report back in December. The flood risk map submitted, demonstrates that a large percentage of The Ridings is now at high risk of surface water flooding. This is a relatively new area of development as compared to the center of Market Rasen with its Victorian type of sewerage system. It should therefore have been more adequately protected from flooding by the

modern Planning/ Flood Risk Assessment process. It has clearly failed to do so and puts into serious question the efficacy of the current approach. As well as the above issue with groundwater, we also have significant concerns regarding the whole surface water management on the site.”

The Chairman thanked the Democratic and Civic Officer for reading the statements, and invited the Local Ward Member and County Councillor for the area, Councillor Stephen Bunney, to address the Committee.

In his statement, the Member focused the Committee's attention on a slideshow that featured maps and drawings of the proposed site and explained the drainage concerns for the application site. He declared that he owned land adjacent to the site. He explained the recent flooding situation in the area and referenced the importance of dealing with surface water drainage.

Moving towards the specific site, Councillor Bunney referred to what had and had not worked with preventing flooding in the area, including inadequate drainage. At this point in the statement, the Member referenced a drawing that showed a pond and referred back to the recent flooding in August. Members heard that the main issue was the surface water drainage on the site.

The Member progressed to state that this was agricultural land and had traditionally always had water on it. This facilitated the need to have 24 hours a day pumps to remove the water when nearby bungalows were built previously. The Member explained that he was concerned with the water that sometimes came off the site, flowed into the sewage drain, and worked down into the main drainage systems.

Councillor Bunney asserted that he believed the water from the attenuation pond, due to this development, would likely enter the Riding's system and then go either through the surface water, drainage, manholes or foul water drainage. In concluding his statement, the Member proposed returning to the original pre-2017 design, with the water being taken down onto an existing drain that flowed into the River Rase, adjacent to the Rugby Club.

The Chairman thanked Councillor Bunney for his statement, and invited a response from the Development Management Team Leader. In his response, the Officer explained that Lincolnshire County Council Highways had concerns about the drainage issue because the original technical approvals for the site appeared to have been superseded by separate agreements with Anglian Water, however this would not affect the determination of the application. The Officer explained the additional condition required drainage for the site to be submitted to and approved by the Local Planning Authority. Moving to overlooking concerns, the Officer explained that the distances were set out in the Officer's report, ranging from 30 to 70 metres from the existing bungalows. In screening, the Officer's opinion was that it was not required, and assessed that the design stood well on its own.

The Chairman invited comments from Members of the Committee. Members mentioned similar sites across the District, remarks about flooding, agricultural land, the outline permission previously given, the provisions for over 55s and the availability of downsizing. There were also remarks about the move towards flats instead of bungalows with this application and the possible individual concerns of the residents in each unit.

In response to a query about the bedrooms in each unit, the Officer explained that some one-bedroom apartments were proposed, parking concerns were minimal and referenced that Lincolnshire County Council Highways had no issue with parking. In a similar query about the criteria needed to take up one of the units, the Officer explained that the criteria were set by the eventual owners of the site and were not a consideration by the Local Planning Authority.

In response to a query about the Section 106 agreement, the Officer clarified that the contribution required came from the NHS and that occupation would be limited to over 55s by the Section 106 agreement. This was necessary as this was the reason no education contribution was requested.

Having been proposed and seconded, the Chairman took the vote and it was agreed that 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. No development shall take place until details of the existing and proposed finished ground levels have been submitted to and approved in writing by the local planning authority with subsequent implementation in accordance with the approved details.

Reason: In the interests of the character and appearance of the site and wider area and the amenities of existing residents and in accordance with policy LP26 of the Central Lincolnshire Local Plan.

3. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the routeing and management of construction 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 during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from construction works;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

(xi) Measures for tree and hedgerow protection;

Reason: In the interests of the amenities of existing residents and in accordance with policy LP26 of the Central Lincolnshire Local Plan.

4. No development shall take place above ground level until details of all external materials have been submitted to and approved in writing by the Local Planning Authority and shall be accompanied by written details of the materials including source and manufacturer. The details of the external materials shall be approved in writing by the local planning authority before their use in the development

Reason: In the interests of securing a satisfactory visual appearance in the interests of the character and appearance of the site and wider area in accordance with policy LP26 of the Central Lincolnshire Local Plan

5. No development shall take place, above ground level, until details of hard landscape works have been submitted to and approved in writing by the local planning authority. The details shall include:

- Car parking areas;
- Surface materials for pedestrian and vehicular access

Reason: In the interests of securing a satisfactory visual appearance in the interests of the character and appearance of the site and wider area in accordance with policy LP26 of the Central Lincolnshire Local Plan

6. No development shall take place, above ground level, until details of soft landscape works have been submitted to and approved in writing by the local planning authority. The details shall include:

- planting plans;
- Written specifications including cultivation and other operations associated with plant and grass establishment;
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- Tree pits including root protection details;

Reason: To ensure a satisfactory landscape scheme is provided that complements the character and appearance of the site and wider area in accordance with policy LP 26 of the Central Lincolnshire Local Plan.

7. No development shall take place above ground level until details of biodiversity enhancements, including bat and bird nesting boxes and native planting, have been submitted to and approved in writing by the local planning authority. The scheme be implemented prior to occupation.

Reason: In the interests of biodiversity in accordance with policy LP21 of the Central Lincolnshire Local Plan

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 shall be carried out in accordance with the following drawings:

Drainage Layout 10-5830 500;
LACE Site - 1683-SBA -XX -XX-DR -A -0506;
Apartment Ground Floor Plan: 1683-SBA -XX -00 -DR -A -010;
Apartment First Floor Plan: 1683-SBA -XX -01 -DR -A -011;
Apartment Plans: 1683-SBA -XX -ZZ -DR -A -0020;
Apartment Block – Elevations; 1683 –SBA-XX-XX-DR-A -0202;
Bungalow Plans & Elevations (Semi); 1683 –SBA-XX -XX-DR-A -0203
Bungalow Plans & Elevation (Terrace): 1683 –SBA-XX -XX-DR-A -205
Parking Plan; 1683-SBA -XX -XX-DR -A -0507;
Boundary Treatment Plan; 1683-SBA -XX -XX-DR -A -0508;
Materials Plan; 1683-SBA -XX -XX-DR -A -0510;

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.

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

9. No occupation of the units shall take place until the approved surface water and foul water drainage is in place which shall be retained and maintained thereafter.

Reason: To ensure a satisfactory scheme of drainage is provided in accordance with policy LP14 of the Central Lincolnshire Local Plan

10. All hard landscape works shall be carried out prior to the occupation of the development.

Reason: In the interests of securing a satisfactory visual appearance in the interests of the character and appearance of the site and wider area in accordance with policy LP26 of the Central Lincolnshire Local Plan

11. All soft landscape works shall be carried out in the first planting season following completion of development or occupation, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, to ensure that a satisfactory landscape scheme is provided that complements the character and appearance of the site and wider area in accordance with policy LP 26 of the Central Lincolnshire Local Plan.

79 145360 - LAND TO THE REAR OF MARQUIS OF GRANBY, HIGH STREET, WADDINGHAM

The Chairman introduced the next application of the meeting, planning application 145360, to erect 7no. dwellings and associated infrastructure, on land to the rear of Marquis of Granby, High Street, Waddingham, Gainsborough, DN21 4SW.

The Officer informed Members of the Committee of a few updates. The first was that there had been five further objections. The second was that the report had excluded the non-designated heritage asset identified in the Officer's presentation. This included the former schoolhouse in Waddingham. The Officer explained that the NPPF provisions, in paragraph 203, stated that the effect of an application on the significance of a non-designated heritage asset should be considered in the determination of the application of whether it directly or indirectly affected the non-designated asset. It was the Officer's opinion that this application would not mean losing the heritage asset or affecting its fabric, though it would be within its setting. This had been confirmed with the Conservation Officer. The Senior Development Management Officer then gave a short presentation on the application.

The Chairman advised that there were four registered public speakers. The first was a statement to be read by the Democratic and Civic Officer, from the Chairman of Waddingham Parish Council, Councillor Laretta Williams. The following statement was read aloud.

"Waddingham Parish Council would like to thank the relevant officer for the thorough Officer's report for this planning application and thank him for taking notice of the comments of Waddingham Parish Council. We agree with the amendments, conditions and conclusions noted in the report and hope and expect that the developer complies with them all if the application is passed."

The Chairman thanked the Democratic and Civic Officer for reading the statement, and invited the agent for the application, John Benson, to address the Committee.

In his statement, the speaker stated that the last time he addressed the Committee was on the change of use for the adjacent former public house. He expressed his appreciation to the case officer and wanted to resolve the problem. The speaker explained that the 2019 granted outline application, followed by the 2021 detailed full application being refused, was justified due to the high concern about the design proposals. This refusal led to the speaker's involvement in the process.

The speaker then stated that this application had gone through the pre-application route and received a clear brief of what was acceptable, which included the design of the dwellings, following a standard set, and highlighted the variety of dwelling sizes for the proposed site. The agent's view was that this was to respect the historic place of the site and referenced the Conservation Officer's support for the application. This included reducing the height and massing of some of the dwellings and mitigating concerns about drainage and highway matters.

The speaker commented that all the dwellings exceeded the parking requirements and that Lincolnshire County Council Highways were satisfied with the access on and off the site. It was also referenced that Condition 8 would mean no harm to the village as a whole. In

concluding his statement, the agent stated that he and his team had done everything possible to ensure the development's policy compliance and to mitigate any concerns about changes in this rural area.

The Chairman thanked the speaker for his comments and invited the next registered speaker, Tony Grafton, an objector, to address the Committee.

In his statement, the speaker stated that after the outline planning application, the previous application was refused on each aspect, including scale, appearance, layout and density. He asserted that these did not meet the local needs and harmed the street scene and the historic village centre, and were not deemed high quality.

The speaker asserted that the application conflicted with core planning principles and had concerns about increased flooding risks, referencing that if the development had been in place in 2007, it would have caused more flooding in the adjacent streets. Speaking to the site design, the speaker exclaimed that it was to be wall to wall, block paving concrete and tarmac, and speculated that other applications with smaller dwelling sizes had been refused.

The speaker then stated that there would be a very slow draining of water, potentially affecting the public footpath access on the west part of the site. It was then referenced that there was no change from the previously refused seven dwellings in 2021, and the ground remained the same hardness as before. Moving to a previous appeal on a different site entirely, the speaker stated that planning should seek to secure a good standard of amenities for all existing and future occupants of land and buildings.

The speaker then explained that the properties could only be of value in turning Waddingham into a dormitory village, with no amenities, no buses, no real, local jobs, no shops, no public house and a closing post office. The speaker said that the site was tightly bounded by a lorry yard and was unsuitable for seven dwellings of this size. The speaker concluded his statement by saying that these buildings had crept closer to the boundaries. A previously refused application that affected an ancient orchard meant that this application was pointing to a possible future development elsewhere in the village.

The Chairman thanked the speaker for his statement and invited Councillor Jeff Summers, the Local Ward Member for Waddingham and Spital, to address the Committee.

In his statement, the Member asserted that this application had gone through a long process simply because of a supposed hungry ambition to over-develop the village centre with inappropriate design and density, on a clay site, with minimal ability to drain away moderate levels of rainfall. The Member commented that the percolation test showed surface water added to the soil.

Moving to the flooding, the Member commented that the village had been excessively flooded over the last 20 years, with one case of 18 inches of water that had deposited raw sewage, other materials, and people's belongings into the system. The Member asserted that though the Officer's report said percolation was almost non-existent, the solution described was not an answer, suggesting a solution that should be outlawed and never be part of the planning system.

Councillor Summers declared his belief that other conditions in other applications were not

being applied and that the conditions in the Officer's report would do little to improve the situation. The Member then moved to hope for a guarantee that residents would be compensated for any houses flooded following the development of this site and that it was not appropriate to re-create another infestation of surface water being mixed with the sewage water.

In concluding his remarks, Councillor Summers stated his opinion that biodiversity enhancements would most likely not happen and not be monitored. He noted that sufficient detail had yet to be provided and again expressed that conditions would not be kept. The Member stated that the Committee should refuse the application until the necessary information and questions and density concerns were answered.

Note: Councillor J. Summers left the Chamber at 8.48 pm.

The Chairman invited the Senior Development Management Officer to respond. In his response, he stated that the Committee could only look at the application before them. Noting the history of the site, which included the outline and appeals, he stated that drainage plans and the evidence had been submitted and was considered by the Officer.

Note: Councillor R. Patterson left the Chamber at 8.49 pm.

The Officer also clarified that the site was not suitable for infiltration for drainage purposes, and there were no other surface water bodies around the site that could have been used. In response to a question, the Officer clarified that the Drainage Scheme was based on a 1 in a 100-year weather event plus 40% climate change, in line with other planning applications.

Note: Councillor R. Patterson returned to the Chamber at 8.53 pm.

The Chairman invited comments from Members of the Committee. References included concerns about Waddingham Parish Council's statement, the proposed design of the dwellings, the impact on public access to the Western part of the site, the use of concrete and the effect on water drainage. There was also a reference to the possibility of the dwellings not being in character of the village.

Responding to a query about the Conservation Officer's comments and their coverage in Condition 5, the Senior Development Management Officer explained that the condition included details for external materials, including sample panels of stonework, brickwork, roof material samples, and colour finish windows and doors.

During the debate, a Member felt he needed to know if the application and the proposed design were in keeping with the surrounding village. A site visit was proposed to better understand these factors before the Committee.

Having been proposed, and seconded and, on taking the vote, it was

RESOLVED that the application be deferred for decision at the next available meeting, in order for a site visit to be undertaken.

Note: The meeting was adjourned at 8.55 pm for 5 minutes to allow a comfort break. The meeting reconvened at 9.01 pm.

Note: Councillor J. Summers returned to the Chamber at 9.01 pm.

Note: Councillor D. Dobbie left the Chamber for the remainder of the meeting at 9.02 pm.

80 144480 & 145076 - LAND OFF 72 SCOTHERN ROAD, NETTLEHAM

The Chairman introduced the next item of the meeting, planning applications 144480 and 145076, on land off 72 Scothern Road, Nettleham, Lincoln, LN2 2TX. The applications were as listed below:

144480: Planning application to erect 7no. dwellings.

145076: Planning application for 2no. dwellings, including landscaped area.

The Development Management Team Leader explained there was an update to 144480. The application had gone through a re-consultation which was to end on the 2nd of December. New comments had been received from Lincolnshire County Council Education department, requesting £18,367.00 towards primary education which would need including in the s106.

This was due to Lincolnshire County Council Education using updated pupil projections, therefore a change to the needs for the planning area had occurred and the cost per pupil to mitigate children created had been updated. No new information had been received from other consultees. It was requested that the application be granted and delegated back to officers to assess any remaining representations that may be received before the deadline and to complete the s106.

The Development Management Team Leader also explained there was no update to the 145076 application, and gave a short presentation. The Chairman advised there were no registered speakers, and invited comments from Members of the Committee.

In response to a set of queries about the use and application of the Nettleham Neighbourhood Development Plan, the Officer explained that the existing neighbourhood plan was dealt with within the report and that the use of the Nettleham Neighbourhood Plan review was ongoing. The Officer clarified further in a later answer that the Neighbourhood Plan did allow for further development for the site and that the proposal was satisfactory. It was stated that the '50 dwellings' figure was indicative, with in-fill development and intensification allowed.

In a further query about the application of the Neighbourhood Plan, the Development Management Team Manager explained that it was an allocated site in the 2017 Central Lincolnshire Local Plan, and the focus of the Committee should be more on the impact of the dwellings, not the numbers being applied for on the site. It was explained that the proposal in front of the Committee was, in the Officer's consideration, compliant with planning policy.

Having been proposed and seconded, the Chairman took the vote on both applications at the same time, and it was agreed by majority vote that:

The decision to grant planning permission subject to conditions be delegated to Officers upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

1. A capital contribution of £6,052.50 (£4,427.50 + £1,625.00) to the Council towards capital infrastructure for health services necessary to serve the development.
2. On-site delivery of 2no. Affordable Housing Units for affordable rented accommodation.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

Planning Application 144480

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

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

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

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

None.

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

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

Site Plan: TL016-SL-04 Rev F
Plot 10a/10b: TL016-TA-10AB REV A
Plot 15a: TL016-SN-15A-07
Plot 32a: TL016-HI-06 REV F
Plot 41a: TL016-PE-41A-10
Plot 52a/52b: TL016-SP-52A REV B
Garages: TL-SGD-01, TL-SGD-03.

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 LP17 and LP26 of the Central Lincolnshire Local Plan.

3. The proposed foul and surface water drainage to serve the hereby approved dwellings shall connect to the foul and surface water drainage infrastructure approved under condition discharge approval 137462.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with policy LP14 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

4. The development shall proceed in accordance with the approved Construction Method Statement (Received 04 Jul 2022) throughout the build, except that construction works shall take place only between the hours of 07:30 and 18:00 on Mondays to Fridays and between 08:00 and 13:00 on Saturdays, and such works shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason: In the interest of residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

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

None.

Planning Application 145076

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

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

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

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

None.

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

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

Site Plan: TL016-SP-10 Rev D;
Plot 4a: TL016-4a-01 Rev C;
Plot 4b: TL016-PE-4b-09 Rev A;
Garages: TL-SGD-01, TL-SGD-03; and,
'MATERIAL SCHEDULE' received 04 July 2022.

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 LP17 and LP26 of the Central Lincolnshire Local Plan.

3. No development above damp-proof course level shall take place until a comprehensive landscaping scheme for the 'Landscaped Area' shown on drawing TL016-SP-10 Rev D including details of the:

- The position, size, species and density of all trees, hedging and shrubbery to be planted;
- The position, type and height of boundary treatments to be erected; and,
- Details for the future maintenance and management of the 'Landscaped Area', has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site and the surrounding area to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan

4. The proposed foul and surface water drainage to serve the hereby approved dwellings shall connect to the foul and surface water drainage infrastructure approved under condition discharge approval 137462.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with policy LP14 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

5. 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 by Environmental Protection in accordance with Policy LP16 of the Central Lincolnshire Local Plan.

6. The development shall proceed in accordance with the approved Construction Method Statement (Received 21 Jun 2022) throughout the build, except that construction works shall take place only between the hours of 07:30 and 18:00 on Mondays to Fridays and between 08:00 and 13:00 on Saturdays, and such works shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason: In the interest of residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

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

None.

81 145619 - EGMONT, 23 WRAGBY ROAD, SUDBROOKE

The Chairman introduced the next application of the meeting, planning application 145619, for demolition of existing house and construction of a new self-build replacement two and a half storey dwelling and detached garage with accommodation at first floor level - being variation of condition 3 of planning permission 139843 granted 24 October 2019, amended drawings to alter the carport off the east elevation of the dwelling, at Egmont, 23 Wragby Road, Sudbrooke, Lincoln, LN2 2QU.

The Development Management Team stated that there were no updates, and gave a short presentation on the application.

The Chairman advised there were four registered speakers for the application, and invited the first registered statement, from Councillor Peter Heath, the Chairman of Sudbrooke Parish Council, to be read aloud by the Democratic and Civic Officer. The following statement was read aloud.

“Sudbrooke Parish Council object to this proposal on the grounds of Over-looking and loss of privacy. The application for this building was initially for the demolition of a 2-storey house and the construction of a 3-storey house that ran the width of the plot. The new construction was repositioned further back on the plot and as a result directly overlooked the neighbouring house, resulting a in a loss of privacy. Sudbrooke Parish Council objected on these grounds.

Following our objection, the design was changed to lower the right-hand side of the house to a single storey with a pitched roof. Sudbrooke Parish Council felt that this concession reduced the impact on the neighbour and raised no further objections. The new proposed change to the single storey now creates a 2-storey building with roof windows that will once again overlook the neighbouring house with the resulting loss of privacy.

Since the original planning application was lodged, Sudbrooke has had its Neighbourhood Plan adopted. We believe that this change conflicts with Policy 2, 1 (b) of the Plan.

b) The extensions and alterations are designed so that there shall be no significant reduction in the private amenity of the occupiers of neighbouring properties, through overlooking;

overshadowing; loss of light or an overbearing appearance.

For the above reason, Sudbrooke Parish Council object to this proposal.”

The Chairman thanked the Officer for reading the statement, and invited the applicant, Mr Sath Vaddaram, to give his statement.

“Good evening, my name is Sath Vaddaram, I am the applicant and, contrary to statements made by objectors, I live at Egmont in the original property and have been there for 14 years. I am keen to have this matter concluded which allows to complete our new home and the old property removed. This application is for a revised roof form to the car port only, new house has been approved, is substantially constructed, and is not a matter for consideration under this application. Current proposal have been adjusted to take into account comments made on previous submissions for the car port roof and have been recommended for approval by your Officer in his report and confirmed as addressing those concerns and meeting all the relevant planning criteria.

This application is before this committee based on “outstanding” objections from the Parish Council, those are patently out of date as confirmed by them that “the council has been unable to meet formally” and “their objections remain unaltered on the following grounds” yet all of the grounds mentioned in their objection were addressed in the current proposals, again confirmed by the officer’s recommendation for approval. The Parish Council have clearly failed to fully consider the current proposals resulting in this agenda item and a delay to any decision.

While I accept that anyone has a right to comment on my proposals, it should be noted that nearly all the comments made on this application relate to the size and design of the original approved house and they are not relevant. Furthermore, Sun path analysis has been provided to demonstrate that current proposals, the car port roof form, do not add any additional overlooking or overbearing impact on the adjacent properties.

It should also be noted that there are cultural differences in play here, you will have noticed from my name and appearance that I am of an Indian descent and it’s a key part of our cultural heritage that we respect and care for our parents in their old age rather than expect the state to do so. This means, there is an inbuilt desire for larger properties suitably designed and equipped to allow us to do this when the time comes. This is a choice that should be supported.

I am also a developer and have made many applications both in West Lindsey and in other Councils. I have noted that in Sudbrooke particularly, there seems to be a different attitude to these both from the public objectors and Parish Council. For example, at 30 Wragby Road Sudbrooke I have made two proposals, both of them were refuse even though both had officer’s recommendations for approval before going to committee and both were subsequently approved at appeal.

There seems to be resistance to any proposals I make in Sudbrooke whether these are on the basis of being a developer, my ethnicity or a general resistance to change is open to speculation but these concerns do seem to be relevant and are borne out by other applicants too for e.g. at 12 Scothern Lane with ref number 145617 where again a larger extension by persons of Indian descent is objected to by both parish council and locals.

In conclusion, this application for a revised roof form to the car port only, the existing house benefits from a previous approval and is substantially built and these proposals have been adjusted from previous applications to address legitimate concerns raised and are recommended for approval by your Officers. I urge the Committee to understand the reason behind this application is just to correct the architectural mistake made at the initial approved application stage, not anything else. I trust you will follow your Officers advice and approve these minor changes as there are no valid planning reasons to prevent. Please to allow me to complete my family home. Thank you."

The Chairman thanked the speaker for his statement, and then invited the Democratic and Civic Officer to read out the statement from the first registered objector, Andrew Barber. The following statement was read to Members.

"Unfortunately I am unable to attend the committee because I am mostly housebound and need to have oxygen, however I felt I wanted to put some context behind our objection and appreciate the opportunity to have our statement read out. For Context. This development is very large for a residential property in a small village. It seems to be being built very close to the border with Number 21.

This has had an overwhelming negative impact on the privacy and light for number 21. There are large windows with direct views of our Kitchen/Office/Main Bedroom. Our outside amenity areas are directly overlooked by multiple balconies and numerous large windows. This will have a very negative affect on our privacy and light. This development has had detrimental impact on vulnerable people who live nearby. Overall, we are disappointed and upset and concerned about the property

Planning 145619. Looking at this appeal we don't feel any new evidence has been presented to alter the original decision. It will increase the size of the building which is already extremely imposing. It will adversely alter even further the street scene. It will have a detrimental effect on the light and privacy of the neighbours at 21 and 23. This planning application is unreasonable because of the adverse effects it will have on the neighbouring properties. Thank you for taking time to listen to our points."

The Chairman thanked the Democratic and Civic Officer for reading the statement, and invited the Officer to read out the second and final objectors' statement, from Bob and Margaret Reeves. The following statement was read aloud.

"Enough is enough to be dominated by the size and height of the Egmont house and overlooked from the south facing bedroom windows and the protruding balcony. To agree the application for an increase to the height and slope of the carport roof plus roof windows will mean increased lack of privacy and greater rainfall runoff for 25 Wragby Road which is intolerable. The legality of the closeness of the carport to the western boundary of No. 25 should be verified."

The Chairman thanked the Officer for reading the statement, and invited a response from the Planning Officer. The Development Management Team Manager stated that the application looked at the variation for the single-storey garage element, and that the full application had approved a slightly lower roof height intended for storage.

