

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, 29th November, 2023 at 6.30 pm

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

Members:

- Councillor Matthew Boles (Chairman)
- Councillor Jim Snee (Vice-Chairman)
- Councillor Emma Bailey
- Councillor John Barrett
- Councillor David Dobbie
- Councillor Ian Fleetwood
- Councillor Sabastian Hague
- Councillor Peter Morris
- Councillor Tom Smith
- Councillor Baptiste Velan
- Vacancy

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 - 16)
 - i) Meeting of the Planning Committee held on 1 November 2023, previously circulated.
4. **Declarations of Interest**
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

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

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

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

6. **Planning Applications for Determination**

- a) 146685 - Land To The South Of Legsby Road, Market Rasen (PAGES 17 - 43)
- b) 146242 - "Land at Little Tranby", Mill Lane, Middle Rasen (PAGES 44 - 60)
- c) 147333 - 27 Silver Street, Gainsborough (PAGES 61 - 78)

7. **Determination of Appeals**

As of 21 November 2023, there were no appeal determinations to be noted.

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 21 November 2023

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 1 November 2023 commencing at 6.30 pm.

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

Councillor Emma Bailey
Councillor John Barrett
Councillor David Dobbie
Councillor Ian Fleetwood
Councillor Peter Morris
Councillor Baptiste Velan

In Attendance:
Russell Clarkson Development Management Team Manager
Daniel Galpin Senior Development Management Officer
Holly Horton Development Management Officer
Danielle Peck Senior Development Management Officer
Joanne Sizer Development Management Officer
Andrew Warnes Democratic and Civic Officer

Also In Attendance: 9 Members of the Public

Apologies: Councillor Sabastian Hague
Councillor Tom Smith

50 PUBLIC PARTICIPATION PERIOD

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

51 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 4 October 2023 be confirmed and signed as an accurate record.

52 DECLARATIONS OF INTEREST

Councillor M. Boles, Chairman of the Planning Committee, made a personal declaration on behalf of all Members of the Committee, in relation to item 6(d), planning application 147125, "The Granary", Green Lane, Pilham, that the applicant was a Member of the Council, and so known to all Members of the Committee. It was further clarified that some Members of the

Committee had visited the applicant's home and therefore the building subject to this planning application. However, Members of the Planning Committee retained an open mind and would determine the application in line with their planning committee training.

Councillor J. Barret made a personal declaration in regard to item 6(a), planning application 146461, Land at Hillcrest Park, Caistor, that at the previous meeting where the application was considered, he had voted for refusal. However, he clarified that there had been updates to the report and newly available evidence. He retained an open mind and would remain a Member of the Committee for the application.

Councillor P. Morris made a personal declaration in respect of item 6(a), planning application 146461, Land at Hillcrest Park, Caistor, that the applicant was well known to him and accordingly he would not be taking part in the discussion nor voting on this item and would leave the Chamber whilst the item was considered.

53 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee was advised that the Levelling Up and Regeneration Act received Royal Assent on 26th October 2023, and would introduce a number of changes to the planning system. Members heard that most of the sections in the Act directly related to development management. Plan-making had not commenced and would require secondary legislation.

The measures in the Act that would change the planning system included:-

- Local planning authorities would be required to have a design code in place covering their entire areas;
- the Act was to replace the current section 106 and the Community Infrastructure Levy (CIL) regimes with a new Infrastructure Levy;
- the scope of local plans was to be limited to 'locally specific' matters, with 'issues that apply in most areas' to be covered by a new suite of National Development Management Policies;
- "a new duty on decision-makers to make planning decisions in accordance with the development plan and national development management policies unless material considerations strongly indicated otherwise";
- The 'duty to co-operate' was to be dropped, and time limits prescribed for different stages of plan preparation;
- the EU processes of environmental impact assessment and strategic environmental assessment were to be replaced by 'environmental outcomes reports'
- A 'street votes' system would permit residents to propose development on their street and hold a vote on whether planning permission should be given.
- Planning authorities were to gain the power to instigate auctions to take leases on vacant high street properties
- changing compensation for compulsory purchase orders to remove 'hope value' in some instances; and
- giving councils the chance to consider applicants' previous build-out rates when determining a planning application.

The Committee also heard that the consultation on the Central Lincolnshire Local Plan Local

Lists for validation had commenced on 1 November 2023. The lists established the information that was required to be submitted before a planning application could be validated. The consultation was to run until 23:59 on Wednesday 13 December 2023.

The Development Management Team Manager concluded the update by briefing the Committee on the status of the neighbourhood plans as of the meeting, and were advised as follows:-

Neighbourhood Plans	Headlines	Planning Decision Weighting
Hemswell Cliff NP	Successful Referendum held on 19 October. NP to be made by Full Council on 6 November.	Full weight
Scothern NP Review	Examiner to be selected on 7 November. Examination to take place end of year.	Increasing weight.
Nettleham NP Review	Regulation 16 consultation underway. Deadline for comments 22 December.	Increasing weight.
Dunholme NP Review	Regulation 14 consultation period starts on the 20 November and closes on the 3 January 2024.	Currently Review NP had little weight. But would gain some weight when Reg 14 consultation stage was to be reached soon.

Note: Councillor P. Morris left the Council Chamber, in advance of the next item, at 6.38 pm.

54 146461 - LAND AT HILLCREST PARK, CAISTOR

The Chairman introduced the first application of the meeting, item 6(a), application number 146461, to erect 1no. wind turbine on land at Hillcrest Park, Caistor. This was an application deferred from the 12 July 2023 Planning Committee meeting. Additional information had been submitted by the applicant. This included visualisations of the turbine, details of the energy output and noise information. This was all detailed and assessed within the report.

At the meeting on 12 July 2023, it was resolved that the National Air Traffic Services (NATS) be invited to attend the next hearing of the application, in order to explain their objection to the proposal. Members were advised that, whilst it was not possible for them to attend the meeting, they had sent a video to be played to the Committee. This arrangement had been made with prior agreement from the Chairman. The Officer gave a short presentation about the application, and then presented the requested contribution from a representative from NATS.

In the contribution from NATS, the representative explained that his team's remit was to analyse and mitigate any potential harm to aviation safety. The speaker explained that the technology used in radars used pulses of energy and tracked the 'echoes' of those to assist aircraft in avoiding potential harm. These safety systems utilised a combination of filter and tracking algorithms to stagger the flights and aircraft. Members learned that wind turbines would severely weaken the algorithm's effectiveness, with the perspective from the radars being indistinguishable from aeroplanes. This had the consequential effect of creating

potentially dangerous situations.

The speaker stated there were ways to mitigate the impacts of wind turbines near airports. In parts of Lincolnshire, there were small-scale developments of wind turbines that operated safely in compliance with NATS guidance. In relation to the application, the representative explained that work would have to be undertaken in the radar system for any 'blank' identification issues to be covered. In concluding the presentation, the speaker stated that NATS were willing to remove their objection if the application could be conditioned to comply with their advice.

The Chairman invited the first registered speaker, Mr Oliver Lawrence, the applicant, to address the Committee.

In his statement, the applicant explained that the impact on visual amenities was limited, with the turbine looking and functioning like a windmill. Members heard that the site was surrounded by towers, with some above 70 metres tall, which made the size of the proposed turbine miniature in comparison. The applicant stated that a similar turbine had been recently approved and queried whether there was a disparity in the treatment of the application.

With regard to the electricity capacity, Members heard this was for the site's provisions, with the cost being 33 pence per unit and the ability to sell the electricity for 4.5 pence. Mr Lawrence stated that Caistor's Neighbourhood Plan supported locally sourced energy resources and encouraged similar types of development. He emphasised that electricity from wind turbines also worked well in winter weather and was pioneering to ensure net zero emissions for places in Lincolnshire. The applicant's view was that the Central Lincolnshire Local Plan was ambitious and aimed to make the area net zero emissions compliant, with the misalignment to be met with the application.

The applicant stated his opposition to the mitigations proposed by NATS, suggesting there were financial reasons behind the raised objection rather than it being only a matter of safety. He concluded by focusing on the site's highlighted success and that using a wind turbine could power and support small businesses.

The Chairman thanked the speaker for his statement and invited the registered objector, Mrs Jan Lyus, to address the Committee.

In her statement, the speaker stated that the application site was in the Area of Outstanding Natural Beauty (AONB), with protected and enhanced landscapes. In the application, the proposed turbine height was set to be triple that of the units in the adjacent lot. The speaker stated that the Lincolnshire Wolds Officer objected to the application further.

In focusing on using a wind turbine, Mrs Lyus stated solar panels were as effective in winter, and the wind turbine would still make noise every time. She stated that the proposed wind turbine was too close to residential properties, highlighting that Scottish wind turbines were not allowed to be built close to dwellings and Lincolnshire County Council had a press release in the recent past that focused on minimum distances. She further noted that there was no precedent for a wind turbine to be set this close to dwellings, with noise levels being heard 2 kilometres away and dwellings only 170 metres away.

Mrs Lyus highlighted other potential harms and risks, such as the damage to the environment during construction as well as hypothetical concerns such as fire or collapse. She further highlighted the objection from NATS, suggesting the Authority should not take the slightest risk with air safety, and focused on policy S14, which featured the policy on acceptable impacts on aviation. The speaker stated her opinion that the potential consequences of having the wind turbine were unacceptable, and the application failed to consider comments from the relevant parties, causing serious safety risks. Mrs Lyus concluded by strongly requesting that the application be refused.

The Chairman thanked the speaker for her statement and invited comments from Members of the Committee. Members referenced that wind turbine designs could be different, highlighted the impact of rising electricity prices on small businesses, and the concerns raised by NATS. Several Members recognised during the debate that they could not redesign the application in front of them.

In response to a number of queries regarding the NATS conditions, Members learned the organisation had objections but that these would have been resolved if the applicant had agreed to make amendments to the application. The Senior Development Management Officer further explained that the objection from NATS was that the submitted application would affect air traffic control as it stood in its present form.

Having been moved and seconded, the Chairman took the vote and it was unanimously agreed that planning permission, as detailed in the Officer's recommendation, be **REFUSED**.

Note: Councillor P. Morris returned to the Council Chamber at 7.00 pm following the conclusion of the item.

55 146685 - LAND TO THE SOUTH OF LEGSBY ROAD, MARKET RASEN

The Chairman introduced the second application of the meeting, item 6(b), application number 146685, for the erection of 6no. detached bungalow dwellings & associated garages on land to the South of Legsby Road, Market Rasen. The Case Officer informed Members that there were no updates and gave a short presentation about the application.

The Chairman informed the Committee that there were five registered speakers and statements, and invited the first registered speaker, the applicant for the application, Mr Daniel Hyde, to address the Committee.

In his statement, the agent stated that a previous application in 2020 proposed five dwellings and established the principle of development on the site. The updated scheme achieved 11 dwellings per hectare and was of low density. He stated that the application would not adversely impact residential amenities and the external attributes would create a sense of place. This attribute was noted in the proposed block plan, and the submitted application would achieve a lower density than the bungalows on the neighbouring roads.

The agent explained Lincolnshire County Council Highways found the scheme acceptable, with no detrimental effects. The archaeological reports also reported consistency and expressed no detrimental effects from the submitted application. Members heard the energy

statement submitted showed improved standards, and the preliminary ecological assessment would achieve a 30% net gain. The agent stated that the hedgerow units and development of the trees had been prepared specifically for the site. The indicative foul water plan had no objections from the statutory consultees, and the local pond nearby was prevalent at this time of the year. The speaker expressed that the flooding could be cleared through silting and the existing drain.

The agent then stated that the existing public footpath would not be blocked following completion of the development. He concluded by emphasising that boundary matters were not the concern of the Local Planning Authority, and asserted that the application would enhance the area.

The Chairman thanked the speaker for his statement and invited the Democratic and Civic Officer to read the first of two statements from registered objectors. The first statement, from Jenny Archer, was read aloud as follows:

"We, as noted on the screen, are the immediate residents, of Wetherby Close, The Ridings and Legsby road, connected to the land upon which the above planning application is made. We do have concerns with this proposed planning, which have been mentioned in the public comments of the application. We would however, just like to voice our concerns once again at this meeting. The long narrow entrance to the proposed site could create a potential hazard with it being next to a road junction, the Ridings, a school entrance, with several cars parked twice a day and outpour of school children, running alongside a well-used public footpath, and a bend in the road with traffic approaching from Legsby.

Dispute of western boundary. The applicant is claiming his west boundary as up against the current residents' fences. In fact there is a registered well used public footpath and a hedgerow between those fences and his boundary, he does not own the footpath or the hedgerow. Comments and proof of ownership of the footpath and the hedgerow have been provided in the public comments on the planning application.

Flooding. This seems to be an issue that has not been recognised or regarded as a problem within the application itself. In actual fact, as residents (and the local council) know full well, flooding does occur on this land. Throughout the winter/spring, water can lie in a large area at the bottom northern part of the land. With heavy rain the "pond" overflows, runs down the long entrance across the Legsby road and down the drain outside of the school. Twice this year, three residents, 1 and 3 The Ridings, and Heathwaite, Legsby Road, have had their gardens flooded from this overflow. Photographic evidence has been provided in the public comments of this application. Also land at the back of Heathwaite gets flooded, and this year a row of 5 very tall conifers, approximately 12 to 15 metres tall, have died due to being water logged. Please see the photo on the screen.

I have been reading the agenda of the meeting and am so disappointed that some of the concerns local residents have don't seem to be recognised. The big upset to us all is the possible loss of the current footpath and hedgerow as it stands. On comments made in the agenda by the Planning department regarding the public footpath, it states: 'The current Right of Way is partially overgrown and not particularly well defined'. This we do not agree to. It is a perfectly good footpath as it is, well used for over 30 years, well kept by local residents and twice a year by the council, and perfectly well defined. Dog walkers, families and children use this footpath, including the local school. The hedgerow provides a safe

corridor for walkers, it is maintained and provides food, habitation and shelter for a variety of birds and wildlife. It is all part of The Ridings. Why take all this away to plant another hedgerow 90 centimetres high.”

The Chairman then invited the Democratic and Civic Officer to read the second statement from Hazel Barnard. The following statement was read aloud:

“I note that the planning officer feels that the public right of way that runs along the side of this site is ‘partially overgrown and not particularly well defined’. I believe that the existing hedging is in fact a very well defined and protective barrier to the footpath and should remain, allowing both walkers and wildlife space from the new development. I attach photographs showing the route of public right of way very clearly.”

The Chairman then invited the final registered objector, John Norburn, to address the Committee.

In his statement, the speaker referenced the site plan, which in his opinion, disrupted the public footpath, clearly showing the boundary hedge dividing up the site and the footpath. The developer had never opened this, and the previous landowner did not include the footpath in the sale. Mr Norburn stated the problem could be solved by the footpath being retained in its entirety and could be well pathed. He stated there was no reason for the natural path to be removed.

In his opinion on flooding and drainage, the speaker stated that the area does flood, and there was no additional drainage between the dwellings and the water run-off from the fields. He explained there was no drainage facility for the houses. In concluding his statement, Mr Norburn enquired as to who would look after the new hedges and dykes created.