The Chairman invited comments from Members of the Committee. Members made remarks on the current height of the dwelling, the street setting and trees surrounding the properties on Wragby Road, and the original design of the dwelling, and commented on the nature of the statement from the agent.

In response to a query about the conditioning of the space and windows, the Development Management Team Manager explained that the conditions would have to be necessary, reasonable, and enforceable. In his professional opinion, the application should be treated as a fully residential space, and he would have concerns over the ability to enforce the condition. The Officer also stated that the skylight proposed was to be opaque. In a separate query about the application, Members heard that a change to a flat top was to allow a skylight to be placed on the property.

During the debate, a proposal to refuse the application, based on the Sudbrooke Neighbourhood Plan policies emerged, contrary to the Officer's recommendation. After consultation between the Legal Advisor, the Development Management Team Manager, and the Vice Chairman, the wording for the refusal was read aloud. Since this was the only motion that had been proposed and seconded, the Chairman took the vote on the application to refuse.

Having been proposed and seconded, the Chairman took the vote, and it was agreed that permission be **REFUSED** for the following reason:

- 1. The development would result in harm to the amenities enjoyed at the neighbouring property, through its scale and the introduction of first floor windows which would significantly reduce the neighbour's private amenities. This would be in conflict with Policy LP26 of the Central Lincolnshire Local Plan and Policy 2 of the Sudbrooke Neighbourhood Plan.*

82 145547 - GLEBE FARM BARNs, WILLINGHAM ROAD, FILLINGHAM

The Chairman introduced the next item, application number 145547, for a horse exercise arena, at Glebe Farm Barns, Willingham Road, Fillingham, Gainsborough, DN21 5BL. The Officer informed Members that there were no updates, and gave a short presentation.

The Chairman advised there were no registered speakers, and stated the reason the application was coming before the Committee was due to the applicant being related to a newly employed officer at the Authority. He invited comments from the Committee, and Members were supportive of the application, with one commenting it was a good idea and would do no harm.

Having been proposed and seconded, the Chairman took the vote and it was unanimously agreed that 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 are to be observed during the course of the development:

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Site Location Plan L- ADD-1330 01, Site layout Plan, drawing no.2, Drainage Plan, drawing no. 3 and proposed fencing details drawing no. 4 all received 21 September 2022. 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.

2. The materials to be used in the development hereby permitted shall match those as stated on the application form and as shown on the surface materials drawing received 18 October 2022.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

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

3. The development hereby approved shall only be used for purposes incidental to the enjoyment of the dwellinghouse at Glebe Farm Barns, Willingham Road, Fillingham, DN21 5BL and not for any business or commercial purposes.

Reason: To ensure any future business use and impacts would be adequately considered through the relevant planning application process in connection with policies LP1, LP55, LP17 and LP26 of the Central Lincolnshire Local Plan.

4. No external lighting must be installed on the site outlined in red on the location plan received 21 September 2022 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of nearby properties and dark sky of the open countryside location to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012- 2036.

83 145640 & 145568 - TRINITY ARTS CENTRE, GAINSBOROUGH

The Chairman introduced the final item of the meeting, application numbers 145640 & 145568, at the Trinity Arts Centre, Trinity Street, Gainsborough, Lincolnshire, DN21 2AL. The applications were as listed below:

145640: Planning application to rebuild section of boundary wall.

145568: Listed Building Consent to rebuild section of boundary wall.

The Development Management Team Manager informed Members that this was a West Lindsey District Council managed property and proposal, which was the reason for why it had to be considered by the Planning Committee. A short presentation was then given.

The Chairman advised that there were no registered speakers, and invited comments from Members of the Committee. There was one comment that refuted an objection to the applications, and emphasised that the Trinity Arts Centre was profitable and a community asset. Members were in unanimous approval of the application.

Having been proposed and seconded, the Chairman took the vote on both applications together and it was unanimously agreed that permission be **GRANTED** subject to the following conditions:

Conditions for planning permission 1456640:

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. The works shall follow the "Preparation", "Investigation", "Stabilisation Works", and "Repair Works" as noted in the plans 7536-LAT-0001 unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under LP25 of the Central Lincolnshire Local Plan and the provisions of the National planning policy Framework.

3. Prior to the dismantling or any repair work to the wall, a detailed survey of defective material for the bricks, copings, and mortar shall be submitted and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the findings of the survey.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under LP25 of the Central Lincolnshire Local Plan and the provisions of the National planning policy Framework.

4. The rebuilt brickwork shall match the existing brickwork noted through the detailed

photographic survey (condition 3) within the “Stabilisation Works” in respect of dimensions, colour, texture, face bond, and pointing unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under LP25 of the Central Lincolnshire Local Plan and the provisions of the National planning policy Framework.

5. Following the partial demolition as shown on drawing 7536–LAT–0001 any new materials to be used for repairs, replacements or as part of the rebuild shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under LP25 of the Central Lincolnshire Local Plan and the provisions of the National planning policy Framework.

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

- 7536-LAT-S1-XX-DP-A-1002-S3-A dated 20/09/2022.
- 7536-LAT-0001 received 22/09/2022.

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 LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

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

None.

Conditions for listed building consent 145568:

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 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

2. No development shall take place until the methodology of the exploratory intrusive survey (including propping options) has been submitted to and approved in writing by the Local

Planning Authority. The works shall be completed in accordance with the findings of the survey.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

3. The works shall follow the “Preparation”, “Investigation”, “Stabilisation Works”, and “Repair Works” as noted in the plans 7536–LAT–0001 unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Prior to the removal of any gravestones, a photographic record of all gravestones, their locations and their condition shall be submitted to and approved in writing to the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to the removal of any gravestones, the location for the safe storage during the duration of the works shall be submitted to and approved in writing to the Local Planning Authority, following the completion of the ‘Stabilisation Works’ (as stated on drawing 7536–LAT–0001) the gravestones shall be reinstated to their previous recorded positions.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Prior to the dismantling or any repair work to the wall, a detailed survey of defective material for the bricks, copings, and mortar shall be submitted and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the findings of the survey.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Prior to the dismantling or any repair work to the wall, the mortar sample analysis and proposed mortar for the work shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the findings of the analysis and the approved mortar mix.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed

Buildings and Conservation Areas) Act 1990.

8. Prior to the dismantling or any repair work to the wall, a detailed photographic record of the wall to be taken down shall be submitted to and approved in writing to the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. The rebuilt brickwork shall match the existing brickwork noted through the detailed photographic survey (condition 6) within the “Stabilisation Works” in respect of dimensions, colour, texture, face bond, and pointing unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. The following sound materials/features/fixtures forming part of the boundary as shown in the findings of condition 6 shall be carefully taken down, protected and securely stored for later re-erection/ re-use or disposal.

- Bricks
- Coping stones
- Pier cappings
- Gravestones

Where damage has occurred (for example, from unauthorised works, vandalism or fire), it is important to ensure that any loose historic items are identified and retained on site in a secure place pending their reinstatement.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. Demolition work shall be carried out only by hand or by tools held in the hand and not by any power-driven tools.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. Following the partial demolition as shown on drawing 7536–LAT–0001, a 1m² (one square metre) sample panel of brickwork demonstrating the quality, materials, bond, mortar, coursing, colour and texture shall be constructed on site. The Local Planning Authority shall approve the above details of the brickwork prior to the rebuild commencing and the development shall be carried out in accordance with the approved details. The sample panel shall be retained on site until development is completed or removal is approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

13. Following the partial demolition as shown on drawing 7536–LAT–0001 any new materials to be used for repairs, replacements or as part of the rebuild shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

14. No cleaning of masonry, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray is authorised by this consent without the prior approval of the Local Planning Authority. Before work begins, any other cleaning proposals must be approved in writing and carried out strictly in accordance with those details. At the commencement of the cleaning, a test panel shall be undertaken in an inconspicuous position and the method recorded to the approval of the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

15. 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:

- 7536-LAT-S1-XX-DP-A-1002-S3-A dated 20/09/2022.
- 7536-LAT-0001 received 22/09/2022.

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 work proceeds in accordance with the approved plans in accordance with section 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

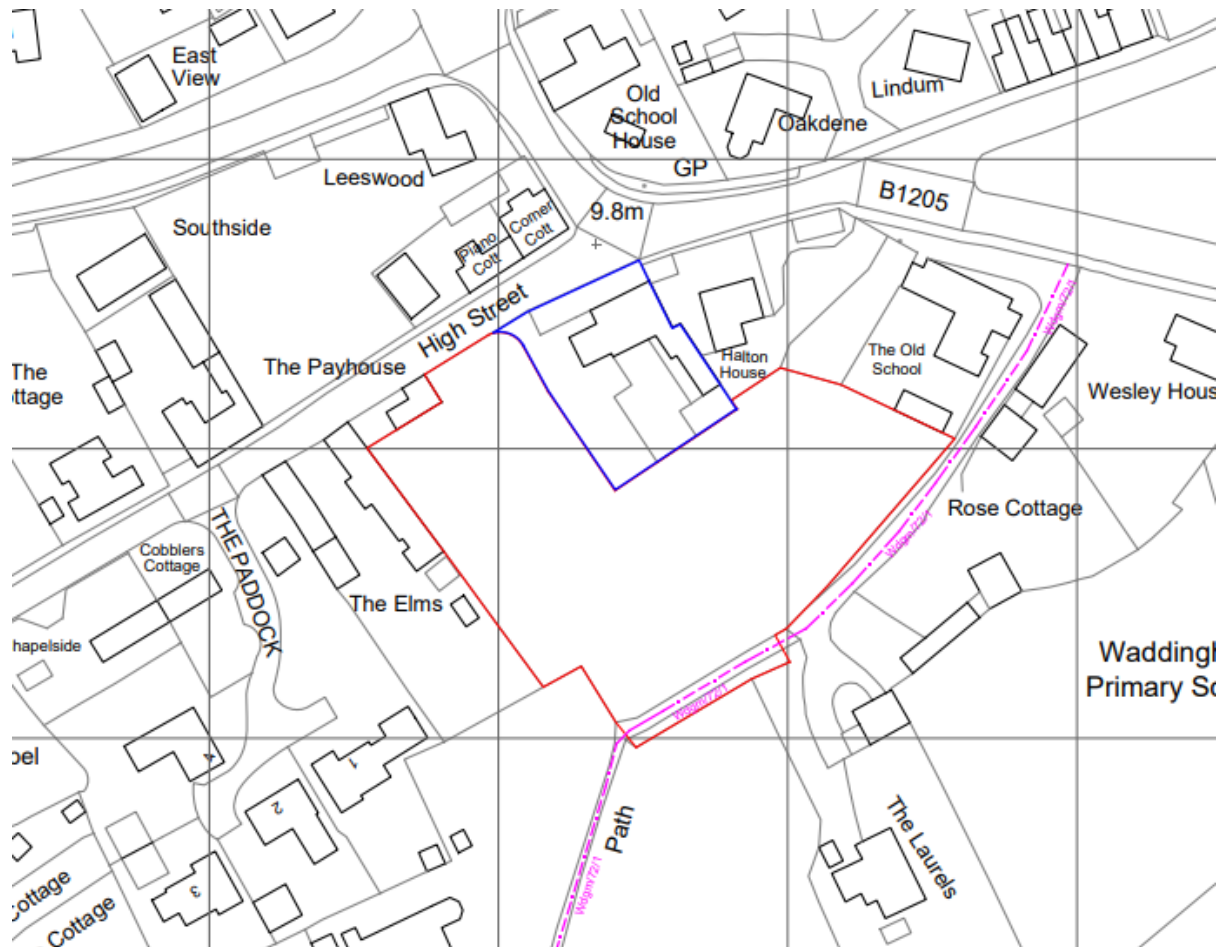
84 DETERMINATION OF APPEALS

The determination of appeals was **NOTED**.

The meeting concluded at 9.37 pm.

Chairman

Agenda Item 6a



Officers Report

Planning Application No: 145360

PROPOSAL: Planning application to erect 7no. dwellings and associated infrastructure

LOCATION: Land to the rear of Marquis Of Granby High Street
Waddingham Gainsborough DN21 4SW

WARD: Waddingham and Spital

WARD MEMBER(S): Cllr Jeff Summers

APPLICANT NAME: Mr Daniel Williams

TARGET DECISION DATE: 30/09/2022 (Extension agreed until 6th January 2023)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Planning Committee:

This application has been referred to the Planning Committee following objections from Waddingham Parish Council, the Ward Member and other 3rd parties.

The planning committee at its meeting on 30th November 2022 resolved to defer this planning application for a member site visit to take place. The planning committee site visit took place on 19th December 2022 commencing at 1 pm.

Description:

The application is an area of land (0.36 hectares) to the rear of the former Marquis of Granby Public House (converted to residential). The application site is set back from the highway and slopes downwards from south west to north east. Vehicular access to the site is off High Street to the west of the Marquis of Granby and has been partly laid to tarmac. Some ground clearance works have been completed with mounds of earth in the south east/south west corner. The north east and south west boundary to the site is screened by high fencing and hedging. The south east boundary is screened by high fencing. The north west boundary is screened by high fencing and a brick wall.

The site is within a Limestone Minerals Safeguarding Area and in the setting of the following Listed Buildings and Non-Designated Heritage Asset:

- Grade 2 Listed Old School House, Redbourne Road, Waddingham approximately 38 metres from the vehicular access of the site and 73 metres from the centre of site.

- Grade 2 Listed Cottages (6 in total), The Green, Waddingham approximately 60 metres from the north east boundary of the site.
- Non-Designated Heritage Asset adjacent the north east boundary.

The 6 Listed Cottages are Wagtail Cottage, Skylark Cottage, ChiffChaff Cottage, Kestrel Cottage, Lapwing Cottage and Nightingdale Cottage.

The application seeks permission to erect 7 dwellings and associated infrastructure.

The application has been amended through the application process to:

- Reduce the scale of plot 1 from a 6 bedroom to a 4 bedroom dwelling and re-positioned 2 metres away from the shared boundary with Marquis House.
- Reduce the scale and change the appearance of plot 5 from a 6 bedroom to a 4 bedroom dwelling.
- Set back plot 7 around 4 metres further back into the plot.

Due to these amendments a 14 day re-consultation was instructed on 8th November 2022 and will end on the 22nd November 2022.

Relevant history:

The site has a substantial planning history, the most relevant of which is detailed below:

138660 - Outline planning application for the erection of 7no. dwellings with all matters reserved – 21/03/19 - Granted time limit and other conditions

143218 - Planning application for change of use of public house into 1no. dwelling including removal and replacement of existing extension, update front and rear windows, and install patio doors (resubmission of 142444) - 12/08/21 - Granted time limit and other conditions

143052 - Application for approval of reserved matters for the erection of 7no. dwellings, considering access, appearance, landscaping, layout and scale following outline permission 138660 granted 21 March 2019 – 30/09/21 - Refused

Reason:

“The access and landscaping matters are considered acceptable. However, the scale, appearance and layout reserved matters do not have due regard to the site context and the character of the village resulting in inappropriate design with rectangular building forms, little articulation or variation in roof form or elevational treatment and a lack of appropriate detailing. The scale and massing of the dwellings and layout are not in keeping with the surroundings and would actively harm the street scene in a manner that is inappropriate as the backdrop to a historic village centre. The setting of The Old School, a non-designated heritage asset on the HER, would be harmed to an unacceptable degree. This harm significantly outweighs the acceptable access and landscaping matters. The design is not high quality and would

harm the street scene. The proposal is contrary to Policies LP17, LP25 and LP26 the Central Lincolnshire Local Plan, Section 12 and paragraph 203 of the National Planning Policy Framework, the National Design Guide and Policy 8 of the draft Waddingham and Brandy Wharf Neighbourhood Plan”.

144071 - Pre-application enquiry to erect 7no. dwellings – 02//02/22

Conclusion:

It is therefore considered that the submitted layout, scale and appearance of the development is unlikely to overcome the reason for refusal set out in refusal decision notice 143052. The development would be considered:

- Unlikely to have not had due regard to the site context and the character of the village resulting in inappropriate design with rectangular building forms, little articulation or variation in roof form or elevational treatment and a lack of appropriate detailing.
- Unlikely to be in keeping with the surroundings.
- Likely to actively harm the street scene in a manner that is inappropriate as the backdrop to a historic village centre.
- Likely to unacceptably harm the setting of The Old School, a non-designated heritage asset on the HER.
- Likely that the design is not high quality and would harm the street scene.

Therefore, the development is likely to be contrary to Policies LP17, LP25 and LP26 the Central Lincolnshire Local Plan, Section 12 and paragraph 203 of the National Planning Policy Framework, the National Design Guide and Policy 8 of the draft Waddingham and Brandy Wharf Neighbourhood Plan”.

Representations

Cllr J Summers: Objections

- Increased flooding
- Density and size of dwellings including overwhelming ridge heights
- Lack of services
- Lack of permeable surfaces
- Overload of original sewage system and man hole covers blowing off during heavy rainfall
- Insufficient parking on site

Policies LP1, LP4. LP10, LP17 and LP26.

The main issue is the desperate attempt to make as much capital as possible out of this site. (ie) height and density - creating an inappropriate intrusion into the village scene, overloading drainage and service systems in a village which has a history of severe flooding (one property i have been in at the junction is below street level).

LP1; At the heart of the strategy for Central Lincolnshire is a desire to deliver sustainable growth; growth that is not for its own sake, but brings benefits for all sectors of the community for existing residents as much as for new ones.

Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

LP4; In settlement categories 5-6 of the settlement hierarchy, a settlement sequential test will be applied with priority given as follows.

1. Brown field land or infill sites, in appropriate locations. These must not create increased harm to existing property. (ie) flooding.
LP10; MEETING ACCOMMODATION NEEDS. Latest housing market assessment, meeting community needs. In medium villages the proposal must deliver housing which meets the higher access standards of part M Building Regulations by delivering 30% of dwelling to M4(2) of the building regulations. LP17; CHARACTER OF SETTING. To protect the intrinsic value of a setting at the centre of a medium village. CUMULATIVE impacts must be considered. LP26; DESIGN AND AMENITY. In relation to siting, height, scale and massing. Overlooking, overshadowing

Cllr S Bunney: Objects

Waddingham is in the Market Rasen Division of Lincolnshire County Council - for which I am the sitting member.

I support the Parish Council in their objection to this planning proposal.

This development, if it goes ahead, greatly increases the amount of hard surfaces and water run off. This increases the risk of flooding in the area of the village at the crossroads of Stainton Avenue, Redbourne Road, Kirton Road and B1205. The Geological report for a previous application on this site, which was rejected, states "Use of soakaways for disposal of surface water from the site will not be feasible. In addition a comparatively high water table was evidenced potentially indicating that natural ground drainage was poor." This adds to the general flooding concern.

Local knowledge indicates that the current sewage infrastructure is already insufficient for the village, often backflowing in times of heavy rainfall as surplus run off enters the system. These extra houses certainly will not help the situation. I believe that the size of the properties [in particular the 2 six bedroom three storey houses] are not in keeping with the site or the scale of the village. The house are crammed in with insufficient car parking and bin storage for a modern household.

I also believe that the landscaping proposals do not adequately compensate for the loss of the trees in the old orchard.

Waddingham Parish Council: Objects

- The Geological report states "Use of soakaways for disposal of surface water from the site will not be feasible. In addition a comparatively high

water table was evidenced potentially indicating that natural ground drainage was poor.” This alongside all of the hard surfaces on the plan will certainly cause flooding in the village as the surface water will run down the High Street to the low point at the junction where there has been flooding in the past.

- The two 6 bedroom, three storey houses are really not suitable for this site nor needed in this small village. As for the previous application “the scale, appearance and layout ...do not have due regard to the site context and the character of the village”
- There is not enough parking space within the development for the number of bedrooms suggested. Even though the aerial view shows the numbers that are required there is not actually enough space and the excess cars will end up parking on the narrow roads within the village, adding to problems that already exist.
- The developers are failing to show any care of the old orchard. The plans show Plot 7 overtaking some of the trees. Already the developers have removed some of the trees which were supposed to be kept and have undercut the roots of some of the trees in the name of “landscaping” which is jeopardising them.
- The comments on the previous application advise that the size of the dwellings on the site should be reduced. They have not done that, just shuffled the existing buildings around leading to the overtaking of the old orchard by plot 7.
- There is also no indication where any bins will be sited. Refuse collections will be difficult as the lorries will have to reverse to exit onto the High Street.
- The same goes for delivery vehicles.
- The village’s sewage system is already at breaking point, as far as we are aware.

Local residents: Objections (summarised) received from:

Rose Cottage, Silver Street, Waddingham
Archway, Joshua Way, Waddingham
Field View Cottage, Joshua Way, Waddingham
Rosemund Cottage, Joshua Way, Waddingham
The Old School, The Green, Waddingham
The Laurels, The Green, Waddingham
Summer Beck, The Green, Waddingham
Wesley House, The Green, Waddingham
Summer Beck, The Green, Waddingham
Stonecroft, Stainton Avenue, Waddingham
1 Redbourne Road, Waddingham
Wee Holme, Redbourne Road, Waddingham
Wingar, Kirton Road, Waddingham
The Old Cottage, High Street, Waddingham
The Payhouse, High Street, Waddingham
The Elms, High Street, Waddingham

Visual Impact/Character

- Creates an urban estate in the countryside.
- Out of character with village.
- No character to dwellings, bland and architecturally poor.
- The look and feel of the old village will be unrepairably harmed.
- Appearance of all dwellings not in keeping with surrounding dwellings more resembling a modern urban environment not a rural village one.
- Density not capable of successfully blending in with surroundings.
- Properties are too large.
- Size of houses is completely out of keeping with surrounding area.
- Proposed properties will dwarf long standing buildings and ground level is higher.
- Overdevelopment.
- No need for 5 bed dwellings
- The sample materials still do not seem to include any coursed rubble work which is the way that stone work in the village is historically completed.

Drainage

- Existing drainage is not sufficient/adequate.
- The junction floods in adverse weather.
- Where is extra rainwater run-off supposed to go?
- Main drain frequently overflows.
- Foul sewer system cannot cope now.

Flooding

- Soakaway test failed.
- Heavy rain the surface water from High Street, Common Road and Redbourne Road accumulates in Stainton Avenue resulting in water bubbling out from manholes and running down the road.
- Makes flash flooding a certainty.
- Hardstanding on site will make risk of flooding worse.
- Two flash floods in last two months as drains unable to contain fast flowing water.
- More water from the roofs would cause more flooding.

Highway Safety

- Entrance is near a busy junction.
- Increase of vehicles (10+) onto High Street plus delivery vehicles would be unwise as Redbourne Road is becoming a dangerous part of the village.
- Additional traffic would cause concern for safety of other vehicles, pedestrians and school children at drop off and pick up times.
- Insufficient parking allocation.

Residential Amenity

- Additional height of land would overlook on surrounding properties.

Heritage

- Too near Listed Buildings and out of proportion with surroundings.

Sustainability

- No amenities in the area – No pub, post office and village shop closing soon.

Ecology

- Site off ecological value e.g. newts, hedgehogs and birds.
- Impact on wildlife.

Other

- All comments on 144071 are still relevant.
- Thought the orchard was protected.
- Will destroy old apple trees.
- Impact on power lines.

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

Representation received 15th September 2022

Footpath condition:

The development hereby permitted shall not be occupied before a 1.8 metre wide footway to the East of the access, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Public Right of Way:

No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of improving the headland section of Waddingham Public Footpath 72 to a stone specification and providing a connection to the footway from within the site) have been certified complete by the Local Planning Authority.

Representation received 6th September 2022:

- Please request the applicant confirm if the site is proposed for adoption by LCC.
- If the site is proposed for adoption a turning head will be required to enable a white goods vehicle to manoeuvre on site.
- A drainage strategy will also need to be provided detailing plans of how the site will drain

WLDC Conservation Officer: No objection

Representation received 7th November 2022:

The proposal is within the historic core of Waddingham for 7no. dwelling located behind the previous public house known as the Marquis of Granby. The site is to the south of the Grade II listed Old School House and south-west of the Grade II listed 1-5 and Attached Shop, The Green.

The amended plans have reduced plot 5 from a 2.5 storey house to a 2-storey house. The design and layout of the property is now altered to be different from the remainder of the development site.

Within the Waddingham Neighbourhood Plan, the historic core is characterised as “generally two-storeys and detached”. The height of Plot 5 now fits this character which would be viewable within the setting of the listed buildings and the design retains the traditional vernacular of the historic core. This design is now considered to preserve the historic core of Waddingham, support by LP25.

Under paragraph 202 of the NPPF, there will still be some harm to the setting of the listed buildings which is mitigated by design and this will be mitigated further through the approval of high-quality materials, outweighing the harm against the public benefit.

For that reason, I wish to condition the following;

- 1) Before work begins, all external facing materials including roof, walls, all joinery, rainwater goods, or any addition external features are submitted for approval to the LPA.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the setting under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) Prior to the installation, drawings to a scale of 1:20, fully detailing the following new windows, doors, sills and headers (or any other surrounds) shall be approved in writing by the Local Planning Authority and installed completely in accordance with the approval.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the setting under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 3) Prior to any above ground works, sample panels of all new facing brickwork and stonework shall be provided for approval on site showing the proposed -
 - i. Brick and stone types, sizes, colour, texture face-bond; (and)
 - ii. pointing mortar mix, joint thickness and finish profile.

These samples will remain on site throughout the development.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the setting under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Representation received 31st October 2022:

I have regarded the whole site and the amendments to the designs to plot 1 is acceptable by reducing the height to fit with the historic core. However, I still have issue with plot 5 retaining the additional height. Within the site plot 5 is proposed to be 2.5 storeys. This would be out of character within the historic core and have an impact upon the setting of the listed buildings. This impact would be exacerbated by the property being built on already raised ground making the property stand out in the historic core and upon the views from the listed buildings.

The deviation of the character of the historic core being so visible within the setting of the listed buildings would cause harm to the setting of the two listed buildings. This would not be support by LP25 of the Central Lincolnshire Local Plan (2017) which would only support the preservation or enhancement of the setting.

Representation received 22nd September 2022:

The design still needs some alteration before I can be happy with the proposal.

The historic character of Waddingham and the common design is of two storey vernacular buildings. This is also noted in the Draft Neighbourhood Plan. Plot 1 & 5 have a second floor in the loft space making them visually taller than the rest of the site and likely the surrounding area. This would stand out in the setting of the listed building “1- 5 and attached shop, the green” while looking from the property. These two plots should be reduced in height to retain the historic character of the settlement which allows for the modern development to balance with the important heritage assets.

LCC Archaeology: No objections subject to a condition

The written scheme of archaeological investigation (WSI) submitted with this application meets the requirements we have previously recommended regarding earlier proposals for this site.

If permission is forthcoming this WSI could form part of the approved plans to avoid the need for a pre-commencement condition. We would, however, still recommend that conditions are applied to require notification of the intention to commence the archaeological work, and the submission of the final report, and deposition on the paper and material archive at a suitable museum.

WLDC Building Control: Comment

The Applicant has procured an Engineer design to meet the needs of the site for the FW & SW, this appears acceptable.

Ramblers Association: No representations received to date

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

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

LP10 Meeting Accommodation Needs

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

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

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

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

National policy & guidance (Material Consideration)

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

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)."

<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 Design Model Code (2021)**

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

Draft Local Plan/Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans

- 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).*

- **Submitted Central Lincolnshire Local Plan Review (SCLLP)**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and has now been subject to a further round of public consultation which expired on 9th May 2022.

On the 8th July 2022 The Draft Local Plan Review was submitted to the planning inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above), the decision maker may give some weight to the Reg19 Plan (as the 2nd draft) where its policies are relevant, but this is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown. Relevant 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
S20 Resilient and Adaptable Design
S21 Flood Risk and Water Resources
S23 Meeting Accommodation Needs
S47 Accessibility and Transport

S49 Parking Provision
S53 Design and Amenity
S57 The Historic Environment
S65 Important Open Space

The plan review submitted for examination is at an advanced stage but is still open to alterations so at this stage may be attached **some weight** in the consideration of this application.

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

Draft Waddingham and Brandy Wharf Neighbourhood Plan:

The draft version (Regulation 14) of the Waddingham and Brandy Wharf Neighbourhood Plan was published for consultation purposes between 31 March 2019 and 31 May 2019.

The Plan has now reached Regulation 16 stage. This involves the final version of the Plan being produced for submission to the District Council for examination purposes. However, at the time of writing, the Reg16 Submission Version of the Neighbourhood Plan is yet to be published.

The relevant policies are:

Policy 3 Additional Residential Development
Policy 8 General Design and Development Principles
Policy 9 Parking Standards

Character Area CA1 – Waddingham Historic Village Core

The Draft Waddingham and Brandy Wharf Neighbourhood Plan therefore carries some, limited weight in the decision making process.

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

Other:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

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

Section 38 of the Planning and Compulsory Purchase Act 2004

<https://www.legislation.gov.uk/ukpga/2004/5/section/38>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan
Draft Waddingham and Brandy Wharf Neighbourhood Plan
Community Consultation Conflict
Concluding Statement

- Minerals Resource
- Heritage
- Important Open Space
- Visual Impact
- Flood Risk
- Residential Amenity
- Highways
- Archaeology
- Foul and Surface Water Drainage

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.

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Local policy LP2 identifies Waddingham as a medium village and development proposals would:

“Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:

- *they will accommodate a limited amount of development in order to support their function and/or sustainability.*
- *no sites are allocated in this plan for development, except for Hemswell Cliff and Lea.*
- *typically, and only in appropriate locations, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances.”*

Local policy LP2 states that ‘*throughout this policy, the term ‘appropriate locations’ means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). 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’.*

Submitted policy LP4 additionally requires a sequential approach to be applied to prioritise the most appropriate land for housing within small villages. LP4 states that:

'In each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given as follows:

- 1. Brownfield land or infill sites, in appropriate locations, within the developed footprint of the settlement*
- 2. Brownfield sites at the edge of a settlement, in appropriate locations*
- 3. Greenfield sites at the edge of a settlement, in appropriate locations*

Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list'.

Glossary D (page 137) of the CLLP defines infill as “*Development of a site between existing buildings*”.

The principle of 7 dwellings on the site was previously accepted and established in approved outline planning application (all matters reserved) 138660 determined on 21st March 2019. Whilst this application has expired it is considered a material consideration as it considered 7 dwellings on the site to be principally acceptable in accordance with the Central Lincolnshire Local Plan 2012-2036.

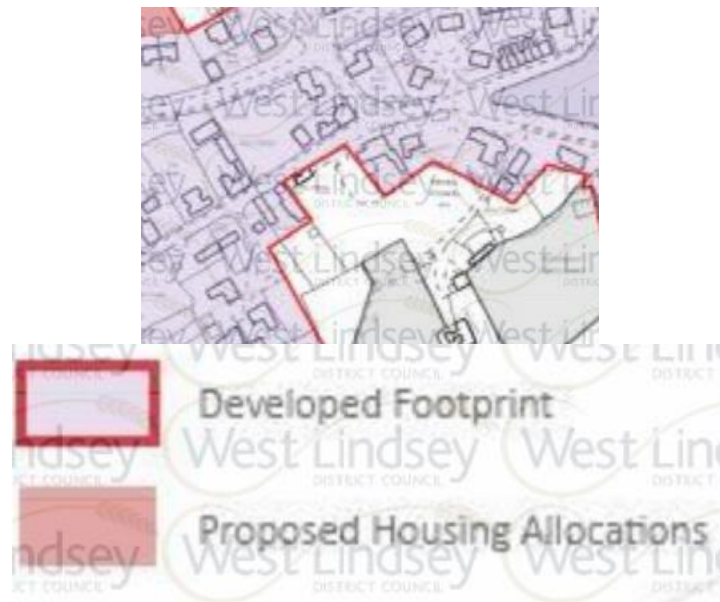
Local policy LP4 goes on to say that Waddingham has a growth level of 15%. An updated table of remaining growth for housing (dated 30th September 2022) in medium and small village's states that Waddingham has 293 dwellings with a remaining growth of 26 dwellings.

Draft Waddingham and Brandy Wharf Neighbourhood Plan (DWBWNP):
Policy 3 sets out criteria for small scale and larger scale residential developments. Criteria 2 and 3 state in summary (larger schemes) that developments of more than one dwelling must complete a community consultation exercise and submit with the application. Any application which does not comply with part 2 to the satisfaction of the Parish Council and West Lindsey District Council will not be supported.

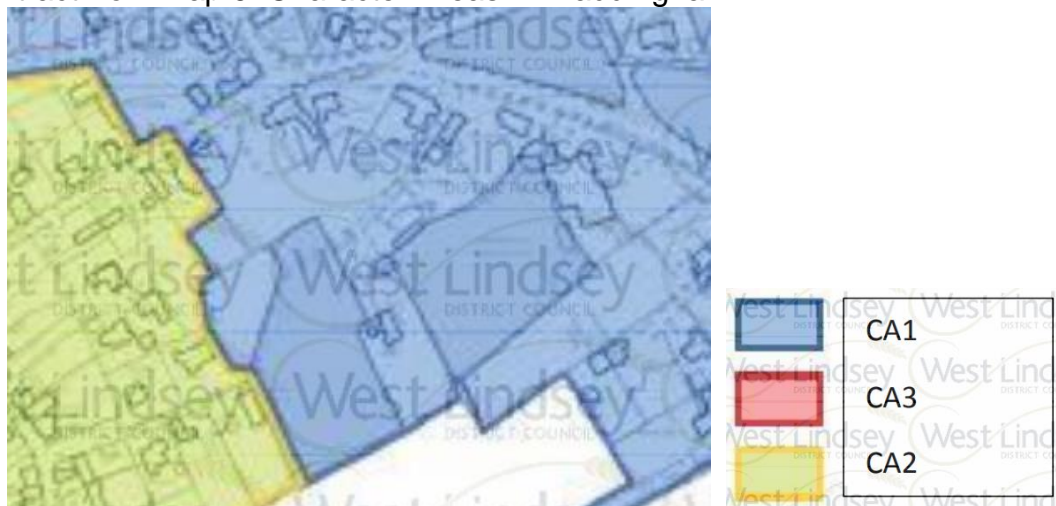
Policy 8 sets out criteria for the design and character of developments.

Policy 9 sets out parking standards for dwellings based on the numbers of bedrooms.

Extract from Map 5 (page 32): Waddingham Developed Footprint and proposed Housing Allocations



Extract from Map 9: Character Areas in Waddingham



Character Area 1 covers Waddingham's historic village core.

Community Consultation Conflict:

Policy 3 of the DWBWNP states that any housing developments of more than one dwelling would be required to complete a community consultation exercise for submission with an application. Local policy LP2 of the CLLP requires a community consultation exercise to be completed for submission with an application for small and medium villages when the settlement no longer has any remaining housing growth. This is a clear conflict between the DWBWNP and the CLLP.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004 states that *'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document'*.

The DWBWNP has only completed its regulation 14 stage, with initial consultation on its first draft. The published draft plan has yet to be updated

following its regulation 14 consultation, and submitted to WLDC for formal consultation to take place. It is at a relatively early stage and therefore only carries some limited weight as a draft document. It has not been subject to examination, public referendum, and is not currently part of the statutory development plan. The Central Lincolnshire Plan was adopted on 24th April 2017 therefore is part of the development plan and carries full weight. Therefore the most recent plan and last document is the Central Lincolnshire Local Plan. It is not therefore considered that a community consultation exercise is required on submission of the application due to the 26 dwellings remaining in Waddingham's housing growth.

Concluding Statement:

The development would be within the 9 dwelling limit of local policy LP2 and would be an infill development in accordance with the infill definition of the CLLP (between existing buildings). Map 5 of the DWBWNP identifies the site as being outside the developed footprint of Waddingham. Whilst some weight is given to Map 5 of the DWBWNP it is considered that the site is adjacent to the built form of Waddingham to a number of its boundary either fully or at some point.

As in expired outline planning permission 138660 the site is considered to be in an appropriate location for housing development and as an infill site has the highest priority for housing development in accordance with the land availability sequential test of local policy LP4. The development does not trigger the requirement for a community consultation exercise due to the CLLP being the most up to date plan/document.

Whilst the development would not accord with policy 3 of the DWBWNP the principle of the development is acceptable and accords to local policies LP1, LP2, LP3 and LP4 of the CLLP and the provisions of the NPPF.

It is considered that policy LP1, LP2, LP3 and LP4, are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

Minerals Resource

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies '*to support sustainable economic growth and our quality of life*'. Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

'Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted when:

- *the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere; or*
- *the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- *there is an overriding need for the development to meet local economic needs, and the development could not reasonably be sited elsewhere; or*
- *the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource; or*
- *the development is, or forms part of, an allocation in the Development Plan.*

The application has included the submission of a Minerals Assessment. The Minerals and Waste team at Lincolnshire County Council have not commented on the development. The site has had outline planning permission for 7 houses where the principle of the development was accepted. This recently expired. Therefore the proposal would not be expected to unacceptably sterilise a minerals resources in West Lindsey. The development therefore would accord with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

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

Heritage

An objection has been received in relation to the impact of the development on heritage assets.

The site is within the setting of Listed Buildings and a non-designated heritage asset (NDHA). The the closest Listed Building being the Grade 2 Listed Old School House. The former School House is the NDHA and sits adjacent to the north east boundary of the site

Local policy LP25 of the CLLP states that *‘Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire’* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of LP25 it states that *‘Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building’*.

Local policy LP25 protects non-designated heritage assets and their setting from harmful development.

Guidance contained within Paragraph 194 of the NPPF states that *‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected,*

including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

Paragraph 199 of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.*

Paragraph 203 of the NPPF states *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

The impact of a development of the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

Paragraph 13 (Conserving and Enhancing the Historic Environment) of the NPPG (Reference ID: 18a-013-20140306) further supports this definition declaring that *'Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage' and 'although views of or from an asset will play an important part, the way in which we experience.*

Criteria a) of Policy 8 of the DWBWNP states that:
"development should respect existing plot boundaries, ratios, orientation and the historic buildings or traditional forms and grain of development"

The Local Authority's Conservation Officer (CO) had not objected to the development in principle but made some recommended amendments in relation to the scale of plot 1 and plot 5. The CO recommended:

"Plot 1 & 5 have a second floor in the loft space making them visually taller than the rest of the site and likely the surrounding area. These two plots should be reduced in height to retain the historic character of the settlement

which allows for the modern development to balance with the important heritage assets.”



Plot 1

Plot 5

In response to this the dwelling on plot 1 and 5 have been reduced in scale from a 6 bedroom to a 4 bedroom dwelling. The amended dwelling on plot 1 would match plot 4 and 6 and amended dwelling on plot 5 would be a new design. The comments of the Conservation Officer have therefore been acknowledged by the agent and the amendments have removed the objection subject to external material conditions.

The reduction in the scale of both plots would remove the original dominant appearance of plot 1 and 5 on the nearby Listed Buildings.

The proposed development would be considered to preserve the setting of the nearby heritage assets (Listed Buildings and Non-Designated Heritage Asset) and accord to Local Policy LP25 of the CLLP, the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, draft policy 8 of the DWBWNP and the provisions of the NPPF.

It is considered that policy LP25 is consistent with the heritage guidance of the NPPF and can be attached full weight.

Visual Impact

Objections have been received in relation to the visual impact of the development on the site and the surrounding character of the area.

Local policy LP17 states that *‘To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which*

positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements'.

Developments should also *'be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas'*

Local policy LP26(c) states *'All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

(c) Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;'

Draft policy 8 of the DWBWNP sets out criteria for the design of new development including sub-criteria a-f of criteria 1.

The site is not within an area identified for its special landscape and scenic quality.

The development would introduce the following dwellings on the site (All measurements are approximated from the submitted plans):

Plot	Storey	Beds	Parking	Garage	Dimensions (metres)			
					Height	Eaves	Width	Length
1	2	4	3	No	8.2	5.3	9.5	10.6
2	1	4	3	No	5.4	2.6	14	9.8
3	1	2	2	No	4.8	2.5	10.9	8.3
4	2	4	3	No	8.2	5.3	9.5	10.6
5	2	4	3	No	8.2	5.3	11.4	7.0
6	2	4	3	No	8.2	5.3	9.5	10.6
7	2	4	3	No	8.3	5.3	10.2	6.8

Each dwelling would be constructed from:

Plot	Materials
1, 4 and 6	Brick with red double pantile
2 and 3	Stone with brick detailing with red double pantile
5 and 7	Stone front with brick sides and rear with red double pantile

The application form proposes cream UPVC heritage style windows.

Character area 1 of the DWBWNP covers the historic village core of Waddingham. On walking around the historic village core it is clear that the area comprises a mix of material finishes to the dwellings. These include

stone, brick (various colours), stone with brick detailing and render (cream and off white).

The proposed use of brick and stone would therefore appear acceptable but would need to be approved through a condition due to the sensitive nature of the site within the draft historic village core character area.

As confirmed in the draft character assessment the dwellings within the historic village core are generally two storeys in height and detached but there are some bungalows as well. The proposed development would introduce 5 two storey dwellings with two bungalows.

The principle elevation of plot 7 would face the developments access private road and its north west elevation would from a set-back position face High Street. Plot 7 has been designed with this in mind by including a number of openings on its north west side elevation. The inclusion of these openings would create a more attractive entrance into the site and contribute towards the well-designed street scene on High Street.

To the south west of the site is The Paddocks which includes two storey dwellings which are higher than the other dwellings on The Paddocks due to having rooflights which are presumed to serve living accommodation. Whilst The Paddocks is not within the draft Historic Village Core character area its dwellings particularly 4 The Paddocks (with rooflights) is in view from the village green looking back towards the site.

In terms of density, the application site would measure 19.5 dwellings per hectare (dph) based on 7 dwellings on a site measuring 0.36 hectares ($1/0.36$ hectares x 7 dwellings). The surrounding area is mixed in terms of plot and garden sizes. Some dwellings have larger gardens and some have smaller gardens. It is considered that the density of this development would be low at 19.5 dph and would reflect the density of the village.

It is considered that the development overall would not have an unacceptable harmful visual impact on the site and the surrounding area and accords to local policies LP17 and LP26 of the CLLP, draft policy 8 of the DWBWNP and the provisions of the NPPF subject to a comprehensive materials condition.

It is considered that policy LP17 and LP26 are consistent with the design, character and visual amenity guidance of the NPPF and can be attached full weight.

Flood Risk

An objection has been received in relation to flood risk but primarily from drainage which is discussed later in the report.

The application site sits within flood zone 1 therefore is sequentially preferable for housing development in accordance with LP14 of the CLLP and the provisions of the NPPF.

As a non-major development to be located in flood zone 1 (low probability), the application does not require to be supported by a site-specific flood risk assessment (FRA), under NPPF paragraph 167.

It is considered that policy LP14 is consistent with the flood risk guidance of the NPPF and can be attached full weight.

It is a policy requirement that when determining any planning application, the local planning authority should ensure that flood risk is not increased elsewhere (NPPF paragraph 167). This is addressed separately under drainage.

Residential Amenity

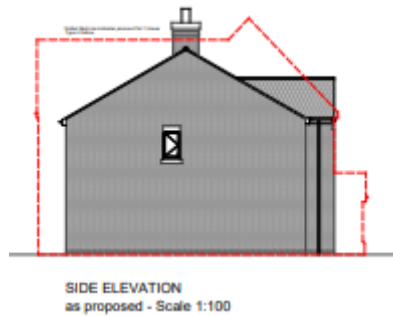
Objections have been received from neighbouring residents in relation to overlooking from the scale of the dwellings.

The application site has neighbouring dwellings adjacent or opposite to most boundaries of the site (all measurements are taken from the submitted plans). These are:

- Marquis House, High Street (converted Marquis of Granby) adjacent to the north east and south east boundaries
- Halton House, High Street adjacent to the north east and south east boundaries
- The Old School House, The Green adjacent to the north east boundary.
- Rose Cottage, The Green opposite to the south east boundary.
- The Laurels, The Green opposite to the south east boundary.
- Archway, Joshua Way adjacent to the south east and south west boundary.
- The Elms, High Street adjacent the south west boundary
- The Payhouse, High Street adjacent the south west and north west boundaries.
- Corner Cottage and Piano Cottage, High Street opposite to the north west boundary.

Marquis House:

Proposed plot 1 would share its north west boundary with Marquis House and would sit 2 metre from the shared boundary and 21 metres from the rear elevation of Marquis House. Plot 1 would have one first floor window serving an ensuite so can be conditioned to be obscurely glazed. The proposed dwelling on plot 1 has been significantly reduced in height and overall scale (see plan below) and set slightly further back from the shared boundary with the Marquis House.



(Originally submitted dwelling outlined in red)

The position of plot 1 would have a modest impact on light received to the end of the garden to Marquis House. The reduction in the scale of the dwelling has sufficiently reduced the massing impact of the plot 1 on Marquis House.

Plot 6 would be a two storey dwelling with first floor front elevation bedroom windows facing towards the rear garden of Marquis House. The front elevation of plot 6 would be 13.8 metres from the south west boundary of Marquis House which is an acceptable separation distance.

Plot 7 would be a two storey dwelling with first floor front elevation bedroom windows facing towards the rear garden of Marquis House. The front elevation of plot 6 would be 12 metres from the south west boundary of Marquis House. This separation distance would be sufficient and would not unacceptably overlook rear garden of the Marquis House.

Halton House:

Proposed plot 1 would share its north west boundary with Halton House and would sit 5 metres from the shared boundary and 13.1 metres from the rear elevation of Halton House. Plot 1 would have first floor window bedroom windows on the rear elevations but the angle and separation distance would limit any potential overlooking.

The Old School House:

Proposed plot 1 and 2 would share its north east boundary with The Old School House. Plot 1 would sit 19 metres from the shared boundary and plot 2 would sit 7.5 metres from the shared boundary with The Old School House. Plot 2 would be a bungalow. Plot 1 and 2 would be sufficiently separated from the boundary of The Old School House.

Rose Cottage:

The south west boundary of proposed plot 2 (bungalow) would be opposite the north west boundary of Rose Cottage. Plot 2 and Rose Cottage would be separated by public rights of way Wdgm/72/1. The proposed dwelling would be sufficiently separated from Rose Cottage.

The Laurels:

The south west boundary of proposed plot 3 (bungalow) and plot 4 would be opposite the north west boundary of The Laurels. Plot 3/4 and The Laurels would be separated by public rights of way Wdgm/72/1. The rear elevation of

Plot 4 is orientated to the south west therefore facing away from The Laurels. The proposed dwellings would be sufficiently separated from The Laurels.

Archway:

Proposed plot 4 would share its south west boundary and proposed plot 5 would share its south east and south west boundary with Archway. Plot 4 would be 11.5 metres from the shared boundary and the rear elevation would not directly face the rear garden of Archway.

Plot 5 would have first floor bedroom windows. The rear elevation of plot 5 would be 6 to 13 metres from the shared boundary and over 90 metres from the nearest elevation to Archway. Whilst the bedroom windows would overlook the end of the rear garden to Archway the scale of the garden to Archway and the separation distance would mean sufficient privacy would be retained for the residents of Archway.

The Elms:

Proposed plot 5, 6 and 7 would share their south west boundary with The Elms. The varied built form of The Elms sits adjacent this shared boundary. All or most of The Elms is single storey adjacent the boundary. The rear elevation of The Elms only has one first floor window but this is much nearer to High Street.

The rear elevation of plot 5, 6 and 7 would be between 10-17.6 metres from the shared boundary with the Elms. The separation distance and position of the built form at The Elms would mean the privacy of the Elms would be retained.

The Payhouse:

None of the plots would share a boundary with The Payhouse. Plot 7 would be the nearest plot and would be 9.4 metres from the rear elevation of The Payhouse and 15 metres from its private external amenity space which sits to the south west side of The Payhouse.

Corner Cottage and Piano Cottage:

Both of these dwellings sit the other side of High Street therefore are significantly separated from any of the proposed plots.

It is additionally important to assess the impact of the proposed dwellings on each other although there would be a certain amount of 'buyer beware'. It is considered that the position of the dwellings and their openings will not harm the living conditions of the site's future residents. Each dwelling is considered to have sufficient private external garden space.

Therefore the development would not be expected to have an unacceptable harmful impact on the living conditions of neighbouring dwellings or future residents and accords to local policies LP26 of the CLLP, draft policy 8 of the DWBWNP and the provisions of the NPPF.

It is considered that policy LP26 is consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Highway Safety

Objections have been received in relation to highway safety grounds.

Each proposed dwelling would be accessed from the vehicular access off High Street (30mph). Draft policy 9 of the DWBWNP sets out minimum parking standards for dwellings based on the amount of bedrooms. The draft policy proposes:

1. Off-street car parking for new residential developments should be provided to the following minimum standards:

1 bedroom	1 parking space (per dwelling)
2 bedrooms	2 parking spaces (per dwelling)
3+ bedrooms	3 parking spaces (per dwelling)

The proposed development proposes the following amount of parking spaces:

Plot	Bedrooms	Parking Spaces
1	4	At Least 3
2	4	At Least 3
3	2	2
4	4	3
5	4	3
6	4	3
7	4	3

Each dwelling would have sufficient off street parking to serve the occupants and would not lead to street parking.