The Chairman thanked the speaker for his statement, then invited the final registered speaker, Councillor Moira Westley, Local Ward Member, to address the Committee.

In her statement, Councillor Westley expressed that she still had serious concerns about the development on sites like these. With regard to surface water drainage, she stated that although the Environment Agency did not deem this to be a flood risk, in her view there was photographic evidence that contradicted this assessment.

She stated that though the flood risk assessment made provisions for swales to mitigate flooding, the responsibility of managing these was unclear and required further clarification. Councillor Westley raised broader environmental concerns, with climate change increasing extreme weather and water incidents, and that attempts should be made to mitigate flooding, such as through lobbying efforts to reflect the changing climate, to mitigate the ever-increasing 'one in 100 years' flooding occurrences. She requested a complete flood risk assessment for the area.

In relation to the public right of way, Councillor Westley stated her belief that it should be maintained in situ. She felt the plans were vague and did not illustrate where the re-routed path would go, with the current path being used frequently and flanked by the existing hedge row. She stated that the proposed pathway on the other side of the entrance would not benefit the dwellings and questioned about the trees remaining in place. She asserted that planting the shrubs would impede the Ridings residents from fully maintaining their fences.

She concluded her statement by stating that unless the applicant could provide a clear path to the public right of way, the current pathway was more than adequate as it stood.

The Chairman thanked Councillor Westley for her statement and invited a response from the Case Officer. In his response, the Officer detailed that the principle of development was accepted three years prior, with the outline permission granting four dwellings that managed the south of the site. This original plan utilised an amended layout in a 'U' shape with the site's density lower than the surrounding dwellings.

There was no objection from Lincolnshire County Council Highways, and the number of four to six dwellings was not considered excessive. The Officer explained that images of flooding were deceiving and had minimal effects. The submitted application had a full flood risk assessment and indicative drainage plans, and had received comments from the relevant technical consultees. Members learned most of the water flooding flowed southwest, and the site itself was in Flood Zone 1, the lowest-rated category for flooding. A former Environmental Agency Officer had prepared the applicant's flood risk assessment report. With regard to the footpath concerns, the Officer explained that the diversion of the footpath would not result in a loss of access to the countryside. Members were further reminded that there would be a biodiversity net gain alongside landscaping and ecological plans.

The Chairman thanked the Officer for his response and invited comments from Members of the Committee. In response to contributions about the public right of way, it was highlighted that this was outside the consideration of the Planning Committee, and the applicant would have to go through due process before commencing the application. In a related comment, Members learned that the entrance to the site was planned with a dedicated pedestrian footpath and that the amended Right of Way path for walkers would be slightly to the east and still connect to the open countryside.

In response to a comment about the viewing ability of the highways, Members heard that when Highways assessed a planning application, the Manual for Streets national guidance was used, and would base the speed limit on the visibility splays achievable.

In response to questions about flooding and the assessments taken, the Development Management Team Manager explained that the Environmental Agency national maps did not have publicly available updates. Members separately heard that it was still of low probability, with most of the land of the submitted application being the lowest rated risk for flooding. The Committee also heard that the current flooding situation in the town was at the maximum level presently and that the applicants had shown that it could be positively drained. Concerning a similar concern with the surface water, the drainage systems required confirmation as a pre-commencement condition.

During the discussion, several Members supported having a site visit to review the access, the road usage, and the hedges and trees on the site and surrounding areas, and thought it was necessary to understand the surrounding areas of the application site.

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

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

56 144560 - "SQUIRRELS LEAP", MAIN STREET, BURTON

The Chairman introduced the next application of the meeting, item 6(c), application number 144560, for demolition of the existing bungalow and replace with 2 storey dwelling, attached garage and all associated works at "Squirrels Leap", Main Street, Burton. The Case Officer informed the Committee that there was no update, and gave a short presentation about the application.

The Chairman informed the Committee that there was one registered speaker, the agent for application, Mr Dan Rontree, and invited him to address the Committee.

In his statement, the agent explained further background information to the application, and stated that the first application was submitted in March 2022 under the previous Central Lincolnshire Local Plan. There had been reservations about the materials proposed and the style of the property, which were mitigated in consultation with the Authority. The determination date had been postponed over several months, with design tweaks, with the scheme now considered in its fourth version. These amended plans had been conducted out of public consultation until the applicant and the Authority were ready to present the application, which resulted from collaboration to improve the applied scheme.

Mr Rontree stated that the application dealt positively with new policies in the Central Lincolnshire Local Plan and had the support of the Local Planning Authority. The scheme included features to make the dwelling accessible for life, including space for a passenger lift in the house. He explained that the design approach had a roof which fitted the street scene fashion, would remove a poor-quality development, and planned to utilise local materials. These attributes allowed the applicants to spend the rest of their lives in the dwelling. Members heard that solar panels and an air source heat pump were planned for the dwelling. In concluding his statement, the agent explained that the ground level would be amended slightly to ensure it met the conditions noted in the report and hoped that the dwelling would positively impact the village of Burton and protect the surrounding environment.

The Chairman thanked the agent for his statement, and invited comments from Members of the Committee. Members supported the redesigned application and the lack of dominating the street scene of the village. In response to a number of queries about the landscaping, Members learned that nine trees and one group of vegetation were to be removed from the front under the submitted application, which created a more open frontage of the dwelling. These trees were not considered high quality enough to restrict development.

In the discussion, an additional condition on the tree's size, species and position/density was proposed and seconded to mitigate any potential loss during the development and to shield the site from the road and the road to the site.

Having been proposed and seconded, the Chairman took the vote, and it was agreed that permission be **GRANTED** subject to the following amended 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. No development shall take place, other than laying of the foundations until a scheme of foul sewage and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in accordance the approved details and prior to the first occupation of the dwelling.

Reason: To ensure appropriate foul sewage and surface water drainage in accordance with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan.

Reason

3. The development hereby permitted shall be carried out in full accordance with the details set out in the submitted Energy Statement undertaken by EPS Group and updated on 13/10/2023, unless otherwise agreed in writing by the Local Planning Authority.

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

4. Prior to the first occupation of the proposed dwelling taking place a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement undertaken by EPS Group updated on 13/10/2023 and approved in writing by the planning authority

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

5. Prior to the first occupation of the replacement dwelling a scheme of landscaping, including details of the size, species and position or density of all trees to be planted shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To compensate for those lost as part of the development and in the interest of the character of the area and Conservation area in accordance with Policies S53, S57 and S66 of the 2023 Central Lincolnshire Local Plan and guidance within the NPPF.

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:

1803H-21-10A – Site location plan submitted on 05/09/23
1803H-21-14e – Proposed Block Plan submitted on 05/09/23
1803H-21-15j – Proposed Site Plan submitted on 05/09/23
1803H-21-24c – Cross Section Street elevation submitted on 05/09/23
1803H-21-25e – Proposed Elevations and Plans submitted on 05/09/23

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

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

8. No development other than laying of the foundations shall take place until a full schedule and samples of external materials (including site surfaces) have been submitted to, inspected on site and agreed in writing with the Local Planning Authority. The samples shall include a 1 metre square panel of stonework and brickwork, bonding and mortar for the elevations, which shall be kept on site until the completion of development.

The development thereafter shall be undertaken in strict accordance with the approved details.

Reason: To preserve the character of the Conservation area and setting of the adjacent heritage assets in accordance with Section 66(1) of the Planning Listed Buildings and Conservation Areas Act and Policy S57 of the Central Lincolnshire Local Plan.

9. No development other than the demolition of the existing dwelling shall take place until finished site levels and retaining structures have been submitted to and approved in writing by the Local Planning Authority. The development must then be completed in accordance with the approved levels and retained thereafter.

Reason: To safeguard the character of the area, Conservation Area and residential amenity in accordance with Policies S53 and S57 of the Central Lincolnshire Local Plan.

10. The proposed development must be carried out in accordance with the arboriculturally method statement undertaken by AWA Tree Consultants dated July 2023. The placing of the protective fencing identified in this report shall also be placed prior to the commencement of development, including demolition works and shall remain in place until the completion of the construction works.

Reason: In the interests of amenity and biodiversity in accordance with Policies S60 and S66 of the Central Lincolnshire Local Plan.

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

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

the curtilage of the dwelling(s) hereby approved.

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

12. Notwithstanding the provisions of Classes A, AA, B, C, F, G and H of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, 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 living conditions of adjoining dwellings and to safeguard the character and appearance of the surrounding area and landscape in accordance with Policies S53 and S57 of the Central Lincolnshire Local Plan and guidance within the NPPF.

13. The upper floor windows on the East and West elevations shall be obscurely glazed prior to the first occupation of the dwelling and retained in perpetuity thereafter.

Reason: In the interest of residential amenity in accordance with Policy S53 of the Central Lincolnshire Local Plan.

57 147125 - "THE GRANARY", GREEN LANE, PILHAM

The Committee gave consideration to the final application of the meeting, item 6(d), planning application 147125, for addition of a dormer to detached garage and to use the building as an 'Airbnb' at "The Granary", Green Lane, Pilham, Gainsborough DN21 3NU. The application had been referred to the Committee as the applicant was an elected Member of the Council.

The Chairman invited the Planning Officer to present the report, and highlighted the designs and photos of the development. The Committee heard that this was a retrospective planning application.

The Chairman informed the Committee that there was one registered statement from an objector, Clare Myers-Shaw, that was to be read by the Democratic and Civic Officer. The following statement was read aloud.

"Dear Committee, in brief our concerns are as follows. The extension is very much not in keeping with the surroundings and ultimately overlooks our property significantly please see photos attached. The extension was erected a number of years ago, as we understand without any planning permission whatsoever, which at the time we raised with the council in August 2020 with Catherine Bentley.

Our concerns appear to have been largely ignored throughout until recently when I spoke to David Clark and once again raised our concerns. This appears to be retrospective planning permission which I would have thought a property owned by a council member will have been aware of. We look forward to your feedback on this matter. Thank you."

The Chairman invited comments from Members of the Committee. Members were supportive of the application and stated that it was of a good design.

Note: Councillor D. Dobbie made a personal declaration that he would not participate in the discussion or vote, as he had visited the dwelling subject to the application.

In response to a query about overlooking, the Case Officer explained that an assessment had been undertaken and, with a distance of 32 metres to the nearest property, it was not deemed to be an unacceptable harm.

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 shall be retained in accordance with the following drawings and materials: TGGLP/23/01 dated 27th July 2023 and TGGLP/23/03 dated 27th July 2023. The works shall be retained 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 is retained in accordance with the approved plans and materials and to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

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

2. The accommodation hereby permitted shall only be used for the purpose of a Bed & Breakfast/Short-term holiday let; and/or for purposes incidental to the residential use of the dwelling now known as The Granary, Green Lane, Pilham, Gainsborough, DN21 3NU. It shall not be used to provide any unit of separate residential accommodation or commercial use, without an express grant of planning permission from the Local Planning Authority.

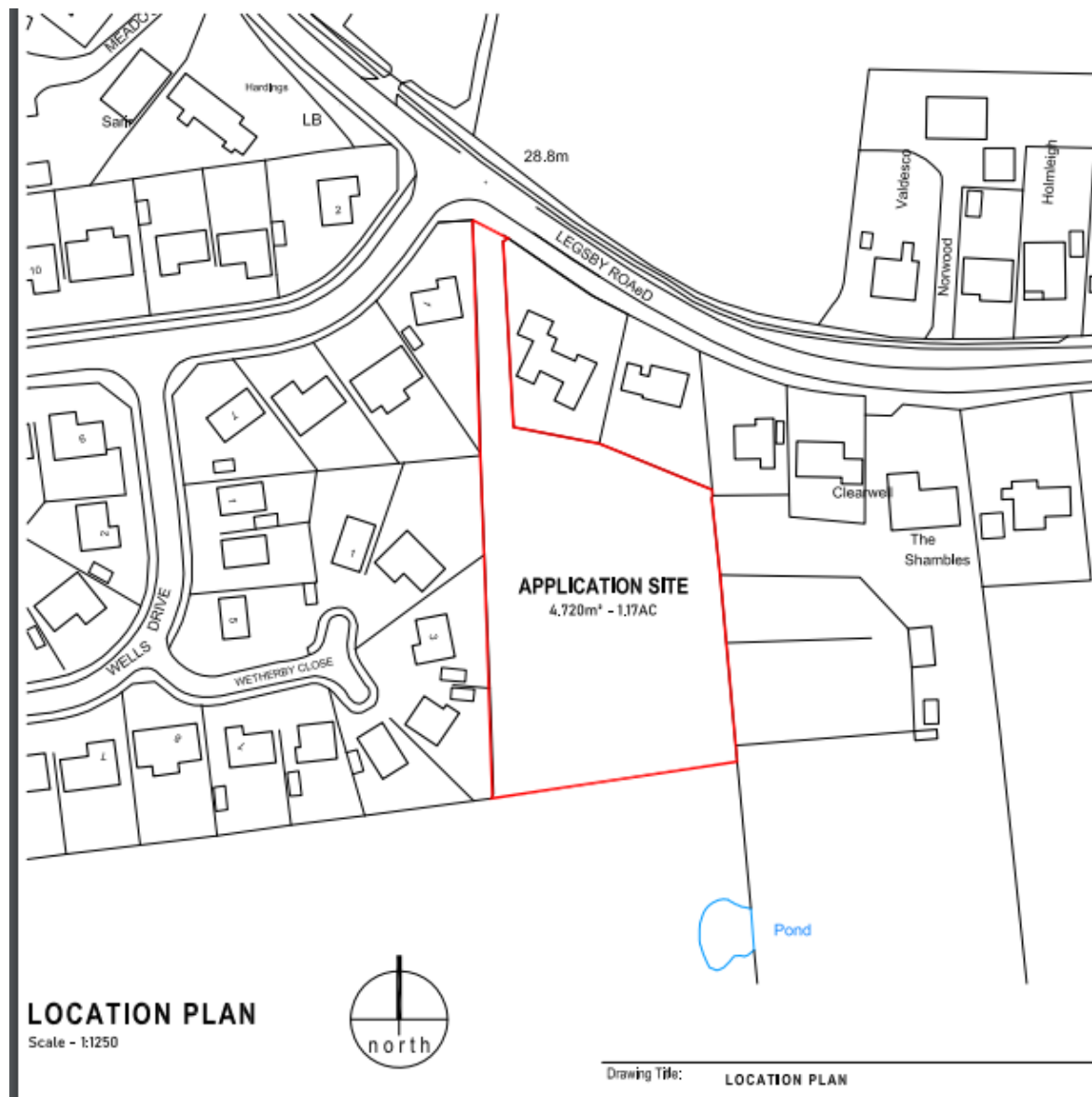
Reason: The application has been assessed on the basis that it is a shortterm holiday let. The development would be likely to raise additional planning matters requiring further assessment if separately occupied as a permanent dwelling or commercial use, in accordance with Policy S53 and guidance within the National Planning Policy Framework.

58 DETERMINATION OF APPEALS

The determination of appeals was **NOTED**.

The meeting concluded at 7.51 pm.

Chairman



Officers Report

Planning Application No: 146685

PROPOSAL: Planning for the erection of 6no. detached bungalow dwellings & associated garages.