The Highways Authority at Lincolnshire County Council have no objections to the proposed development on highway safety grounds but have recommended a condition to introduce a footpath to the east of the vehicular access to connect the development to the existing pedestrian footpath network. This would include appropriate arrangements for the management of surface water run-off from the highway.

The submitted site plan indicates the introduction of a footpath to meet this recommendation.

The Highways Authority have additionally recommended improvements works to the public right of way and access to the public right of way directly from the site. Whilst direct access to the public right of way from the site would be of modest benefit to the potential future occupants it is not considered as

fundamental or necessary to the acceptability of the development. The proposed footpath to the east of the vehicular access would provide a short and safe walk to the north east entrance to the public right of way.

It is also considered that the recommended improvements to the public right of way are not relevant, necessary or reasonable to the acceptability of the development.

The development would therefore not have an unacceptable harmful impact on highway safety therefore accords to local policies LP13 of the CLLP, draft policy 8 of the DWBWNP and the provisions of the NPPF.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 111) of the NPPF and can be attached full weight.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the development or the submitted Specification for a Scheme of Archaeological Monitoring and Recording dated May 2021 by PCAS Archaeology. This is subject to a condition to ensure the development is completed in accordance with the submitted specification and to require notification of the intention to commence the archaeological work, the submission of the final report, and deposition on the paper and material archive at a suitable museum.

The development would not be expected to have an unacceptable harmful impact on archaeology therefore accords to local policies LP25 of the CLLP and the provisions of the NPPF.

It is considered that policy LP25 is consistent with the historic environment guidance of the NPPF and can be attached full weight.

Foul and Surface Water Drainage

Objections have been received from a number of third parties based on foul and surface water drainage.

The application has included a preliminary drainage plan 20451-3000 Rev P01 dated 29th June 2022, drainage details, CCTV investigations and drainage calculations. The Authority's Building Control department has assessed the plans and considered them as acceptable. Given the amendments to the scheme the drainage plan is however, now out of date.

Foul Water:

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

"When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided

and operated by the water and sewerage companies). This will need to be done in consultation with the sewerage company of the area.”

The application form states that foul drainage will be disposed of to the mains sewer which is the preferred option. The developer will be responsible for getting consent from the relevant authority prior to connecting to the existing mains sewer. This will include acceptance from the relevant authority that the existing mains sewer has the capability of dealing with the additional intake.

Surface Water:

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

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

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

The application form states that surface water is proposed to be disposed of to the mains sewer. This method is the lowest on the hierarchy listed above. The application has included drainage investigations, calculations and percolation tests including an Intrusive Site Investigation Report by GEO Investigate dated April 2021. Section 3.3 (infiltration Testing Borehole – BH5 and BH6) of the Intrusive Site Investigation Report sets out the results of percolation tests taken on the site. The results of the percolation tests identified a negligible drop of 35mm in a 60 minute period in borehole BH5 with similar results at borehole BH6. Section 3.3 concludes that:

“Given these results, and as expected from the general ground conditions encountered at the site, the clay soils at the site are essentially impermeable and the use of soakaways for disposal of surface water from the site will not be feasible. In addition, a comparatively high water table was evidenced by way of standing water at depths of circa 1.20m, potentially indicating that natural ground drainage was poor.”

These results demonstrates that the use of an infiltration method such as soakaways would not be feasible on the site. There are also no surface water bodies to connect to near to the site.

The application has included a proposed general arrangement drainage plan 20451-3000 Rev P01 dated 29th June 2022 by Woodside Consulting Engineers Ltd. This identifies all drainage connections and the position of the attenuation tank, surface water pumping station and the ACO channel. The

attenuation tank would discharge surface water at 2 litres per second into the mains sewer via a surface package pumping station. Surface water would additionally be pumped and drained into an ACO drain along the front of the vehicular access.

The application has therefore demonstrated through borehole testing on the site that infiltration is not feasible and there is no surface water body which can be utilised. Given the evidence it is accepted that the site is not suitable for a sustainable urban drainage system and surface water would have to be disposed of to the mains sewer in a controlled manner as described previously.

The indicative attenuation tank would have a volume of be 92.34m³. The drainage plan states that *“the attenuation tank has been designed to store all storms up to and including the 1 in 100 year + 40% climate change events.”* The design of the attenuation tank has been created from the drainage calculations received 5th August 2022 by Woodside Consulting Engineering Ltd and includes results for a 100 year +40% Climate Change Critical Storm Duration.

The submitted drainage plan is currently out of date as the scheme has been amended to alter the position and scale of dwellings on plot 1, 5 and 7. It is therefore considered that drainage can be fully addressed through a condition.

Therefore subject to a condition the development would be expected to accord to local policy LP14 of the CLLP and the provisions of the NPPF.

It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

Contamination

The application has included an Intrusive Site Investigation Report by Geo Investigate dated April 2021. The report concludes that *“soils at the site are generally uncontaminated and fit for purpose in the proposed residential end use of the site. No remedial works are considered necessary at the site prior to redevelopment”*.

Given the results of the intrusive site report it is considered that the site would not be expected to have an unacceptable harmful contamination impact. It is considered relevant and necessary that a precautionary contamination is attach to a permission to ensure that any contamination found during the construction phase is remediate before works continue in the interests of human health.

Therefore subject to a condition the development would be expected to accord to local policy LP16 of the CLLP and the provisions of the NPPF.

It is considered that policy LP16 is consistent with the contamination guidance of the NPPF and can be attached full weight.

Biodiversity

Objections have been received in relation to protected species and wildlife on the site.

Local Policy LP21 of the CLLP states that '*All development should:*

- *protect, manage and enhance the 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;*
- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity.*

Guidance contained within paragraph 174 and 179 of the NPPF encourages the protection and enhancement of protected species (fauna and flora) and providing net biodiversity gains.

Protected Species:

The application has included a Preliminary Ecological Appraisal (PEA) Report by Crow Ecology dated 20th September 2022. Section 7 of the PEA sets out the ecologist recommendations for the site. These are:

Birds

- The clearing of the orchard, dense and scattered scrubs should take place outside the bird breeding season (1st September to 28th February).
- Any works during the bird breeding season requires an ecologist to check the site first.

Birds and Bats

- The orchard, newly planted trees and shrubs should not be illuminated by artificial light.
- Any external lighting should follow the lighting specifications and details on page 25-27.

Mammals and Amphibians

- The precautionary working method statement listed on page 27-28 should be followed.

Trees:

Objections have been received in relation to the orchard and its potential loss.

The application has not included a tree survey but the PEA recommends tree protection measures are installed to protect the Orchard trees to the front of the site during construction.

There are no protected trees on or adjacent the site. The trees to the front of the site close to the Payhouse appear to be retained on the site plan and are part of the street scene along the High Street. As discussed later in the report details of retained, removed and new trees can be conditioned on a permission.

Biodiversity Enhancements:

Section 8 of the PEA provides biodiversity enhancement recommendations including:

- Fruit Tree Planting
- Hedgerow Planting and maintenance
- Understory Hedgerow Sowing
- Wildflower and Grass Sowing
- Shrub Planting
- Integrated Bat Boxes and Locations
- Integrated Bird Boxes and Locations
- Hedgehog highways and commuting

The proposal would not be expected have a harmful impact on biodiversity and the recommendations have the potential to overall provide a modest positive biodiversity net gain. Therefore subject to conditions the development accords to local policy LP21 of the CLLP and guidance contained within the NPPF.

It is considered that policy LP21 and EN1 are consistent with the biodiversity guidance of the NPPF and can be attached full weight.

Other considerations:

Landscaping

The submitted site plan provides an indication of landscaping details but not in sufficient enough detail. The plan lacks the detail including:

- Boundary treatments type and height (retained and new)
- Hardstanding and access road material finish
- Retained and removed trees and hedging
- New hedgerow and tree position and species, planting height and planting formation

Therefore it is considered that details of landscaping can be approved through a condition attached to the permission.

Public Rights of Way

The proposed development would not block off the use or unacceptably harm the enjoyment of using public rights of way Wdgm/72/1.

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The development would be located in the Non Lincoln Strategy Area (£15/m²) will be liable to a CIL payment required prior to commencement of the development. An advisory note will be attached to the permission.

Permitted Development

It would be considered relevant and necessary to remove certain permitted development rights from plot 7 to retain adequate private garden space and remove Class AA for all plots to retain the character of the area and mix of dwelling types on the site. The permitted development rights to be removed would be Class A and E of Part 1 (for plot 7) and Class AA of Part 1 (for all plots) 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).

Pre-commencement condition

The agent has agreed in writing to the proposed pre-commencement conditions.

Conclusion and reasons for decision:

The decision has been considered against policies 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, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, S21 Biodiversity and Geodiversity, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036 in the first instance. Consideration is additionally given to policy S1 The Spatial Strategy and Settlement Hierarchy, S2 Growth Levels and Distribution, S4 Housing Development in or Adjacent to Villages, 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, S49 Parking Provision, S53 Design and Amenity, S56 Development on Land Affected by Contamination, S57 The Historic Environment, S60 Protecting Biodiversity and Geodiversity, S65 Important Open Space and S66 Trees, Woodland and Hedgerows of the Submitted Central Lincolnshire Local Plan Review and draft policy 3 Additional Residential Development, policy 8 General Design and Development Principles and policy 9 Parking Standards of the Draft Waddingham and Brandy Wharf Neighbourhood Plan. Furthermore consideration is given to the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Model Code.

In light of this assessment and expired outline permission 138660 it is considered that the site is in an appropriate location for housing development and the principle for seven dwellings is acceptable. The proposal would not have an unacceptable harmful visual impact on the site or the surrounding area and would preserve the setting of the nearby Listed Buildings. It would not have an unacceptable harmful impact on the living conditions of neighbouring dwellings, highway safety, archaeology, contamination, a minerals resource and drainage. The development is therefore acceptable subject to conditions.

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

Representors to be notified -

(highlight requirements):

Standard Letter ☐

Special Letter ☐

Draft enclosed ☐

Prepared by: Ian Elliott

Date: 1st December 2022

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

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

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

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

2. No development must take place until full details to protect the existing trees and their root protection areas to the north west of the site adjacent to plot 7 and The Payhouse, High Street have been submitted to and approved in writing by the Local Planning Authority. The approved protection measures must be installed prior to the commencement of development and retained in place until the development has been fully completed.

Reason: To safeguard the existing trees on or adjacent the site during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policy LP17 and LP21 of the Central Lincolnshire Local Plan 2012-2036.

3. No development must take place until details of the type and position of two integrated bat boxes and two integrated bird boxes, as per the recommendations of the Preliminary Ecological Appraisal (PEA) Report by Crow Ecology dated 20th September 2022 has been submitted to and approved by the Local Planning Authority. The approved boxes must be

installed prior to occupation of the dwelling the box is attached to and must be retained as such thereafter.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

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

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

- 9_101 Rev 05 dated 8th November 2022 – Site Plan
- 9_004 Rev 02 dated 20th October 2022 – Plot 1, 4 and 6 Elevation and Floor Plans
- 9-005 Rev 03 dated 3rd November 2022 – Plot 5 Elevation and Floor Plans
- 9_006 Rev 00 dated 8th June 2022 – Plot 3 Elevation and Floor Plans
- 9_003 Rev 01 dated 8th November 2022 – Plot 7 Elevation and Floor Plans
- 9_002 Rev 00 dated 8th June 2022 – Plot 2 Elevation and Floor Plans

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 8 and 9 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. No development above ground level must take place until the following external materials for the proposed dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority:

- Sample panel of stonework and mortar with mortar finish and specification.
- Sample panel of brickwork and mortar with mortar finish and specification.
- Roof material sample and colour finish.
- Windows and doors including colour finish.
- All rainwater goods including the colour finish.

The development must be completed in strict accordance with the approved details and retained as such thereafter.

Reason: To ensure the use of appropriate materials in the interests of visual amenity, the character and appearance of the site and the area including preserving the setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 8 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. The development hereby approved must be completed in strict accordance with the Specification for a Scheme of Archaeological Monitoring and Recording dated May 2021 by PCAS Archaeology.

Reason: To ensure implementation of an appropriate scheme of archaeological mitigation to accord with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan.

7. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 5 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan.

8. No development above ground level must take place until full details of a scheme for the disposal of foul and 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 Drainage Strategy will need to identify how run-off from the completed development will be prevented from causing an impact elsewhere. No occupation of each individual dwelling must take place until its individual foul and surface water drainage connection has been fully installed in strict accordance with the approved details. The approved drainage scheme must be retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

9. No development above ground level must take place until full details and specification for the installation of a 1.8 metre wide footway to the east of the vehicular access, to connect the development to the existing footway

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

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 LP14 of the Central Lincolnshire Local Plan 2012-2036.

10. No occupation of the development must take place until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:

- Type, height and position of all retained and new boundary treatments.
- Material finish of all hardstanding (driveways, patios and paths).
- Species, planting height, formation and position of new trees and hedging.
- Retained and removed trees and hedging.

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

Reason: To ensure that appropriate landscaping is introduced and would not unacceptably harm the character and appearance of the site and preserve the setting of the nearby listed buildings to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 8 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. No occupation of each individual dwelling must take place until the vehicular access, private access road and its individual parking spaces have been fully completed in strict accordance with site plan 9_101 Rev 05 dated 8th November 2022 and retained for that use thereafter.

Reason: To ensure safe access to the site and available adequate off street parking to accord with the National Planning Policy Framework, local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and Policy 8 and 9 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan

12. Apart from the bat, bird and owl boxes described in condition 3 of this permission the development hereby approved must only be carried out in accordance with the recommendations set out in section 7 and 8 of the Preliminary Ecological Appraisal (PEA) Report by Crow Ecology dated 20th September 2022.

Reason: To respond to the enhancement recommendations of the Preliminary Ecological Appraisal (PEA) Report by Crow Ecology dated 20th September 2022 to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

13. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) must 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 must then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and to accord with the National Planning Policy Framework and local policy LP16 of the Central Lincolnshire Local Plan 2012-2036.

14. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 6.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan.

15. Following the archaeological site work referred to in condition 14 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. .

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan.

16. The report referred to in condition 15 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan.

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

17. All planting or turfing comprised in the approved details of landscaping (see condition 10 above) must be carried out in the first planting and

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

Reason: To ensure that all planting is provided within a timely manner and has the best opportunity to establish to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

18. Notwithstanding the provisions of Classes A and E of Schedule 2 Part 1 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) the dwelling (plot 7) hereby permitted must not be extended, altered and no buildings or structures shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

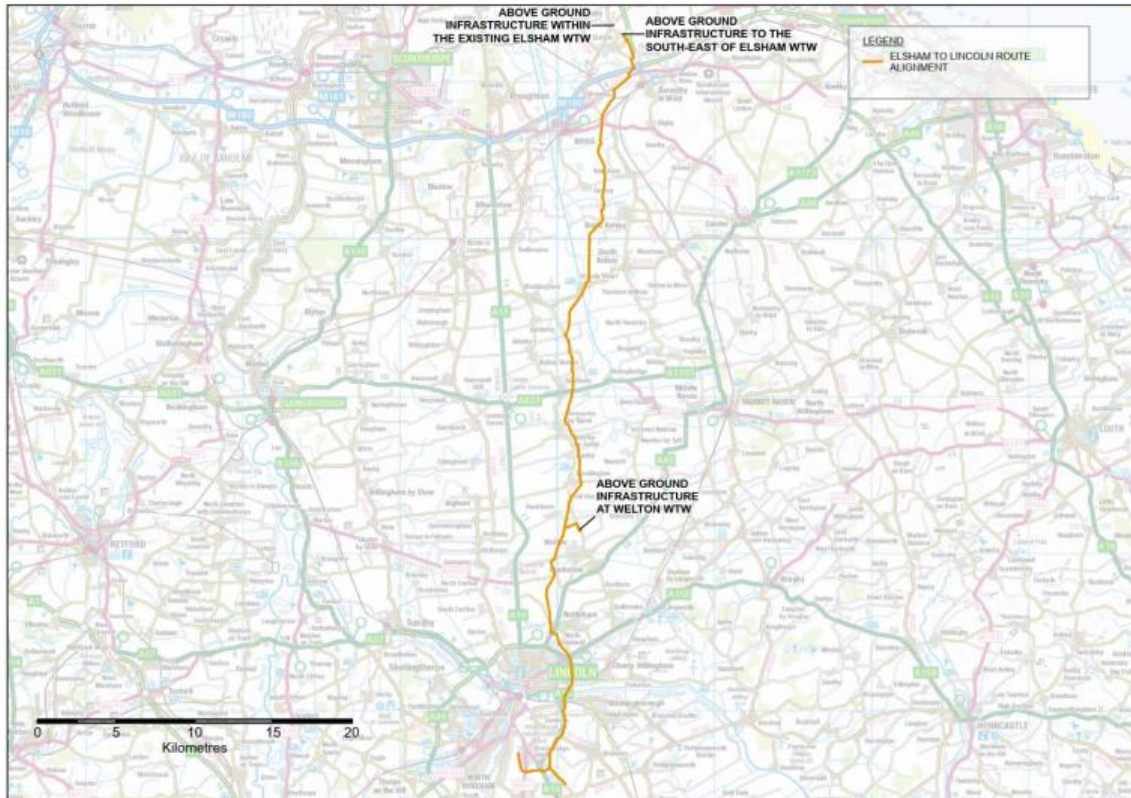
Reason: To enable any such proposals to be assessed in terms of their impact on the external private amenity space of the occupiers in accordance with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

19. Notwithstanding the provisions of Classes AA of Schedule 2 Part 1 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) the dwellings (plot 1-7) hereby permitted must not be extended by an additional floor for the bungalows or up to two floors for the two storey dwellings 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 character and appearance of the site and surrounding area and the setting of nearby Listed Buildings in accordance with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Elsham to Lincoln Pipeline

Figure 2-1 - Proposed Scheme overview



Officers Report

Planning Application No: 145096

PROPOSAL: Hybrid planning application for proposed 57km pipeline scheme between Elsham and Lincoln, a 1.5km spur at Welton and associated above ground infrastructure at Elsham, together with outline planning application for associated above ground infrastructure at Welton with access to be considered and not reserved for subsequent applications.

LOCATION: Elsham to Lincoln Pipeline

WARD: Dunholme and Welton

WARD MEMBER(S): TBC

APPLICANT NAME: Anglian Water Services

TARGET DECISION DATE: 04/11/2022

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant permission, subject to conditions

The application has been referred to the Planning Committee as the Development Management Team Manager considers it appropriate to do so, as it is a significant infrastructure project which affects a number of Wards within the District.

Introduction:

This is an application by Anglian Water Services (AWS) for a 57-kilometre potable (drinking water) pipeline. The proposed Elsham to Lincoln Pipeline Scheme covers an area of 368.56 hectares with the proposed 57-kilometre pipeline route running in a north-south alignment from Elsham (North Lincolnshire) to the south of Lincoln. At the northern extent of the proposed pipeline route, the new pipeline will run south from a proposed new covered reservoir and pumping station at Elsham (to the east of the existing Elsham Water Treatment Works) for approximately 52.5 kilometres to an existing pumping station at Waddington. The development will include a new 1.5 kilometre pipeline to the north of Welton, connecting the proposed Elsham to Lincoln pipeline to the existing Welton Water Treatment Works (WTW) site, hereafter referred to as the 'Welton spur'. This is a full planning application. The outline planning application is for additional above ground infrastructure at the Welton Treatment Works with all matters reserved apart from access.

The planning application boundary crosses the four Local Planning Authority (LPA) administrative areas of North Lincolnshire Council, West Lindsey District Council, City of Lincoln Council and North Kesteven District Council. The largest area of the proposed Scheme falls within the administrative area of West Lindsey District Council (230.78 hectares), 81.46 hectares fall within

North Lincolnshire Council, 54.19 hectares within North Kesteven District Council and 2.13 hectares within City of Lincoln Council.

As a statutory undertaker, the applicant AWS explains it has an obligation to develop a Water Resources Management Plan (WRMP) based on statutory guidance for determining the availability of water supplies, forecasting the demand for water, establishing the allowance needed for uncertainties and using these to identify sustainable options for maintaining a secure balance between the demand for and the sustainable supply of water to its customers. It puts in place the plans required to underpin sustainable economic and housing growth, in the context of climate change, in the region for the next 25-year period.

The applicant advises that the East of England is one of the driest regions in England, with only two thirds of the average rainfall and a delicate environmental balance. It is also one of the fastest growing, with the population predicted to increase by 20 per cent over the next 25 years. The East of England is officially classed as 'water stressed' meaning we must make careful use of this precious resource to balance supply and demand in the region. Without taking any action, the applicant states that the East of England would face a water deficit of 30 million litres a day by 2025. This is understood to be a shortfall equivalent of 4,380 Olympic swimming pools of water every year.

Anglian Water's 25-year Water Resources Management Plan (WRMP) assesses the impacts of these challenges and sets out how water management will be addressed across the region. As part of this Water Resources Management Plan, Anglian Water is building up to 500 kilometres of new interconnecting pipelines which will enable water to be moved around the region more freely from areas of surplus in north Lincolnshire to the south and east of the region where supplies are scarcer. The applicant claims that these new pipelines will strengthen local resilience by reducing the number of homes and businesses which rely on a single water source. The proposed Elsham to Lincoln Pipeline Scheme forms part of this new network of interconnecting pipelines and is a critical part of the infrastructure that will tackle the region's water supply challenges.

Scheme description and components

The pipeline will be buried for its entire length.

Open cut pipe laying: The majority of the proposed pipeline will be installed using an open cut pipe laying technique. This involves stripping and storing the topsoil to one side of the working width and excavating an open trench to install the pipe beneath the ground.

Welton spur:

The 1.5-kilometre Welton spur will run from the main Elsham to Lincoln pipeline in a west-east alignment for approximately 850 metres along an existing farm access track to Hackthorn Road. It will then run in a north south

alignment for approximately 550 metres along Hackthorn Road where it will connect into a proposed pumping station with the existing Welton WTW site. The Welton spur is located to the north of Welton and will not cross the Strategic Road Network (SRN) or live railways. This section of the pipeline route does run along a 550-metre section of Hackthorn Road and will cross one watercourse

Welton WTW

A new pumping station, for which outline planning permission is sought, is proposed at the existing 2.5-hectare Welton WTW. The proposed site comprises the existing AWS operational WTW which lies approximately 900 metres north of Welton to the north of Welton Manor Golf Course on the eastern edge of Hackthorn Road. The site is surrounded largely by agricultural land with isolated farmsteads.

The existing WTW site is accessed off Hackthorn Road and has a number of existing structures onsite including two covered water storage reservoirs, sub-station, filter building, transformer and generator compounds, pump house, septic tank and other associated infrastructure. The existing onsite buildings are brick built with tiled roofs

This application seeks outline planning permission for the construction of a new pumping station and associated infrastructure within the existing WTW site which in summary includes:

- A new pumping station up to 8 metres in height, with an indicative footprint of 175m²
- A new fluoride dosing kiosk up to 3 metres in height, with an indicative footprint of 68m²;
- A new generator building up to 4.5 metres in height, with an indicative footprint of 77m²;
- A new internal road layout; and
- associated below ground connecting pipework and cabling.

Indicative details of the main proposed structures have been included. The proposals for this element of the proposed scheme are still subject to change and will therefore be confirmed through the submission of a Reserved Matters application. Permanent operational access and temporary construction access will be via the site's existing access point off Hackthorn Road.

Compounds

In order to facilitate the construction of the pipeline, a number of compounds and laydowns will be established along the length of the pipeline route. These compounds and laydown areas will typically provide offices and welfare

facilities; storage for materials, fuel, construction substances/chemicals; waste containers; plant; equipment; and limited car parking.

These are split into Main Compounds, Satellite Compounds, Laydown Areas and Trenchless Crossing

Main compounds; 3 metre high single storey office/operational and welfare cabins, car parking, delivery/materials storage space, 8 metre high covered fabrication yard, and 2 metre high security fencing with passive infrared (PIR) Lighting.

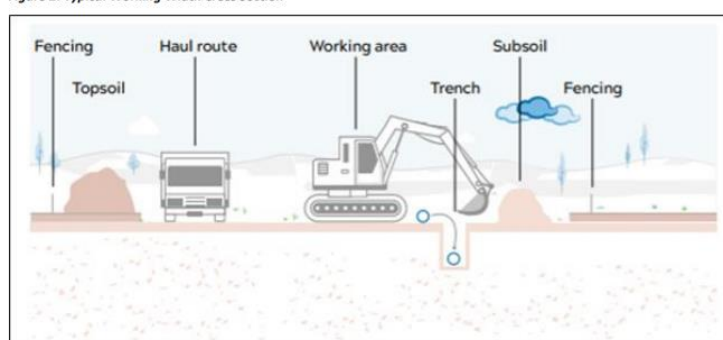
Satellite compounds: 3 metre high single storey welfare cabin, limited car parking, delivery/materials storage space, and 2 metre high security fencing with PIR lighting;

Laydown Areas: delivery/materials storage space, and 2 metre high security fencing with PIR lighting;

Trenchless crossing: 3 metre high single storey office/operational and welfare cabins, limited car parking, delivery/materials storage space, and 2 metre high security fencing with PIR lighting;

Working Width:

The construction of the pipeline will take place within a fenced strip of land, known as the working width. A working width of 40 metres will be put in place for the construction of the pipeline except where the route intersects areas of peat where it will be widened to 60 metres, and along the Welton spur where it will generally be 25 metres wide. The working width is intended to be narrowed at “sensitive locations”, to minimise landscape and ecological impacts. A typical cross-section is reproduced below



Programme

A phased approach will be adopted for the construction of the proposed scheme. An enabling works phase will start in winter 2022/early 2023 and will include activities such as establishing access points, fencing off the working width, environmental mitigation works, and installation of compounds and laydowns. The main construction phase will begin immediately after the enabling works and is anticipated to be completed by summer 2025.

Testing and commissioning of the pipeline and reinstatement of the working width is expected to commence in 2025 for some sections of the pipeline route, whilst construction works are ongoing along other sections of the route. The whole pipeline is expected to be constructed, tested and commissioned and the working width reinstated by the summer of 2025.

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

An Environmental Statement has been submitted by the applicant, meaning the development is “EIA Development” under the regulations, in accordance with reg.5(1)

The documents submitted include:

Transport Statement

Noise and Vibration Assessment including Noise Surveys

Landscape and Visual Impact Assessment (LVIA)

Arboricultural Survey Report

Remedial Land Drainage Design Principles

Public Rights of Way Management Plan

Biodiversity Net Gain Strategy

Designated Ecological Sites Technical Report

Habitat Technical Report

Aquatic Ecology Technical Report

Bat Technical Report

Riparian Mammal Technical Report

Certificate of District Level Licensing for Great Crested Newt

Archaeological Desk Based Assessment

Archaeological Remote Sensing Report

Archaeological Geophysical Survey Report

Geo-archaeological desk-based assessment report

Relevant history:

143985 Request for EIA Scoping Opinion in relation to proposed potable water supply pipeline and associated infrastructure. Issued 02.02.22

Representations are published in full on the Council website. A summary of representations received, is provided as follows:

Greetwell Parish Council: Greetwell Parish Council has no comments to make on this application.

Hackthorn and Cold Hanworth Parish Council: Request that all roads are kept clean when the works are taking place. They ask that there is minimum disruption for farmers whilst the scheme is completed. The Parish Council ask that sufficient notice is given to the community regarding any road closures.

Nettleham Parish Council: No comments.

North Kelsey Parish Council: Have no comments to make at this stage of the planning process.

Scothern Parish Council: Scothern Parish Council has no observations to make on this application.

South Kelsey and Moortown Parish Council: No objections.

Spridlington Parish Council: No objection and refer to the comments made to 143985. Comments made reproduced below:

“Page 117 of report states “majority of construction activity will be undertaken during the standard daytime working hours 0700 – 1900 hours Monday to Friday and 0700 – 1700 hours Saturday”. In table 11-3 (page 120), the time period being measured for baseline noise levels is identical for the Monday to Friday period but only 0700 – 1300 hours for Saturday. Why is there a four-hour reduction in time frame when noise levels are being measured? In table 14-2 (Key scoping assumptions), under item 4. Working hours, it states “Currently expected to be weekdays 07:00- 19:00 and Saturday 07:00-16:00.” Consistency in the definition of working hours for purposes of construction activity would be appreciated. In addition, a glossary of terms would be extremely useful when the planning application report is submitted.”

Welton Parish Council: The Council has no comments or observations on this application.

City of Lincoln: No objections.

LCC (Minerals and Waste): It is considered that having regard to the scale and nature of the proposed development the County Council has no Minerals or Waste safeguarding objections.

Environmental Protection WLDC: With regards to noise I support the measures that have been put in place to protect residential properties and understand that residents will be notified prior to noisy works taking place. The Geo-environmental Risk Assessment demonstrates that ‘there is generally a low potential for ground contamination’, however there are some areas along the route where there is a potential for contamination due to the previous use. These areas will require further investigation in due course to ensure that any risk is minimised. I therefore request the following condition:

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.

Ramblers Association: As a local Area Footpath Officer for the Ramblers, it's good to see such a comprehensive PROW management plan, and to hear that all PROWs crossed by the pipeline will be restored to baseline conditions.

LCC Highways: Could the applicant please submit a drawing demonstrating achievable visibility splays, in accordance with Manual for Streets guidance,

for the proposed operational access off Lincoln Road Nettleham (see drawing 'Nettleham Valve Complex Access Details').

Environment Agency: The proposed development will be acceptable if the following Condition is included on the planning permission's decision notice. Without this, we would object to the proposal due to its adverse impact on the environment.

Condition 1. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

In addition, we have various views to make, including a number of other points to be addressed before the application is determined, and recommend some informative comments to add to any Decision Notice as follows:

1. Ground Water and contaminated land (further comments in relation to Condition 1) Despite advice provided for in the Scoping Opinion, we can find no reference made to the 'Environment Agency's approach to groundwater protection' or relevant Groundwater Protection Position Statements, nor to our Land Contamination: Technical Guidance. We recommend that you highlight to Anglian Water that this guidance should be followed. Additionally, we are aware that Anglian Water are currently investigating the installation of an augmentation borehole to support Welton Beck during times of low flows. This development may need to be considered within the context of potential interactions.

Dewatering. The Environmental Statement Volume 2 and Construction and Environmental Management Plan both discuss the potential for dewatering, but there is no mention of the possible need to consider abstraction licensing. This was raised during comments provided on the Grantham to Bexwell section of Anglian Water's overall pipeline proposals, copied here for reference:

Due consideration should be given to the potential impacts of any ground/aquifer dewatering that may be required during the construction phase of the development. There are requirements to identify at-risk water users and features, to assess the potential impacts of dewatering upon these, and to determine any monitoring and/or compensation measures that might be required for their protection. Since 1 January 2018 most cases of new

dewatering operations above 20 cubic metres a day will require a water abstraction licence from the Environment Agency prior to the commencement of dewatering activities. The only exception to this where an abstraction licence would not be required would be if the de-watering meets the exemption criteria as set out in 'Water Abstraction and Impoundment (Exemptions) Regulations 2017'. A condition of any abstraction licence may be that any de-watering water is returned to the source aquifer, and this water will have to meet relevant quality criteria. If applicable, these issues should be considered within the scope of a hydrogeological impact assessment. The implications of dewatering in proximity to contaminated sites should also be considered as this could result in the mobilisation of contaminated groundwater.

Please include an informative comment on any Decision Notice which advises that the developer should determine the need for an abstraction licence at an early stage. We recommend the developer should follow the Hydrological Impact Appraisal for dewatering abstractions guidance. Timescales for processing abstraction licence applications should be factored into the development programme if required. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised.

In addition, depending on the details of dewatering schemes, a permit, regulatory position statement or low risk agreement may be required for the discharge of water. Again, the applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. Related to this, please include the following informative comment in any Decision Notice: Informative comment for applicant about Environmental Permitting This development may require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016. Related to this, it is noted that the Environmental Statement Vol 2 and appendix 14.1 of the scoping application covers potential discharges (12.5.2.2) and construction risk (Appendix 14.1).

In circumstances where an activity/operation meets certain criteria, an exemption from permitting may apply. The applicant is advised to find out more information about the permit application process online and to send a pre-application enquiry form via the gov.uk website:

<https://www.gov.uk/government/publications/environmental-permit-pre-applicationadvice-form>

If any activities require an environmental permit, one should be in place prior to commencement of discharge. Please do not underestimate the achievable timescales regarding the current environmental permitting process.

Augered or Directionally Drilled Crossings. There are some crossing points which are likely to need further assessment in terms of risk. This need for further assessment has been recognised in the Construction and Environmental Management Plan (CEMP) in section 14.1.4.41. Ground investigation to determine actual ground conditions is ongoing and a Ground

Investigation Report (GIR) will be produced which will identify areas requiring remediation where appropriate prior to construction. This CEMP should be reviewed and updated if required following the production of the Ground Investigation Report. Also in table 14.1.2: A programme of ground investigation is in progress to determine the underlying geology at each of the trenchless crossing locations. The contractors will be required to use a drilling mud which is environmentally designed specifically for use under watercourses and to follow the break-out procedure detailed in the CEMP.

Flood Risk:

Overall, it is noted that the pipeline will cross the following main rivers: • Kettleby Beck • North Kelsey Beck • Caistor Canal • River Ancholme • Seggimoor Beck • River Witham • South Delph We have reviewed the Flood Risk Assessment (FRA) and feel an appropriate assessment has been carried out identifying all sources of flood risk with suitable mitigation and conclusions suggested.

We appreciate this type of development lends itself more towards significant infrastructure and recommend any critical equipment is located outside of flood zone 2 and 3 and, where this cannot be achieved, all critical infrastructure raised above the 0.1% [1:1000] annual chance event scenario. As we have previously commented on, and discussed with the applicant at various meetings, there is a requirement to obtain a flood risk permit where exemptions or exclusions cannot be met.

The submitted FRA states that main river crossing E2L_WTR_0132 (Kettleby Beck) will installed via open cut. However, drawing no. 07640-100005-ELSLINTM-ZZZ-PLN-T0013: Proposed Site Layout Plan Sheet 4 of 21 appears to show that it will be directional drilled. This anomaly needs clarifying before the planning application is determined. (*This was subsequently confirmed as being open cut by the applicant – see end of report*)

Once this is done, it is recommended that the following additional 2 informative comments are included in any Planning Permission issued in relation to this matter and are added to give some further detail to the one recommended on the topic of Environmental Permitting in Section 1 of this letter:

Works within proximity to a main river or flood defence

Where works are proposed within 8m proximity to a main river or flood defence structure a flood risk permit will be required under the Environmental Permitting (England and Wales) Regulations (EPR) 2016. Permission must be obtained from the Environment Agency (EA) for any proposed activities which will take place:

- in, over, under or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence

- within 16 metres of any main river, flood defence (including a remote defence) or culvert for quarrying or excavation
- in a flood plain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if tidal) having the potential to divert flood flows to third parties, if planning permission has not already been granted for the works.

The Flood Risk Assessment (FRA) identifies a combination of trenchless and open-cut techniques when crossing the main rivers. Where possible, river crossings should be facilitated using trenchless techniques. These are the preferred method for installing pipes, ducts or cables underneath our flood defences. These techniques avoid unnecessary disturbance to ground conditions and defence stability. It also significantly reduces the amount of disruption caused by traditional trenching methods. However, from previous discussions, the EA is already aware that this is not possible for all crossings. The EA would welcome detailed pre-application discussions on these crossings. The EA will require detailed methods of work/risk assessments/ plans/drawings/emergency plans be submitted for all EPR applications.

Where possible, an exemption may be useable should the criteria be met. The exemption most suitable for this type of development would be FRA 3. Service crossing below the bed of a main river not involving an open cut technique. The exemption criteria can be found at: Exempt flood risk activities: environmental permits - GOV.UK (www.gov.uk). If the applicant feels this exemption criteria can be met, this can be registered free following the links. For further guidance and advice please visit our website: https://www.gov.uk/guidance/flood-risk-activities_environmental-permits or contact our local Partnership and Strategic Overview team by email at PSOLincs@environment-agency.gov.uk

Pre-application permitting meetings. The Environment Agency would welcome further discussions on proposed works through our pre-application permitting meetings. Our maintenance maps show that, for Kettleby Beck and Seggimoor Beck, we currently use the northern side as an access route for maintenance such as weed control. There is a lagoon on both the plans that may restrict access. However, it is hard to tell the exact distance on the plan provided. In addition, please can a further informative comment be included on any Decision Notice reading:

Works close to Ordinary Watercourse As the proposal crosses a number of 'Ordinary Watercourses' (a non EA Main River) we strongly recommend the relevant Lead Local Flood Authority are consulted to confirm their requirements. Where the water pipe crosses an 'Ordinary Watercourse' within an Internal Drainage Board (IDB) district, we strongly recommend the relevant IDB are consulted to confirm their requirements. A map showing the areas managed by the various IDBS can be found here: https://www.ada.org.uk/member_type/idbs/

Water Quality and Resource. We are pleased to see that Anglian Water have identified 9 surface water abstractions in the area. It is possible that there

could be more, and it is important that they check for any more potential licences as they carry out their works. It is important that mitigation measures are put in place to ensure work does not impact these abstractions, including any groundwater abstractions. Anglian Water may need to apply for permits to carry out constructions, for example, as advised above in Section 1 of this letter, dewatering may need an abstraction licence. We are satisfied that Anglian Water are following appropriate pollution prevention guidelines, as long as they mitigate the surface water impacts and do not degrade it.

Waste. The site location plans do not indicate the pipeline will directly impact any existing waste sites or historical landfill sites. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice, excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to the position statement on the Definition of Waste: Development Industry Code of Practice The waste management page on GOV.UK and an informative comment should be added to any Decision Notice advising of this.

Installations. The site location plans do not indicate the pipeline will impact any existing installations (active IPPC authorisation) sites. However, the scheme passes close to a number of Farms with IPPC authorisations. The proposal should have no significant impact on the potential for Major accidents to the Environment at the Elsham Water Treatment Work. Although the site is a Control of Major Accident Hazards (COMAH) site, the proposed development on site is away from the area where the hazardous substances are stored. Additionally, the site's management system should consider the impact of the change and ensure any major accident scenarios are assessed and managed appropriately. We would also like to raise that the supply of water from Elsham to the Humber bank is important to a range of activities that the Environment Agency regulates. Whilst we assume that the impact of supplying water from Elsham to Lincoln on other customers has been assessed, we should be grateful if you could ensure that it gives rise to no adverse issues in relation to the water supply for the Humber bank.

(The applicants commented on this by email on 13.12.22: The Scheme will not impact water supplies in the north of our region and will have no negative impact to supplies to the Humber bank. The Scheme will only redistribute the surplus supply that exists in the north to the parts of the region in the south where supply is not so plentiful.)

Fisheries, Recreation and Biodiversity. We wish to make the following comments on the biodiversity aspects of the Environmental Statement, specifically, to the open cut construction method of crossing the smaller water courses: • Pumping of water to maintain flow during construction has the potential to impact End 7 on eels and other fish species. Under the Eel Regulations (2009), screening should be put in place on any pumps to protect eels, in this case 9mm screens. See also Safe passage for eels - GOV.UK (www.gov.uk). You are recommended to include an informative comment on any Decision Notice advising the applicant of this. • Enhancement of habitat for water voles must be carried out well in advance, in order to allow vegetation to establish. In line with comments made in connection with the planning application for other parts of this pipeline in the Lincoln City area (their reference 2022/0464/FUL) and North Lincolnshire (their reference PA/2022/1122) plus other recent pipeline applications by Anglian Water, we would like a Planning Condition to be considered which secures how the scheme will accommodate water voles prior to the commencement of development.

(The applicant responded on 13.12.22 that “the statutory licencing body, Natural England have confirmed they are happy with our approach to water vole mitigation and have granted a DLL on this basis. Flumes have been appropriately sized to maintain connectivity and displacement arrangements have been agreed with Natural England”)

No doubt you will liaise with them on this matter in bringing it to a conclusion. Please also ensure that the culverts are able to accommodate the large fluctuations in water levels which can be seen in the Internal Drainage Board (IDB) areas: 300mm headroom above 'normal' water levels may not be sufficient depending on the 'normal' level chosen

Summary Please can you ensure the Planning Condition on the topic of contamination and all the informative comments recommended above are included in any decision notice and that the other points that have been raised are taken into account before any decision is made on this application. Related to this, we recognise that some of the points raised and suggested informative comments could be more applicable to stretches of Anglian Water's pipeline proposals outside your Council's administrative area. However, as they relate to the acceptability of their pipelines as a whole, it is important that they are addressed as part of the overall consideration of this matter by all the Councils that have planning applications for Anglian Water's proposals. In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Natural England 06.12.22: No objection subject to appropriate mitigation.
We consider that without appropriate mitigation the application would:

Have an adverse effect on Best and Most Versatile Agricultural Land. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

The SMP shall be updated in line with the pre-entry soil assessment, including any plans which will utilise the pre-entry soils data;

The presence of a soil specialist during soil handling shall be stipulated.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Recommended Planning Condition for Soils Natural England has been in direct communication with the developer regarding their Soils Management Plan (SMP). We are sending further advice directly to the developer regarding recommended adjustments to their current SMP but do not wish to disproportionately delay the case. We therefore will not object to the case provided the following planning conditions are attached:

- The recommendations within the Pre-entry Soil Assessment, including any plans which utilise the pre-entry soils data, should be adopted within the Soils Management Plan.
- The presence of a soil specialist during soil handling should be stipulated as a planning condition, in order to determine the suitability of soil conditions to soil handling using the field tests as set out in the Soil Management Plan.

01.11.2022 Natural England (Summary)

Detailed soil and ALC data is necessary to provide a baseline for the ALC grade as well as soil properties to inform soil handling. Whilst pipeline projects do not typically result in large areas of permanent development, they do result in large swathes of land undergoing temporary disturbance to lay the pipeline. Whilst this disturbance is temporary, the inappropriate management of the soil resource can result in a permanent degradation of the land, including a change in the ALC Grade, which can ultimately result in the permanent loss of BMV agricultural land. Appropriate mitigation to prevent the potential loss of BMV land (including the degradation of agricultural land through inappropriate soil handling) includes the restoration of disturbed land to the baseline ALC Grade. In the absence of a detailed baseline informed by a detailed soil and ALC survey, the restoration cannot be assured. The assessment of the loss of agricultural land should therefore consider that there is the potential for a permanent loss of 266.2 ha of (potentially) BMV if the soil handling or restoration is not appropriate.

Historic England:

07.12.22: Further to our advice letter of the 27 June 2022 expressing our concerns further to paragraph 205 of the National Planning Policy Framework, you have re-consulted us on additional submitted information including on 'An Archaeological Observation' (PCA report on geo-tech pit monitoring) and 'Geophysical Survey Report'. We refer you to the advice of your own

archaeological advisors in respect of the detail of work required and specifically the approval for mitigation strategies in a consistent and holistic approach across the scheme. [We]will continue to provide support to our local authority curator colleagues with regard to archaeological science. The residual risk of un-anticipated remains being encountered during construction should be managed by a scheme of archaeological monitoring and recording during works (additional to evaluation trenching and targeted mitigation excavations). This direct professional archaeological monitoring will need to be appropriately resourced and supported by Anglian including with clear working arrangements set out for the pipeline contractor, this would align with industry good practice.

Historic England has concerns regarding the application on heritage grounds further to NPPF paragraph 205 - in which regard we refer you to the expertise of your own archaeological advisors.

29.07.22: This is an important part of large-scale infrastructure scheme with potential to impact upon numerous undesignated heritage assets, engagement with the advice of local authority archaeological curators is crucial and we welcome the applicant's positive work on this and across the wider scheme. We provide support to our colleagues in local government through the expertise of our Regional Science Advisor. Associated access and compounds etc. should be fully contained within the scope of archaeological protection and mitigation measures with for example sensitively designed physical barriers to vehicle damage to sensitive earthworks and structures (e.g. water weighted blocks) and we welcome the applicant's positive approach to managing these risks. Overall it is important that programme timings enable the results of archaeological evaluation to be accessible and inform mitigation in advance of construction. At this pre-determination stage the emerging results of evaluation works should inform an overall archaeological mitigation strategy which sets out an holistic approach grounded in solid research questions further to NPPF paragraph 205. This overall Archaeological Mitigation Strategy should be submitted prior to determination so conditions for consent can refer to it as a yard against which the submission post consent of archaeological contractor's Written Schemes of Archaeological Investigation can be approved.

LCC Historic Places Manager: 12.12.22:

The Historic Places Team of LCC provides advice on the archaeological impact of development in line with the requirements set out in the NPPF. In the interest of achieving the appropriate outcome as far as this proposal is concerned we have been involved in many pre-application discussions and have been able to monitor the field survey and evaluation programmes commissioned by the applicant. Considerable archaeological evaluation has been undertaken including assessments of the palaeo-environmental impact the scheme might have where deposits of earlier environmental conditions survive.

Following the completion of the pre-application assessments an Archaeological Mitigation Strategy has been developed on behalf of the applicant by archaeologists working for SPA. I can confirm that this sets out an appropriate response to the potential impact of the works set out in this application. I am content to see planning permission granted with a condition that requires the implementation of the mitigation strategy (as amended by an exchange of emails with myself) in full. The mitigation strategy provides for a number of archaeological interventions which will see archaeological remains which cannot be avoided by the scheme being recorded by sample excavation.

Witham Third District Internal Drainage Board:

The pipeline within the WLDC boundary goes the Witham Third District Internal Drainage Board extended area. The full length of the pipeline also affects Witham First District Internal Drainage Board and Upper Witham Internal Drainage Board.

Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw 9m distance of the top of the bank of a Board maintained watercourse. Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion. 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.

The applicant is aware of the need for Land Drainage Consent and has already approached the Boards with regard to this project.

Network Rail: (Summary). Following assessment of the details provided to support the above application, Network Rail has **no objection** in principle to the development, but there are some requirements which must be met.

Works in Proximity to and on Operational Railway Environment

Development Construction Phase and Asset Protection Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

Condition Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority. Contact details for Asset Protection are supplied below and we would draw the developers' attention to the attached guidance on Network Rail requirements.

Easements and Wayleaves. Agreement must be reached with Network Rail in relation to the use of railway land for the pipe and it is imperative that the developer fully engage with our Easements and Wayleaves Team to obtain the necessary agreements and clearances in order to install and operate the pipe through railway land. This will also include agreements to ensure that work to install the pipe can be undertaken safely and without impact to operational railway safety.

We understand that no discussions between the developer and our Easements and Wayleaves Team have as of yet taken place, the necessary agreements must be entered into prior to any work taking place.

Construction traffic/HGV Routing

From the information supplied, it is not clear if construction/HGV traffic associated with work at the site will be using routes that include any Network Rail assets (e.g. bridges and in particular level crossings on the pipeline route). We would have serious reservations if during the construction or operation of the site, construction traffic will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by construction traffic. I would also like to advise that where any damage, injury or delay to the rail network is caused by construction traffic (related to the application site), the applicant or developer will incur full liability.

Condition It is expected that a Construction Traffic Management Plan is agreed with the Local Planning Authority in conjunction with Network Rail prior to work commencing on site.

Reason for above conditions: The safety, operational needs and integrity of the railway.

Canal and Rivers Trust:

The Trust's land ownership of the River Witham is between the north and south banks of the waterway. The River Witham lies between the North Delph and the South Delph with all three waterways proposed to be passed beneath by the pipeline using trenchless methods. The main issues relevant to the Trust as statutory consultee on this application are the impacts of the proposal on the River Witham as an asset within our land ownership; as a navigable waterway and a wildlife corridor. The Trust's land ownership does not include

the Caistor Canal, nor are we aware of any active organisations proposing the restoration of this former canal route and heritage asset. Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions are necessary to address these matters.

Navigational Safety and Structural Integrity

The applicant in carrying out ground investigations needs to note that while the Witham is a river, it has been significantly engineered in pre-industrial times, so ground conditions may be highly variable in the vicinity of the river. Detailed survey work will therefore be necessary to inform methodologies around the design of the pipeline crossing of the waterways including the River Witham. The LPA will want to be satisfied that the proposal adequately assesses land stability and ground conditions in close proximity to the waterways; that their infrastructure will be protected from adverse vibration that could affect their structural integrity; and other matters such as construction noise, dust etc. should also be considered with regards to the wider environment. We recommend the attachment of suitable conditions with regards to all these matters.

The Trust in any event would require such details as would be necessary to protect the navigational safety, structural integrity, water quality etc. of the River Witham in accordance with Part 2, Chapter 2 of our Code of Practice for requirements around Service Crossings. Informatives are requested to enable the applicant/developer to contact our Infrastructure Services Team with regards to this matter and our Utilities Team regarding the necessary commercial agreement for this Service Crossing.

Wildlife Corridor We note that the trenchless pipe crossing of the River Witham will have construction compounds located on land used in the construction of the adjacent by-pass road bridge, however should local top soil have been reinstated since the temporary use of this land we suggest that it be conditioned to be reused to retain native seed stock on completion of the proposed works. This would assist in maintaining the wider biodiversity of the River Witham as a wildlife corridor.