LOCATION: Land To The South Of Legsby Road Market Rasen LN8 3DZ

WARD: Market Rasen

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

APPLICANT NAME: Mr Joseph Robinson

TARGET DECISION DATE: 18/07/2023 (EOT agreed until 6th October 2023)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Dan Galpin

RECOMMENDED DECISION: Grant planning permission, subject to conditions

This application has been referred to the Planning Committee following objections and concerns raised by the Town Council, Ward Members and members of the public, in relation to planning matters.

Following the deferral of this application at the Planning Committee meeting held on November 1st, the applicant provided additional information regarding visibility splays and an amended proposed site plan which mostly retains the existing section of hedgerow and Public Rights of Way. Re-consultations were sent to all relevant technical consultees regarding Rights of Way and any local residents were re-consulted for a period of two-weeks. All of the additional consultation responses have been summarised alongside additional assessment within the '*Public Rights of Way*' section of the report.

Description: The site is located to the rear of dwellings on the south of Legsby Road, on the eastern side of Market Rasen with residential dwellings situated to the north at Legsby Road and to the west at The Ridings and Wetherby Close. A Public Right of Way (footpath MaRa/162/6) runs from north to south through the site on the western edge connecting Legsby Road to the open countryside south of the site. The site comprises of an arable field that is in semi-active use.

Planning permission is being sought for the erection of six residential bungalows with access connecting to Legsby Road to the north. All of the bungalows would have a similar design utilising red facing brick, grey interlocking concrete or pantiles and cream uPVC windows. It is proposed to utilise 1.8 metre boarded timber fencing (Lincolnshire post and rail). Each bungalow would be of a similar form and scale but there are modest variations in the form of each bungalow to result in each design having a degree of

distinctiveness. Parking would be provided via a mix of private driveways, integral and, semi-detached and detached garages.

Relevant history:

140904 – Outline planning application for 4no. dwellings with access and layout to be considered and not reserved for subsequent applications. Granted 14th August 2020.

Representations:

A summary of representations is provided here. Full representations can be viewed on the planning application record.

Chairman/Ward Member(s)

Comments – Representations were received from Cllr Stephen Bunney and Cllr Moira Westley. The following material considerations were raised:

- General comments regarding the previous application (140904) for four dwellings. There was concern that this could constitute overdevelopment and could cause an issue for sewage/surface water drainage. Further development has since taken place on Legsby Road;
- Concerns were raised regarding foul and surface water drainage. It was stated that a full Flood Risk Assessment should be carried out to assess the full effect on sewers in terms of flooding;
- Noted that a Right of Way runs up the drive entrance. At a minimum, the same conditions should be applied;
- Highways – concern was raised regarding further development in the area such as Market Rasen Racecourse, Gold Club and Wild Pines;

Market Rasen Town Council

Comments received in relation to the potential loss of a Public Right of Way, important hedgerow and increased flooding risk. There are also questions relating to housing. There were also concerns in relation to the following:

- Concern regarding overcrowding;
- Comments regarding design, layout, form and scale as outlined in Policies S6, S20 and S53 of the CLLP;
- All conditions placed on the previous outline planning permission should remain in place;

Local Residents

Letters of objection have been received from ten local residents at 2, 3 and 4 Wetherby Close, 1, 3 and 5 The Ridings, 5 Stable Way, 33 Foxglove Road, Clearwell and 33 Lady Frances Drive. The following material considerations were raised:

- The proposal represents a 50% increase from the previous application which was for four dwellings;
- Concern raised regarding flooding, sewage and surface water drainage;
- The development would impact the Public Right of Way;
- Increase in traffic, highway safety, bin collection;
- Concern regarding the potential impact on wildlife;
- Wider infrastructure requirements;

Following a two-week re-consultation period for the amended proposed site plan representations have been received from three local residents at 1 The Ridings, Clearwell and 3 Wetherby Close.

Many of the comments received relate to the amendments to the Right of Way. A general sentiment that has been expressed it is welcomed that the existing route has been retained. However, specific concerns were raised in relation to boundary disputes which is not a material consideration.

Other comments received were technical comments regarding the position of hedgerows, ditches, the access road, amongst other technical matters. There was also a comment raised about visibility splays being blocked.

LCC Highways/Lead Local Flood Authority

No objection – *‘Access to the site, whilst unusual, is considered safe for the development proposed. It is there considered the development does not have a detrimental effect on highway safety.’*

LCC Countryside

Comments – *‘We have been made aware of this planning application for a plot of some 4,720 sq. metres, which although outside of the Lincolnshire Wolds Area of Outstanding Natural Beauty has the potential to impact upon one of our Partnership’s popular Market Rasen Lincolnshire Gateway Walks - “To Legsby & Linwood and Back Again” –*

<https://www.lincswolds.org.uk/exploring/walking/to-legsby-linwood>

I understand that the applicant is proposing to potentially fence/gate across the Definitive Public Footpath No. 162. which provides an important link to one of a series of three circular walks actively promoted and used by local residents and visitors to the area. It is unclear from the application how the definitive Rights of Way will be safely maintained and the plan drawing 1323-003 is unclear but suggests that the line of the footpath will be moved as indicated in the main planning application form, but this would require and be subject to approval via an official Diversion Order. The current definitive route does not appear to be plotted on the 1323-003 drawing so it is difficult to assess how public and private access will be managed, along with the additional boundary treatments including hedge, verge and ditch proposals. We recommend that the applicant undertakes discussions and seeks advice

with LCC's Countryside Section to ensure that the development is fully compliant with the current Rights of Way legislation; it is our understanding for example, that any gating of public rights of way is for the purposes of livestock grazier management of pastureland.'

LCC Rights of Way

No objection – Whilst an objection to the amended proposed site plan was initially received, following the receipt of further information by the applicant regarding ongoing maintenance, the Senior Definitive Maps Officer confirmed the following on November 14th 2023:

Thank you for your email of 14 November 2023 concerning the County Council's Public Rights of Way and Access Section's objection to the above scheme.

Having considered Mr Hyde's response of 14 November 2023, I can confirm that the County Council is satisfied that the issues outlined in my email of 13 November 2023 have been addressed satisfactory to warrant the withdrawal of our objection to the scheme.

I should clarify that whilst the route on the ground may diverge from the legal line of the public footpath recorded in the Definitive Map (the legal record of public rights of way), the Definitive Map ultimately takes precedent as the route of the public footpath recorded in it is the one over which the public have a legal right to use and enjoy. This route is denoted by the solid purple line shown in the attached plan. Given that the scheme, and particularly a garden proposed for plot 6, would affect the legal line of the public footpath, provision must either be made to accommodate the legal line of the public footpath within the scheme or on an alternative route which would require the making of a public path diversion order under section 257 of the Town and Country Planning Act 1990 ("the 1990 Act").

Any public path order be needed to divert the legal line of the public footpath must be made, confirmed and come into operation before the completion of the development. I wish to draw your attention to section 257(1A) of the 1990 Act which allows for the making of a public path diversion order before any decision is taken on the granting of planning permission. This may provide clarity on the outcome of the diversion before any decision is taken on the granting of planning permission.

*Please take this email as a **withdrawal of our objection** to the scheme.*

WLDC Archaeology

Comments – LCC Archaeology commented that there was insufficient site-specific archaeological information. It was recommended that a Heritage Impact Assessment is provided that includes a geophysical survey and trial trench evaluations.

Environment Agency

Does not wish to offer any comments.

Lincolnshire Wildlife Trust

No objection – The Lincolnshire Wildlife Trust raised a holding objection to the proposed development due to the absence of Preliminary Ecological Appraisal that deliver a 10% net gain.

A Preliminary Ecological Appraisal has since been submitted by the applicant and the Lincolnshire Wildlife Trust commented as follows:

For what it's worth the BNG tables don't look too bad (slightly ambitious urban tree condition but downgrading those to 'moderate' still yields around 9% gain. Always suspicious of creation tables that lack a ukhab map for the proposed site plan. This seems to be a trend though I do remember having to do this myself during my time in consultancy.

The Lincolnshire Wildlife Trust have also explicitly confirmed that they have no objection to the proposed development and have no further comments to make.

The Ramblers Association

Comments were received stating that the consultation request had been received and the following was stated on September 27th 2023:

Looking at the proposed plans further, it appears the developer proposes to uproot the existing hedge on the eastern side of Public Right of Way 162 enlarging the site to be built on. I am querying his ownership of that P.R.O.W. as I believe it was donated to the Ramblers in 1986 by the then Landowner Mr. Hugh Bourne. Regardless of ownership I strongly object as this route would totally be changed as walkers would have to share with traffic and it would destroy the rural nature of the Footpath.

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S2: Growth Levels and Distribution
Policy S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns
Policy S6: Design Principles for Efficient Buildings
Policy S7: Reducing Energy Consumption – Residential Development
Policy S14: Renewable Energy
Policy NS18: Electric Vehicle Charging
Policy S20: Resilient and Adaptable Design
Policy S21: Flood Risk and Water Resources
Policy S47: Accessibility and Transport
Policy S49: Parking Provision
Policy S53: Design and Amenity
Policy S57: The Historic Environment
Policy S60: Protecting Biodiversity and Geodiversity
Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains
Policy S67: Best and Most Versatile Agricultural Land

- **Lincolnshire Minerals and Waste Local Plan (LMWLP) (Adopted June 2016)**

The site is not in a Minerals Safeguarding Area and Policy M11 of the Core Strategy does not apply.

National Policy & Guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**
- **National Planning Practice Guidance**
- **National Design Guide (2019)**
- **National Model Design Code (2021)**

Main issues

- Principle of Development
- Visual Amenity
- Residential Amenity
- Heritage Conservation
- Highways
- Archaeology
- Ecology & Biodiversity
- Flood Risk
- Other Matters

Assessment:

Principle of Development

The site is located within the settlement of Market Rasen which sits within Tier 3 of the settlement hierarchy which is established by Policy S1 of the CLLP. The previous planning permission (140904) determined that the site was not located within the developed footprint of Market Rasen due to it being on an arable field that relates more to the open countryside than the continuous built-up area of Market Rasen. However, due to Market Rasen being designated as a 'Market Town' that sits within Tier 3 of the settlement hierarchy, residential development that is directly adjacent to the developed footprint is acceptable in principle providing that a proposal accords with the following provisions within Policy S3:

To further bolster supply at the top three tiers of the settlement hierarchy, proposals on sites outside of but immediately adjacent to the developed footprint will be considered on their individual merits and will:

- *Be fully policy compliant, including meeting in full the affordable housing provisions set out in Policy S22;*
- *Result in no significant harm (such as to landscape, townscape, heritage assets and other protected characteristics of the area);*
- *Be suitably serviced with infrastructure;*
- *Be subordinate in size and scale to the community they adjoin and will not harm the settlement form, character or appearance of the area;*
- *Integrate successfully with the community they adjoin having regard to the mix of uses proposed and the design, layout and accessibility of the scheme; and*
- *Promote active travel patterns including access by walking, cycling and public transport.*

Any such proposal must not compromise the delivery of any other site allocations in the settlement.

The proposed development is for the erection of six residential dwellings and the total site area is under 0.5 hectares and as such there are no affordable housing requirements associated with this application (it falls under the qualifying criteria in policy S22). All relevant technical material planning considerations will be assessed throughout this report. However, it is considered that the proposed development is of a proportionate nature and scale that would not compromise any residential development on the closest allocated housing sites. It would be situated between established residential development to the west at Wetherby Close and the north and east at Legsby Road. There would be both a road and footpath access to Legsby Road allowing for the development to be integrated successfully into its surroundings.

Furthermore, it is considered that the development would be served by sufficient infrastructure. No objection been raised by the relevant technical statutory or non-statutory consultees in this regard (foul sewage and surface water drainage will be addressed later in this report). The site is within a 15-

minute walk of Market Rasen Town Centre and the topography is sufficiently flat to allow for cycling to a viable mode of transport.

It is noted that the previous scheme was reduced from five to four dwellings but the superseded layout of 140904 differed in the sense that it was for five dwellings that were arranged in a curvy-linear fashion and the dwelling furthest south protruded further into open countryside. Therefore, the application was amended to prevent the developed footprint Market Rasen extending further to the south beyond Wetherby Close.

Although this proposal would see a 50% increase in the total number of approved dwellings, this is from a low baseline of four dwellings. The overall density of housing on the site is still low at around 11 dwellings per hectare (dph). Despite the overall increase of two dwellings, this is not considered to be a disproportionate level of housing growth given the constraints of the site. Development on unallocated sites in Large and Medium Villages is up to 10 dwellings, albeit on sites that fall within the development footprint and are in an appropriate location. Whilst this is not a perfect comparison as this site is directly adjacent to the developed footprint of a Market Town, Market Rasen is a Tier 3 settlement within the settlement hierarchy and therefore is naturally expected to accommodate a higher level of development overall.

The size of a settlement is not a justification in itself but it will be demonstrated through this report that it is the professional view of the Officer that the proposed development is acceptable on its merits, subject to the imposition of the relevant conditions and on the balance of material considerations outlined in this report.

Loss of Best and Most Versatile (BMV) Land:

The site is located on an arable field that is in semi-active use. However, notwithstanding this, the site is only 0.4 hectares in scale and Policy S67 only requires the submission of an Agricultural Land Classification (ALC) Report where a site is larger than one hectare in scale.

The site is allocated as Grade 3 on the Natural England Agricultural Land Classification Map for East Midlands (ALC005), as is all agricultural land surrounding Market Rasen.

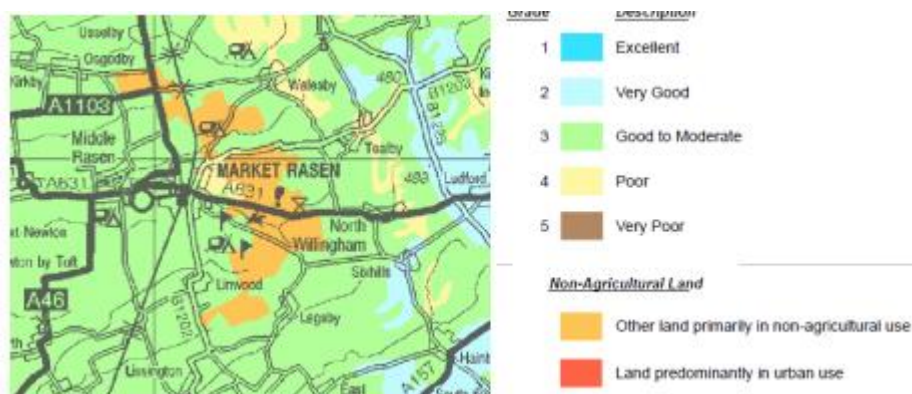


Figure 1: – <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-fordevelopment/guide-to-assessing-development-proposals-on-agricultural-land>

The map (shown above) does not distinguish between Grade 3a (good) which qualifies as BMV Land and Grade 3b (moderate) which does not qualify as BMV Land. Natural England is only a statutory consultee when the loss of agricultural land over 20 hectares. Standing advice from Natural England states the following:

You should take account of smaller losses (under 20 hectares) if they're significant when making your decision. Your decision should avoid unnecessary loss of BMV land.