Should planning permission be granted we request that the following informatives are appended to the decision notice:

1. The applicant/developer is advised to contact the Canal & River Trust's Utilities Team to discuss the necessary commercial agreement with us regarding the use of our land. Please contact Beth Woodhouse, Senior Utilities Surveyor, at Beth.Woodhouse@canalrivertrust.org.uk in the first instance.
2. The applicant/developer is advised to contact the Canal & River Trust in order to ensure that any necessary consents are obtained, and the works are compliant with the Trust's current "Code of Practice for Works Affecting the Canal & River Trust". For further advice please contact Keith Boswell, Works

Engineer in the first instance on Keith.Boswell@canalrivertrust.org.uk or by telephone 0303 040 4040.

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) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP12 Infrastructure to Support Growth

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

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Development in the Countryside

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

- ***Welton by Lincoln Neighbourhood Plan***

Welton by Lincoln Neighbourhood Plan was formally adopted by West Lindsey District Council at a Full Council Committee meeting on the 5 September 2016.

Relevant policies include

EN1 - Environmental Capital.

Policy EN3 – Flood Risk

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

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

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

National policy & guidance (Material Consideration)

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

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)."
<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 Design Model Code (2021)**

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

Draft Local Plan/Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans

- 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).*

- **Draft Central Lincolnshire Local Plan**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 15th November 2022, the Local Plan Review commenced its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be unresolved

objections to those policies (the less significant the unresolved objections, the greater the weight that may be given)

Consultation responses can be found in document STA022 Reg 19
Consultation Responses by policy / STA023 Reg 19 Consultation Responses
by respondent

Other

Environment Agency: Policy paper –“Meeting our future water needs: a national framework for water resources.” Published 16 March 2020

Main issues

- Principle
- Biodiversity
- Impacts on Heritage Assets
- Noise and Disturbance
- Transport Impacts
- Landscape and Visual Impacts
- Acceptability of outline application
- Impact on Agricultural Land and Soils
- Flood Risk

Assessment:

Principle (LP1, LP12, LP14)

Policy LP12: requires Infrastructure that can support growth with future development dependent on having good access to necessary infrastructure. A Potable (drinking) water supply must therefore be considered essential infrastructure to support growth.

In considering water resources the CLLP at para 4.8.12 states “
“Central Lincolnshire lies within the East Midlands area of serious water stress where drought is a cause for concern. This is a major challenge in the context of Central Lincolnshire’s planned growth, and will require careful conservation and management of water resources to ensure that demand for water can be achieved in a sustainable manner. It also provides the justification to require, via this Local Plan, the higher water efficiency standard of 110 litres per day.”

NPPF para 153 states: Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply”

Planning practice guidance includes a section on Planning for Water Infrastructure
Paragraph: 005 Reference ID: 34-005-20140306

The principle of the development is therefore accepted

Biodiversity (LP21):

The biodiversity assessment is set out in Chapter 5 of the Environmental Statement (ES) and considered the potential for temporary and permanent habitat loss and disturbance to plant and animal species as a result of the construction and operation of the proposed Scheme. In so doing, the assessment identified any effects that could be considered 'significant'.

It is not possible, however, to avoid tree loss and impacts on habitats as a consequence of the sheer length of the pipeline running through the entirety of West Lindsey on a north to south alignment within a predominantly rural landscape. Approximately 87 trees of 569 surveyed in proximity to the planned route will be removed and 90 sections of hedgerow out of 277 surveyed in proximity to the route will also be affected or lost. Trees and hedgerows vary in quality. Whilst this loss is regrettable, nevertheless habitats affected during the construction phase will be restored in accordance with the Outline Reinstatement Strategy (Appendix 14.2 of the ES). In addition, detailed design for the proposed above ground infrastructure sites at the existing Welton WTW will include the provision of a 10% Biodiversity Net Gain (BNG) target.

Taking these measures in to account, the biodiversity assessment concluded that there would be no significant effects to biodiversity as a result of the construction and operation of the proposed scheme. Having considered this and the evidence submitted which includes an Arboricultural Survey Report; Tree and Hedgerow Survey, Biodiversity Net Gain Strategy; Designated Ecological Sites Technical Report, Habitat Technical Report; Aquatic Ecology Technical Report and Bat Technical Report the case officer is in agreement that notwithstanding unavoidable tree and habitat loss, these findings are considered reasonable. Subject to the imposition of conditions in relation to reinstatement and compliance with the submitted Construction Environment Management Plan which includes measures for protection of biodiversity it would be in accordance with LP21.

It is noted that the Environment Agency made comments in relation to measures for water voles. The applicant responded on 13.12.22 that *"the statutory licencing body, Natural England have confirmed they are happy with our approach to water vole mitigation and have granted a DLL on this basis. Flumes have been appropriately sized to maintain connectivity and displacement arrangements have been agreed with Natural England"*

The proposal would accord with policy LP21 of the Central Lincolnshire Local Plan.

Impact on Heritage Assets: (LP25)

A Historic Environment Desk Based Assessment (DBA) was submitted as part of the application. This was considered alongside the following:

Archaeological Remote Sensing Report: This is sometimes referred to as aerial analysis and transcription; aerial survey; or aerial investigation and mapping. (April 2022)

Archaeological Geophysical Survey Report (June 2022)

Geo-archaeological Desk-Based Assessment (June 2022)

During the course of the application a further document was submitted; An Archaeological Strategy for further Archaeological Investigation (14.11.22).

The historic environment assessment considered the potential impacts from the construction and operation of the proposed Scheme on designated heritage assets, non-designated heritage assets and areas of potential unknown buried archaeology.

The proposed pipeline route has been selected to avoid impacts on Scheduled Monuments, Listed Buildings and Conservation Areas where possible. However, the assessment identified some locations where significant impacts to historic environment assets are unavoidable. The majority of these are believed to be prehistoric or Romano-British enclosures, field systems or settlements. Other sites include prehistoric funerary remains, possible medieval settlement. A programme of trial trenching was undertaken to target potential archaeological features identified during the studies that had already been undertaken. Following this a further strategy was produced. Whilst expressing concern Historic England have not formally objected to the proposals and referred consideration to the expertise “of your own archaeological advisors”. This has been done with LCC Historic Services who have been extensively involved in the process. They consider that the Archaeological Strategy for further Archaeological Investigation produced in November 2022 subject to amendments set out in email communications with them is satisfactory. This will be conditioned to ensure the necessary recording and the production of a Written Scheme of Investigation (WSI). On this basis whilst there would be some unavoidable impact on archaeological remains these would be recorded by sample excavation and the limited level harm is considered to be outweighed by the benefits of the proposal. It is therefore considered that the impact on Heritage Assets does not represent a reason to withhold permission and would be in accordance with policy LP25 of the Central Lincolnshire Local Plan.

Transport Impacts:

The traffic and transport chapter (Chapter 11 of the ES), alongside the Transport Statement (Appendix 11.1 of the ES) set out the assessment of potential impacts from the proposed scheme to transport users affected by changes in traffic flows and collisions and safety.

Temporary access points, laydown areas and compounds will be required along the pipeline route for the storage of pipes, materials and equipment and for the provision of welfare facilities. For the construction of the proposed scheme 37 open cut crossings of public roads and pipe laying along one road is required; an additional 10 crossings of public roads will be trenchless including all crossings of the Strategic Road Network. Trip generation from the proposed scheme during installation of the pipeline will be small, anticipated to be approximately 40 two-way trips at the busiest location along the pipeline for the majority of the construction programme. Road closures that will be required for crossings are short term, with most lasting approximately two weeks. The same is also true for crossings of Public Rights of Way.

Impacts that may arise for transport users affected by changes in traffic flows could be, for example, frustration associated with delays that may arise because of potential increases in traffic movements or changes in route.

An assessment of the potential for impacts on the performance of the transport network is included in the Elsham to Lincoln Transport Statement (Appendix 11.1 of Volume 4). No significant impacts associated with traffic and transport were identified. No objections have been raised by LCC Highways to the proposals with only a request for additional information to demonstrate achievable visibility splays in line with the Design Manual for Streets Guidance, for the proposed Nettleham Valve Complex off Lincoln Road Nettleham. This has been provided and comments from LCC are awaited. A condition is recommended prohibiting above ground works on this section of the scheme until written approval is given by the Local Planning Authority. Subject to this it would be in accordance with policy LP 13 of the Central Lincolnshire Local Plan.

Noise and Disturbance

The noise and vibration assessment is set out in Chapter 9 of the Environmental Statement and includes consideration of construction activity, construction vehicle movements and the operation of both the proposed pipeline and the above ground infrastructure. Noise surveys were undertaken as part of this process. These were used to identify receptors that would experience a Significant Observed Adverse Effect Level (SOAEL). This is defined in planning practice guidance as “*the level of noise exposure above which significant adverse effects on health and quality of life occur.*”

Receptors exceeding SOAEL for weekday, Saturday morning and night-time construction noise effects:

Receptors	Construction activity	Highest predicted noise level (with steps 1-3 applied) (dB LAeq,T)	Comments	Magnitude of effect	Final determination of significance
Daytime					
The Gatehouse, Kettleby Lane, Brigg, DN20 9HG	Trenchless crossing compound (E2L_CP_017)	65.6	Highest predicted noise levels are for pipe ramming methods. Daytime noise levels associated with pipe jacking and other methods are equal to or below the SOAEL.	Moderate	Significant – marginally above SOAEL, possibly for over 10 days, but only if pipe ramming methods selected.
Niveks Farm, Atterby Carr Lane, Gainsborough, DN21 4UU	Road crossing (E2L_RDS_1331)	67.4	Duration will be less than 10 days.	Moderate	Not Significant - 2dB(A) above the SOAEL but less than 10 days duration.
Rose Cottage, Lincoln Road, Lincoln, LN2 2NE	Road crossing (E2L_RDS_1580) Trenchless compounds (E2L_CP087 and 088)	69.2	The highest predicted noise level is associated with an open cut road crossing. However, noise from all trenchless crossing methods would exceed the SOAEL from one or both compounds near this receptor.	Moderate	Significant – up to 4dB(A) above SOAEL if open cut methods are selected, possibly for more than 10 days. If trenchless methods are chosen, noise levels could be more than 2 dB(A) above SOAEL for more than 10 days.
Stoneleigh House and Stone Cottage, Greetwell Road, Lincoln, LN3 4NQ	Road crossing (E2L_RDS_1589)	66.2	Duration will be approximately one week.	Moderate	Not Significant - 1dB(A) above the SOAEL but less than 10 days duration.

Night-time					
The Gatehouse, Kettleby Lane, Brigg, DN20 9HG	Trenchless crossing compounds (E2L_CP_017 and 018)	62.0	Predicted noise levels relate to pipejacking method. Planned duration is approximately 10 nights.	Major	Significant – Noise level is 17dB(A) above the SOAEL, and 7 dB(A) above the threshold recommended by BSS228 for temporary re-housing. Duration may exceed 10 nights.
16 static caravans adjacent to The Gatehouse, Brigg, DN20 9HG Huon House, Kettleby Lane, Brigg DN20 9HG.	Trenchless crossing compounds (E2L_CP_017 and 018)	54.9		Major	Significant – Noise level is over 8 dB(A) above SOAEL for possibly more than 10 nights.
10-12 The Bungalows, Kettleby Lane, Brigg, DN20 8SU	Trenchless crossing compounds (E2L_CP_017 and 018)	51.5		Major	Significant – Noise level is over 6 dB(A) above SOAEL for possibly more than 10 nights.
1-9 The Bungalows, Kettleby Lane, Brigg, DN20 8SU The Elms, Kettleby Lane, Brigg, DN20 8SX	Trenchless crossing compounds (E2L_CP_017 and 018)	49.9		Moderate	Significant - Noise level is approximately 5dB(A) above SOAEL for possibly more than 10 nights.

1-2 Stable Block and 2 Carrs Farm Cottage, Bigby High Road, Brigg, DN20 9HF	Trenchless crossing compound (E2L_CP_018)	46.0		Moderate	Significant - Noise level is 1 dB(A) above SOAEL for possibly more than 10 nights.
Stoneleigh House and Stone Cottage, Greetwell Road, Lincoln, LN3 4NQ	Trenchless crossing compound (E2L_CP_096 and 097)	49.2	Predicted noise levels relate to pipejacking method. Planned duration is less than 10 nights.	Moderate	Not significant - Noise level is over 4 dB(A) above SOAEL. However, this is likely to be for less than 10 nights.

In terms of construction noise it is clear that there would be adverse impacts on some residents arising. The impact would however be temporary in nature, and the submitted Construction Environmental Management Plan (CEMP) details measures to be undertaken to minimise impacts. Subject to conditioning implementation of measures within the CEMP this would be considered acceptable.

The noise study also looked at above ground infrastructure being proposed and identified that there would be an adverse impact on Red Bungalow, Grange Farm, Mill Lane located approximately 200m to the south east of the existing Welton Treatment Water Works. This would arise from the proposed pumping station, generator and associated works. This was based on a worst case scenario in the absence of detailed proposals. This part of the application is in outline form and opportunities to reduce noise levels will be sought, and noise control measures identified as part of the Reserved Matters submission. A requirement for a further acoustic report to be submitted as part of the Reserved Matters submission will be conditioned. Subject to this noise and disturbance impacts do not represent a reason to withhold permission and it would be in accordance with policy LP26 of the Central Lincolnshire Local Plan.

Impacts on the character and appearance of the countryside - Landscape and Visual Impacts LP17 and LP26

Landscape and Visual Impact Assessment (LVIA) is the process of evaluating the effects of a development upon both the landscape and visual amenity. This has been submitted as part of the Environmental Statement. Landscape assessment deals with the effects of change and development on landscape resources, and visual impact assessment deals with the effects of

change and development on the people who live in or visit the landscape, and who will experience views of the proposed scheme.

Construction Phase: Potential landscape and visual effects during are likely to arise from additional features/elements that will temporarily introduce new mass, scale, or vertical elements into the landscape including:

Main/satellite compounds, laydown areas, and trenchless crossings; Vehicles, plant, equipment, and any associated movements thereof, including delivery and movements of construction materials; Stockpiles and storage areas within compounds or along access tracks/haul roads for; topsoils, subsoils, and other excavated materials; and construction materials.

The specific locations are shown on the proposed site layouts from sheet 3 of 21 through to sheet 18 of 21.

At the northern limits of the district adjacent the Kettleby Lane railway and road crossing, 2 trenchless compounds and 3 laydown areas are proposed. There are two “main compounds” proposed within West Lindsey. The first is located approximately 760m to the east of Glentham in the open countryside and will be sited next to 2 trenchless crossings and 2 laydown areas to allow the A631 to be crossed. The second is proposed approximately 720m to the west of Welton in the open countryside north of Cliff Road opposite a proposed laydown area to allow Heath Lane to be crossed.

Four “satellite compounds” are located within West Lindsey. The first is located north of Bigby High Road (A1054) between Brigg and Bigby next to and opposite a proposed trenchless crossing; the second north of Sandhayes Lane in the open countryside; the third south of Spridlington in the open countryside and the fourth to the north of Welton in the open countryside.

Operational Phase: The potential for landscape and visual effects arising during the operational phase of the proposed Scheme are likely to arise from additional features/elements that will permanently introduce new mass, scale, or vertical elements into the landscape, specifically:

Above ground infrastructure at the Welton WTW site; and above ground pipeline fittings along the length of the proposed pipeline route.

Landscape Impact

The LVIA concludes that there would be a maximum impact of “*moderate / adverse*” on a single “(group) landscape receptor (L)” in West Lindsey -

L19 (G): Greetwell Medieval Village Scheduled Monument (group receptor, incorporating Church of All Saints Grade II* Listed Building and Greetwell Hall, Stable Block at Greetwell Hall, Monument to Thomas Winn [6 yards southeast of Apse of Church of All Saints], and Monument to Thomas Straw [4 yards southeast of Apse of Church of All Saints] Grade II Listed Buildings);

The magnitude of change would comprise:

- temporary partial loss or noticeable damage to existing landscape character or distinctive features/elements during the construction phase;
- very minor initial loss, damage, or alteration to existing landscape character or one or more features/elements during year one of the operational phase; and
- no noticeable, permanent alteration or improvement of landscape character or existing features/elements during year 15 of the operational phase.

This is considered to be an acceptable impact and does not represent a reason to withhold permission. It would be in accordance with policy LP17 of the Central Lincolnshire Local Plan.

Visual Impact:

During the construction phase, the significance of the temporary effects of the proposed scheme on visual amenity would be:

Large, and likely to be material in the decision-making process, for four visual receptors, of which one is a group receptor and one is a linear receptor:

V20: Gatehouse Cottage, Kettleby Lane;

V28: Curlew Croft, Atterby Lane/Atterby Carr Lane;

V76 (L): Users of Viking Way, northwest of Greetwell Hall, off the B1308/Greetwell Road; and

V84 (G): Receptors of high sensitivity along the route of the proposed pipeline, located within 1 kilometre of the working area but further than 1 kilometre from the main/satellite compounds and the proposed above ground infrastructure at the Welton sites.

During the first year of the operational phase, the significance of the initial effects of the proposed scheme on visual amenity would be:

• Moderate, which can be considered to be a material decision-making factor, for a single group visual receptor:

- V84 (G): Receptors of high sensitivity along the route of the proposed pipeline, located within 1 kilometre of the working area but further than 1 kilometre from the main/satellite compounds and the proposed above ground infrastructure at Welton.

The remaining impacts are classified as “slight” (not material in the decision making process) or “neutral” (no effects, or effects that are beneath levels of perception).

During year 15 of the operational phase, the significance of the permanent effects of the proposed scheme on visual amenity would be:

- Slight, (which is not material in the decision-making process, for three group visual receptors); and
- Neutral (or with no effects/effects that are beneath levels of perception), for the remainder

These effects are considered reasonable and do not represent a reason to withhold consent.

The impacts on the character and appearance of the countryside are considered acceptable and would be in accordance with policies LP17 and LP 26 of the Central Lincolnshire Local Plan.

Outline Application

Whilst all matters are reserved apart from access, indicative plans have been submitted showing how the proposal could fit within the existing site with illustrative drawings submitted showing views from outside the site with the new pumping station and other elements included. This demonstrates that the site is capable of accommodating the proposals at reserved matters submission. It would accord with the criteria set out in Policy LP55 Part E: to support non-residential development in the countryside as set out below.

a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;

The location is justified by proximity to the established WTW

b. The location of the enterprise is suitable in terms of accessibility.

The existing access will be utilised and no objections to this have been received from the Highways Authority.

c. The location of the enterprise would not result in conflict with neighbouring uses; and

It is located within an existing Water Treatment Works and subject to noise attenuation measures being provided (identified as required by the submitted noise report) there will be no conflict. A requirement for an acoustic report to be submitted will be conditioned.

d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location.

Whilst scale and appearance are matters reserved for future consideration the illustrative sketches demonstrate that this can be achieved.

A grant of Reserved Matters approval is therefore considered acceptable.

Agricultural Land Classification and Soil Quality:

It will be necessary to impose conditions requested by Natural England to avoid an adverse effect on Best and Most Versatile Agricultural Land.

This is centred around the Soils Management Plan and requiring the presence of a soil specialist during soil handling.

Subject to this it would be in accordance with Policy LP55 Part G: Protecting the best and most versatile agricultural land.

Flood Risk

“Water transmission infrastructure and pumping stations” are classified as “water compatible development in Annex 3: Flood Risk Vulnerability Classification, of the NPPF.

The development will cross a number of waterways:

- Kettleby Beck
- North Kelsey Beck
- Caistor Canal
- River Ancholme
- Seggimoor Beck
- River Witham
- South Delph

The ES is supported by a Flood Risk Assessment.

The Environment Agency have been consulted who advise that “We have reviewed the Flood Risk Assessment (FRA) and feel an appropriate assessment has been carried out identifying all sources of flood risk with suitable mitigation and conclusions suggested.”, subject to the imposition of conditions it would be in accordance with Policy LP14

Network Rail:

Their comments are noted, and it is recommended that they are added as an informative to the decision notice

Response from Applicant to Environment Agency 13.12.22:

Appendix 14.1.3.15 Environmental Incidents

I have updated the CEMP and added that any incident should also be reported to the EA via their hotline. It was already covered by the sentence ‘Internal reporting and recording, and reporting to statutory bodies’ but I have added it in explicitly to satisfy their request so it now reads ‘Internal reporting and recording, and reporting to statutory bodies including to the Environment Agency via the EA incident hotline 0800 807060’.

Planning balance and conclusion

This is an application of local and regional importance that seeks to address the “water stressed” nature of our region by securing water supply in line with

Anglian Waters 25-year Water Resources Management Plan (WRMP) with the proposed Elsham to Lincoln Pipeline Scheme forming part of this new network of interconnecting pipelines and is a critical part of the infrastructure that will tackle the region's water supply challenges.

Having reviewed the Environmental Statement, it is the reasoned conclusion of the LPA that the development would not have significant effects on the environment subject to suitable mitigation. The mitigation measures that allow this conclusion to be reached including the proposed reinstatement strategy will be secured by planning conditions. Subject to the imposition of planning conditions full planning approval is recommended.

Recommendation for full planning application for proposed 57km pipeline scheme between Elsham and Lincoln, a 1.5km spur at Welton and associated above ground infrastructure.

Approve 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. Above ground works to the proposed Nettleham Valve Complex shall not commence until written approval has been received from the Local Planning Authority to drawing 07640 – 100005 –ELSINTM –ZZZ-PLN-T-0031 REV

Reason. In the interests of Highway Safety in accordance with policy LP13 of the Central Lincolnshire Local Plan.

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:

Figure 2.1 Scheme Overview
Drawing No. 07640-100005-ELSINTM-XXX-MAP-T-0001

Scheme Location Plan Sheet 1 of 2

Drawing No. 07640-100005-ELSINTM-TWT-MAP-T1-0001

Scheme Location Plan Sheet 2 of 2

Drawing No. 07640-100005-ELSINTM-TWT-MAP-T1-0002

ELW – Welton New Connection

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0009

Proposed Site Layout Plan Sheet 3 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0012

Proposed Site Layout Plan Sheet 4 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0013

Proposed Site Layout Plan Sheet 5 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0014

Proposed Site Layout Plan Sheet 6 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0015

Proposed Site Layout Plan Sheet 7 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0016

Proposed Site Layout Plan Sheet 8 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0017

Proposed Site Layout Plan Sheet 9 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0018

Proposed Site Layout Plan Sheet 10 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0019

Proposed Site Layout Plan Sheet 11 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0020

Proposed Site Layout Plan Sheet 12 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0021

Proposed Site Layout Plan Sheet 13 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0022

Proposed Site Layout Plan Sheet 14 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0023

Proposed Site Layout Plan Sheet 15 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0024

Proposed Site Layout Plan Sheet 16 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0025

Proposed Site Layout Plan Sheet 17 of 21 Rev P01

Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0026

Proposed Site Layout Plan Sheet 18 of 21 Rev P01
Drawing No. 07640-100005-ELSINTM-ZZZ-PLN-T-0027

Figure T & T 1: Scheme Layout 2 of 20
Figure T & T 1: Scheme Layout 3 of 20
Figure T & T 1: Scheme Layout 4 of 20
Figure T & T 1: Scheme Layout 5 of 20
Figure T & T 1: Scheme Layout 6 of 20
Figure T & T 1: Scheme Layout 7 of 20
Figure T & T 1: Scheme Layout 8 of 20
Figure T & T 1: Scheme Layout 9 of 20
Figure T & T 1: Scheme Layout 10 of 20
Figure T & T 1: Scheme Layout 11 of 20
Figure T & T 1: Scheme Layout 13 of 20
Figure T & T 1: Scheme Layout 14 of 20
Figure T & T 1: Scheme Layout 15 of 20
Figure T & T 1: Scheme Layout 16 of 20
Figure T & T 1: Scheme Layout 17 of 20

Figure T&T 2: Compounds 2 of 8
Figure T&T 2: Compounds 3 of 8
Figure T&T.2: Compounds 4 of 8
Figure T&T.2: Compounds 5 of 8
Figure T&T.2: Compounds 6 of 8
Figure T&T.2: Compounds 7 of 8

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. All works on the site must be undertaken in full accordance with the Construction Environment Management Plan at Appendix 14.1.

Reason: To provide the necessary mitigation measures identified in the Environmental Statement (ES) to prevent or reduce any potentially significant environmental impacts from the construction or operation of the development in accordance with policies LP13, LP14, LP16, LP21, LP25 and LP26 of the Central Lincolnshire Local Plan.

5. Work shall be in full accordance with the "Archaeological Strategy for further Archaeological Investigation dated 14.11.22 as amended by an exchange of emails between Ian George (LCC Historic Services) and Helen Oakes (Anglian Water) and available to view on the website of the Local Planning Authority.

Reason: In the interests of heritage assets including archaeological remains in accordance with policy LP 25 of the Central Lincolnshire Local Plan.

6. The recommendations within the submitted Pre Entry Soil Assessment must be adopted and implemented within the Soils Management Plan (SMP). A soil specialist should be present during soil handling to determine the suitability of soil conditions using the field tests set out in the SMP .

Reason: To prevent degradation of the land leading to the permanent loss of Best and Most Versatile agricultural land in accordance with policy LP55 of the Central Lincolnshire Local Plan

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

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policy LP16 of the Central Lincolnshire Local Plan.

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

8. Following completion of the construction works the reinstatement of the land utilised as set out in the Outline Reinstatement Strategy must be completed before first use of the approved development.

Reason: In the interests of biodiversity and the character and appearance of the countryside in accordance with policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

Notes to the Applicant

Comments from the Environment Agency:

1. Ground Water and contaminated land (further comments in relation to Condition 1) Despite advice provided for in the Scoping Opinion, we can find no reference made to the 'Environment Agency's approach to groundwater protection' or relevant Groundwater Protection Position Statements, nor to our Land Contamination: Technical Guidance. We recommend that you highlight to Anglian Water that this guidance should be followed. Additionally, we are aware that Anglian Water are currently investigating the installation of an augmentation borehole to support Welton Beck during times of low flows. This development may need to be considered within the context of potential interactions.

Dewatering. The Environmental Statement Volume 2 and Construction and Environmental Management Plan both discuss the potential for dewatering, but there is no mention of the possible need to consider abstraction licensing. This was raised during comments provided on the Grantham to Bexwell section of Anglian Water's overall pipeline proposals, copied here for reference:

Due consideration should be given to the potential impacts of any ground/aquifer dewatering that may be required during the construction phase of the development. There are requirements to identify at-risk water users and features, to assess the potential impacts of dewatering upon these, and to determine any monitoring and/or compensation measures that might be required for their protection. Since 1 January 2018 most cases of new dewatering operations above 20 cubic metres a day will require a water abstraction licence from the Environment Agency prior to the commencement of dewatering activities. The only exception to this where an abstraction licence would not be required would be if the de-watering meets the exemption criteria as set out in 'Water Abstraction and Impoundment (Exemptions) Regulations 2017'. A condition of any abstraction licence may be that any de-watering water is returned to the source aquifer, and this water will have to meet relevant quality criteria. If applicable, these issues should be considered within the scope of a hydrogeological impact assessment. The implications of dewatering in proximity to contaminated sites should also be considered as this could result in the mobilisation of contaminated groundwater.

Please include an informative comment on any Decision Notice which advises that the developer should determine the need for an abstraction licence at an early stage. We recommend the developer should follow the Hydrological Impact Appraisal for dewatering abstractions guidance. Timescales for processing abstraction licence applications should be factored into the development programme if required. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised.

In addition, depending on the details of dewatering schemes, a permit, regulatory position statement or low risk agreement may be required for the discharge of water. Again, the applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. Related to this, please include the following informative comment in any Decision Notice: Informative comment for applicant about Environmental Permitting This development may require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016. Related to this, it is noted that the Environmental Statement Vol 2 and appendix 14.1 of the scoping application covers potential discharges (12.5.2.2) and construction risk (Appendix 14.1).

In circumstances where an activity/operation meets certain criteria, an exemption from permitting may apply. The applicant is advised to find out

more information about the permit application process online and to send a pre-application enquiry form via the gov.uk website:

<https://www.gov.uk/government/publications/environmental-permit-pre-applicationadvice-form>

If any activities require an environmental permit, one should be in place prior to commencement of discharge. Please do not underestimate the achievable timescales regarding the current environmental permitting process.

Augered or Directionally Drilled Crossings. There are some crossing points which are likely to need further assessment in terms of risk. This need for further assessment has been recognised in the Construction and Environmental Management Plan (CEMP) in section 14.1.4.41. Ground investigation to determine actual ground conditions is ongoing and a Ground Investigation Report (GIR) will be produced which will identify areas requiring remediation where appropriate prior to construction. This CEMP should be reviewed and updated if required following the production of the Ground Investigation Report. Also in table 14.1.2: A programme of ground investigation is in progress to determine the underlying geology at each of the trenchless crossing locations. The contractors will be required to use a drilling mud which is environmentally designed specifically for use under watercourses and to follow the break-out procedure detailed in the CEMP.

Works within proximity to a main river or flood defence

Where works are proposed within 8m proximity to a main river or flood defence structure a flood risk permit will be required under the Environmental Permitting (England and Wales) Regulations (EPR) 2016. Permission must be obtained from the Environment Agency (EA) for any proposed activities which will take place:

- in, over, under or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- within 16 metres of any main river, flood defence (including a remote defence) or culvert for quarrying or excavation
- in a flood plain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if tidal) having the potential to divert flood flows to third parties, if planning permission has not already been granted for the works.

The Flood Risk Assessment (FRA) identifies a combination of trenchless and open-cut techniques when crossing the main rivers. Where possible, river crossings should be facilitated using trenchless techniques. These are the preferred method for installing pipes, ducts or cables underneath our flood defences. These techniques avoid unnecessary disturbance to ground conditions and defence stability. It also significantly reduces the amount of disruption caused by traditional trenching methods. However, from previous discussions, the EA is already aware that this is not possible for all crossings. The EA would welcome detailed pre-application discussions on these

crossings. The EA will require detailed methods of work/risk assessments/ plans/drawings/emergency plans be submitted for all EPR applications.

Where possible, an exemption may be useable should the criteria be met. The exemption most suitable for this type of development would be FRA 3. Service crossing below the bed of a main river not involving an open cut technique. The exemption criteria can be found at: Exempt flood risk activities: environmental permits - GOV.UK (www.gov.uk). If the applicant feels this exemption criteria can be met, this can be registered free following the links. For further guidance and advice please visit our website: https://www.gov.uk/guidance/flood-risk-activities_environmental-permits or contact our local Partnership and Strategic Overview team by email at PSOLincs@environment-agency.gov.uk

Pre-application permitting meetings. The Environment Agency would welcome further discussions on proposed works through our pre-application permitting meetings. Our maintenance maps show that, for Kettleby Beck and Seggimoor Beck, we currently use the northern side as an access route for maintenance such as weed control. There is a lagoon on both the plans that may restrict access. However, it is hard to tell the exact distance on the plan provided. In addition, please can a further informative comment be included on any Decision Notice reading:

Works close to Ordinary Watercourse As the proposal crosses a number of 'Ordinary Watercourses' (a non EA Main River) we strongly recommend the relevant Lead Local Flood Authority are consulted to confirm their requirements. Where the water pipe crosses an 'Ordinary Watercourse' within an Internal Drainage Board (IDB) district, we strongly recommend the relevant IDB are consulted to confirm their requirements. A map showing the areas managed by the various IDBS can be found here: https://www.ada.org.uk/member_type/idbs/

Water Quality and Resource. We are pleased to see that Anglian Water have identified 9 surface water abstractions in the area. It is possible that there could be more, and it is important that they check for any more potential licences as they carry out their works. It is important that mitigation measures are put in place to ensure work does not impact these abstractions, including any groundwater abstractions. Anglian Water may need to apply for permits to carry out constructions, for example, as advised above in Section 1 of this letter, dewatering may need an abstraction licence. We are satisfied that Anglian Water are following appropriate pollution prevention guidelines, as long as they mitigate the surface water impacts and do not degrade it.

Waste. The site location plans do not indicate the pipeline will directly impact any existing waste sites or historical landfill sites. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice, excavated materials that are recovered via a treatment operation can be reused on-site providing they are

treated to a standard such that they are fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to the position statement on the Definition of Waste: Development Industry Code of Practice The waste management page on GOV.UK and an informative comment should be added to any Decision Notice advising of this.

Installations. The site location plans do not indicate the pipeline will impact any existing installations (active IPPC authorisation) sites. However, the scheme passes close to a number of Farms with IPPC authorisations. The proposal should have no significant impact on the potential for Major accidents to the Environment at the Elsham Water Treatment Work. Although the site is a Control of Major Accident Hazards (COMAH) site, the proposed development on site is away from the area where the hazardous substances are stored. Additionally, the site's management system should consider the impact of the change and ensure any major accident scenarios are assessed and managed appropriately.

Fisheries, Recreation and Biodiversity. We wish to make the following comments on the biodiversity aspects of the Environmental Statement, specifically, to the open cut construction method of crossing the smaller water courses: • Pumping of water to maintain flow during construction has the potential to impact End 7 on eels and other fish species. Under the Eel Regulations (2009), screening should be put in place on any pumps to protect eels, in this case 9mm screens. See also Safe passage for eels - GOV.UK (www.gov.uk).

Comments from Network Rail

Works in Proximity to and on Operational Railway Environment
Development Construction Phase and Asset Protection Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

Contact details for Asset Protection are supplied below and we would draw the developers' attention to the attached guidance on Network Rail requirements.

[Asset Protection Eastern](#)

For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email assetprotectioneastern@networkrail.co.uk.

Easements and Wayleaves Team

For enquiries relating to agreements for the carrying out of works on operational railway land, please email Easements&wayleaves@networkrail.co.uk

Easements and Wayleaves. Agreement must be reached with Network Rail in relation to the use of railway land for the pipe and it is imperative that the developer fully engage with our Easements and Wayleaves Team to obtain the necessary agreements and clearances in order to install and operate the pipe through railway land. This will also include agreements to ensure that work to install the pipe can be undertaken safely and without impact to operational railway safety.

We understand that no discussions between the developer and our Easements and Wayleaves Team have as of yet taken place, the necessary agreements must be entered into prior to any work taking place.

Construction traffic/HGV Routing

From the information supplied, it is not clear if construction/HGV traffic associated with work at the site will be using routes that include any Network Rail assets (e.g. bridges and in particular level crossings on the pipeline route). We would have serious reservations if during the construction or operation of the site, construction traffic will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by construction traffic. I would also like to advise that where any damage, injury or delay to the rail network is caused by construction traffic (related to the application site), the applicant or developer will incur full liability.

Comments from Canal and Rivers Trust

Navigational Safety and Structural Integrity

The applicant in carrying out ground investigations needs to note that while the Witham is a river, it has been significantly engineered in pre-industrial times, so ground conditions may be highly variable in the vicinity of the river. Detailed survey work will therefore be necessary to inform methodologies around the design of the pipeline crossing of the waterways including the River Witham.

The Trust in any event would require such details as would be necessary to protect the navigational safety, structural integrity, water quality etc. of the River Witham in accordance with Part 2, Chapter 2 of our Code of Practice for requirements around Service Crossings. Informatives are requested to enable the applicant/developer to contact our Infrastructure Services Team with

regards to this matter and our Utilities Team regarding the necessary commercial agreement for this Service Crossing.

Wildlife Corridor We note that the trenchless pipe crossing of the River Witham will have construction compounds located on land used in the construction of the adjacent by-pass road bridge, however should local top soil have been reinstated since the temporary use of this land we suggest that it be conditioned to be reused to retain native seed stock on completion of the proposed works. This would assist in maintaining the wider biodiversity of the River Witham as a wildlife corridor.

Should planning permission be granted we request that the following informatives are appended to the decision notice:

1. The applicant/developer is advised to contact the Canal & River Trust's Utilities Team to discuss the necessary commercial agreement with us regarding the use of our land. Please contact Beth Woodhouse, Senior Utilities Surveyor, at Beth.Woodhouse@canalrivertrust.org.uk in the first instance.
2. The applicant/developer is advised to contact the Canal & River Trust in order to ensure that any necessary consents are obtained, and the works are compliant with the Trust's current "Code of Practice for Works Affecting the Canal & River Trust". For further advice please contact Keith Boswell, Works Engineer in the first instance on Keith.Boswell@canalrivertrust.org.uk or by telephone 0303 040 4040.

Recommendation for outline planning application for above ground infrastructure at Welton , (site shown on location plan 07640-10005-ELSINTM ZZZ PLNT 0002) with access to be considered and not reserved for subsequent applications.

Approve subject to the following conditions:

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

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

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

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

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

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

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

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

4. The reserved matters application required under condition 2 above must include an acoustic report outlining proposed mitigation measures to avoid noise and disturbance identified by the Noise Report to Red Bungalow, Grange Farm. The findings of the noise report and proposed mitigation must be approved in writing by the Local Planning Authority prior to commencement of development. The approved mitigation measures must be implemented in full prior to bringing the development hereby approved into operation.

Reason: In accordance with the recommendations of the Noise Report to avoid noise and disturbance impacts in accordance with policy LP26 of the Central Lincolnshire Local Plan.

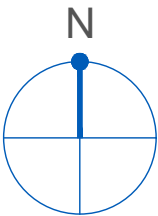
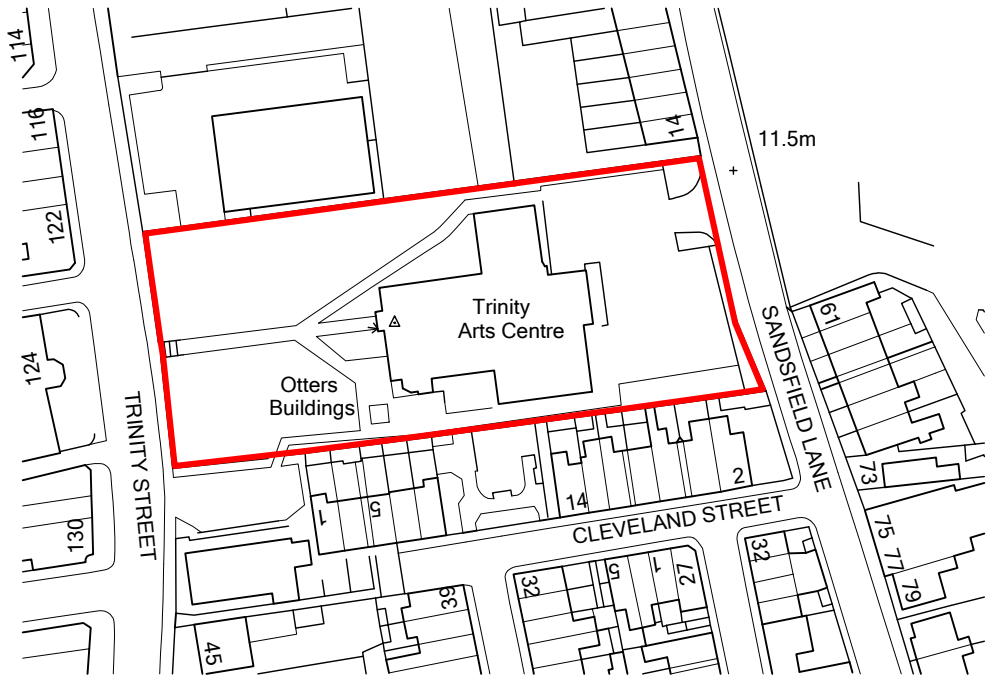
5. No development shall take place until a scheme of ecological enhancements that will deliver a 10% Biodiversity Net Gain have been submitted to and approved in writing by the Local Planning Authority.

Reason: As set out in Section 8.3 of the Design and Access Statement to protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and LP21 of the Central Lincolnshire Local Plan.

6. No development shall take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No use shall occur until the approved scheme has been carried out.

Reason: To ensure adequate drainage facilities are provided 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 LP14 of the Central Lincolnshire Local Plan 2012-2036.

Scale Bar



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Project Trinity Arts Centre,
Trinity Road,
Gainsborough,
Lincolnshire

Drawing Title Site Location Plan

Drawn MD Scale 1:1250

Date Sept 22 Size A4

Drawing No.

Officers Report

Planning Application No: 145770

PROPOSAL: Listed building consent for alterations and refurbishment of an existing internal door.

LOCATION: Trinity Arts Centre Trinity Street Gainsborough Lincolnshire DN21 2AL

WARD: Gainsborough South West

WARD MEMBER(S): Cllr Mrs J A Rainsforth and Cllr T V Young

APPLICANT NAME: Ms Liz Gabey on behalf of West Lindsey District Council

TARGET DECISION DATE: 21/12/2022 (Extension of time to 6th January 2023)

DEVELOPMENT TYPE: Listed Building - Alter/Extend

CASE OFFICER: Holly Horton

RECOMMENDED DECISION: Grant Listed Building Consent subject to conditions

Description:

This application for Listed Building Consent has been referred to the planning committee as the applicant is an employee of West Lindsey District Council and is applying on behalf of West Lindsey District Council.

The application site is located in the town of Gainsborough, on the eastern side of Trinity Street and the western side of Sandsfield Lane. The site is bounded to the north by residential properties and their garden areas as well as a 'Kwik-Fit' garage and associated parking. The building is a Grade II Listed Building. The Historic England record describes the site as follows:

*'The (former) church of Holy Trinity, Gainsborough is designated at Grade II for the following principal reasons: * Redundant church of 1841-3 by T Johnson of Lichfield, ashlar faced in a plain, pre-archaeological Gothic style. * Chancel enlarged in 1871, with further work in 1911 and in 1982-4 following conversion to an arts centre. * Tall W tower and spire form an important landmark.'*

The application seeks listed building consent for the alteration and refurbishment of an existing internal door to include the renewal of ironmongery including a door closer, replacement of the fire door seals, redecoration and the re-fixing of existing signage, in order to meet the fire safety requirements of the building. Please note, approximately forty internal doors that are either damaged or otherwise deficient would be renewed however this application is solely for one door which is thought to be a feature of the church pre-conversion to the Trinity Arts Centre.

Relevant history:

145568/145640 – Planning application and Listed Building Consent to rebuild section of boundary wall – Granted time limit plus conditions – 01/12/2022

143385/143386 – Planning application and Listed Building Consent to rebuild section of boundary wall – Withdrawn by applicant – 23/09/2021

132837/132906 – Planning application and Listed building consent for replacement of existing slate roof covering, replacement of downpipes and miscellaneous rainwater goods, local repairs to stonework, infilling of several existing clerestory windows and provision of solar panels – Granted with conditions – 09/09/2015

130542 – Planning application for installation of pole mounted satellite dish in car park – Granted with conditions – 19/11/2013

128813/128386 – Planning application and Listed Building Consent for replacement and relocation to ground floor of 3no. gas boilers and replace existing flue with 3no. 150mm diameter flues through roof at the rear – Granted time limit cond only – 30/08/2012

M04/P/1038 - Planning application to form a new disabled wc and changes to entrance – Granted with conditions - 5/11/04

M02/P/0010 Planning application to construct disabled ramp, boundary treatment, railings and copings and tree works - Granted with conditions - 3/4/02

M00/P/0189 - Consent to display name sign, two poster display boards and free standing sign. Granted with conditions - 17/4/00

Various applications in the late 1970's and 1980's relating to the conversion of Holy Trinity Church to an arts centre together with signage.

Representations:

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

Gainsborough Town Council: Have no comments to make on the application.

Local residents: No representations received to date.

Conservation Officer: 14/12/2022 – Verbal consultation in regards to proposed ironmongery. Conservation Officer commented that they have no objections to the proposed ironmongery.

28/11/2022 - *'The Listed Building Consent application is for a replacement of all modern internal fire doors and refurbish the older style door labelled D2 between the reception and office on the ground floor.'*

The property is the Grade II listed Trinity Arts Centre (Formerly Church of the Holy Trinity). The church was built in 1841-3 and illustrates the style of the gothic revival for the time.

The internal layout is predominantly modernised with new fire doors and fixings. For the majority of works for this listed building consent, I have no concerns.

My main review regards door D2 between the reception and office on the ground floor. This door is old in appearance and retains the gothic revival style suggesting it is a feature of the church pre-conversion to the Trinity Arts Centre.

That being said, it has clearly had some modernisation to be retained in situ as a fire door. The hinges and ironmongery are newer, although the handles are made to look older, these are “off the peg” traditional style handles. The rear of the door has been covered with a modern fireproofing and a modern code lock has been added. The edges of the door have already been notched and a fireproof strip has been applied.

The main significance of the door is the front facing timbers and detailed joinery. The moving of the sign and changing of the handle will have some harm to the original fabric of the door.

This would be considered less-than-substantial harm within the National Planning Policy Framework (NPPF, 2021) and under paragraph 202 this harm must be weighted against the public benefit. Considering this is to improve and update safety standards to the publicly used Trinity Arts Centre, I would consider the benefits to outweigh the harm.

This work would also be supported under LP25 of the Central Lincolnshire Local Plan (CLLP, 2017) which seeks to preserve the special architecture of listed buildings. I have no objections to the application subject to the following conditions (to relate to D2 only):

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

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) The new ironmongery such as new hinges and handles shall be submitted for approval to the Local Planning Authority prior to installation.*

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.'

Idox: Checked on 14/12/2022

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), the Gainsborough Neighbourhood Plan (adopted June 2021), and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

- **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 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**
- **National Design Guide (2019)**
- **National Model Design Code (2021)**

Other Guidance:

Section 16 of the Planning (Listed Building & Conservation Areas) act 1990.

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

Main issues

- Impact on Listed Building

Assessment:

Impact on Listed Building

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it

possesses. This advice is amplified and added to by the NPPF which recognises heritage assets as an irreplaceable resource and that they should be conserved in a manner appropriate to their significance. The NPPF urges that where substantial harm or total loss of significance of a designated heritage asset local planning authorities should refuse consent.

This application seeks consent for the alteration and refurbishment of an existing internal door to include the renewal of ironmongery including a door closer, replacement of the fire door seals, redecoration and the re-fixing of existing signage, in order to meet the fire safety requirements of the building.

The Conservation Officer has been consulted and has commented that they have no objections to the proposal subject to the following conditions:

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

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) *The new ironmongery such as new hinges and handles shall be submitted for approval to the Local Planning Authority prior to installation.*

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.'

In response to the comments of the Conservation Officer, the ironmongery details have been provided within this application. A verbal consultation took place on 14th December 2022 with the Conservation Officer and they commented that the proposed ironmongery would be acceptable. It is therefore considered that condition 2 as above has been met and a condition would be added to the decision to ensure the ironmongery matches what has been agreed.

In accordance with paragraph 56 of the NPPF, which requires that conditions are precise and enforceable, condition 1 suggested by the Conservation Officer as referenced above has been amended and can be found at the end of this report.

Overall, subject to conditions requiring that the proposed works shall match the existing original work in respect of detailed execution and finished appearance, it is considered that the proposed works would preserve the special character and significance of the door, the listed building, and its setting. Consequently, it is considered that the proposed

works are in accordance with the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion:

The proposed works have been considered against the duty contained within Section 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), and the advice given in Chapter 16 of the National Planning Policy Framework. In light of this assessment, it is considered that the proposed works will respect the character and appearance of the historic fabric of the Listed Building. The proposal will therefore preserve the special character and significance of the listed building, its setting and the special architectural features or historic interest it possesses. Accordingly a grant of Listed Building Consent is considered acceptable.

Human Rights Implications:

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

Legal Implications:

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

Recommended Conditions:

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

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

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) 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:

- RD:5029-01 Rev D dated 25/07/2022.
- RD:5029-03 Rev A dated 28/03/2022.
- RD:5029-04 dated September 2022.