Reflecting on the above and in context of Policy S67 of the CLLP, it is not considered that the loss of this land would either be significant or unjustified. The site area at 0.4 ha is well below the one-hectare threshold and given that the principle of residential development on this site was previously established, it is considered that the proposal is broadly consistent with the requirements of Policy S67 of the CLLP. Although the proposal would see an overall increase in the number of dwellings, it considered that this proposal makes a more efficient use of land and does not extend the *developed footprint* of Market Rasen further to the south. In this context, the loss of agricultural land is not unjustified.

In respect of the above, it is therefore considered that the proposed development is acceptable in principle. The relevant material considerations will be assessed in the remainder of this report.

Visual Amenity

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

The proposed development would see the introduction of six detached bungalows that would comprise a mixture of materials, built forms, integral garages, driveways and semi/detached garages. The dwellings would be arranged in two rows with the principal elevations facing towards the access road and the shared private drive. This is considered to be an acceptable layout as it would achieve both an active frontage with the main architectural detailing facing towards the more prominent public vantage points, creating a sympathetic street scene. With the exception of Plot 1 which has an integral garage, each individual plot would have a semi-detached/detached garage with drive access in front. The garages would be set the side of the dwellings prevent a visually cramped form of development. Plot 3 would be the exception to this with the detached garage set forward of the building but this is in the middle of the site and would also provide additional privacy to Plot 1 to the north. This layout overall resembles a rural-suburban cul-de-sac that creates a new visual context but in way that is not harmful to the character and appearance of the area.

In terms of scale, each bungalow would have a ridge height of just over six metres and an eaves height of just over four with projecting gables having a lower ridge height but a similar eaves height. This is also acceptable given the relatively low density of housing that would occupy the site. Given that the bungalows are detached, this would also match the nature of the dwellings that are being proposed. The scale would be sufficiently in keeping with the type of detached bungalows that exist on The Ridings and Wetherby Close and would not visually dominate any adjacent dwellings. The bungalows would not be visually prominent from public vantage points on Legsby Road and would appear as a sympathetic infill development to the south. The proposed development utilises a combination of boundary treatments that balances both the privacy of the occupiers with the need to respect the landscape character. The southern boundary treatment of Plot 5 and Plot 6 prevents a visually monolithic appearance which could occur if close boarded fencing was utilised on the rear elevations as well as the side elevations of Plot 5 and Plot 6. Close boarded fencing and hedgerows is acceptable on the northern and eastern boundaries as these do not face towards the main public vantage points to south and west of the site. The garages would be a similar height to that of the eaves of their host dwellings which would achieve both visual subservience and visual integration into the street scene. This prevents the garages looking disjointed from the bungalows.

The design approach attempts to create a semblance of visual heterogeneity which is achieved by utilising a mixture of materials in the roof and also in the overall form of the dwellings. There is a combination of hipped and gable roofing proposed on both the bungalows and garages. It is proposed to finish the dwellings and garages in red facing brick, cream uPVC and either grey interlocking concrete tiles or clay pantiles. This material specification is considered to be acceptable in a rural location. The clay pantiles are especially appropriate on the southernmost plots as these face towards open countryside where clay pantiles are the most appropriate. This variation in terms materials and form is both sympathetic to the established character of the area but also prevents a uniform appearance that would fail to enhance

local distinctiveness. The form of Plots 1 and 5 whilst not standard gives the impression that a pedestrian is entering and leaving the site as the roofline rises or falls depending on the direction that a pedestrian would be walking. This aids in the visual transition from urban to suburban/rural and suburban/rural to open countryside respectively. The application form notes that the finish of the doors on the dwellings and garages is to be confirmed. A condition will be attached to the decision notice requiring these details of their materials, finish and external appearance to be provided prior to their installation.

It is considered that the overall proposal would respect the character and appearance of the area whilst creating a degree of visual distinctiveness that is based on a sound understanding of its context. The impact on the wider landscape character is considered acceptable. From the south, these dwellings would be seen within the context of existing built development and would be well concealed beyond the immediate proximity of the site to the north and would well concealed from Legsby Road.

For the reasons explained above, it is considered that the proposed development is in accordance with Policy S53 of the CLLP and Section 12 of the NPPF.

Residential Amenity

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

The total site area is 0.4 hectares and it is therefore considered that the proposal would result in a relatively low-density form of housing (15 dph gross). This is reflected in the scale of the dwellings which are slightly over six metres in height. It is noted that the proposed development would result in a 50% increase in the number of dwellings from that previously granted permission. However, whilst representations concerned with over-development are noted 15dph is considered to be a low density. By way of an example, the calculation used to identify site capacity in the Central Lincolnshire Local Plan would assume 35dph on a site that is 85% developable¹ - around 11 dwellings. The proposal would achieve a lower density of housing than the bungalows on The Ridings or Wetherby Close.

The dwellings would provide both a high standard of residential amenity to both the future users and the adjacent dwellings. The closest separation distance to a dwelling not on the site is at least nine metres which is considered to be acceptable given the single storey nature of the proposal.

¹ HOU002a – Central Lincolnshire Policies S76-S82 Evidence Report (March 2022) <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library>

The separation distances on site are in excess of 10 metres with the exception of Plot 3 and Plot 4 but given that these are located in a linear fashion, this is considered acceptable as the principal and rear elevations are parallel to one another. The separation distance combined with the boundary treatments and overall scale of the plots with respect to the host dwellings is considered acceptable. The smallest amount of amenity space appears to be on Plot 4 which has at least 80 square metres of rear garden space.

All of the principal and rear elevations have been designed to face away from each other which also helps to improve privacy and largely removes the risk of overlooking, overshadowing and overbearing forms of development. The windows are all relatively low to the ground which also improves privacy. The dwellings to the north may partially overlook the site, but the separation distance which is in excess of 10 metres and perpendicular spatial relationship is acceptable and this is only applicable to Plot 1. The rest of the dwellings have a much greater separation distance to off-site dwellings. The separation distances were not found to be unacceptable in the previous application (layout was not a reserved matter) and there is no reason to come to a contrary conclusion in this circumstance.

Finally, the low density of the plots and relatively large scale of the bungalows would comply with the national technical space standards alongside providing a good amount of exterior amenity space.

One condition will be attached requiring the submission of a Construction Method Statement. This was placed on the previous outline planning consent and is considered appropriate to ensure that there are not any unacceptable impacts on the amenity of the occupiers of neighbouring dwellings during the construction period. Subject to this condition, it is considered that the proposed development would accord with Policy S53 of the CLLP and paragraph 130 f) of the NPPF.

Highways

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

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

The proposal would see the introduction of an additional six dwellings with access being obtained to the north from Legsby Road. The Local Highway Authority at Lincolnshire County Council has stated that whilst the access to the site is unusual, it is not considered that the proposed development would result in either an unacceptable impact on highway safety or a severe cumulative impact on the wider highway network.

Concerns raised by local residents are noted. However, the emphasis on new housing development within Market Towns is that growth on unallocated sites should be proportionate. Whilst the proposal would represent an increase of two dwellings from the four permitted via 140904, this is not considered to be unacceptable and the overall cumulative impact resulting from six new dwellings (a net increase of two from 140904) would not be unacceptable. Given the overall size of the site, it is considered that the development of six residential dwellings on 0.4 ha of land is an appropriate scale and density of development with respect to highway safety.

All of the new dwellings would have sufficient off-street parking that meets the requirements of Policy S49 of the CLLP. In addition, the access is sufficiently wide enough to allow for two vehicles to safely pass each other. Visibility from the access to the site is also sufficient and would not conflict with the guidance in the Manual for Streets. Comments in relation to aspects such as bin collection and carrying distances are noted but the CLLP does not set formal standards on carrying distance and bin collection would be a matter that is required to be resolved prior to the occupation of the new dwellings.

As part of the re-consultation period, the applicant submitted visibility splay drawings. One local resident has commented stating that cars turning into the new access would block the view of cars existing on Legsby Road. It should be noted that visibility splays are indicative drawings that demonstrate that acceptable visibility can be achieved, depending on the speed limit and the standards outlined in the Manual for Streets. No objection has been received from the Local Highway Authority and there is no reason to conclude that the proposed development would be unacceptably different from any other junction on a suburban cul-de-sac.

It is therefore considered that the proposed development would accord with Policies S47 and S49 of the CLLP and paragraphs 92, 110 and 111 of the NPPF.

Archaeology

Policy S57 of the CLLP requires that development proposals should take opportunities to protect and where possible, enhance the significance of heritage assets. Appropriate assessment proportional to the significance of a potential heritage asset should be submitted and where this is still sufficient, appropriate intrusive and non-intrusive mitigation should be undertaken. Similar guidance is also contained within paragraph 205 of the NPPF.

The comments received by LCC Archaeology are noted. However, the previous application 140904 stated that no archaeological input was required. Whilst it is conceivable that new evidence may have been provided since, no further justification for requiring a full Heritage Impact Assessment to include trial trenching and a geophysical survey has been provided in the response. The previous outline planning consent only lapsed in August 2023 and given that archaeology is a principle consideration, it is not considered reasonable to impose a requirement for further archaeological information given that the applicant would have had the option to discharge conditions and make a material start when this application was submitted in May 2023.

Notwithstanding the above, the site is a semi-active arable field which still would still retain an access for agricultural machinery from Legsby Road, should it be minded that to grant planning permission. Taking paragraph 205 of the Framework into account, it is considered that it would not be proportionate to request any further information with regard to this planning application.

The basis for requesting this information is not clear given the previous outline planning consent and any archaeological remains that may have previously been present, are very likely to have been disturbed. LCC Archaeology were also subsequently notified of this previous response and have stated that given the above considerations that these recommendations do not need to be actioned as they were unaware of the previous recommendations. No new information has come to light since 2020.

As such, it is considered that the proposed development is in accordance with Policy S57 of the CLLP and paragraph 205 of the NPPF.

Climate Change

Policy S6 sets out the overarching principles that relate to design of energy efficient buildings. In turn, Policy S7 outlines a specific requirement for all new residential development to be accompanied by an Energy Statement. This sets out two criteria which require that new residential development provides generates at least the same amount of on-site renewable energy as the dwelling consumes. The second criteria sets out that no single dwelling should exceed a total energy demand of 60 kWh/m²/yr with a site average of 35 kWh/m²/yr.

This application has been accompanied by an Energy Statement which concludes that the average total energy demand of the new dwellings would be 35.1 kWh/m²/yr. The space heating demand for the dwelling would be 14.52 kWh/m²/yr which is an improvement on the 15-20 kWh/m²/yr required by Policy S7. The average total energy demand would very marginally exceed the requirement of Policy S7 but there would be a marginal improvement on the average space heating demand.

Some caution should be exercised as the submitted u-values that are outlined in the Energy Statement are at the upper end of the recommended range for

compliance with Policy S7 as set out in the Energy Efficiency Design Guide which has been produced to assist both applicants and LPAs alike. Nevertheless, it is conceded that the submitted Energy Statement mostly complies with the overarching criteria of Policy S7 and are a significant improvement on current Building Regulations standards. The Energy Efficiency Design Guide does not form part of the development plan so can only be taken as guidance.

In addition, substantial weight is attached to the benefits of the provision of renewable energy as stated within Policy S14 of the CLLP. Paragraph 158 of the NPPF in turn recognises that even small-scale renewable energy production is invaluable in achieving reductions in carbon emissions. Another important consideration is that the principle of development has already been established on this site via 140904 which only lapsed in August 2023. This proposal if granted, would achieve a material improvement on development that has been previously approved by allowing for all dwellings to be largely energy independent from low carbon sources. This is in accordance with the ambition of paragraph 152 of the NPPF which seeks to achieve radical cuts in greenhouse gas emissions. This proposal would see the introduction of between 10 and 15 photovoltaic solar panels on each individual dwelling. The amended Energy Statement has outlined that the proposed development would be able to generate up to 57 kWh/m²/yr which would significantly exceed the total energy demand of the dwellings and is therefore considered to be acceptable subject to the additional details which would be secured by condition (outlined in the final paragraph of this section).

It is therefore considered that whilst the Energy Statement is very slightly above the 35 kWh/m²/yr and does not contain a specification of solar panels, the proposal is broadly consistent with the requirements of Policies S6 and S7 of the CLLP. Any departure from these policies is minimal and is greatly outweighed by the other economic and environmental benefits associated with the proposed development.

This is subject to the imposition of the standard conditions that ensure compliance with the relevant policies outlined in this section. An additional condition will also be attached requiring further details on the specification of solar panels to be provided with the discharge on the pre-commencement condition (Condition 3).

Ecology & Biodiversity

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

This application has been accompanied by a Preliminary Ecological Appraisal (PEA) which includes a Biodiversity Net Gain calculation that outlines the

proposed development would achieve a 30% net gain in habitat units and a 34% net gain in hedgerow units. This is sufficiently in excess of the minimum 10% net gain that is required by Policy S61. The site is an active agricultural field and therefore very little vegetation was present at the time of my site visit which would have yielded a low ecological baseline allowing for a significant net gain to be achieved. This is also aided by the relatively low density of the proposed dwellings allowing for more planting to be proposed.

The net gain figures are afforded modest weight in favour of the proposed development. There are no concerns regarding the Biodiversity Metric 4.0 calculations but no specification of the planting proposals has been submitted alongside the application. The submitted Site Plan shows the locations and broad type of planting that would be undertaken but no details on the species have been provided. It is therefore appropriate to attach a pre-commencement condition requiring the submission of a landscaping scheme in order to fully demonstrate the figures that have been outlined within the PEA.

The other relevant consideration is that the site has been determined to have potential for nesting birds. However, an additional survey would only be required if the development was to commence in the bird nesting season (March to August). The recommendations of the PEA will therefore be conditioned as part of a grant of planning permission. It is not considered necessary to require a separate pre-commencement condition for nesting bird surveys. Nesting birds are a protected species under the Wildlife and Countryside Act 1981. Therefore, it is an offence to cause undue harm to protected species independent of the planning process.

The Lincolnshire Wildlife Trust did not raise any objection/holding objection in their follow-up response to proposal. There was some doubt expressed about the quality of urban trees. However, even assuming that all of the trees would only be of a moderate quality, this would still yield a 9% net gain in biodiversity, and this in itself is only an assumption. BNG calculation are by their very nature proposals are based on assumptions. The final details will also be secured via a pre-commencement condition that is detailed at the end of this report. Given that a 9% can be assumed as a worst case scenario and the calculations were undertaken by a suitably qualified professional, it is considered that the proposed development is in accordance with S60 and S61 of the CLLP and paragraph 174 of the NPPF in light of the material considerations outlined in this report.

Flood Risk

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

The site is located within Flood Zone 1 which is considered to be at the lowest risk of flooding. This is sequentially preferable and the proposed development does not need to pass either the sequential or exceptions test. Footnote 55 of the NPPF requires the submission of a site-specific Flood Risk Assessment (FRA) for all development within Flood Zones 2 and 3. There is also a requirement for all development over 1 hectare in area in Flood Zone 1 or where there are critical drainage problems that have been identified by the EA. Following concerns raised by Cllr Stephen Bunney and a number of local residents, the applicant submitted a site-specific FRA. This concluded that the risk of flooding from all sources was **low** with the exception of pluvial flooding which was identified as having a **medium risk**. Page 8 (Figure 4.1) contains a map of the site and shows that the risk of surface water flooding was medium in a small area towards the north-eastern edge of the site near Plots 1 and 3. The FRA also contains an indicative drainage strategy. For a development to comply with Policy S21 and Section 14 of the NPPF, both the drainage of surface water and foul water/sewage must be acceptable.

Surface Water Drainage

In terms of surface water drainage, the type(s) of management systems required will inevitably depend upon the site-specific planning constraints. In some circumstances, a multi-functional drainage strategy may be required. The PPG establishes a hierarchy of drainage options which is as follows (the higher on the list, the more sequentially preferable):

- 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.*

Data from the British Geological Survey indicates that the site is located on superficial deposits of blown sand. The results from the percolation tests are outlined in Appendix 1 of the FRA. The indicative drainage strategy includes the provision of a new swale near the western boundary of the site alongside the provision of two new soakaways. The size of the soakaways has been calculated for a 1:100-year return period with a 40% climate change allowances in peak rainfall intensity. This would put indicative drainage strategy towards the top of the surface water drainage hierarchy. No objection has been raised from any statutory or non-statutory technical consultees in relation to this drainage strategy which will also be subject to a pre-commencement condition so the proposed drainage strategy can be formalised.

The floor levels of Plots 1 and 3 will also be raised to 28.6 metres AOD to account for water 'ponding' on site (see Sections 5.2 to 5.4 of the FRA).

Foul Sewage

It is proposed to send foul water/sewage to the closest Anglian Water facility for proper disposal. The indicative drainage strategy includes a hydro-brake to limit discharge to the mains sewer to 2lt per second. Anglian Water and Shire Group Internal Drainage Board (Ancholme) were both consulted as part of the statutory consultation process but no replies with received from either consultee. This does not necessarily indicate support for the proposal but in the absence of any specific concerns, the indicative drainage strategy is considered acceptable. Discharge of foul water/sewage to a mains sewer is sequentially preferable and all relevant consultees will be consulted when a discharge of condition application comes forward.

In addition, it should be noted that the management of foul sewage with respect to new development also requires regulatory approval that is independent from the requirements of the Town and Country Planning Act (e.g. Section 104 of the Water Industry Act 1991).

Summary

It is noted that there are concerns regarding the capacity of the existing infrastructure to handle new development. However, subject to a pre-commencement condition requiring the submission of a formal foul sewage and surface water drainage strategy and the lack of any objections from the relevant consultees, it is considered that the proposed development would accord with Policy S21 of the CLLP and paragraphs 159 and 167 of the NPPF. A second condition will also be imposed requiring that the development is undertaken in accordance with the recommendations in the submitted FRA.

Other Matters:

Public Rights of Way

The comments relating to the existing Right of Way (MaRa/162/6) are noted. However, when considering the requirements of paragraph 100 of the NPPF, it is not considered that the proposed development would have an unacceptable harm on the integrity of MaRa/162/6. The current Right of Way is partially overgrown and not particularly well defined. The amended Site Plan would have a footpath running along the western edge of the site, separating footpath users from vehicular traffic, which would have a timber gate access to the south.

This is considered to be a potential enhancement to the existing Right of Way. The amended Site Plan also retains the existing agricultural access. The following sections from the Planning Practice Guidance are also relevant:²

7.8 In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable

² <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#public-rights-of-way>

to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

7.11 The grant of planning permission does not entitle developers to obstruct a public right of way. It cannot be assumed that because planning permission has been granted that an order under section 247 or 257 of the 1990 Act, for the diversion or extinguishment of the right of way, will invariably be made or confirmed. Development, in so far as it affects a right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect. The requirement to keep a public right of way open for public use will preclude the developer from using the existing footpath, bridleway or restricted byway as a vehicular access to the site unless there are existing additional private rights. Planning authorities must ensure that applicants whose proposals may affect public rights of way are made aware of the limitations to their entitlement to start work at the time planning permission is granted. Authorities have on occasion granted planning permission on the condition that an order to stop-up or divert a right of way is obtained before the development commences. The view is taken that such a condition is unnecessary in that it duplicates the separate statutory procedure that exists for diverting or stopping-up the right of way, and would require the developer to do something outside his or her control.

For these reasons, it is not considered that the proposed development would conflict with paragraph 100 of the NPPF. An informative to the decision relating the potential requirement for a Footpath Diversion Order.

Assessment of Amended Proposed Site Plan

Notwithstanding the above assessment that was made above, the applicant has submitted an amended proposed site plan. Although the assessment above was favourable of the creation of a new dedicated footpath, the applicant submitted this information due to the number of comments received both from local residents and consultees. These concerns stemmed from the diversion of the existing route which is used by many local residents but also from technical consultees (summarised above) but for slightly different reasons such as a lack of detail of ongoing maintenance and the impact on an established route that links to the Lincolnshire Wolds. The amended site plan illustrated below but this also contains the definitive route for the Right of Way (the purple line):



Figure 2: Definitive Route (Footpath 162).

The amended site plan would retain more of the original route of the footpath but would still deviate from the definitive route. This would therefore require a formal diversion order (most likely under Section 257 of the Town and Country Planning Act 199) which is an independent decision-making process that is not impacted by this decision. Three objections were received to the amended site plan (compared to the previous 10 objections) and whilst these were still objections, the overall sentiment of was that this represented an improvement on the previous proposed footpath route.

With additional details of ownership and ongoing maintenance of the footpath, the Senior Definitive Map Officer withdrew the objection on behalf of Lincolnshire County Council Public Rights of Way & Access team. Some of the confusion in the consultation responses received appears to stem from the existing definitive route being different from both the proposed route but also the route which is utilised by existing residents.

The presence of contradictory information in the form of there effectively being a definitive route, a route that is actually used by residents and the route being proposed by the applicant. This is not to dismiss the concerns raised, but it is considered that the contradictory information would have caused more objection than would have otherwise been the case.

A remaining concern for the Local Planning Authority is that the definitive route runs through the garden space of Plot 6, which would be both a substantial detriment to the residential amenity of future occupiers if the definitive route was utilised but would also obstruct a Right of Way. Therefore, it is considered that a Grampian-style condition should be imposed relating to ensuring that a new route is created and the existing one is extinguished prior to the commencement of any development on Plot 6. This would not stop development commencing on the wider site but would require a diversion order to be in place prior to any development taking place on Plot 6.

In the light of new information and consultation responses, it is considered appropriate to impose an additional condition as there is a clear justification for doing so that is considered to meet the six tests in paragraph 56 the NPPF. Therefore, subject to this condition, it is considered that the proposed development is in accordance with paragraph 100 of the NPPF.

Other considerations

The comments regarding boundary disputes are noted. However, boundary disputes are a civil matter between relevant parties and therefore is not a material planning consideration and no weight can be afforded any comments in this regard.

Conclusion:

The proposal has been considered in light of relevant development plan policies namely S1: The Spatial Strategy and Settlement Hierarchy, S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S14: Renewable Energy, Policy NS18: Electric Vehicle Charging, S20: Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S57: The Historic Environment, S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains and S67: Best and Most Versatile Agricultural Land of the Central Lincolnshire Local Plan.

In light of the assessment outlined in this report, it is considered that subject to conditions, the proposed development is acceptable on its merits. It is therefore recommended that planning permission is granted subject to conditions.

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

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

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

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

2. No development shall take place until a scheme of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in accordance the approved details.

Reason: To ensure appropriate foul sewage and surface water drainage in accordance with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan.

3. Prior to the commencement of construction works on any dwelling, including footings being commenced, a scheme shall be agreed in writing with the Local Planning Authority relating to the verification of the post-construction energy performance of the dwelling(s) to be constructed under this permission, including a mechanism for the provision of the verification to individual home owners. The approved scheme shall be implemented in full, including mechanisms by which any shortfall in performance against the updated Energy Statement received 13th September 2023 will be mitigated.

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

4. Prior to the commencement of the development, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details:

- Details of the size, species, planting arrangement and position of all trees, hedgerows and other vegetation to be planted in accordance with the details in the submitted Preliminary Ecology Appraisal and Biodiversity Net Gain Assessment and Biodiversity Metric 4.0 Calculation dated August 2023.

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

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with Policies S53, S60 and S61 of the Central Lincolnshire Local Plan and Sections 12 and 15 of the National Planning Policy Framework.

5. No development hereby permitted shall take place unless a Construction Method Statement has been submitted to, and approved by, the Local Planning Authority. The statement shall include the following:

- Construction working hours;
- Measures for the routing and parking of construction related traffic;
- Indicate areas for the loading and unloading of materials;
- Measures to prevent the obstruction of the Public Right of Way during construction;

The development shall thereafter be undertaken in accordance with the approved Method Statement.

Reason: In order to minimise the disruption that may arise through the construction period to residential amenities, and to ensure that the Public Right of Way is not unduly obstructed, in accordance with Policies S47 and S49 of the Central Lincolnshire Local Plan.

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

6. The scheme referred to in Condition 3 shall also include a specification of solar panels to demonstrate the total energy output outlined in the submitted Energy Statement and on the submitted Site Plan 1323/003 REV B, received 15th August 2023.

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

7. 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: 1323-005, 1323-006, 1323-007, 1323-008, 1323-009, 1323-010 and 1323-0011 received, 23rd May 2023 and 1323/003 REV B received 15th August 2023. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

8. The development must be completed in strict accordance with the external materials listed on the application form received, 29th August 2023.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

9. No development shall take place on Plot 6 unless a formal diversion order for footpath 162 has been granted by virtue of Section 119 of the Highways Act 1980 or Section 257 of the Town and Country Planning Act 1990.

Reason: To ensure that the proposed development protects and enhances the existing Public Right of Way (Footpath 162) and that the existing route does not have a detrimental impact on residential amenity to accord with Policy S53 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

10. The development hereby permitted shall be undertaken in accordance with the recommendations in Section 5 and 6 of the submitted Flood Risk Assessment received, 30th June 2023.

Reason: To ensure that the development does not result in an unacceptable impact on flood risk in accordance with Policy S21 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

11. The development hereby permitted shall be carried out in accordance with the details set out in the updated Energy Statement received 13th April 2023 unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

- Preliminary Ecology Appraisal and Biodiversity Net Gain Assessment and dated August 2023

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with Policy S60 of the Central Lincolnshire Local Plan and Sections 12 and 15 of the National Planning Policy Framework.

14. Any site clearance or works to vegetation should be undertaken outside of the bird nesting season (March to August) unless otherwise given the all clear by a suitably qualified professional and subsequently agreed in writing with the Local Planning Authority.

Reason: In the interests of protecting biodiversity and protected species in accordance with Policy S60 of the Central Lincolnshire Local Plan and Section 15 of the National Planning Policy Framework.

15. Prior to their installation details of the external appearance of all doors and garage doors including materials and finish shall be submitted to and agreed in writing with the Local Planning Authority. The development thereafter shall be undertaken in strict accordance with the approved details.

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

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

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

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

Human Rights Implications:

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

Legal Implications:

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

Decision Level

✓ Committee

Agenda Item 6b

LOCATION PLAN 146242

Land at Little Tranby Mill Lane Middle Rasen



Officers Report

Planning Application No: 146242

PROPOSAL: Planning application for removal of existing outbuilding and the erection of 2no. bungalows.

LOCATION: Land at Little Tranby Mill Lane Middle Rasen LN8 3LE

WARD: Market Rasen

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

APPLICANT NAME: Mr S Bedford

TARGET DECISION DATE: Extension of Time to 30th November 2023

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Defer and delegate grant of approval to officers subject to conditions and the completion of a legal agreement that delivers the required biodiversity net gain.

This application has been referred to the Planning Committee following representations from the Ward Member, Parish Council and neighbours, with planning concerns relating to existing surface water flood risk.

Description: The site is located on the south eastern rural fringe of Middle Rasen. It is off Mill Lane, accessed by a private drive leading to the existing dwelling within large grounds with a large area of garden adjacent paddock land. The site is located adjacent a 'green wedge' as allocated within the Development Plan. North of the site are the rear gardens of dwellings that face Gainsborough Road. To the west and south west are dwellings that face Mill Lane. There is a detached outbuilding which has the appearance of a dwelling which has been altered with the addition of two garage doors on its eastern gable end. This is to be demolished and replaced with a small two bed bungalow on roughly the same footprint.

A second larger 3 bed detached bungalow and double garage is proposed to the north of the existing dwelling.

Relevant history: Pre-Application advice for a larger site which included building on the green wedge, advising unlikely to be supported.

New dwelling west of the site known as "Rose Cottage":

137822: Outline planning application to erect 1 dwelling – GC 08.07.2018

139587: Application for approval of reserved matters – GC 30.07.2019

Representations:

Cllr S Bunney: (General Observation) Surface Run off Flooding is a problem on Mill Lane Middle Rasen. Water pours off the fields on towards the villages

and currently flows down Mill Lane causing problems for the residents and also on the A631. Despite several requests to Highways the problem persists. Every time there is new development in the area the flooding problem worsens. To resolve the issue, work is required on the main infrastructure as well as on site.

Contaminated Land. I believe that there are areas of contaminated land in the surrounding area as a result of former business activity. These areas in relation to the new developments need to be considered in the planning process

Middle Rasen Parish Council: Object. The parish has received concerns from parishioners around drainage as this area already has surface run-off flooding issues. There is also ground contamination at this site from a previous garage which could be disturbed with development.

Local residents: 5 objections have been received:

The Milestone, Gainsborough Road:

Wilbrook, Mill Lane

Fairfield Gainsborough Road.

The Nest Mill Lane

Will Brook, Mill Lane

Summary of objections (with full details and submitted photographs available to view on our website):

The current open area of the plot allows for the natural soak-away of rain water and run offs from the nearby fields. Building on this open area of land and green open space means there is less surface area for rain and surface water to naturally flow away, therefore the erection of the dwellings will be removing natural drainage.

Increased risk of flooding due to increase in areas of hardstanding due to insufficiency of beck to deal with existing situation;

We will hold the council and planning liable for any flooding;

The land drainage near to Bungalow 2 runs into a small dyke which overflows and floods our neighbours land when there is very heavy rainfall, this then disperses across the front and rear of our property draining away on our land causing problems. The dyke cannot cope at present with the land drainage from the rear of our properties and we believe the erection of property 2 is going to cause additional problems to the existing situation.

Will lead to a congested driveway serving the existing property and with loss of parking for host dwelling new one would have to be built within the Green Wedge; congested and unusable area to front of existing dwelling; increase in noise and disturbance; Highway safety issues entering onto Mill Lane;

The entrance opens onto a blind bend and all vehicles need to be facing onto the road when they come out of the small driveway. Mill Lane is already used by HGV vehicles and other cars which do not appear to know the speed limit and the fact is that two HGV vehicles cannot pass safely side by side

Trees would appear to be lost; although outside LP22 would not enhance or improve the area around Little Tranby.

No space for future maintenance.

Loss of privacy and overlooking.

Hedge gives us privacy but the height on Little Tranby's side is unacceptable and causes overshadowing and restriction of light:

Would look onto garage wall, loss of privacy from bungalow 2;

Concerns about traffic to new garage; page 12 of the Design & Access statement shows a window to the rear of the Northern elevation of bungalow 2 but this does not seem to be on the floor plan,

Other representations:

4 Mallard Way: The Burrows family residing at Somerton, Mill Lane have no objections.

LCC Highways:

03.05.23: **No objections**. This proposal is for removal of existing outbuilding and the erection of 2 bungalows, and the access remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

04.04.23: Additional information required: Updated site plan received, please show turning head OR provide swept path analysis to show road space/width is sufficient to allow delivery vehicles to turn within the site Updated site plan received. Please show a turning head or provide swept path analysis to show road space/width is sufficient to allow delivery vehicles to turn within the site

06.03.23: Additional information required:

Please request the applicant demonstrate a minimum 3.7m width access after the bell mouth of the private drive along with a turning head sufficient to allow delivery vehicles to turn within the site.

Tree and Landscape Officer:

03.05.23: The revised plan is suitable regarding the trees, now to be removed to avoid risk of instability due to driveway close to them. The proposed replacement hedgerow, although lower in biodiversity value, would be a suitable replacement in terms of a new green boundary and natural screening value.

14.04.23 Potential effect on any trees or hedges on or near the site:

I have no concerns regarding existing trees or hedges within or around this development proposal.

The trees along the NW boundary of the site near plot 2 were considered important for screening between properties when the adjacent houses to the west were to be built. However, it is clear from the photos in the DAS that the neighbours in the adjacent westerly property have severely cut back their side of these trees. The trees are now unbalanced with one-sided crowns and provide poor amenity value, as shown on Figure 5.0 in the DAS. These trees should not pose a constraint to development due to their condition as category C trees, though they are natural features that are good for biodiversity and should be retained if possible.

I also need to point out that although the proposed dwelling is an adequate distance from the trees, the drive is shown running very close along the easterly side of the trees. Excavations in relation to installing a driveway, and compaction of hard core would likely sever roots, crush and kill roots, and compact their rooting environment likely to kill additional roots. Installing a driveway so close to the trees will harm the trees health and stability. If the trees are intended to be retained then the westerly edge of the driveway should be moved 5 or more meters further east away from the trees to avoid the risk of causing them to decline or become unstable.

The DAS states the main garden to the east and south is planted with established trees which will not be affected by the proposals.

Conclusion

I have no objections to the proposals, though if the trees along the NW edge are to be retained then the drive should be moved at least 5m further east away from the trees. The trees are not of good enough quality to insist on their retention, but if any are removed then appropriate replacements should be required as part of a scheme of landscaping and to minimise negative impacts on biodiversity of the site.

Lincolnshire Wildlife Trust:

The PEA and BNG have reasonable recommendations. I do wonder how the condition of the habitat created will be attained without a management plan.

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

S1: The Spatial Strategy and Settlement Hierarchy
S2: Growth Levels and Distribution
S4: Housing Development in or Adjacent to Villages
S6: Design Principles for Efficient Buildings
S7: Reducing Energy Consumption – Residential Development
S12: Water Efficiency and Sustainable Water Management
S21: Flood Risk and Water Resources
S23: Meeting Accommodation Needs
S47: Accessibility and Transport
S49: Parking Provision
S53: Design and Amenity
S56: Development on Land Affected by Contamination
S60: Protecting Biodiversity and Geodiversity
S61: Biodiversity Opportunity and Delivering Measurable Net Gains
S63: Green Wedges

There is no neighbourhood plan in place or in preparation

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

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

National policy & guidance (Material Consideration)

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

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.

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

Main issues

- Principle including consideration of design and impacts on the character and appearance of the site, the wider area and the Green Wedge
- Impacts on existing dwellings in proximity to the site
- Surface water and foul drainage including potential flooding
- Highway Safety including parking provision
- Potential contamination
- Biodiversity

- Energy Efficiency

Assessment:

Principle including consideration of design and impacts on the character and appearance of the site, the wider area and the Green Wedge:

Policy S1 of the CLLP designates Middle Rasen as a medium village. Well connected or well served medium villages may receive some limited growth through allocations in this plan in order to achieve a balance between ensuring the vitality of the village and protecting the rural character. Beyond site allocations made in this plan or any applicable neighbourhood plan, development will be limited to that which accords with Policy S4: Housing Development in or Adjacent to Villages. The site is not subject to an allocation so will need to be assessed against S4 which sets out:

“1. Large, Medium and Small Villages, as defined in the Settlement Hierarchy in Policy S1, will experience limited growth to support their role and function through allocated sites of 10 or more dwellings in the Local Plan, sites allocated in neighbourhood plans, or on unallocated sites in appropriate locations within the developed footprint** of the village that are typically:*

- up to 10 dwellings in Large Villages and Medium Villages; and*
- up to 5 dwellings in Small Villages.*

2. Residential development proposals for unallocated sites within the size thresholds set out in part 1 of this policy and within the developed footprint of the village will only be supported where it would:

- a) preserve or enhance the settlement’s character and appearance;*
- b) not significantly harm the character and appearance of the surrounding countryside or the rural setting of the village; and*
- c) be consistent with other policies in the development plan.”*

The scale of development is in accordance with its location within a medium village. The developed footprint is defined as:

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

- individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;*
- gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;*

The site comprises part of a large garden serving the host property (Little Tranby) with dwellings to the north, south and west. Below is the existing and proposed layout.



The Green Wedge designation from the CLLP is reproduced above. The first smaller bungalow will sit on the site of an existing building with the second bungalow to the north of the existing two storey house just outside the green wedge. As there are dwellings to the immediate north and south it would relate more to the built up area rather than countryside. On this basis it would be reasonable to reach the view that as proposed it could be considered to fall within the the developed footprint of the village.

a) preserve or enhance the settlement's character and appearance:

It must be noted that the site is enclosed and not readily visible from publicly accessible land. Nevertheless bungalow 1 is on an identical footprint to the existing outbuilding to be demolished. Plot 2 is located to the north of the larger two storey host dwelling. On this basis as a minimum, it would be reasonable to conclude that it would preserve the settlement's character and appearance.

Whilst not a criterion it would be of assistance to look at the design of the proposed bungalows. The replacement of the outbuilding/garage below with a new bungalow could be considered an improvement. The new dwelling will have white rendered walls and red interlocking roof tiles.



The design of the host dwelling is unremarkable and the design of the 3-bed bungalow (below) is considered appropriate within its immediate surroundings. It will be faced in red brick with red interlocking roof tiles.

Front Elevation

Rear Elevation



b) not significantly harm the character and appearance of the surrounding countryside or the rural setting of the village

As both buildings are single storey and located within the enclosed site which is not visible from publicly accessible locations this will not occur. Whilst the site including plot 1 is not within the Green Wedge, plot 2 is located next to it. Policy S63 states that proposals adjacent to the Green Wedges will be expected to demonstrate that:

- f) they do not adversely impact on the function of the Green Wedge, taking into account scale, siting, layout, design, materials and landscape treatment; and*
- g) they have considered linkages to and enhancements of the adjacent Green Wedge.*

It is not considered that bungalow 2 would have any adverse impacts on the function of the green wedge. In terms of linkages it is noted that there are no

public rights of way to access the site and the nearest public rights of way are “Midd/171/1” 600 metres to the south with “Midd/171/2” approximately 1 kilometre to the east.

The scope for enhancement arising from a single dwelling is limited although it is noted that the garden area will be the closest part of plot 2 to the green wedge rather than the built form of the dwelling which is considered acceptable.

and c) be consistent with other policies in the development plan.”

These are partly assessed above and below in detail and it is demonstrated that it is in accordance with the relevant policies.

On this basis the principle of development is accepted.

Impacts on existing dwellings in proximity to the site

Bungalow 1- The nearest dwellings to this are a modern detached bungalow with a conservatory on its side that faces onto Mill Lane known as “Somerton” located to the south west of the site with a dense hedgerow along its boundary. To the north and north east is a two-storey house “May Cottage”, the rear of which has a two-storey flat roofed extension with a blank brick wall running parallel to the site. Their boundary is made up of concrete posts with infill timber fencing approximately 1.8m high.

The two-bed bungalow due to its size and scale with a height of 2.5m to eaves and 5m to the ridge would not have an oppressive and dominant impact on its neighbours and the only potential issue would be overlooking leading to a loss of privacy. The only openings on the elevation closest would be one-bathroom window and one-bedroom window. The existing boundary treatment would restrict opportunities for overlooking and this would not be a reason to withhold consent. It is also noted no objections have been received from these neighbours. A representation has been received on behalf of Somerton from a family member following a call to the case officer, stating they had no objections.

Bungalow 2 – The front of the bungalow faces to the west. It is 12m from the boundary of a contemporary dwelling “June Cottage” which according to the approved plans is set back approximately 7.8 m within its plot with a gable end facing the proposed bungalow. It contains a solid door at ground floor level with an obscure glazed bathroom window at first floor. Distance separation and an existing boundary of timber fencing ensures negligible impact.

A detached double garage is proposed to serve the new bungalow and is located to its north. It has an eaves height of 2.3 m with a ridge of 5.4 m high. It slopes away from the boundary. It runs along the rear boundary of “Park View bungalow” which faces onto Gainsborough Road and appears to be used in connection with the adjacent garage selling cars and motorbikes

known as “Mark Andrew Vehicle Sales”. There is approximately 13m from the rear of the existing bungalow to the application site. The remainder of the northern boundary of the application site is the rear garden of a detached bungalow “Fairfield” which also faces Gainsborough Road and is approximately 14m long. The blank gable end of the new garage is approximately 1.5m from the south eastern section of the garden belonging to “Park View” and continues across the south western section of the garden of “Fairfield”. The length totals 6m approximately 3m along each garden area. This leaves approximately 8m of the width of each garden remaining.

The side (north) elevation of the new bungalow proposed is approximately 8m from these rear garden areas and will largely be screened by the proposed garage. Objections have been raised that *“the design and access statement shows a window to the rear of the Northern elevation of bungalow 2 but this does not seem to be on the floor plan”*. A door and small bathroom window is shown on the floor plans which face the side of the proposed garage.

There are no openings that face directly north towards the rear garden areas. Distance separation and layout will ensure no unacceptable impacts in terms of massing/dominance or loss of privacy to these neighbours, and this does not represent a reason to withhold permission.

Noting design has been discussed earlier it would be in general accordance with Policy S53 Design and Amenity of the Central Lincolnshire Local Plan.

Highway Safety including parking provision:

Objections have been raised on the loss of parking to the main house which is provided by hardstanding next to the outbuilding which will be lost. There is an existing paved area approximately 80m long and 2.5m wide within the control of the host dwelling which is more than sufficient to accommodate any displaced parking. Two spaces are provided for the 2-bed bungalow and the driveway serving the 3-bed bungalow and detached double garage is large enough to accommodate 3 or 4 cars. It will meet the car parking standards set out in the CLLP. Additionally, no objections on these grounds are raised by the Highways Authority.

It would be in accordance with policies S47 and S49 of the CLLP (2023)

Surface water and foul drainage including potential flooding:

The site is located within Flood Zone 1 (low probability) which is land which has a low probability of flooding from rivers and the sea.

The Environment Agency Flood Map for Planning¹ does not identify the site as being at risk of surface water flooding.

During the course of the application an Outline Sustainable Drainage Strategy (OSDS) was submitted. The online British Geological Survey maps indicate the site is located on superficial deposits of blown sand over a bedrock of

¹ <https://flood-map-for-planning.service.gov.uk/>

mudstone. The topographical plans identify a watercourse to the north east of the site on land within the applicants' ownership.

This is culverted downstream of the application site in a 200mm diameter pipe. Objections have been raised that during rainfall events flooding occurs.

Policy S21 requires that the development "does not place itself or existing land or buildings at increased risk of flooding".

Some existing dwellings on Gainsborough Road are noted to be at high risk of surface water flooding on the Government's published long-term flood risk service. The OSDS considers this due to the 200mm diameter of the pipe used. Pluvial (rainfall) flooding is limited to the watercourse and adjacent lower land upstream of the culvert. Surface water runoff and storage calculation requirements arising from the proposed development have been carried out. This takes the total impermeable area of the development and looks at predicted rainfall depths to calculate the volume requirement for rainfall storage which is 44m³. As the culvert is not capable of accommodating any additional flows it is proposed to provide this storage upstream on the applicants' land by lowering existing land levels and creating what is labelled as an environmental feature to which all flows from impermeable areas will be directed.

Consequently, the proposed development is not expected to increase the risk of flooding elsewhere.

This will not address existing issues with the culvert which this application cannot be used to remedy. It will ensure however that the surface water flows generated by the development can be addressed in a satisfactory manner, without increasing flood risk. A condition will be imposed requiring details to be submitted to and approved in writing prior to any works taking place above existing ground levels. Foul water will be connected to the public sewer in accordance with the preferred hierarchy for disposal. Subject to this it would be in accordance with policy S21.

Potential Contamination

The applicant has stated that they are unaware of any specific issues and that nothing was flagged at the time of purchase. Adopting a precautionary approach, it is proposed to condition this matter as follows:

"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."

This is considered a proportionate way of dealing with this matter.

Biodiversity

Policy S60 seeks to protect and enhance biodiversity. Policy S61 seeks the delivery of at least 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric.

A Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain Assessment (BNGA) together with a Small Sites Metric 4 Biodiversity Net Gain (BNG) Calculation has been submitted. The surveys of the site were carried out on 16th August 2023.

Summary of findings (full version is on the website):

Habitat and Plant Assessment

The desk top study revealed that there are no statutory or non-statutory sites within 2kms of the proposed development. The site consists of buildings, garden and tall ruderal herbs which are not protected habitats. The Hawthorn hedges along the drive are garden hedges with minimal value to wildlife while the northern boundary hedge is a priority habitat, which is to be retained. There were no rare or invasive non-natives plants on site.

Protected Species:

There are 42 protected and 105 priority species recorded within 2kms of the planned development including Badger.

Badger Survey:

No signs of Badger were found on site.

Preliminary Bat Roost Assessment:

In the outbuilding/garage which is to be demolished no evidence of bats was found in the loft but the ridge beam is clean which would make it ideal for bats in the future. These features mean that a small number of bats could roost within the building, so the building has been given a low bat potential.

Biodiversity Net Gain:

The Biodiversity Net Gain calculation using the Small Sites Metric 4 revealed that the original habitat produced 2.6053 habitat units and 0.63 hedgerow units. The proposed plan along with habitat improvements will give 2.9436 habitat units which is an improvement of 0.3384 habitat units or 12.99% net gain. An extra 0.1084 hedgerow units have been created which is 17.2% net gain. This means the required 10% net gain has been achieved. It will be delivered on-site.

Recommendations

KJ Ecology Ltd has no objections subject to the following recommendations:

1. As there is potential for nesting birds on site, which are protected under the Wildlife and Countryside Act 1981 (as amended), then if the works are to start in the bird nesting season (March to August) then a nesting bird survey will be

required before works commence. If a nesting bird is found, then works will cease until the chicks have fledged and the ecologist has given the all clear.

2. As there is a low possibility of bats roosting in the garage/ old bungalow which are a European protected species, then a single evening Presence/ Absence bat survey will be required between May and August to confirm if there is a roost or not.

3. As there is potential for Hedgehogs within the area, then any trenches need to be covered at night during construction to prevent them from falling in;

4. The wildflower meadow area will require cutting in late August time with the vegetation being moved off site and a second cut in November time on the wildflower meadow to reduce the vigour of the grasses. Some reseeding may be required to reach the stated target

5. The trees will need managing to ensure that they stay healthy.

6. Any planting around the buildings should include native and RHS Perfect for Pollinators Garden Plants.

Conclusion

Development of the site in the manner proposed would deliver an enhancement exceeding the 10% required by policy. It would accord with policies S60 and S61 of the Central Lincolnshire Local Plan. The Environment Act in relation to mandatory BNG requires Habitat to be secured for at least 30 years “*via planning obligations or conservation covenants*”.

A Government press release from 27 September 2023 outlined the timetable for mandatory BNG. It sets out that the relevant legislation will be laid in November 2023 and BNG will be required from January 2024.

The Government’s 2023 response to the 2022 BNG consultation set out that the transition period for small sites will be extended to April 2024. The delay to implementing BNG for small is to lessen initial burdens and allow a longer period for developers and local planning authorities to adapt and prepare for the high volume for minor applications. Due to the requirement for an additional bat survey to be carried out between May and August it would therefore have to take place next year after April 2024. On this basis it is recommended that BNG is secured by a planning obligation.

Energy Efficiency

This application was received as a valid application 2 months before the adoption of the current CLLP. Biodiversity policies were contained in the former CLLP whilst the Energy Efficiency policies are completely new. On this basis it would be considered unreasonable to request changes to the scheme in relation to energy efficiency at this stage.

Conclusion including planning balance:

The proposal has been considered against policies S1: The Spatial Strategy, S2; Growth Levels and Distribution, Policy S4: Housing Development in or Adjacent to Villages, Policy S6: Design Principles for Efficient Buildings, Policy S7: Reducing Energy Consumption – Residential Development, Policy S21: Flood Risk and Water Resources, S23: Meeting accommodation Needs,

Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, Policy S56; Policy S60: Protecting Biodiversity and Geodiversity, Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains in the first instance as well as against all other material considerations including the National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment, the proposal subject to the completion of a legal agreement in relation to securing BNG and imposition of planning conditions will give rise to no harmful impacts and approval is recommended.

Recommendation: Defer and delegate grant of approval to officers' subject to conditions and the completion of a legal agreement that delivers the required biodiversity net gain.

Recommended Conditions:

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

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

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

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

None.

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

2. No work on plot 1 shall commence on site until a single evening presence/absence bat survey has been carried out between May and August with the results submitted to the local planning authority for written approval.

Reason: To comply with the recommendations of the KJ Ecology report in the interests of protecting biodiversity in accordance with policy S60 of the Central Lincolnshire Local Plan

3. A nesting bird survey shall be carried out if any works are to take place in the bird nesting season (March to August) before the works commence. If a nesting bird is found, then works will cease until the chicks have fledged and the ecologist has given the all clear.

Reason: As there is potential for nesting birds on site, in the interests of protecting biodiversity in accordance with policy S60 of the Central Lincolnshire Local Plan

4. Works on site shall take place in accordance with the recommendations of the report prepared by KJ Ecology.

Reason: In the interests of protecting biodiversity in accordance with policy S60 of the Central Lincolnshire Local Plan

5. No development, other than to foundations level shall take place until a scheme for the disposal of surface waters has been submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details prior to occupation of the dwellings and retained and maintained thereafter

Reason: To ensure appropriate surface water drainage in accordance with Policy S21 of the Central Lincolnshire Local Plan

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

Proposed Block Plan: Drawing Number 136/002 Revision A
Proposed Site Plan: Drawing Number 136/003 Revision B
Plot 1 Plans and Elevations Drawing Number 136/004
Plot 2 Plans and Elevations Drawing Number 136/005

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 including the outline sustainable drainage strategy prepared by Roy Lobley Consulting dated June 2023.

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

7. 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 accordance with policy S56 of the Central Lincolnshire Local Plan.

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

8. Prior to occupation of the hereby approved dwellings evidence must be submitted to the local planning authority that two rainwater harvesting butts of a minimum of 100 litres have been installed.

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

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

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



Officers Report

Planning Application No: 147333

PROPOSAL: Planning application for 2no. shopfronts to form 2no. retail units and 5no. residential flats including replacement windows and full internal and external refurbishments.

LOCATION: 27 Silver Street Gainsborough Lincolnshire DN21 2DT

WARD: Gainsborough South West

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

APPLICANT NAME: Mr T. Mahmood

TARGET DECISION DATE: 13/11/2023

DEVELOPMENT TYPE: Minor – Dwellings

CASE OFFICER: Dan Galpin

RECOMMENDED DECISION: Grant (subject to conditions)

This application has been referred to the Planning Committee as it would be a departure from policy S49 (Parking Provision) of the Central Lincolnshire Local Plan.

Site Description: The site relates to a multi-storey building at 27 Silver Street which is located at the western edge of Gainsborough Town Centre, close to the junction with Caskgate Street and Bridge Street, with the River Trent slightly further beyond (also to the west). The ground floor of the building was previously occupied by Heron Foods (Use Class E).

The origins of the building lie in the 18th century with later 19th century alterations. The main building is situated within a row of buildings, many of which are also Grade II Listed. In addition, the site is also located within the Gainsborough Town Conservation Area and the Gainsborough Primary Shopping Area. Other relevant planning constraints include the site being situated within a Sand & Gravel Mineral Safeguarding Area and is within Flood Zone 1.

Planning permission is being sought for the change of use alongside consent for works to 27 Silver Street which is Grade II Listed Building to create two ground floor retail units and five residential flats. The list description is as follows:

SILVER STREET 1. 5315 (South-East Side) No 27 SK 8189 1/127 II GV

C18 origins. 3 storeys in painted brick with Welsh slate roof, stone coped to left, modern brick to right gable end. Dentil eaves cornice. 4 windows without glazing bars, painted brick voussoirs. 1 window to right blocked. Late C19 and modern shop front.

Nos 11 to 15 (odd); No 21A; Nos 23 to 33 (odd) and No 10 Silver Street form a group, Nos 29 to 33 (odd) being of local interest.

Listing NGR: SK8143989776

Relevant history:

147334 – Listed Building Consent for 2no. shopfronts to form 2no. retail units And 5no. residential flats including replacement windows and full internal and external refurbishments. Currently under consideration.

Representations:

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

Gainsborough Town Council: Support – *‘The Council supports the Shop Front Improvement Scheme and Town Centre living.’*

Local Residents: No representations received to date.

LCC Archaeology: Comments – *‘The renovation of the unused building and the reinstatement of a historic shopfront is welcomed. The West Lindsey Conservation Officer should also be contacted for comments regarding this proposal. Recommendation:*

If planning permission is granted, I recommend that Historic Building Recording of the site is carried out prior to works. This is to have a record of the historic fabric of the building prior to any changes arising from the proposed alterations.’

The suggested planning condition is a pre-commencement condition relating to the provision of a three part Written Scheme of Investigation.

LCC Highways/Lead Local Flood Authority: No objection – ‘The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal. The applicant should be advised that the projecting canopy will be subject to approval and permission from the County Council for an oversail licence.’

Two informative comments were included relating to the requirement for an oversail licence and a second comment relating to Section 50 notice requirements. These can be included on the decision notice for the full planning application.

LCC Minerals & Waste: No reply received to date.

WLDC Conservation Officer: *No objection (conditions) – ‘The proposal is to create two separate retail units at the bottom from one large one, and to create five residential units from the rear and upper floors.*

27 Silver Street is a grade II listed townhouse built in the 18th century. It is a three-storey front in painted brick with a slate roof. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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. 27 Silver Street is located to the south of the Gainsborough Town Centre Conservation Area and is in the setting of the Gainsborough Riverside Conservation Area. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

Having viewed the site, the internals have been extremely neglected and have deteriorated to a large degree. Parts appear structurally unsound and urgent works have been requested to the asset manager. Internally the historic and architectural interest is within the structural fabric of the building as the internal have been stripped back, replaced, or damaged in the past. The structural timbers within the property are in a poor state with evidence of rot throughout.

The significance of the building comes from the principle elevation and the form of the property that still retains its architectural and historic merit. The shop front had been modernised and the right gable end has modern brick, but the front elevation still retains an 18th century elevation with the fenestration. The elevation, although negatively altered, offers a positive impact to the setting of the listed buildings and conservation area.

The proposal seeks to reinstate a Victorian style shop front. The design is appropriate for the setting and the listed building. This will enhance the heritage asset and the setting of the LBs and CA. The front windows are also to be lengthened back to their original size which will enhance and conserve the historic fenestration. The door and window details enhance the traditional design of the property. The internal alterations retain the historic form and reinstates the sealed-up stairwells which will enhance the historic form. The stairwell, although in a poor condition, has some historic and architectural interest. The proposal seeks to retain them which preserves the historic and architectural interest. The loft has a lime-ash/gypsum plaster floor which is in a reasonable condition. The retention of this preserves the historic fabric. The proposal seeks to retain the important historic fabric and form whilst enhancing the front elevation to positively impact upon the LB and setting within the CA.’

The five suggested conditions relate to details of double glazing, details relating to the shopfronts/principal elevation, the protection of interior features (staircases, lime-ash loft door and second floor door at stairwell to the loft), interior finish/fixings and the completion of a full damp and timber survey.

WLDC Strategic Housing: No reply received to date.

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

Historic England: Comments – *‘Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.’*

The Ramblers Association: No reply 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 2023) and the Gainsborough Neighbourhood Plan (adopted June 2021).

Development Plan

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

Relevant policies of the CLLP include:

S1: Spatial Strategy & Settlement Hierarchy
S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns
S13: Reducing Energy Consumption in Existing Buildings
S21: Water Resources and Flood Risk
S37: Gainsborough Town Centre and Primary Shopping Area
S47: Accessibility and Transport
S49: Parking Standards
S53: Design and Amenity
S57: The Historic Environment
S60: Protecting Biodiversity and Geodiversity
S61: Biodiversity Opportunity and Delivering Measurable Net Gains

- **Gainsborough Neighbourhood Plan**

The relevant policies are as follows:

Policy NPP1: Sustainable Development
Policy NPP5: Protecting the Landscape Character
Policy NPP6: Ensuring High Quality Design
Policy NPP7: Ensuring High Quality Design in each Character Area
Policy NPP18: Protecting and Enhancing Heritage Assets

National Policy & Guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**
- **National Planning Practice Guidance**
- **National Design Guide (2019)**
- **National Design Code (2021)**

Other- Statutory Duties

Sections 66 and 72 of the Town and Country Planning (Listed Building & Conservation Areas) Act 1990 (The Act).

Main issues

- Principle of Development
- Impact on the host Listed Building/Manor House;
- Design, Visual Amenity & Conservation
- Residential Amenity
- Highways
- Flood Risk & Drainage
- Other Matters.

Assessment:

Principle of Development

Gainsborough is situated within Tier 2 of the settlement hierarchy outlined in Policy S1 which outlines the development strategy as follows:

To maintain and enhance their roles as main towns, and to meet the objectives for regeneration, Sleaford and Gainsborough will, primarily via sites allocated in this Local Plan and any applicable neighbourhood plan, be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision. In addition to sites being allocated in the Local Plan or a neighbourhood plan, development proposals in accordance with Policy S3 and other relevant development plan policies will be viewed positively.

Policy S2 outlines that 12% of the housing growth within Central Lincolnshire should be developed within Gainsborough subject to the principles in Policy S3 of the CLLP. The proposed development is located within close proximity to Gainsborough Town Centre and is considered to qualify as an appropriate location that is within the developed footprint of Gainsborough. It is also considered that the proposed change of use would comply with the overarching provisions of Policy S3.

Paragraph 86 of the NPPF (2023) states that Local Planning Authorities should “(f) recognise that residential development often plays an important

role in ensuring the vitality of centres and encourage residential development on appropriate sites.”

The proposed development relates to the change of use of the existing building to create two retail units (the principle of which has already been established) and five residential flats across the ground floor, first floor and second floors of the building. In respect to the requirements of Policy S3, the proposed development would be suitably served by existing infrastructure, would enhance the character and appearance of the landscape/townscape and would be subordinate in size and scale to surrounding built development.

In respect of the above, it is considered that the proposal is in accordance with Policies S1 and S3 of the CLLP.

Design, Visual Amenity & Conservation

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

The most significant works to the building are on the western (principal) elevation which would see the existing windows that are boarded up, reinstated with sash windows. There would be no alterations to the overall fenestration. The existing shopfront would be split into two sections to allow for the two proposed retail units to be accommodated. The overall character of the proposed shopfront would also represent a significant visual enhancement to the character and appearance of the area. This is due to the removal of the contemporary retail frontage and being replaced with new entrance doors, pillars, windows and brickwork, all of which would better complement the pastiche of the street scene.

On the eastern elevation, the boarded-up windows would also be reinstated, large air conditioning units removed with new windows installed on the wall, pitched roof and doors on the ground floor to facilitate access to the proposed residential dwellings. The proposed works to both external facades would represent a significant enhancement to both the front and rear of the building and would remove the visual signs of dereliction that the building currently has.

It is therefore considered that the proposed development would be appropriate in its context and would not result in an unacceptable harmful impact on the character and appearance of the area and would accord with Policy S53 of the CLLP, Policies NPP5, NPP6 and NPP7 of the Gainsborough Neighbourhood Plan and Section 12 of the NPPF.

Impact on setting/significance of Manor House and Church of St Peter and St Lawrence

Policy S57 of the CLLP requires that development proposals do not have an unacceptable impact on various heritage assets ranging from non-designated heritage assets to designated heritage assets which are primarily Listed Building and Conservation Areas. Any development proposal should aim to preserve or enhance the setting and/or the architectural significance of Listed Buildings and preserve and/or enhance the character and appearance of designated conservation areas. Any harm to such heritage assets should have a clear justification and where such a harm cannot be justified or outweighed by the public benefits, planning permission should be refused. These requirements are also contained within national legislation and guidance.

Section 66 of the Planning (Listed Buildings and Conservations Act) 1990 places a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a Listed Building, its setting, and any features of special architectural or historic interest. Section 72 of the same Act requires the Local Planning Authority to have regard for to the desirability of preserving or enhancing the character or appearance of the land and buildings within Conservation Areas.

Paragraphs 194 and 195 of the NPPF require an applicant to describe the significance of any heritage asset that may be impacted. Paragraph 197 requires the Local Planning Authority to take account of the desirability of sustaining and enhancing the significance of heritage assets, the contribution that these assets can make to sustainable communities and the desirability of new development in making a positive contribution to the local character and distinctiveness of the area. Great weight should be given to the conservation of a designated heritage asset, regardless of the level of harm to its significance (paragraph 199) and in turn, any harm to, or loss of the significance of a designated heritage asset should require a clear and convincing justification under paragraph 200. Paragraph 202 allows for development that leads to a *less than substantial harm* to the significance of a designated heritage asset, this harm should be weighed against the public benefits of a proposal.

The proposed development would see the introduction of five residential flats and two retail units within 27 Silver Street which is currently vacant with disused Heron Foods signage and boarded up windows. It is considered that the proposed development would represent a significant enhancement to both the setting and significance of 27 Silver Street and the Gainsborough Town Conservation Area. It would also secure the future use of the Listed Building which is afforded significant weight in the planning balance.

This is subject to the imposition of the same conditions that have been justified and outlined in the previous section of this report with the exception of the conditions that relate solely to the Listed Building Consent (Conditions 7 and 8 on 147334). It is appreciated that there is a matter of urgency with

respect to some of the structural works to the Listed Building. However, the proposed development is not for the demolition of any aspect of the building but merely its conversion as has been discussed previously.

Any demolition of interior areas of the building should either be covered by an appropriate urgent works notice or with a separate application for Listed Building Consent.

The proposal is therefore considered to accord with the statutory obligation under Section 66 of the Planning (Listed Buildings and Conservations Act) 1990, Policy S57 of the CLLP and Section 16 of the NPPF subject to the imposition of the conditions that are outlined in the decision notice.

Archaeology

Policy S57 of the CLLP requires that development proposals should take opportunities to protect and where possible, enhance the significance of heritage assets. Appropriate assessment proportional to the significance of a potential heritage asset should be submitted and where this is still sufficient, appropriate intrusive and non-intrusive mitigation should be undertaken. Similar guidance is also contained within paragraph 205 of the NPPF.

No objection was received from the Historic Environment Officer at Lincolnshire County Council subject to the imposition of a three-part condition requiring the submission of a Written Scheme of Investigation (WSI). However, due to the comments received from the Conservation Officer regarding the lack of significance of the interior of the building, that a full WSI to be completed prior to the commencement of any internal works would not be a reasonable request.

Following informal discussions with the Historic Environment Officer, it has been agreed to change the wording of the condition to a written specification to allow exterior works and non-intrusive interior works to take place prior to the submission. It was also confirmed that the scope of the works would not have to be as detailed and would not require a qualified archaeologist to be on site at all times.

Subject to the imposition of this condition, it is considered that the proposed development is in accordance with Policy S57 of the CLLP and paragraph 205 of the NPPF.

Residential Amenity

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

The proposed development is considered to be acceptable from the perspective of residential amenity. All of the flats would be organised in a manner that would not unacceptably harm the residential amenity any future occupiers in terms of noise, loss of privacy, sunlight or an overbearing form of development. All windows on both the east and west elevations would retain their existing fenestration in a linear arrangement which preserves their privacy and the new windows would mimic the existing fenestration.

The proposed development would largely comply with the national technical space standards. The two-bedroom flat would measure 64 square metres which exceeds the requirements for a three-person flat but would not exceed the requirements for a four person/two bedroom flat. This is the same for all four one-bedroom flats which would all measures between 40-41 square metres. This would exceed the minimum threshold of 39 square metres for a single occupancy flat but would be below the threshold for a two-person one bedroom flat.

Whilst the proposed development would potentially be in conflict with the standards, the future level of occupancy for each flat cannot be guaranteed. The national technical space standards are a material planning consideration but do not form part of any specific policy in the Development Plan. The individual rooms within each individual flat are considered to be of a sufficient size to avoid unacceptable levels of overcrowding which would have a detrimental impact on the living conditions of any future occupiers.

There is also the matter of ensuring the viability of the proposed development i.e. ensuring that a sufficient number of flats can be provided to ensure that the proposal can proceed. The collective benefits of securing the future use of a Listed Building and supporting the viability and vitality of the Town Centre are also sufficient to outweigh any technocratic conflict with the national technical space standards.

The approach to achieving an acceptable level of internal floorspace has been taken on several other applications (146074, 146254 etc) and there is no reason to conclude that the proposed development would not provide a high standard of amenity to existing and future users as required by paragraph 130 f) of the NPPF.

It is therefore considered that the proposed development is in accordance with Policy S53 of the CLLP and paragraph 130 f) of the NPPF with respect to residential amenity.

Highways

Policies S47, S48 and S49 collectively require that development proposals do not have an unacceptable impact on highway safety or a severe cumulative impact on the wider highway network. Policy S48 requires that development proposals should facilitate active travel. It also requires that first priority should be given to pedestrians, cyclists, and people with impaired mobility. Policy

S49 of the CLLP sets out minimum parking standards that are required for residential and non-residential development within Central Lincolnshire.

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

The proposed development would see the existing building (which is currently vacant) converted to accommodate five residential flats and two retail units on the ground floor. No objection has been received from the Local Highway Authority in relation to highway safety or the cumulative impact of the proposed development. Previous uses of the site have encompassed both retail and other commercial uses, all of which would generate a notable number of vehicular movements. Furthermore, the front entrance of the building is largely pedestrianised and therefore there would be no access requirements from the front of the site.

The rear entrance to the site would be primarily for residential access. It is presumed that there would be vehicular access requirements for deliveries to the site. However, it is not considered that this would result in a material increase in vehicular movements compared to the previous use. It should also be noted that ground floor already has an existing permitted use that falls within Class E. The aspects that require consent therefore only relate to the alterations to the building, the subdivision of the ground floor to form a second unit and the requirement for Listed Building Consent. It is presumed that access requirements for deliveries would not unacceptably harm highway safety and would not be materially different in planning terms when compared to both the previous use and access requirements for other existing businesses on Silver Street. The spatial constraints of the site are not unique and are an expectation of a Town Centre location.

In terms of parking requirements, this is set out within Policy S49 of the CLLP. With regard to retail units, the policy gives a degree of flexibility and states the following:

All other types of development should incorporate a level of car parking that is suitable for the proposed development taking into account its location, its size and its proposed use, including the expected number of employees, customers or visitors.

Considering the central location of the site and the spatial constraints of Silver Street and the site being in a Primary Shopping Area, it is considered that a lack of dedicated parking access would not be unacceptable. The closest pay and display car park is directly to the north at the Ship Court Car Park. Given the site-specific material considerations, the lack of commercial parking in this location is not considered to be unacceptable.

In contrast, Policy S49 does outline residential parking standards. The proposed development is for the creation of five residential flats, four of which are one-bedroom flats and one flats having two bedrooms. In accordance with the requirements of Appendix 2, this would equate to a total residential parking demand of six parking spaces. It is noted that the proposed development is not offering any dedicated parking provision. The proposed development is therefore in conflict with Policy S49 of the CLLP.

However, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications should be determined in accordance with the relevant policies in Development Plan unless material considerations indicate otherwise. In this instance, no objection to has been received from the Local Highway Authority with respect to the proposed development stating that future residents would not require access to a private car due to the central urban location.

Whilst it is not possible to make blanket assumptions regarding the requirements of future residents, specific consideration should be given to the nature of the location in which the proposed development should be made. Future residents who live in such a central location are more likely to be younger and either live alone or not have dependent children which reduces the average number of cars. The central location also reduces the need to travel longer distances but if this is required, public transport is a much more viable option when compared to isolated rural areas within the District. It is therefore reasonable to assume that the parking demand would be much lower than a typical suburban development.

The above partially mitigates the conflict with Policy S49 but not all of it. Ship Court Car Park is also less than five minutes' walk from the site and it is possible to purchase parking permits for the publicly owned car parks in Gainsborough. This would further help to mitigate the impact that results from a lack of dedicated parking provision.

A final consideration are the other benefits that are associated with Town Centre development which include improving the vitality of the Gainsborough Town Centre/Primary Shopping Area and also helping to secure the future use of a Grade II Listed Building which in principle, should enhance the character and appearance of the Conservation Area. The benefit to the viability and vitality of Gainsborough Town Centre also stems from the inherent benefit associated with increasing the number of people who live in or within a close proximity to Gainsborough Town Centre. Such development is actively supported by paragraph 86 of the NPPF.

At present, the principal elevation is redundant and all the windows are boarded up which detracts from both the character and appearance of the Conservation Area but also more generally, the character and appearance of the area.

These benefits collectively are afforded significant weight in favour of the proposed development and are sufficient to outweigh the conflict with Policy S49 (which in itself is limited due to the mitigating factors outlined above). The proposed development is also considered to be in accordance with Policies S47 and paragraphs 92, 110 and 111 of the NPPF. The central location of the site would also accord with Policy S48 as it is an ideal location for modes of active travel such as walking and cycling.

Flood Risk & Drainage

The site is located within Flood Zone 1 which is considered to be at the lowest risk of flooding. It is not proposed to increase the impermeable area of the building and therefore there is no concern with respect to surface water drainage.

However, the method of both foul sewage and surface water drainage is '*unknown*'. Rainwater goods have existing on the external façade of the building. It is important however to ensure that the disposal of foul sewage is acceptable. Therefore, it is considered that the proposed development would accord with Policy S21 of the CLLP and Section 14 of the NPPF subject to one condition requiring a scheme of foul sewage disposal to be agreed and submitted in writing to the Local Planning Authority for approval.

Other Matters

Ecology and Biodiversity

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

The proposed development is for the change of use to an existing building within Gainsborough Town Centre. As such, due to the nature and scale of the proposed development it is not considered that there would be any unacceptable impact on biodiversity. It is not proposed to increase the total footprint of the building and the only works are either internal work or works to the external façade of the buildings. Therefore, it is not considered reasonable or necessary to impose the requirements of Policy S61 of the CLLP.

It is therefore considered that the proposed development is in accordance with S60 and S61 of the CLLP and paragraph 174 of the NPPF.

Climate Change

The requirements of Policy S13 are noted. However, the specific wording of this policy merely encourages applicants to take opportunities to improve the energy efficiency of existing buildings. It is not a mandatory requirement, and therefore weight can only be afforded in favour of a proposal rather than against it.

Mineral Safeguarding

The proposed development relates to the change of use of an existing building within the developed footprint of Gainsborough. It is therefore not considered that the proposed development is exempt from safeguarding considerations and in any instance would not unacceptably sterilise any mineral reserves. This is by virtue of the high density of development already effectively sterilising any sub-surface mineral resources that may exist in-situ.

It is therefore considered that the proposed development is in accordance with Policy M11 of the LMWLP and Section 17 of the NPPF.

Conclusion and reasons for decisions

The proposal has been considered in light of relevant development plan policies namely S1: The Spatial Strategy and Settlement Hierarchy, S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns, S13: Reducing Energy Consumption in Existing Buildings, S21: Water Resources and Flood Risk, S37: Gainsborough Town Centre and Primary Shopping Area, S47: Accessibility and Transport, S49: Parking Standards, S53: Design and Amenity and S57: The Historic Environment. S60: Protecting Biodiversity and Geodiversity and Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan. Policies NPP1, NPP5, NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and relevant guidance in the NPPF has also been considered.

In light of this assessment it is considered that although the proposed development would be in conflict with Policy S49 of the CLLP with respect to residential parking standards, no objection has been received from the Local Highway Authority. This is due to the urbanised location of the site and a lower reliance on private transportation. It is also possible to purchase parking permits for nearby car parks.

This limited policy conflict is also outweighed by the benefits of improving the vitality and viability of Gainsborough Town Centre and securing the future use of a Listed Building.

Conditions

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

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

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

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

None.

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

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

- Existing Ground Floor Plan 2431-EX01;
- Existing First Floor Plan 2431-EX02;
- Existing Second Floor Plan 2431-EX03;
- Existing Third Floor Plan 2431-EX04;
- Existing Roof Plan 2431-EX05;
- Existing (West) Front Elevation 2431-EX06;
- Existing East Elevation 2431-EX07;
- Existing South Elevation/Section D-D2431-EX08;
- Existing Section B-B 2431-EX09;
- Site Location Plan & Block Plan 2431-0S;
- Proposed Door A & B Details 2431-D01;
- Proposed Door C Details 2431-D02;
- Proposed Interior Door D Details 2431-D03;
- Proposed Ground Floor Plan 2431-PP01;
- Proposed First Floor Plan 2431-PP02;
- Proposed Second Floor Plan 2431-PP03;
- Proposed Third Floor Plan 2431-PP04;
- Proposed Roof Plan 2431-PP05;
- Proposed (West) Front Elevation 2431-PP06;
- Proposed (West) Front Elevation (with canopy open) 2431-PP07;
- Proposed East Elevation 2431-PP08;
- Proposed North & South Elevations 2431-PP09;
- Proposed Section A-A, B-B, C-C 2431-PP10;
- Proposed Sash Window A Details (windows W01-W04) 2431-W01
- Proposed Sash Window B Details (windows 5-8) 2431-W02
- Proposed Sash Window C Details (window W09) 2431-W03
- Proposed Sash Window D Details (windows W10-W11) 2431-W04
- Proposed Sash Window E Details (windows W12) 2431-W05
- Proposed Sash Window F Details (window W13) 2431-W06
- Proposed Sash Window G Details (windows W14) 2431-W07
- Proposed Sash Window H Details (windows W15) 2431-W08
- Proposed Sash Window I Details (windows W16) 2431-W09
- Proposed Sash Window J Details (windows W17) 2431-W10
- Proposed Rooflight Details 2431-W11

Documents all received 18th September 2023.

- Proposed Shopfront Details 2431-PP11 REV A;
- 2431-PP12;

Documents received 13th November 2023.

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 to safeguard the fabric and setting of the Grade II Listed Building in accordance with Policy S57 of the Central Lincolnshire Local Plan, Policy NPP18 of the Gainsborough Neighbourhood Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Prior to any intrusive works which would alter the historic or architectural fabric of the building a written specification has been submitted to and approved by the Local Planning Authority. This shall be submitted should include the following:
 - a) An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements);
 - b) A methodology and timetable of site investigation and recording;
 - c) Provision for site analysis;
 - d) Provision for publication and dissemination of analysis and records;
 - e) Provision for archive deposition;
 - f) Nomination of a competent person/organisation to undertake the work;

Part 2

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Part 3

A report of the findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within three months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: To preserve the special historic and architectural significance of 27 Silver Street in accordance with Policy S57 of the Central Lincolnshire Local Plan, Policy NPP18 of the Gainsborough Neighbourhood Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Prior to installation the exact detail of the proposed double glazing for the windows and shop front shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To preserve the special historic and architectural significance of 27 Silver Street in accordance with Policy S57 of the Central Lincolnshire Local Plan, Policy NPP18 of the Gainsborough Neighbourhood Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to installation the following shop front details shall be submitted to and approved in writing by the Local Planning Authority:

- Details of Retail unit 1 shop front at a scale of 1:20
- Awning product details
- Shop front and awning colour
- Tiled stall riser details

Reason: To preserve the special historic and architectural significance of 27 Silver Street in accordance with Policy S57 of the Central Lincolnshire Local Plan, Policy NPP18 of the Gainsborough Neighbourhood Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Prior to the occupation of the development hereby permitted, a scheme for the disposal of foul sewage shall be submitted in writing to the Local Planning Authority for approval. The scheme shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the development hereby permitted has sufficient disposal of foul sewage in accordance with Policy S21 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

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

None.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not

interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

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

Decision Level

- ✓ Committee