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 work proceeds in accordance with the approved plans in accordance with section 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

3. The ironmongery shall match those stated on 'Ironmongery details email' received 14th December 2022.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

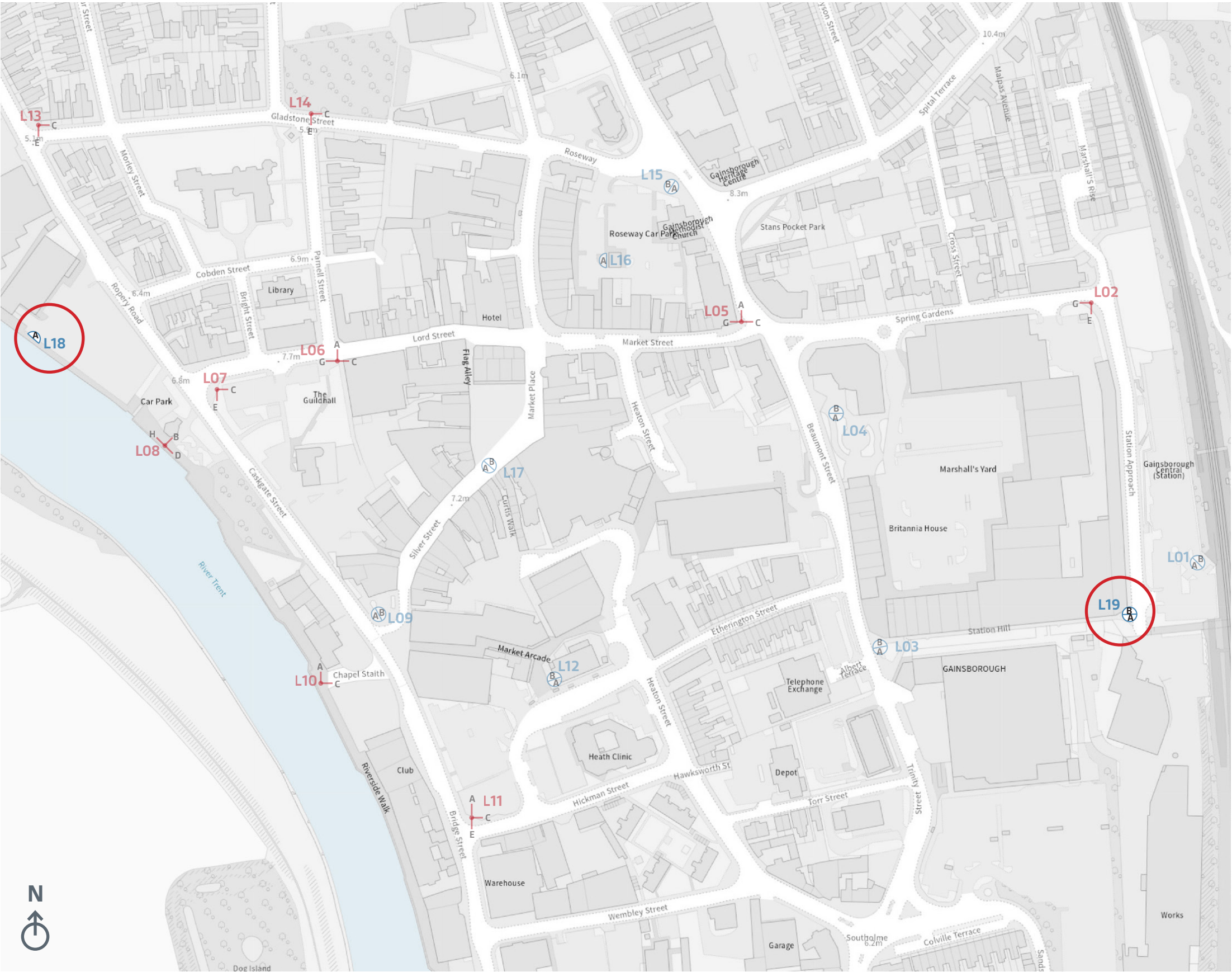
4. All new internal works and finishes and works of making good to the retained fabric, shall match the existing original work in respect of detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Scale: 1:2500 @ A3

SIGN LOCATION PLAN

● x2 ST1: Map Monolith



Officer's Report

Planning Application No: 145890

PROPOSAL: Advertisement consent to display 2no. monolith signs.

LOCATION: Gainsborough Town Centre Gainsborough Lincs

WARD: Gainsborough South West

WARD MEMBER(S): Cllr J A Rainsforth & Cllr C A Young

APPLICANT NAME: West Lindsey District Council

TARGET DECISION DATE: 17/01/2023

DEVELOPMENT TYPE: Advertisement

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant consent, with conditions attached.

This application has been referred to the Planning Committee, as the applicant is West Lindsey District Council.

Description:

The application comprises two locations close to the Town Centre of Gainsborough, the first location is Riverside Car Park next to the River Trent and the Riverside Walkway and the second location is on the junction of Station Hill and Station Approach by the south eastern corner of Marshall's Yard.

This application is for Advertisement Consent for new wayfinding signage in Gainsborough. Consent has recently been granted (145141) for 7no. freestanding map monoliths and 9no. fingerpost signs elsewhere in the town. Following a review of the scheme an additional two locations are proposed for signage as described above.

This application proposes two new freestanding aluminium map monoliths (one at each of the above locations), which are approximately 2.2 metres in height, 0.65 metres in width and 0.14 metres in depth. White text on blue and black background is proposed.

The proposed advertisements (under the previously approved consent 145141 and this proposal 145890) will replace existing signage (including interpretation boards and signposts) in 14 locations in and around Gainsborough Town Centre which is of an ad-hoc nature in terms of design and is in a poor condition.

Relevant history:

145141 - Application for advertisement consent for 7no. freestanding map monoliths and 9no. fingerpost signs. Granted 08/09/2022.

Representations:

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

Town Council: No representations received to date.

LCC Highways and Lead Local Flood Authority: No objection subject to: L19 [Station Approach] may need to be moved to the back edge of the footway however the exact location is to be agreed with Area Highways Officer who can be contacted on 01522 782070

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections 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 our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

Conservation Officer: No comments to make.

LCC Historic Environment: No representations received to date.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (Adopted April 2017), the Gainsborough Neighbourhood Plan (Adopted June 2021) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan:

The following policies are particularly relevant:

*Central Lincolnshire Local plan

LP1: A Presumption in Favour of Sustainable Development

LP17: Landscape, Townscape

LP25: The Historic Environment

LP26: Design and Amenity

LP27 Main Town Centre Uses – Frontages and Advertisements

LP42: Gainsborough Town Centre and Primary Shopping Area

**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. 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. LP25 is consistent with chapter 16 of the NPPF as they both seek to conserve and enhance the historic environment. LP26 is consistent with section 12 of the NPPF in requiring well designed places. LP27 is consistent with paragraph 136 of the NPPF which recognises that the quality and character of places can suffer when advertisements are poorly sited and designed and LP42 is consistent with section 7 of the NPPF as they both seek to ensure the vitality of town centres. The above policies are therefore attributed full weight.*

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

Gainsborough Neighbourhood Plan:

NPP 1 Sustainable Development

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

NPP 18 Protecting and Enhancing Heritage Assets

NPP 19 Improving the Vitality of the Town Centre

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

Lincolnshire Minerals and Waste Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area (MSA). Policy M11 applies.

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

Emerging Policy (a material consideration)

Submitted Central Lincolnshire Local Plan:

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

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 Submitted Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above), the decision maker may give some weight to relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given).

Consultation responses can be found in document STA022 Reg 19 Consultation Responses by policy / STA023 Reg 19 Consultation Responses by respondent.

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

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 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)."

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

Other:

The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (as amended)

<https://www.legislation.gov.uk/uksi/2007/783/contents/made>

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990.
Section 72 of the Planning (Listed Building & Conservation Areas) act 1990.

<https://www.legislation.gov.uk/ukpga/1990/9/section/66>
<https://www.legislation.gov.uk/ukpga/1990/9/section/72>

Gainsborough Britannia Works Conservation Area Appraisal

<https://www.west-lindsey.gov.uk/planning-building-control/planning/conservation-environment/conservation-areas>

Main issues

Under reg.3(1) of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

- (a) the provisions of the development plan, so far as they are material; and
- (b) any other relevant factors.

This may include factors such as:

- Design and Heritage (Amenity)
- Public Safety
- Residential Amenity

The NPPF states (paragraph 136) that: *“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”*

Assessment:

Design and Heritage (Amenity)

The application comprises two locations close to the Town Centre of Gainsborough, the first location is Riverside Car Park next to the River Trent and the Riverside Walkway and the second location is on the junction of Station Hill and Station Approach by the south eastern corner of Marshall’s Yard.

This application proposes two new freestanding aluminium map monoliths (one at each of the above locations), which are approximately 2.2 metres in height, 0.65 metres in width and 0.14 metres in depth. White text on blue and black background is proposed.

The Riverside Car Park location (L18) is not within a Conservation Area and the nearest listed building (No.2A Ropery Road – Grade II) is located approximately 75 metres to the east across a car park and a road.

The Station Approach location (L19) is located within the Gainsborough Britannia Works Conservation Area and is located immediately to the south east of the Grade II Listed Britannia Works.

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

Policy LP27 states “All proposals for the display of advertisements will have to comply with relevant national regulations and guidance. Where advertisement consent is required, such consent will be permitted if the proposal respects the interests of public safety and amenity, subject to the following criteria:

- h. The design (including any associated lighting and illumination), materials, size and location of the advertisement respects the scale and character of the building on which it is situated and the surrounding area, especially in the case of a listed building or within a conservation area; and*
- i. The proposal would not result in a cluttered street scene, excessive signage, or a proliferation of signs advertising a single site or enterprise; and*
- j. The proposal would not cause a hazard to pedestrians or road users; and*
- k. The proposal would not impede on any surveillance equipment and would contribute positively to public perceptions of security”.*

The proposed advertisements (under the previously approved consent 145141 and this proposal 145890) will replace existing signage (including interpretation boards and signposts) in 14 locations in and around Gainsborough Town Centre which is of an ad-hoc nature in terms of design and is in a poor condition. The proposed advertisements by virtue of their design, siting, materials will not cause an unacceptable harm to the setting of several listed buildings and will not harm the character and appearance of the Britannia Works Conservation Area.

Public Safety

LP27 of the Central Lincolnshire Local Plan and Chapter 12 of the National Planning Policy Framework require Local Planning Authorities to consider the impact on public safety when determining applications for advertisement consent. LP27 states that: The proposals must not cause a hazard to pedestrians or road users; and not impede on any surveillance equipment and contribute positively to public perceptions of security.

The proposed advertisements are securely fixed into the ground and are of a scale to be clearly seen by pedestrians. The applicant is in negotiation with Lincolnshire County Council Highways in regards to agreeing an exact location for the L19 Monolith at Station Approach as this may need to be moved to the back edge of the footway. As a result the above proposal will not obstruct pedestrian routes or cause a distraction to drivers. Therefore the proposal will not harm public safety.

Residential Amenity

Policy LP26 relates to design and amenity and guides that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

The signs are considered to be located as not to have an adverse impact on the living conditions of the nearby neighbouring properties or are of a size to not result in undue harm to them.

Other matters:

Minerals and Waste

The site locations are located in a Sand and Gravel Safeguarding Area and a Site Specific Mineral Safeguarding Area but the nature of the proposal (signage) and the fact that the locations are within or close to the town centre which is already densely developed means that the proposal will not affect/lead to the further sterilisation of the minerals resource.

Public Rights of Way

The map monoliths are located close to the Riverside Walk and a Public Right of Way (Gain/20/1). It is considered that the proposed signage will not be detrimental to existing users and potential future users of the nearby Public Right of Way.

Highways

Notes to the applicant will be added to the decision notice if it is minded to grant consent. The applicant is in negotiation with Lincolnshire County Council Highways in regards to agreeing an exact location for the L19 Monolith at Station Approach as this may need to be moved to the back edge of the footway.

Conclusion

The decision has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP17: Landscape, Townscape, LP25: The Historic Environment, LP26: Design and Amenity, LP27 Main Town Centre Uses – Frontages and Advertisements and LP42: Gainsborough Town Centre and Primary Shopping Area of the Central Lincolnshire Local Plan and policies NPP 1 Sustainable Development, NPP 6 Ensuring High Quality Design, NPP 7 Ensuring High Quality Design in each Character Area, NPP 18 Protecting and Enhancing Heritage Assets and NPP 19 Improving the Vitality of the Town Centre of the Gainsborough Neighbourhood Plan and Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990 in the first instance and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and guidance contained within the National Planning Policy Framework, the National Planning Practice Guidance and the Gainsborough Britannia Works Conservation Area Appraisal.

In light of this assessment it is considered that the proposed advertisements by virtue of their design, siting, materials will not cause an unacceptable harm to the setting of several listed buildings and will not harm the character and appearance of the Gainsborough Britannia Works Conservation Area. The signage will also replace existing signage (including interpretation boards and signposts) in 14 locations which is of an ad-hoc nature in terms of design and is in poor condition.

Furthermore, it is considered that the proposed signage will not affect residential amenity or have a detrimental impact on public safety and 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

1. The grant of express consent expires five years from the date of the grant of consent.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

3. No advertisement shall be sited or displayed so as to—
(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

7. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Proposed Sign Details received 22/11/2022 and Map of Proposed Sign Locations received 22/11/2022. 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.

Notes to the applicant

Highways

L19 [Station Approach] may need to be moved to the back edge of the footway however the exact location is to be agreed with Area Highways Officer who can be contacted on 01522 782070

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections

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 our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

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



Planning Committee

Wednesday, 4th
January 2023

Subject: Determination of Planning Appeals

Report by:

Assistant Director Planning and
Regeneration

Contact Officer:

Andrew Warnes
Democratic and Civic Officer
andrew.warnes@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

x

Key Decision:

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

Yes

☐

No

x

Appendix A - Summary

- i) Appeal by Mr and Mrs M Boden against the decision of West Lindsey District Council to refuse planning permission for retrospective application for timber fence to part of northern boundary at Bramley House at 10 High Street, Scotter, Gainsborough, Lincolnshire, DN21 3TW.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse

- ii) Appeal by J Neave against the decision of West Lindsey District Council to refuse planning permission for the erection of a detached house and creation of vehicle access at Bramley House at Land adjacent Manor Cottage, Cliff Road, Saxby, Market Rasen, LN8 2DQ.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse

Committee Decision – Refuse



Appeal Decision

Site visit made on 4 October 2022 by Andreea Spataru BA (Hons) MA

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2022

Appeal Ref: APP/N2535/D/22/3302701

10 High Street, Scotter, Lincolnshire, Gainsborough DN21 3TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs M Boden against the decision of West Lindsey District Council.
 - The application Ref 144482, dated 23 February 2022, was refused by notice dated 19 April 2022.
 - The development proposed is described as "retrospective application for timber fence to part of northern boundary at Bramley House".
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The appeal development is retrospective, as the fence has already been installed. I have dealt with the appeal on this basis.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal site relates to a detached dwelling located within a predominantly residential area. The dwelling is set back from the road and has most of its amenity space adjacent to the street.
6. Whilst there is some variety in terms of boundary treatments within the area, the street scene has a generally open and verdant character as most of the properties have either low boundary treatments or hedgerows/vegetation. This open aspect makes a positive contribution to the character and appearance of the area.
7. The development includes the erection of an approximately 2 metre high close boarded timber fence to the north of the property. The fence extends along a significant part of the northern boundary of the appeal site, albeit that there is

- a gap in the fence to allow access for vehicles. The submitted plans and photographs show that a hedge higher than the fence would be retained to the rear. However, at the time of my site visit, the hedge was not visible within the street scene.
8. Given its location on the road frontage, the fence has a prominent position within the street scene. Due to its height and materials, the fence has a harsh appearance, and it appears in stark contrast with the open and verdant character of the street scene. Even if the hedge were to be higher than the fence, as indicated on the plans, it would not be sufficient to soften the appearance of the fence, due to the combination of its height, materials, and significant projection along the highway.
 9. Notwithstanding the scale of the nearby dwellings, this does not justify the hard appearance of the development within the street scene. Accordingly, the fence appears as an incongruous feature that is detrimental to the character and appearance of the area.
 10. I acknowledge the examples provided by the appellant regarding the other high close boarded wooden fences, which appear to be serving as side/rear boundary treatments. However, I do not find these fences directly comparable, as that at No 4 High Street is set behind a wider grass verge than the appeal development and there are trees in front of it. The fence at No 72 Sands Lane, which was referred to by the appellants in the appeal statement as No 7 High Street, is located at the far end of the street, at the junction of High Street with Sands Lane, thus the site context is different. Nevertheless, whilst the fences are part of the street scene, they do not define its general character. In any event, I have considered the development on its own merits and the site-specific circumstances.
 11. Given that most of the appeal dwelling's amenity space is adjacent to the highway, I understand the appellants' desire to have a private and secure garden screened by a boundary treatment such as the one that is already in place. However, it is possible that the appellants' needs could be met by a boundary treatment which would be more sympathetic to its local context.
 12. I have taken into account the conditions suggested by the appellants, which include that the fence could be painted in a colour agreed by the Council, and a landscaping plan to be implemented to the front of the fence. However, a different colour would not be sufficient to make the fence blend within the street scene. Furthermore, given the lack of details before me, I cannot be certain that a landscaping scheme to the front of the fence would mitigate the harmful impact of the development.
 13. Accordingly, I conclude that due to a combination of its siting, height and materials, the fence is detrimental to the character and appearance of the area. Therefore, the development is contrary to Policies LP17 and LP26 of the Central Lincolnshire Local Plan 2017, and Policy D5 of the Scotter Neighbourhood Development Plan 2017-2036, which collectively require, amongst other things, that developments recognise and reinforce the distinctive local character in relation to scale, mass, form, density, character, landscape setting and materials, and require well designed boundary treatments.

Other matters

14. I note that there has been a letter of support and that there were no objections from third parties, including from Scotter Parish Council. However, these are neutral matters rather than ones that carry positive weight in favour of the development.
15. Paragraph 10 of the National Planning Policy Framework states that at the heart of the Framework is a presumption in favour of sustainable development. A high standard of visual amenity is a key element of sustainability as set out in paragraph 130 (a & c). In this case, given that the development is harmful to the character and appearance of the area, it does not constitute the sustainable development that the Framework seeks to achieve. In addition, the private benefits of the appellants do not outweigh the harm I have identified.

Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Sarah Housden

INSPECTOR

Appeal Decision

Site visit made on 29 November 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2022

Appeal Ref: APP/N2535/W/22/3300208

Land adjacent Manor Cottage, Cliff Road, Saxby, Market Rasen LN8 2DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by J Neave (Saxby Ltd) against the decision of West Lindsey District Council.
 - The application Ref 143957, dated 4 November 2021, was refused by notice dated 28 April 2022.
 - The development proposed is the erection of a detached house and creation of vehicle access.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - Whether the appeal site represents a suitable location for the proposed development;
 - The effects of the proposal on the character and appearance of the area; and
 - The effects of the proposal on the setting of heritage assets.

Reasons

Whether Suitable Location

3. Policy LP2 of the Central Lincolnshire Local Plan (LP) (adopted April 2017) seeks to guide the sustainable growth of the Plan area with the aid of a settlement hierarchy. Part 7 of Policy LP2 defines a hamlet as a settlement not listed elsewhere in this policy and with dwellings clearly clustered together to form a single developed footprint. Such a hamlet must have at least 15 units (as it was on April 2012). Within such hamlets, single dwelling infill developments (i.e. within the developed footprint of the village and within an otherwise continuous built up frontage of dwellings) in appropriate locations will be supported in principle.
4. I note there is no dispute between the parties as to whether Saxby has at least 15 dwellings, although there is disagreement regarding whether it has a single developed footprint. Even if I was to concur that the settlement should be considered a hamlet, the proposed single dwelling would not constitute an infill

development. Although it would align with a dwelling to one side, to the other side there is an access lane serving farm buildings and a significant gap to the next property, Manor Farmhouse. This distance is given as 80 metres (m) in the Assessment of Significance and Heritage Impact Assessment (HIA - Austin Heritage Consultants – November 2021) and goes on to advise that the extensive gardens to the west of the farmhouse form a substantial buffer zone between the study area and the house. Therefore, based on the evidence before me and my own observations on the site visit, the proposal would not meet the definition of infill as per Policy LP2.

5. My attention is drawn to a development approved by the Council in the village of Heapham¹. However, I have very limited information on this matter before me. Although the layouts of the villages are ostensibly similar, and that proposal was determined to be infill, this does not convince me the proposal before me should be allowed on that basis. Each proposal is assessed on its own merits, and I have done so with regards to the appeal scheme.
6. Based on the above, the proposal would not constitute a suitable location for residential development, contrary to Policy LP2 of the LP which seeks to guide sustainable development in the Plan area by means of a settlement hierarchy.

Character and Appearance

7. The appeal site comprises a parcel of grassland located in the centre of the small settlement of Saxby. The site is bound by a stone wall to two sides, lining both Saxby Cliff Road and a farm access track, as well as a low stone wall adjacent Manor Cottage. Saxby has a somewhat sporadic grain of development, including several dwellings set around a collection of farm buildings on the south side of the road while to the north side, buildings are generally set back a generous distance from the road. Overall, the settlement has many areas of verdant and undeveloped space between its buildings contributing to a spacious, tranquil and overwhelmingly rural character. Its buildings are of an agricultural character, built of stone with pantile roofs and traditionally proportioned fenestration.
8. The proposed dwelling would erode part of this open character within the centre of Saxby in a prominent location that I observed was readily visible along the road and from nearby dwellings. Although the design approach of the dwelling entails constructing a building with the appearance of a barn, as the appellant concedes this would be of a modern barn interpretation, which would be contrary to the traditional and established vernacular of Saxby overall. This incongruity would be compounded by the large expanses of glazing to the front elevation which would jar with the more traditional use of fenestration locally.
9. I acknowledge that design steps have been considered to integrate the dwelling successfully. This includes aligning the building with the front elevation of Manor Cottage and using the existing farm track for vehicular access. However, this does not lessen the overall harm that I have identified. Although it is claimed the area of land is brownfield in that it was previously a pigsty, the National Planning Policy Framework (the Framework) is clear in Annex 2 that previously developed land does not include land that is or was last occupied by agricultural or forestry buildings. Regardless, even if I was to accept that the land should be classified as brownfield, the change from agricultural to

¹ Planning Application Reference 142812

residential would alter its character. Based on my findings above, this change would be harmful.

10. To conclude on this main issue, the proposal would harm the character and appearance of the area. This would be contrary to Policies LP17 and LP26 of the LP, which seek, among other things, to ensure that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate). The proposal would also be contrary to paragraph 130 of the Framework, which advises developments should be sympathetic to local character and history.

Setting of Listed Buildings

11. The appeal site is located circa 115m from the Church of St. Helen, a Grade I Listed Building, and 80m from Manor Farmhouse, which is Grade II Listed. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires, in considering whether to grant permission for development which affects a listed building or its setting, that special regard should be had to the desirability of preserving the building or its setting.
12. The Church of St. Helen derives part of its significance from its historic association with the development of the area, where it would have served the local rural community as a place of worship. As a Grade I Listed Building, it is a heritage asset of the highest importance. In addition, the church has been sited to be seen from wide ranging views and from my observations, the church was visible from a long distance along Saxby Cliff Road to the west and several viewpoints within Saxby itself. Accordingly, the setting of the church makes a considerable contribution to its significance.
13. However, intervisibility between the appeal site and the church is limited, while there is a significant distance between the two elements. The main views from which the church would be experienced are to the west along Saxby Cliff Road and the farmlands to the south where the church would be a commanding and prominent local landmark set amongst the agricultural buildings adjacent. The appeal site would not be visible from these local viewpoints and as such would not compete with the church nor harm its historic interpretation, thereby preserving the setting of the heritage asset.
14. The significance of Manor Farmhouse is also due in part to its association with the historical development of the area, where it would have served the larger farming operation which is still apparent today in the local area. Evidently, the appeal site was formerly a pigsty before being cleared and associated with Manor Cottage. Today, although it makes a positive contribution to the area in terms of its open space and verdant appearance, there is little agricultural character remaining following its changes in use as outlined in the HIA. Moreover, the distance between the appeal site and farmhouse is significant and as such invisibility between the two elements is somewhat limited. As such, the appeal site makes a limited contribution to the setting of the Listed Building.
15. To conclude on this main issue, the proposal would preserve the significance of the identified Listed Buildings, in accordance with Policy LP25 of the LP which states that development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building. The proposal would also comply with the requirements of the

Framework, which advises in paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Planning Balance and Conclusion

16. The Framework generally seeks to boost the supply of housing nationwide, among other things. The proposal would add one dwelling to the Council's existing stock. Regardless of whether the occupiers would be related to the appellant, this is worthy of some positive weight in favour of the scheme. However, the Council can evidently demonstrate a five-year supply of housing land. I agree that this is not a ceiling to further approvals, although the weight to attribute to one dwelling in this scenario would be limited.
17. The creation of jobs during the construction phase and increased council revenue would be of some economic benefit. Saxby has a church, which is previously discussed in this report, but I have not been made aware of any other services or facilities in the same settlement. Whether the church would be utilised by future occupiers of the property is unclear. The village of Normanby-by-Spital is located circa 1.5 miles from Saxby and includes a limited range of services and facilities, including a pub, primary school and post office. Walking along a narrow and unlit country road to access these would be unlikely and while paragraph 79 of the Framework is supportive of development in one village which may support services in a village nearby, this economic boost would be offset somewhat by the likely need to travel there by private vehicle. Moreover, the addition of one dwelling would invariably equate to a modest boost in trade to these services. These considerations are worthy of some additional, albeit limited, weight in favour.
18. There are no objections from consultees relating to highway safety, flood risk or ecology, while there was no harm identified to the living conditions of occupiers of neighbouring dwellings. Be that as it may, a lack of harm would be neutral in the planning balance rather than weighing in favour.
19. Conversely, I have found that the proposal would not be in a suitable location with regards to the spatial strategy for the development plan area and would cause harm to the character and appearance of the local area. The proposal conflicts with Policies LP2, LP17 and LP26 in these respects. These policies are consistent with the Framework in achieving well-designed places and therefore, this conflict is attributed substantial weight against the proposal in this balance.
20. As a result, the proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR