

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, 3rd January, 2024 at 6.30 pm

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

Members:

- Councillor Matthew Boles (Chairman)
- Councillor Jim Snee (Vice-Chairman)
- Councillor Emma Bailey
- Councillor John Barrett
- Councillor 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 - 19)
 - i) Meeting of the Planning Committee held on 29 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) 146645 - 77 Ryland Road, Welton (PAGES 20 - 42)
- b) 147489 - Land adjacent Wishing Well Barn, Hardwick Lane, Hardwick (PAGES 43 - 60)
- c) 147177 & 147178 - 5-7 Market Place, Gainsborough (PAGES 61 - 71)
- d) 147202 - 80-82 Church Street, Gainsborough (PAGES 72 - 87)
- e) 147527 - Raw Milk Vending Machine, Home Farm, Ermine Street, Spital In The Street (PAGES 88 - 97)

7. Determination of Appeals (PAGES 98 - 105)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Thursday, 21 December 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 29 November 2023 commencing at 6.30 pm.

Present: Councillor Jim Snee (Vice-Chairman, in the Chair)

Councillor Emma Bailey
Councillor John Barrett
Councillor Karen Carless
Councillor David Dobbie
Councillor Ian Fleetwood
Councillor Peter Morris
Councillor Tom Smith

In Attendance:

Sally Grindrod-Smith	Director Planning, Regeneration & Communities
Russell Clarkson	Development Management Team Manager
George Backovic	Development Management Team Leader
Daniel Galpin	Senior Development Management Officer
Martha Rees	Legal Advisor
Andrew Warnes	Democratic and Civic Officer

Also In Attendance: Four Members of the Public.

Apologies:

Councillor Matthew Boles
Councillor Sabastian Hague
Councillor Baptiste Velan

Membership: Councillor Karen Carless substituted for Councillor Matthew Boles.

59 PUBLIC PARTICIPATION PERIOD

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

60 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 1 November 2023 be confirmed and signed as an accurate record.

61 DECLARATIONS OF INTEREST

Councillor T. Smith declared a personal interest, in relation to agenda item 6a, application number 146685, that though he was present at the site visit, he was not in attendance at the previous meeting where the application was heard. In line with West Lindsey District Council's Constitution, he would abstain from voting.

Councillor K. Carless declared a personal interest, in relation to agenda item 6a, application number 146685, that she was sitting as a substitute Member of the Committee, and had not been present at the previous meeting nor the site visit. She stated she would not participate in the item.

Councillor D. Dobbie declared a personal interest, in relation to agenda item 6a, application number 146685, that though he was not present at the site visit, and so would not participate in the vote, he would give his opinion on a related matter with the application.

62 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee were advised about the National Planning Fee Increase. Following debates in Parliament, the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023 had been approved and were made on 8 November 2023. The regulations were viewed here:- <http://www.legislation.gov.uk/id/uksi/2023/1197>

The measures in the regulations did the following:-

- Increased planning application fees by 35% for applications for major development applications and 25% for all other applications;
- Introduced an annual indexation of planning applications fees, capped at 10%, from 1 April 2025;
- Removed the fee exemption for repeat applications, commonly known as the 'free-go'. An applicant would still be able to benefit from a 'free-go' if their application was withdrawn or refused in the preceding 12 months, which was subject to all other conditions for the 'free-go' being met;
- Reduced the Planning Guarantee for non-major planning applications from 26 to 16 weeks; and
- Introduced a new prior approval fee of £120 for applications for prior approval for development by the Crown on closed defence sites.

The new fees would come into force from 6 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 followed:-

Neighbourhood Plans	Headlines	Planning Decision Weighting
Scothern NP Review	Examination underway.	Review NP had increasing weight.
Nettleham NP Review	Regulation 16 consultation underway closes 22 Dec.	Review NP had increasing weight.
Dunholme NP Review	Regulation 14 consultation underway closes 3 Jan.	Review NP had some weight.

63 146685 - LAND TO THE SOUTH OF LEGSBY ROAD, MARKET RASEN

The Vice Chairman, in the Chair (Chairman), introduced the first application of the meeting, item 6(a), application number 146685, for the erection of 6no. detached bungalow dwellings & associated garages on land to the South of Legsbys Road, Market Rasen.

This was an application deferred from the 1 November 2023 Planning Committee meeting for a site visit to be held. The Case Officer informed Members of an amended site plan with a revised footpath. Members heard the definitive right of way path would require an entirely separate application regardless of the decision made by the Committee.

There had been surface water flooding on the northern part of the site, which gave a medium risk of surface water flooding. This was supplemented by a submitted indicative drainage strategy and for a swale and five soakaways. The Officer further explained the Building Control team would assess this and the planned drainage would capture surface water from the dwellings and the road. The Senior Development Management Officer gave a short presentation about the application and highlighted the submitted designs.

The Chairman informed the Committee that there were four registered speakers and statement, and invited the first registered speaker, the agent for the application, Mr Daniel Hyde to address the Committee.

Mr Hyde explained that the planning application proposed four dwellings in a low-density scheme, complying with local policies and including a flood risk assessment. The approval was expected to enhance the area. 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 eventual approved application moved from five dwellings to four due to development issues and proximity to the open countryside. Members learned that this was a low density scheme, with 11 dwellings per hectare, which was lower than nearby housing schemes of similar designs. The agent asserted the approved scheme in 2020 should form part of the decision-making process.

The agent explained that there was no adverse impact on the nearby appearance and residential amenity. The submitted designs were to create a sense of place in these proposed dwellings. The agent stated that the submitted application complied with local policies, and a newly commissioned ecological study had been uploaded. The submitted application was expected to achieve a 30% net gain in habitable conditions.

The agent described the current situation, which included the public footpath and an

undesigned pond. The footpath currently moved to the east and shared access to the road leading to the site. Members learned that there were resubmitted plans for the hedge and that the registered right of way would still need further formal consultation and a decision outside this application. The agent stated the hedge on the site's western side would be retained for the most part, with only a small amount of the northern part removed to enable access.

He emphasised that the boundary and ownership of the site were not part of the consideration of the local planning authority, and specifically for the planning committee. The agent then stated the legal plans showed these were in full ownership of the applicant, and adjacent residents did not own the hedge and footpath. Moving to drainage, the agent detailed a flood risk assessment submitted with the application and highlighted no technical consultees objected to the plans. These plans included removing the existing land drainage scheme and implementing soakaways. The agent asserted that the approval of the application would address the ponding issue, as the proposed drainage system had been designed to manage water flow effectively, prevent future ponding, and potentially stop issues being caused.

In concluding his statement, the agent stated Lincolnshire County Council highways had not objected to this application, the visibility splays were sufficient, and the submitted application would enhance the area.

The Chairman thanked the speaker for his statement, and invited the first registered objector, Mr John Norburn, to address the Committee. The speaker made the following statement.

"When the original outline planning application was proposed I objected to the use of the public footpath within the site plan as it is clearly defined on the site layout plan 267/B/2 drawn by Hugh Bourn Development (Wragby) Ltd. I informed the planning department then, that the public footpath was on The Ridings and not owned by the applicant since vendor Mrs Wilson as part of the agricultural access. Please show photograph A. This site layout drawing by Hugh Bourn clearly shows that the Public footpath was routed along the back of plots 1,2,9,10 and 11, on his land.

The drawing shows that a two metre wide public footpath is within the then existing boundary hedge and is shown to be on these plots, there are lines dividing the plots which are drawn beyond the fence line right up to the boundary hedge(as every plot was shown on the plan to be) clearly indicating that the footpath is on land owned by these plots. Please show photograph B. The drawing was altered by amendment A to reflect this. Please show photograph C. My wife and myself are now the legal owners of Plot 1 The Ridings and photograph C is taken from the original conveyance deeds to a Mr and Mrs Fullam in 1987. This clearly States that all of plot number 1 The Ridings was conveyed.

West Lindsey District Council in 1987 passed a Public Path Diversion Order to relocate the footpath number 162 at the behest of Hugh Bourn and the footpath was duly moved to its current position, clearly on land that he owned at that time as he had to pay for the movement of the path. I have submitted to the Land Registry to correct the boundary line mistake shown between our properties. I have sent copies of Hugh Bourn's site layout plan, the Public Path (Diversion) Order and the relevant part of the original title deeds of plot 1 The Ridings as proof of ownership of the land beneath the Public Footpath. I have received

an email today from the Land Registry stating that they are looking further into the matter.

Please show photograph D. The planning officer at the site meeting told the councillors attending that only a small amount of hedge was going to be removed. In fact, the developers want to remove 20 metres. I question if this is a small amount. Hedges save wildlife, improve our mental health and are physically vital features of the landscape. They are essential refuges and corridors for wildlife, they improve the quality of our air by capturing carbon, therefore a loss of biodiversity if removed. This is a native hedge of blackthorn and hawthorn and should not be removed.

I would prefer to see that the common shared native hedge be retained as is, and the developers replace the missing native hedge down to Legsby road. This would provide a safety barrier separating the public using the footpath from vehicles on the proposed road and would also stop vehicles from pulling up onto the footpath. The developer has now produced a visibility splay for his proposed road, which I understand shows the sight line, which was said by the planning officer at the site meeting, has to be for 43 metres. Please show photograph E.

We need to look at the visibility splay shown on the Ridings site layout plan, for vehicles leaving the Ridings and entering Legsby Road. Vehicles waiting at the exit of the proposed road will obscure The Ridings visibility splay within the 43 metres sight line. Surely this needs to be looked at further. Please show photograph F.

The Ridings and Legsby Road are now reasonably busy roads with The Ridings now being used as a rat run for traffic including school buses, articulated lorries, and agricultural vehicles. We also have the road being narrowed when the racecourse has races on, with vehicles being parked down both sides of the road. The blue car on the top left is waiting to exit from the Ridings and is looking at the verge where the visibility splays.

Students are dropped off and picked up at the start and end of the school day, which can create a number of vehicles being parked up in the area. We have vehicles parked regularly for 20/30 minutes in the afternoon. There is also a pedestrian gate with students crossing Legsby Road walking home away from the school. New developments are already both underway and proposed further down Legsby road which will cause even more traffic.

There have been many photographs submitted both during the outline planning application and in the planning application before you, concerning the amount of water that floods the area that they propose to build on. The Indicative drainage Plan 1323/004 Issue A still needs updating to match the latest site plan, the soakaways are now shown but only take stormwater from the building roofs, and the top part of the roadway is shown to drain towards a ditch."

The Chairman thanked the speaker for his statement. He stated that the allocated five minutes for the objector slot had been filled, which meant the statement scheduled to be read would not be. The Chairman invited the final registered speaker, Councillor Moira Westley, Local Ward Member, to address the Committee.

In her statement, Councillor Westley expressed this submitted application was an overdevelopment of the site. She stated that the surface and sewage water drainage along the north side of the development would run into a ditch. Councillor Westley expressed

concerns about the responsibility of the ditch and drainage and asserted that the ditch overflow would run into a pre-existing neighbouring dwelling. This was a small development, with every aspect needing further context. The nearby dyke was not big enough to cope with the increased water runoff.

Councillor Westley emphasised that with more significant effects from climate change, all local planning authorities should mitigate more extreme weather, and further lobbying to central government was necessary. The previously used one in 100 year flooding event was becoming more frequent.

Moving to the public right of way, Councillor Westley expressed that residents had provided evidence showing the neighbouring properties were within two metres of the existing hedgerow and proposed entrance to the site. She asked the Committee to accept the evidence and keep the grass public right of way. She then explained that Andrew Pickwell of Lincolnshire County Council had removed his objection about the public path diversion.

In concluding her statement, Councillor Westley stated the developer needed to include a footpath into the site from the roadway adjacent to the existing public right of way, which would narrow the access to the site. She emphasised the flooding issues and said the Planning Committee should leave the planning approval to the previously permitted development.

The Chairman thanked Councillor Westley for her statement and invited a response from the Planning Officers. In his response, the Development Management Team Manager explained that the Committee and, more broadly, the Local Planning Authority should refrain from debating land ownership, as the necessary checks had satisfied the process. Though at a close junction, the visibility splays were sufficient, and Lincolnshire County Council Highways identified no safety issues with the previous application.

Regarding flooding issues, the Officer stated that sequential tests were required in Flood Zone 1 and said the Environment Agency did recognise surface water flooding regularly occurred. The role of planning was not to increase the risk of flooding elsewhere but to ensure dwellings were protected from flooding. The Officer explained there were issues with drainage at the site, and the applicant had submitted a positive drainage strategy. Officers looked at whether submitted applications improved the situation.

Note: Councillor D. Dobbie left the Chamber at 6.56 PM. He returned at 6.58 PM.

The Senior Development Management Officer further explained that most of the hedgerows were to remain in place, and the formal footpath diversion was a separate process after considering the application. Members heard that the impact on wildlife was positive, with a 30% net gain, with a minimum required 10% net gain to satisfy the required conditions. A condition for a management plan and ongoing maintenance of the foul and surface water drainage was possible. The Officer highlighted the issue's potential significance in future planning applications for small application sites following legal requirement changes in April 2024.

The Chairman thanked the Officers for their responses and invited comments from Members of the Committee. In response to queries about flooding and drainage, Members heard that the application submitted had an indicative drainage strategy with foul water being dealt with

by soakaway positions. The technical specifications were to come from the Building Control team.

The Committee also learned the flood risk assessment showed positive infiltration, and any development would not start until further consultation with the consultees on the specific designs. The drainage strategy was indicative, and Members were reminded they could add additional details on the maintenance of the swales and soakaways by amending the conditions.

In reply to a similar set of queries about protecting bungalow plots from flooding, the Senior Development Management Officer explained the lowest part of the site gave a slight rise of 20 to 30 cm in the change of the landscape. There was a condition to manage the surface water drainage.

The Officer detailed that Flood Zone 1 was to ensure positive drainage on the site, with the flood risk assessment considering climate change in dealing with any surface water problem. Members learned the purpose of the drainage strategy was to stop the water flow and ensure the water goes to a safe point.

Members were reminded the legal tests were for an application to mitigate itself and address issues specific to the site. The statutory consultees were satisfied the legal tests could be achieved, and the details would be reviewed before development. This included mitigation on the site, with pre-commencement conditions that addressed on-site flooding and did not cause flooding elsewhere. The Committee heard this meant development would only occur if the statutory consultees were content with the further submitted details.

In an answer to a separate question about the town's planning policies, Members learned Market Rasen Town Council was not preparing a local plan for planning applications. A Member of the Committee also reminded the Committee about the issues with refusing an application on limited policy grounds.

During the discussion, several Members expressed they preferred further information on the drainage to be checked and agreed to before any development. This discussion further led to amending condition 2 in the Officer's report and including further details on the maintenance requirements before any development commences.

Having been proposed and seconded, the Chairman took the vote, and it was agreed by majority vote 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:

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 scheme shall include the following:
 - Full details of locations, technical specifications and capacity of the proposed swale and soakaways;
 - Percolation testing to ensure appropriate infiltration into the ground can be achieved to reduce the risk of surface water flooding;
 - Full details to ensure the proper disposal of foul sewage, including the connects to the nearest public sewer; and
 - Management plan to ensure the on-going management to prevent the swale becoming ineffective, including expected frequency of inspections and the response in the instance of either a flooding event or failure of the existing drainage system; and
 - Topographical details to show existing and proposed ground levels.

The approved details shall thereafter be implemented and maintained in strict 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, 1323009, 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 reenacting 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).

64 146242 - "LAND AT LITTLE TRANBY", MILL LANE, MIDDLE RASEN

The Committee gave consideration to the second application of the meeting, item 6(b), application number 146242, for removal of existing outbuilding and the erection of 2no. bungalows, on land at Little Tranby, Mill Lane, Middle Rasen LN8 3LE.

The Development Management Team Leader explained there was an additional objection, specifically on the drainage provision of the application. Members learned the flooding had occurred in the village. Following further investigation and the preparation of a drainage study this showed that it was most likely due to the insufficient diameter of the pipe in the culvert.. The application would not use the culvert and would have its own means of drainage so would have no impact on flooding experienced in the village. A short presentation was given about the application.

The Chairman informed the Committee there was one registered speaker and invited the agent for the application, Daniel Hyde, to address the Committee.

In his statement, the agent stated the submitted application was to replace the current dilapidated dwelling. The development fell within the developed footprint of the village and was a Central Lincolnshire Local Plan designated site. The speaker explained the dwellings would be more modern and would assimilate into the surroundings.

The agent explained there was enough separation distance between the proposed dwellings, aiming to create a mix of dwelling types and balance community questions. Research had been conducted to show delivery vehicles could safely enter the site. The off-street parking met the standards set out in the National Planning Policy Framework, and there were no technical objections from Lincolnshire County Council Highways. A submitted drainage strategy was supported, with the site in Flood Zone 1. The agent stated the area was suitable for development.

An additional 44 cubic metres of storage would be provided upstream of the culvert to avoid impacting the existing culvert and benefit future environmental net gain considerations. Progressing to the permeability, the driveway and the designed hardstanding would ensure that the water issue would not exacerbate the surface water run-off. An experienced former

flood designer for the Environment Agency had created these designs. The submitted application included a preliminary Ecology Appraisal, which showed a 12.99% net gain in biodiversity. The extra hedgerow units would provide a 17.2% net gain, well above the 10% required in the Central Lincolnshire Local Plan. The agent concluded his statement by stating they were unaware of contamination issues but were content with any related conditions the Local Planning Authority agreed upon.

The Chairman thanked the speaker for his statement and invited comments from Members of the Committee. Members supported the application and saw no issues with the drainage scheme submitted.

Having been proposed and seconded, the Chairman took the vote and it was unanimously agreed that planning permission be deferred and **DELEGATED** grant of approval to officers subject to conditions and the completion of a legal agreement that delivers the required biodiversity net gain.

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).

65 147333 - 27 SILVER STREET, GAINSBOROUGH

The Committee gave consideration to the final application of the meeting, item 6(c), planning application 147333, for 2no. shopfronts to form 2no. retail units and 5no. residential flats including replacement windows and full internal and external refurbishments at 27 Silver Street, Gainsborough, DN21 2DT. The application had been referred to the Planning Committee as it was a departure from policy S49 (Parking Provision) of the Central Lincolnshire Local Plan.

The Chairman invited the Planning Officer to present the report, and highlighted the submitted designs of the development. The Chairman informed the Committee that there were no registered speakers, and invited comments from Members of the Committee.

Members supported the application and highlighted the ongoing developments in Gainsborough Town Centre. Members also highlighted the necessity for retail places, such as the submitted application and the hopeful drive to support the town's investment.

Note: Councillor D. Dobbie made a non-pecuniary personal declaration that since new information had been provided following his involvement with the application at Gainsborough Town Council, he had an open mind, and would sit as a Member of the Planning Committee.

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

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

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

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

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

None.

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

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

66 DETERMINATION OF APPEALS

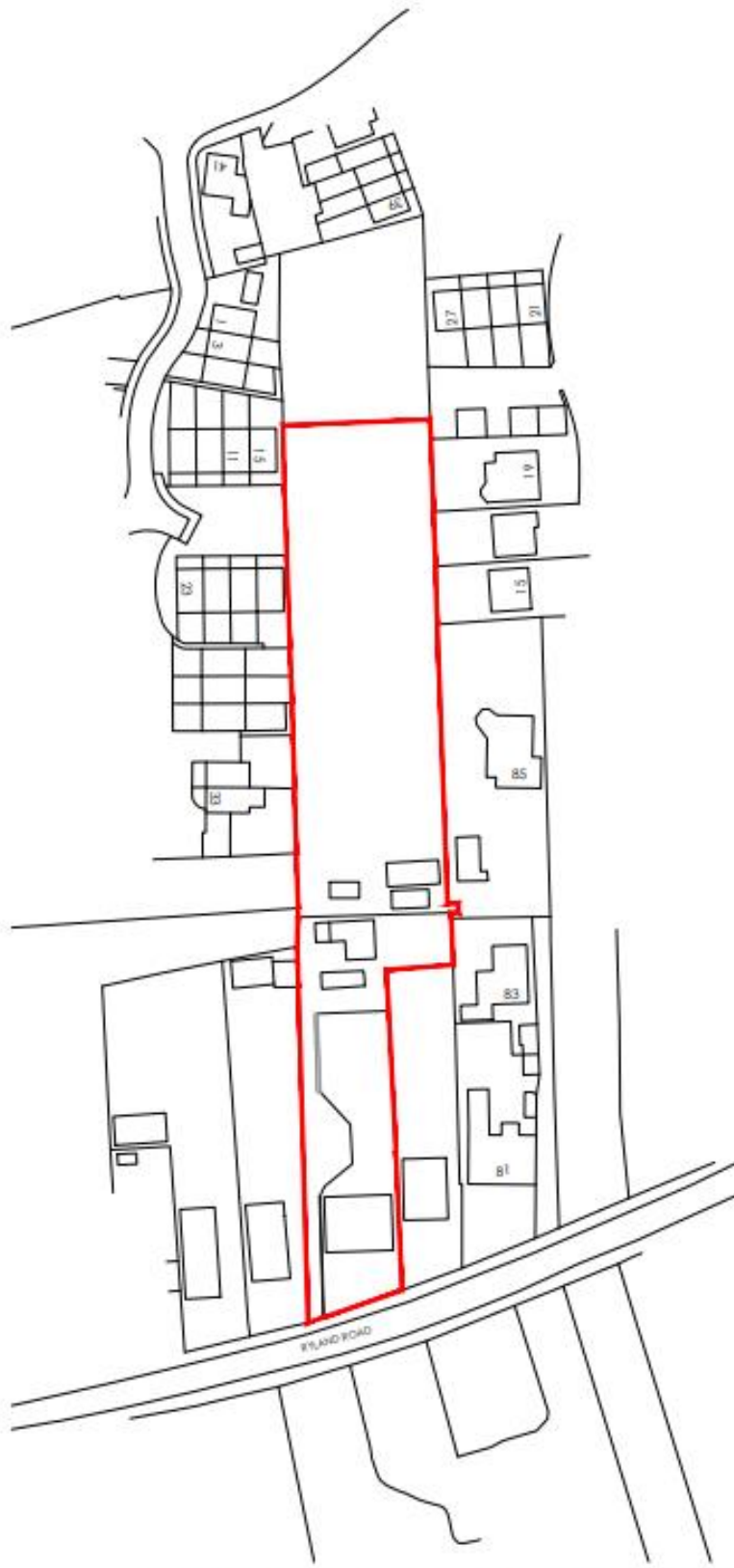
There were no appeal determinations for noting.

The meeting concluded at 7.34 pm.

Chairman

Agenda Item 6a

146645- Site Location Plan



EXISTING LOCATION PLAN
scale 1:1250

Officers Report

Planning Application No: 146645

PROPOSAL: Planning application for removal of existing dwelling and the erection of a 1no. 1.5 storey dwelling and 5no. bungalows.

LOCATION: 77 Ryland Road Welton Lincoln LN2 3LZ

WARD: Dunholme and Welton

WARD MEMBER(S): Cllr D Rodgers, Cllr S Hague and Cllr P Swift

APPLICANT NAME: Mr J Woodcock

TARGET DECISION DATE: 05/07/2023 (Extension of time agreed until (05/01/2024)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission with conditions

The application is referred to the Planning Committee for determination following the objections received from Welton Parish Council and third parties which relate to material planning matters.

Description: The application site comprises of a detached dwelling (77 Ryland Road) and its associated land to the rear (north), located within the settlement of Welton. The host dwelling is a one and a half storey property, with access to its western side leading to a garden area and some detached outbuildings. Beyond this is an area of land which is flat in its nature, is laid to grass and measures approx. 0.47ha. Boundary treatments mainly consist of c. 2m high fencing and tall hedging, a small area of trees is located to the very north of the site. Other residential uses are adjacent to all boundaries.

The Proposal: The application seeks full planning permission for the erection of 5no. dwellings to the rear of 77 Ryland Road as well as the replacement of the host dwelling (77 Ryland Road) with a 1.5 storey dwelling.

The dwellings will comprise of the following;

Plot 1- Replacement of 77 Ryland Road with a 1.5 detached dormer bungalow- 10.5m in width, 15.7m in length, 3.9m max eaves height, 7.2m in max total height. Detached double garage- 6m in width, 6m in length, 2.5m to eaves and 5.5m in total height.

Plot 2- Detached 3 bedroom bungalow with single detached garage. Approximate measurements; 12.5m width, 15m length, 2.5m eaves and 6m total height.

Plot 3 and 4- Pair of semi-detached two bedroom bungalows with a pair of single detached garages. Approximate measurements; 16.8m in width, 12.1m in length, 2.5m eaves, 5m in total height.

Plot 5- Detached 3 bed bungalow with single detached garage. Approximate measurements; 12.5m width, 15m length, 2.5m eaves and 6m total height.

Plot 6- Detached 3 bed bungalow with attached single garage. Approximate measurements; 15m in length, 17.7m in width, 2.5m to eaves and 6m in total height.

Plots **2,3,4 and 5** will also have a single detached garage (set out as double garages in between plots). The garages will measure- 7.7m in width, 6.1m in length, 2.4m to the eaves and 5.4m in total height.

Relevant history:

145896- Pre-application enquiry for 5no. dwellings and 1no. replacement dwelling. Advice given December 2022.

W119/857/82- Erect double garage in accordance with amended plan received by the district planning authority on 23 December 1982. Granted.

Representations- The full responses received can be viewed through the website using the following link: <https://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?docid=146645>

Cllr P Swift: Due to the amount of public interest and representations received I would like to request that the application is taken to committee for determination.

Welton Parish Council- Objects:

- This application does not sit within the designated sites for development within the Welton Neighbourhood Plan or the Central Lincolnshire Local Plan; this should be taken into account and the application refused;
- This is yet another example of backland development, such development should be frowned upon and not granted; if permission is granted it would set a precedent for the other properties with equally large gardens in the village to follow suit;
- The buses have difficulty in passing parked and oncoming vehicles. The access to the proposed new properties from Ryland Road would seriously impact on the flow of traffic. If this development was granted permission, the route for and parking of construction vehicles and deliveries will need to be managed in such a way that they do not cause any disruption to the movement of traffic on Ryland Road or accessing the site through the centre of the village. There would be a significant level of nuisance resulting from the movement of vehicles to and from the proposed

development past properties leading to an unacceptable proliferation of vehicular access on to an already busy road to the detriment of highway safety;

- If permission is granted a clause should be included that NO construction or delivery vehicles should park on Ryland Road or obstruct the footway, but on site at all times to ensure the safety of pedestrians and free flowing of traffic on this busy road;
- This application does not sit within the designated sites for development in the Welton-by-Lincoln Neighbourhood Plan and this should be considered and the application should be refused; Policy S80: Housing Sites in Large Villages of the Central Lincolnshire Local Plan - Adopted April 2023;
- Removal of trees and woodland - Policy S66: Trees, Woodland and Hedgerows - The infrastructure in Welton is already at bursting point and this development will potentially increase the population by another 18, which on its own doesn't sound many, but with the development already under construction at the end of Prebend Lane and those already built the increase has been quite significant; refer to Policy S45: Strategic Infrastructure Requirements in the Central Lincolnshire Local Plan - Adopted April 2023. The drains and sewers in Welton are also at saturation point and there have been concerns regarding flooding in this area historically.
- There should be clear evidence of local community support for a scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise. If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council" and Welton-by-Lincoln Parish Council does not support this application and has not been consulted by the applicant.
- The Parish Council respectfully requests that this application is put before the Planning Committee and is not a delegated decision and that a site visit is recommended.

Local residents/Third party representations- In Summary:

Objections have been received from the following addresses:

- **27 Northfield Road Welton x2**
- **85 Ryland Road Welton**
- **8 The Eshings Welton**
- **Garland Hayes 2 Dovecote Drive Welton x2**
- **25 Northfield Road Welton**
- **2 Tinkermere Close Welton**
- **11 Stewart Close Welton**

Comments summarised as follows;

- There is the potential for asbestos in the buildings to be removed;
- We need to keep some of the green spaces. This village is already the size of a town with no amenities;
- Welton and Dunholme have a considerable number of housing estates currently being built out with in excess of 250 houses still to build.

- Before any further houses are approved for development a meaningful flood risk/ infrastructure analysis should be conducted, this should also include the sites identified in the latest CLLP;
- Continual loss of green spaces will both increase flood risk to areas which, on paper, do not currently present a flood risk and compromise biodiversity;
- There must be a commitment in new builds to comply with the highest of eco standards, incorporating solar panels, ground source heat pumps, green roofs etc. This application demonstrates no such commitment;
- There is no demonstrable need for additional housing, sufficient housing is allocated and under construction;
- Inadequate assessment of flood risk, biodiversity and green infrastructure;
- The proposals would set a precedence for further back garden development;
- Construction impacts- HGV access from Ryland Road;
- Why do we need more houses in Welton;
- Replacement of the greenfield paddock with buildings, roads and paths will reduce the storage capacity of the ground, with increased storm water running off into the drains and/or the wooded area / ponded area.
- The applicant has not assessed surface water or groundwater flood risk as required under planning policy. Nor has the applicant submitted a plan for Sustainable Urban Drainage in line with the CIRIA guidance
- Clearly there are significant and ongoing developments in Welton and adjacent Dunholme that are already adding a great deal of strain to the limited existing services. Whilst this proposal is small in relative terms when compared to the many other developments it will only serve to further load the available services in the village.
- The proposal will add more cars to Ryland Road and the exit from the development onto the road will be fraught with danger of possible collision due to poor sight-lines to enable vehicles coming from the mini roundabout to be seen;
- Losing green space will I believe adversely impact these animals. I also have significant concern over water run-off from the hard areas that the development would create;
- The application needs to address flood risk;
- There is an over supply of housing in Welton and Central Lincolnshire;
- Concerns with visual amenity and character;
- Ecology and protected species concerns.

LCC Highways/Lead Local Flood Authority:

14/06/2023- No objections. The existing vehicle access will require slight alteration, the metalling of a section of highway verge, the applicant will be required to apply to the Highway Authority for a S184. The proposal is for the removal of an existing dwelling and the erection of 1no. 1.5 storey dwelling and 5no. bungalows and it does not have an unacceptable impact on the Public Highway or Surface Water Flood Risk.

01/06/2023- ADDITIONAL INFORMATION REQUIRED. Can the applicant produce a dimensioned access drawing that achieves a minimum width of 4.1m

Archaeology: There are no known archaeological implications for the above planning application.

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S4: Housing Development in or Adjacent to Villages

Policy S6: Design Principles for Efficient Buildings

Policy S7: Reducing Energy Consumption – Residential Development

Policy S11: Embodied Carbon

Policy S12: Water Efficiency and Sustainable Water Management

Policy 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 S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Policy S66: Trees, Woodland and Hedgerows

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

- ***Welton Neighbourhood Plan (NP) 2016***

Relevant policies of the NP include:

Policy D1- Village Character

Policy D2- Safe Environment

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

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

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

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

National policy & guidance (Material Consideration)

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

https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2023.

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

Main issues

- Principle of Development- 5no. new dwellings;
Principle of replacement dwelling;
- Energy Efficiency Policies;
- Impact upon Visual Amenity/ Character of the Area;
- Impact upon Residential Amenity;
- Highways and Parking;
- Impact on Ecology and Biodiversity;
- Drainage- Surface and Foul Water;
- Other Matters.

Assessment:

Principle of Development

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

Policy S1 of the Central Lincolnshire Local plan sets out a spatial strategy and settlement hierarchy for the District. Within this policy Welton is defined as a 'Large Village' (Tier 1).

With regards to proposals for residential development within these settlements the policy states that: *To maintain and enhance their role as large villages which provide housing, employment, retail, and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth via sites allocated in this plan. 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 or other policies relating to non-residential development in this plan as relevant.*

Policy S4 states that:

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.*

Proposals on unallocated sites not meeting these criteria will not generally be supported unless there are clear material planning considerations that indicate otherwise.

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.*

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

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

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;*
- *agricultural buildings and associated land on the edge of the settlement; and*
- *outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.*

The proposal would accord with the ‘up to 10 dwellings in large villages’ criteria. The application site is located within an existing residential area of Welton, it is adjoined by other residential dwellings and their garden areas to all boundaries. Whilst the plot may be considered as back land, its positioning, being surrounded by other residential dwellings, would, be respectful to the character of the area, it is considered to be within the developed footprint.

The comments from the Parish Council regarding the site not being ‘allocated’ for development are noted, however this does not mean that no other sites within the village can come forward for housing. Any new site can come forward and will be assessed against the policy requirements of the principle policies S1 and S4 within the CLLP as well as the Welton Neighbourhood Plan.

Neither the Central Lincolnshire Local Plan or Welton neighbourhood Plan set out that unallocated sites should be refused – policy S4 of the CLLP sets out specific criteria for unallocated sites within large villages – which this proposal would be compliant.

Whilst the Parish Councils views of backland development, and that it “should be frowned upon and not granted” are noted – this is not planning policy, and is not a policy of the Neighbourhood Plan. Policy S4 of the CLLP encourages development on appropriate locations in the developed footprint of the village – it does not prohibit “backland” development.

The Welton by Lincoln Neighbourhood Plan is silent with regard to new housing developments under 10no. dwellings.

In principle the development of this site is considered to be acceptable and would accord to the policies S1 and S4 within the CLLP.

Principle of replacement dwelling

The Central Lincolnshire Local Plan does not have a specific policy, and is otherwise silent on the replacement of a dwelling within a settlement. However, as stated above the site is within the existing developed footprint of Welton and therefore the principle is considered to be acceptable.

As part of the application it is proposed to demolish and replace the host dwelling (77 Ryland Road). Policy S11 of the CLLP relates to embodied carbon and states that there is a presumption against development;

Presumption against demolition:

To avoid the wastage of embodied carbon in existing buildings and avoid the creation of new embodied carbon in replacement buildings, there is a presumption in favour of repairing, refurbishing, re-using and re-purposing existing buildings over their demolition. Proposals that result in the demolition of a building (in whole or a significant part) should be accompanied by a full justification for the demolition. For non-listed buildings demolition will only be acceptable where it is demonstrated to the satisfaction of the local planning authority that:

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

Applications within the countryside relating to the re-use or conversion of existing buildings will only be acceptable where they also meet the requirements of Policy S5, S34, or S43 as applicable.

The application has been accompanied with the following justification for the replacement dwelling and how it meets with the policy.

The existing dwelling, constructed sometime in the 1950's is of an un-insulated cavity wall construction, featuring aged, single glazed timber windows. It is heated by an outmoded gas heating system and the roof has very little insulation, and none at all in most places. Given the buildings age, it can be assumed that the existing floor would have a negligible amount of floor insulation of any at all, it is currently highly inefficient.

In order to properly bring the existing building up to the same energy efficient standards as the proposed, would mean extensive works to be undertaken, The existing floor would have to be removed entirely, and replaced with a completely different build up in order to meet the u- values the other proposed dwellings can offer. This would also mean inspecting the foundations and ground conditions to ensure an undertaking could be achieved.

Insulation would likely have to be introduced to the cavity, with insulated layers needing to be introduced internally and more insulation will have to be introduced to the loft and ceiling spaces. These works would be impractical for the existing dwelling and will likely cause more issues during the renovations.

It will also mean the removal of an outdated gas boiler in favour of a more eco-friendly Air Source Heat Pump.

With consideration to the above, the Local Planning Authority are satisfied that the requirements of this policy have been met.

Energy Efficiency Policies

Policy S6 of the CLLP states a set of design expectations that should be considered when formulating development proposals. This includes the orientations of buildings, form of buildings, fabric of buildings, heat supply and renewable energy generated.

The application has been accompanied with an Energy Statement (most recent dated 28/09/2023). Additional information to support the statement has also been submitted, this comprises of SAP Calculations, Draft EPC certificates and details of proposed renewables to be included on the dwellings.

The Statement gives detail on how the design principles of Policy S6 has been considered, as follows;

Orientation of buildings- The orientation of the dwellings within the proposals have been carefully considered to allow for significant solar gain. Whilst the site is relatively narrow, the buildings are nevertheless orientated to maximise natural daylight and sunlight through passive means.

Form of buildings- The form has been designed to be simple, but also reflecting the design of the existing dwelling and other buildings nearby. The simple form allows the dwellings to retain heat within cooler periods, and cross ventilation is utilised where possible to allow for cooling in warmer periods

Fabric of Buildings- The dwellings are designed to be built using traditional methods, utilising brickwork, an insulated cavity, and an inner skin of blockwork. By utilising dense solid material, we are providing the capacity for thermal mass storage within the building's fabric, the thermal mass will take advantage of solar gains during the day, and heat is then emitted from the thermal mass during cooler parts of the day or night.

The dwellings will also benefit from improved thermal bridging details with robust on-site monitoring in order to reduce cold bridging and target the weakest points of the thermal envelope, in turn decreasing the amount of heat loss.

Heat Supply- Each property will be heated by the use of an Air Source Heat Pump, eliminating any need for gas/oil or other non-sustainable methods.

Renewable energy generated- Supplying Air Source Heat Pumps to each plot will provide them with a low carbon, environmentally friendly heat source. Air Source Heat Pumps are also highly efficient and will generate 2.5 times more heat energy than the electrical energy it takes to function. In addition, PVs/Solar Panels are also suggested for use with the plots.

Policy S7 of the CLLP requires that all new residential development proposals must include an Energy Statement which confirms that in addition to the requirements of Policy S6 that all such residential development proposals, *can generate at least the same amount of renewable electricity on-site and to help achieve this point, target achieving a site average space heating demand of around 15-20kWh/m²/yr and a site average total energy demand of 35 kWh/m²/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m²/yr, irrespective of amount of on-site renewable energy production.*

The Energy Statement gives a summary table, with the figures for each plot below:

Plot No.	Space Heating Demand kWh/m²/yr	Total Energy Demand kWh/m²/yr
Plot 1	8.42	20.02
Plot 2	12.55	27.00
Plot 3	11.51	34.30
Plot 4	11.23	34.00
Plot 5	10.19	24.66
Plot 6	9.89	24.29
<u>Site Average</u>	<u>10.63 kWh/m²/yr</u>	<u>27.37 kWh/m²/yr</u>

The table shows that the figures would meet with the policy requirements and that no single dwelling would exceed the 60 kWh/m²/yr energy demand. Air source heat pumps and solar panels will be installed to meet the energy demand of the dwellings. The proposal would therefore accord to the aims of policies S6 and S7 of the CLLP.

Impact upon Visual Amenity/ Character of the Area

Policy S53 of the CLLP is split into ten sections requiring good design and compatibility with neighbouring land uses. Section 1 (context) of the policy states that all development proposals will:

- a) *Be based on a sound understanding of the context, integrating into the surroundings and responding to local history, culture and heritage;*
- b) *Relate well to the site, its local and wider context and existing characteristics including the retention of existing natural and historic features wherever possible and including appropriate landscape and boundary treatments to ensure that the development can be satisfactorily assimilated into the surrounding area;*
- c) *Protect any important local views into, out of or through the site;*

The application site is located within Character Area I (Northfield) in the Welton Character Area assessment. The Character Assessment states that the area is;

Formed exclusively of residential development, the properties which occupy this character area are generally of two storeys, detached and set within plots which relative to their building footprint are small.

Dwellings are for the most part arranged at a density which is higher than that seen elsewhere in Welton and the minimal distances between properties means that views of the wider locality are limited.

The proposals comprise of bungalows, with a 1.5 storey replacement dwelling to be located on Ryland Road. It is considered that the proposals would generally respect the character area as described in the assessment.

Neighbourhood Plan policy D1 relates to village character and states that: *Development should respect local character. The development of design features that attract local wildlife, such as bat boxes and gable ends for nesting birds will be supported.*

As detailed in the description section of this report, the site is set back from the main highway of Ryland Road and would not be readily visible within the area. Ryland Road has a mixture of property types, with the housing development located to the west of the site having similar property types, there is no overriding character in the area.

The 5no. proposed dwellings to the rear (north) of 77 Ryland Road are all of a similar design. The layout is linear in its character running from south to north, along the eastern part of the site with the access road to the west.

The proposed 1.5 storey dormer bungalow replacement dwelling at 77 Ryland Road is of an appropriate size and scale that would not appear out of character with the area in terms of its design, it is considered to be a visual improvement within the street scene in comparison to the existing dwelling which is of no notable design.

No exact proposed material details have been provided and therefore it is considered reasonable to request that further manufacturer specifications are provided by means of condition to ensure the dwellings assimilate within their surroundings. Therefore, subject to this condition, the proposal would accord to the aims of Policy S53 of the CLLP.

Impact upon Residential Amenity

Part 8, criteria d of Policy S53 of the CLLP states that development proposals will:

d) Not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare;

The site is adjoined by other residential dwellings to all boundaries, all of which are two storey. To the west, there is a row of terraced dwellings beyond the intervening boundary fence. The proposed access road will run adjacent to this boundary with the proposed dwellings being located along the eastern side of the site. Considering that the proposed dwellings will be bungalows there are no anticipated overlooking concerns into neighbouring developments.

The development would not be expected to result in overlooking or dominating impacts between the proposed dwellings. They are all adequately positioned with acceptable separation distances and appropriately located openings as to not cause any overlooking issues. It is also considered that there is an adequate amount of outdoor amenity space to each of the proposed dwellings, including the replacement host dwelling. All of the dwellings also meet with the Nationally Described Space Standards with regard to internal measurements. It is noted that plots 3 and 4 may experience some overshadowing from Lleyandii hedge to its eastern boundary, however the rear amenity areas of these properties will still benefit from sufficient light throughout the rest of the day.

With regard to the replacement of the host dwelling this is to be replaced with a 1.5 storey dormer bungalow. The dwelling is adequately separated from the neighbouring properties as to not cause any dominating impacts. Proposed window openings to the front and rear will look over the property's own amenity areas, apart from a new ground floor bathroom window in the east elevation there are no other side openings that would cause any overlooking issues.

The comments regarding the need for a Construction Method Statement are noted. With consideration to the proximity to neighbouring dwellings and that a total of 6no. dwellings are proposed it is considered reasonable to request that one is submitted to ensure that there is no unacceptable impacts on the amenity of the occupiers of neighbouring dwellings during the construction period.

With regard to Policy D1 of the NP, this is discussed in the ecology and biodiversity section of this report below. Overall, the proposal would accord to the aims of Policy S53 of the CLLP in that there would be no unacceptable impacts upon neighbouring amenity.

Highways and Parking

Policy S47 of the CLLP states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

Access to the site will be gained to the south of the site and to the west of the host dwelling, via an existing access point which measures c.17.3m in length from Ryland Road to the south boundary of Plot 2. The access has been shown to be a width of between 4.2m and 4.3m which is considered to be acceptable (above the 4.1m requested by highways). The application has been reviewed by the Highways Authority who have no objections subject to informative notes which would be added in the event permission is granted. It is considered that the proposal would not have a detrimental impact upon highway safety.

Part B of Policy S49 states that planning permission for new residential development will only be granted if the proposal makes appropriate and deliverable parking provision in accordance with the standards in Appendix 2 of the plan. It states that in Villages and Rural Areas 2 bed dwellings should have 2 parking spaces and 3 bed dwellings should have 3 parking spaces. All of the dwellings accord to these standards and therefore provide a policy compliant level of parking provision in accordance with the Policy S49.

The comments regarding a construction management plan are noted, this has not been recommended by the Highways Authority on highway safety grounds. However, it is considered necessary to condition a plan for residential amenity reasons as previously discussed. Overall, the proposals would accord to Policies S47 and S49 of the CLLP.

Impact on 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 186 of the NPPF.

The existing site comprises of an area of grassland, areas of hedging, along with the host dwelling and its associated outbuildings. The application has been accompanied with a Preliminary Ecological Appraisal (PEA) by KJ Ecology Ltd dated August 2023 as well as the completed small sites Biodiversity Net Gain 4 metric tool.

The report includes a biodiversity net gain calculation that outlines the proposed development would achieve a 9.6% gain on site overall. Whilst this is just below the 10% required by policy S61, it is considered unreasonable to request that the remaining 0.4% gain is secured off site. No specification of the planting proposals has been submitted alongside the application. Such proposals and enhancements along with details of proposed landscaping will be secured by means of condition.

Given that a 9.6% can be assumed as a best-case scenario and the calculations were undertaken by a suitably qualified professional, it considered that the proposed development is broadly in accordance with the aims of Policies S60 and S61 of the CLLP.

With regard to protected species, 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.

With regard to the host dwelling and the potential for bats, the PEA states the following;

3.2.3 On the outside of the building only one bat feature was found on the Southern side of the bungalow. No other bat features were found on site. The feature found on the bungalow would only support a small number of bats and the surrounding habitat is poor, which would also only support a small number of bats. For this reason, the bungalow has been classified as having low suitability for a bat roost, and so will need only one Presence/ Absence bat survey.

Further correspondence from the Ecologist has confirmed that the chance of bats being in this building is extremely low and verges on negligible.

The NPPG¹ states that;

In exceptional cases, you may need to attach a planning condition for additional surveys. For instance, to support detailed mitigation proposals or if there will be a delay between granting planning permission and the start of development. In these cases a planning condition should be used to provide additional or updated ecological surveys to make sure that the mitigation is still appropriate.

Following discussions with the applicant, a bat mitigation strategy has been submitted, this includes measures to ensure that in the event bats are found they would be protected throughout the development, including the requirement for a licence from Natural England. Given the inclusion of the proposed mitigation strategy, it is considered that the single emergence survey to be carried out at the appropriate time of year (May-September) can be secured by an appropriately worded pre-commencement condition.

¹ [Protected species and development: advice for local planning authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442222/Protected-species-and-development-advice-for-local-planning-authorities-2017.pdf)

The mitigation strategy also recommends that bat boxes and a bat brick shall be incorporated into the proposals, given that details of their proposed locations have not yet been provided, this information will also be secured by means of condition.

Drainage – Surface and Foul Water

The site is located within Flood Zone 1, therefore in a sequentially preferable location for development. Many comments received relate to issues with surface water flooding, the Environment Agency' surface water flooding maps do not show that the site is at risk of any surface water issues² It is acknowledged that there are some areas directly adjacent to the site (north and west) that show a risk of surface water flooding, however these are not within the site limits. It is therefore not considered reasonable or necessary to request that any flood risk assessment is provided at this stage, prior to the determination of the application, the application is not a major development where such an assessment would be required in Flood Zone 1. SUDs schemes are also only required where the proposal is a major development.

Whilst the proposal would increase the impermeable areas within the site, however large permeable areas would still remain. In terms of surface water drainage the submission indicates that surface water at the site would be managed soakaways, which is the preferred method within the Drainage hierarchy. No further detail has been provided and therefore would need to be secured by condition, which will include the requirement for percolation tests to be carried out to ensure that the ground is suitable for this means of drainage.

However – the correct planning policy test (NPPF paragraph 173) is that “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.” There is no evidence to suggest that the site would be unable to meet this test with a positive drainage system in situ.

In relation to foul drainage, both the PPG and the Building Regulations 2010 (Approved Document H) set out a presumption in favour of connection to the public foul sewer wherever it is reasonable to do so. Foul water is proposed to connect to the main sewerage system, which is the most preferred option within the drainage hierarchy. Therefore, subject to conditions the proposal would be acceptable in terms of the proposed methods of drainage and accords to Policy S21.

Other Matters

Affordable Housing

Policy S22 states that; *To help maximise what the planning system can contribute to meeting affordable housing need, affordable housing will be sought on all qualifying housing development sites:*

² <https://check-long-term-flood-risk.service.gov.uk/map?eastings=501705&northing=380020&map=SurfaceWater>

a) of 10 or more dwellings or 0.5 hectares or more; or

Through the application process and various amended plans being received the site area has now been reduced to 0.47ha, below the 0.5ha threshold to qualify to provide an affordable housing contribution. The proposal therefore does not fall to be considered against policy S22 of the CLLP.

CIL

The development would be liable to a CIL payment of £25 per sqm.

Reference to the site being designated 'Open Space'

A number of objections and comments received from neighbouring occupiers with regard to the site being a 'green space' or 'open space'. To clarify the site is not designated through Policies S64 or S65 of the CLLP as Green Space or Open Space, therefore the requirement to assess the proposal against these policies is not required.

Comments regarding Green and Blue Infrastructure Network- Policy S59

Reference is made to Policy S59 and the site being part of the Green and Blue Infrastructure Network. Again, this policy is not applicable. The site is not designated as part of the network. The light green colouring on the Central Lincolnshire mapping system is for information/guidance only, the areas which are coloured dark green and dark blue are part of the network. The area directly to the north part of the site (not within the red line of the application site) has previously been noted within an assessment carried out in 2011 by the GLNP (Greater Lincolnshire Nature Partnership). This has been confirmed with the Central Lincolnshire planning policy Team.

Community Support

It is noted that the Parish Council consider that "there should be clear evidence of local community support" for the scheme evidenced through a "pre-application community consultation exercise". However, this is neither a requirement of the CLLP adopted in 2023, or the Welton NP (made in 2016).

Conclusion and reasons for decision: The application has been considered against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy 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 S12: Water Efficiency and Sustainable Water Management, 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 S61: Biodiversity Opportunity and Delivering Measurable Net Gains and Policy S66:

Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan and the policies within the Welton Neighbourhood Plan in the first instance as well as the provisions of the NPPF and guidance contained within the NPPG.

The site is considered to be within the developed footprint of Welton and would create a form of development that would not have a harmful impact upon the character of the area. The proposals would not cause any unacceptable amenity impacts and matters of highway safety. Drainage matters are considered acceptable in principle subject to conditions. The application submission has also adequately addressed the provisions of the energy and biodiversity policies within the CLLP, subject to conditions. In light of this assessment the application is recommended for approval subject to conditions.

RECOMMENDATION: Grant planning permission 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 the results of the single bat emergence survey as recommended in Section 4.2 of the Preliminary Ecological Appraisal by KJ Ecology Ltd dated August 2023 have been submitted to and in approved in writing by the Local Planning Authority. If bats are found to be present all works shall only proceed in full accordance with the Bat Mitigation Strategy and its recommendations submitted on 08/12/2023.

Reason: In the interests of protected species in accordance with policies S60 and S61 of the Central Lincolnshire Local Plan 2023.

3. 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.

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 25/10/2023 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. 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.

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 in accordance with Policies S47 and S53 of the Central Lincolnshire Local Plan 2023.

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

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

- Existing Site Plan with Location Plan LDC4016-PL-01 B received 11/08/2023;
- Proposed Site Plan LDC4016-PL-02- C received 29/09/2023;
- Plots 1 and 2 Plans and Elevations LDC4016- PL-03 D received 25/10/2023;
- Plots 3 & 4 Plans and Elevations LDC4016- PL-04 B received 25/10/2023;
- Plots 5 and 6 Plans and Elevations LDC4016-PI- 05 B received 25/10/2023

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

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 LDC4016-PL-02- C, received 29/09/2023.

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

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with Policy S21 of the Central Lincolnshire Local Plan 2023.

8. No development, other than to foundations level, shall take place until details of all external facing materials and proposed boundary treatments to be used in the dwellings and within the site hereby approved have been submitted to and approved in writing by the local planning authority. The development shall proceed only in accordance with the approved details.

Reason: In the interests of visual amenity to accord with policy S53 of the Central Lincolnshire Local Plan 2023 and Policy D1 of the Welton NP.

9. The development hereby permitted shall be carried out in full accordance with the details set out in the submitted Energy Statement by Lincs Design Consultancy received 25/10/2023 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.

10. No development, other than to foundations level, shall take place until the proposed new walling, roofing, windows, doors and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the area in accordance with the NPPF and Policies S53 of the Central Lincolnshire Local Plan 2023 and Policy D1 of the Welton Neighbourhood Plan.

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

- Section 4.2 of the Preliminary Ecology Appraisal and Biodiversity Net Gain Assessment by KJ Ecology dated August 2023.

Reason: To ensure that the development proceeds in accordance with the recommended ecological enhancements in accordance with Policy S60 of the Central Lincolnshire Local Plan and Sections 12 and 15 of the National Planning Policy Framework.

12. No development shall take place above foundation level until a scheme of ecological enhancements including the provision of Bat and Bird boxes within the site, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and Policies S60 and S61 of the Central Lincolnshire Local Plan and policy D1 of the Welton Neighbourhood Plan.

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

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

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

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

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

Notes to the applicant

Highways

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

The application form, costs and guidance documentation can be found on our website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

2. The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.
3. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit our website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

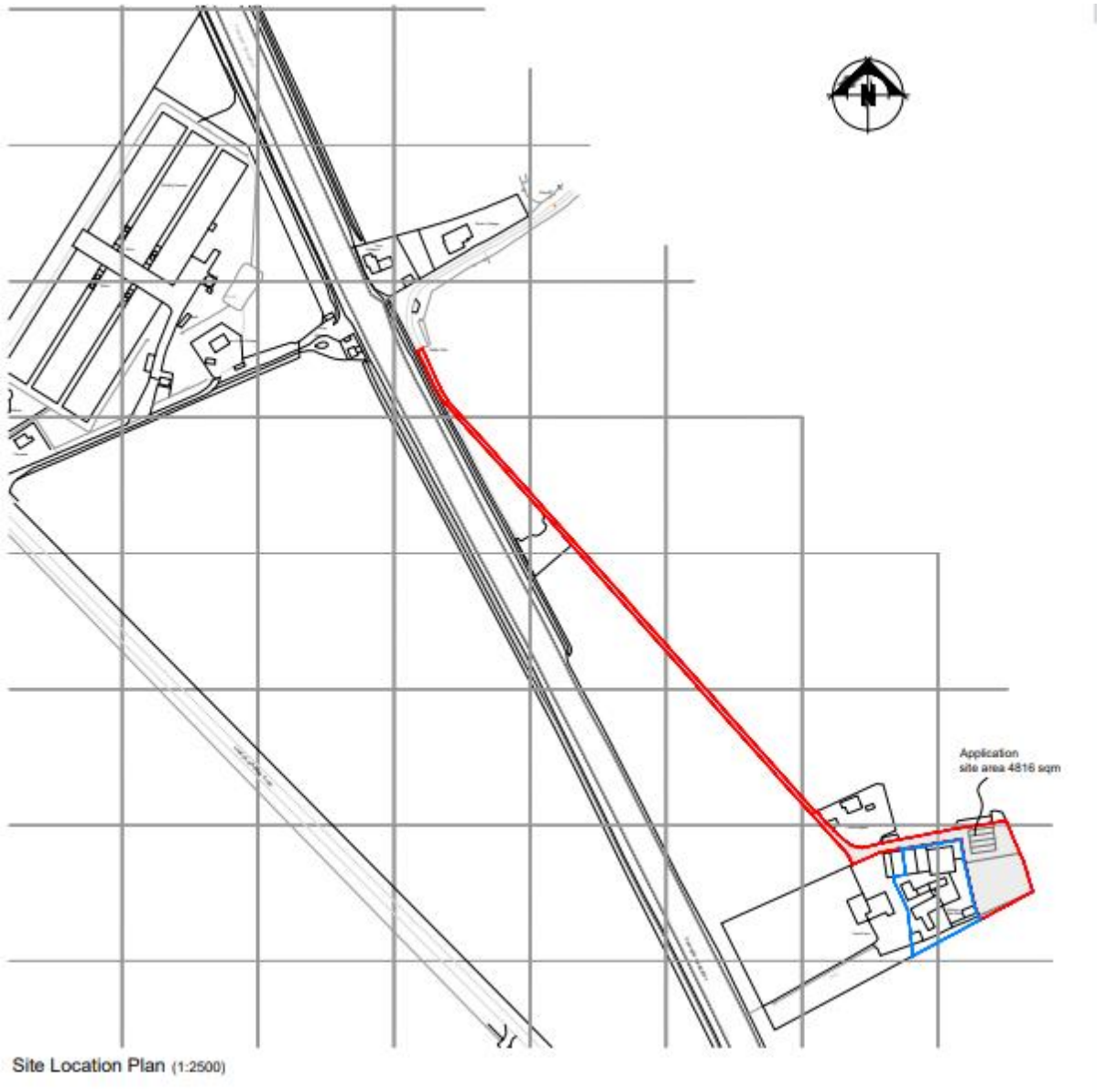
Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

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



Officers Report

Planning Application No: 147489

PROPOSAL: Planning application to erect 1no. dwelling and garage including demolition of agricultural building following Class Q approval 146756

LOCATION: Land adjacent Wishing Well Barn, Hardwick Lane, Hardwick LN1 2PW

WARD: Saxilby

WARD MEMBER(S): Cllr Mrs J Brockway & Cllr P M Lee

APPLICANT NAME: Mr E Isles

TARGET DECISION DATE: 21/12/2023

DEVELOPMENT TYPE: Full Planning Application

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 S1 (The Spatial Strategy and Settlement Hierarchy) and Policy S5 (Development in the Countryside) of the Central Lincolnshire Local Plan.

Description: The application site is situated on a former farmstead/agricultural unit in open countryside approximately 2.5 kilometres to the west of Saxilby and approximately seven kilometres to the north-west of Lincoln. The wider site is occupied by an existing dwelling to the north-west at the entrance to the site. The site is located within Flood Zone 1 which is considered to be at the lowest risk of flooding.

To the south-west of the site there are a number of agricultural buildings, two of which have been given permission for their demolition alongside the change of use for the former commercial building into a single dwelling.

Planning permission is being sought for the demolition of the existing agricultural building (Well Wishing Barn) and for the erection of a single dwelling. Well Wishing Barn was previously granted planning permission for the change of use from its current agricultural use to a single dwelling under the provisions of Schedule 2 Part 3 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Relevant history:

146756 – Prior approval change of use from agricultural building to 1no. dwelling house. GC – 7th July 2023

146692 – Planning application for the change of use from flexible business use to 1no. residential dwelling including the removal of 2no. agricultural steel sheds.

Representations:

Chairman/Ward Member(s)

No representations received to date.

Hardwick Parish Council

No reply received to date.

Local Residents

No representations received to date.

LCC Archaeology

No objection – It was noted that although the HER record indicates that the site is of a possible medieval origin, there has been significant disturbance on the site and via 19th century development and subsequent modern development. Therefore, no archaeological mitigation has been requested.

LCC Highways/Lead Local Flood Authority

No objection – *‘The proposal is for erect 1no. dwelling and garage including demolition of agricultural building and it does not have an impact on the Public Highway or Surface Water Flood Risk.’*

Lincolnshire County Council – Minerals and Waste

No reply received to date.

Witham Third District – Internal Drainage Board (IDB)

No objection (condition) – no objection was raised by the IDB subject to one pre-commencement condition relating to surface water drainage in consultation with the IDB and should include the necessary details on soakaways, mains sewers and discharge into a watercourse.

Relevant Planning Policies:

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

2023); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution

Policy S5: Development in the Countryside

Policy S6: Design Principles for Efficient Buildings

Policy S7: Reducing Energy Consumption – Residential Development

Policy NS18: Electric Vehicle Charging

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S56: Development on Land Affected by Contamination

Policy S57: The Historic Environment

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

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

The site is/is not in a Sand & Gravel Minerals Safeguarding Area and Policy M11 of the Core Strategy applies/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
- Highways
- Archaeology
- Ecology & Biodiversity
- Climate Change
- Flood Risk
- Other Matters

Assessment:

Principle of Development

Policy S1 of the CLLP establishes a settlement hierarchy which aims to steer development towards the largest urban areas in Central Lincolnshire with development elsewhere being proportionate and primarily constrained to sites with the developed footprint of settlements that are within appropriate locations. Tier 8 of Policy S1 relates to development in the countryside and states the following:

'Unless allowed by:

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

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

Given the countryside location of the proposed development, the principle of the proposed development falls to Policy S5 of the CLLP which relates to development in the countryside. Whilst the principles outlined above do not list residential development as an acceptable form of development, it defers judgement of development proposals to the criteria within Policy S5 in terms of the appropriateness residential development in the countryside. Part D of Policy S5 relates the new development of new dwellings in the countryside which states the following:

- a) Details of the rural operation that will be supported by the dwelling;*
- b) The need for the dwelling;*
- c) The number of workers (full and part time) that will occupy the dwelling;*
- d) The length of time the enterprise the dwelling will support has been established;*
- e) The commercial viability of the associated rural enterprise through the submission of business accounts or a detailed business plan;*
- f) The availability of other suitable accommodation on site or in the area; and*
- g) Details of how the proposed size of the dwelling relates to the needs of the enterprise*

The proposed development being considered is for the erection of a new single market dwelling in the countryside. It has been conceded by the

applicant that the proposed development is not essential for an agricultural worker and would be a new market dwelling. Therefore, it is considered that the proposed development would be in conflict with Policy S1 and S5 of the CLLP. There is no disagreement on this matter between the Local Planning Authority and the applicant.

Class Q Fallback

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the relevant policies in the development plan unless material considerations indicate otherwise. In most cases, a development being in conflict with Policies S1 and S5 of the CLLP would substantiate the application being refused. However, it is considered in this instance that there are material considerations that indicate otherwise that planning permission should be granted despite the conflict with the above development plan policies.

The argument in favour of the proposed development hinges on whether there is a '*real prospect*' of a permitted development fallback and whether this fallback position should be afforded sufficient weight to outweigh the conflict with Part D of Policy S5 that has been outlined above. A commonly cited piece of case law is that of [Mansell v Tonbridge and Malling Borough Council \[2017\] EWCA Civ 1314](#) which ruled on the matter '*real prospects*' and whether this is a material planning consideration in favour of granting planning permission where a development is in contrast to relevant policies in the development plan. A real prospect does not have to be likely, a possibility is enough to justify a real prospect.

However, this is often argued as a blank cheque for granting planning permission in the face of policy conflict where a fallback position exists. Like any planning application, it should be determined in accordance, first and foremost in accordance with the development plan. In addition, a fallback position is not the only material consideration in an application; in all applications, the NPPF and Planning Practice Guidance (PPG) are or may be very important material planning considerations. This matter can be clarified by citing an appeal decision at Roundabout Farm Roughton, Shropshire¹ which explicitly states that in order for significant weight to be afforded to a fallback position, there has to both be a real prospect of a fallback position and this fallback position has to be **equal to or more harmful** than the development being proposed. Therefore, the remainder of this section will establish whether a real prospect exists and whether this is sufficient to outweigh the policy conflict outlined above.

Does the fallback position exist?

¹ <https://shropshire.gov.uk/committee-services/documents/s34512/Appeal%20decision%202022-01124-FUL.pdf>

Firstly, it is considered that a real prospect of a fallback position exists and this is a material consideration in favour of granting planning permission. The site has an extant prior approval (146756) for the change of use from the existing agricultural building into a single dwelling. This is extant until 2026 and subject to compliance with the relevant conditions, there are no barriers to this being implemented. It is therefore considered that a real prospect of a fallback position exists and were planning permission to be refused, it is very likely that this fallback position would be implemented. As such, the remaining consideration is whether this scheme is equal to or more harmful than the current proposal being considered.

Planning Harm?

The appeal decision referenced above included several considerations, most notably, the harm to Green Belt, the appropriateness of the location and the impact on the character and appearance of the area. The NPPF makes it clear that any inappropriate development on Green Belt is by definition, harmful unless very special circumstances can be demonstrated. In this instance, other than the proposed development being located in the countryside, there are no significant constraints on planning permission being granted. Furthermore, every application should be granted on its own merits and granting planning permission for this application should not provide a justification for the erection of new dwellings that have no connection (or even a tentative one to an existing building or extant planning consents. The prior approval was for the change of use to a dwelling and this proposal is for the erection of a new dwelling. With the possible exception of any technical material considerations that can arise with a development proposal on this site, it is considered that in terms of the 'harm' that can be attributed, there is no material difference between this scheme and the fallback position. On the contrary, it is possible to argue that there is a planning betterment to the current development being proposed.

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

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

outweigh the carbon savings which would arise from the building being repaired, refurbished, re-used, or re-purposed.

It will be demonstrated in this report that the design and thermal efficiency of the dwelling proposed are of a very high standard. The total energy demand of the dwelling proposed is three times lower than the maximum total energy demand permitted by Policy S7 and is nearly half that of the target figure of 35 kwh/m²/yr. The proposed development would also include 19 solar panels, air source heat pumps for heating and two electric vehicle charging points. Paragraphs 157, 160, 163 and 164 and give significant weight to both the benefits of renewable energy and the need to transition to a low carbon economy. The proposed development would have an air tightness of 1 and would also meet its own energy demands. By contrast, the thermal efficiency of the fallback position would be average at best. Although it is possible to improve the thermal efficiency of existing buildings, the baseline of thermal efficiency of the existing agricultural building is likely very low in comparison to what the new dwelling would achieve. This is demonstrated by the total energy demand of the proposed dwelling and a form factor of 1.18.

The material specification is aluminium windows, zinc roof sheeting and timber cladding. This material specification is considered to be sustainable due to the longevity of such materials where metal roofing can have a lifespan of 50 years or more and both timber and elemental resources are both renewable/reusable. Furthermore, it is considered that the proposed development would achieve a very high standard of design in terms of the scale, form and external appearance. The footprint of the proposed development is notable at approximately 330 square metres but it achieves a degree of subservience to the wider site and complements the type of ultra-low-density development that would be expected of the site. The material specification is also of a very high quality and achieves an external appearance that respects both contemporary development and agricultural architectural styles.

For these reasons, it is considered that the proposed development would achieve a material improvement both in terms of design and energy efficiency. Therefore, in accordance with the above assessment, whilst the proposed development would not accord with Part D of Policy S5, it is considered that there is a real prospect of a fallback that would have a design and thermal efficiency which are not as desirable as the development proposal. Significant weight is afforded to this matter and this is considered to be sufficient to outweigh the harm caused by the development departing from the requirements of Policies S1 and S5 of the CLLP.

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 have a total footprint of approximately 330 square metres (not including the detached garage) and would have a ridge height of approximately 8.5 metres and an eaves height of 3.7 metres. The finish and external materials have been outlined in the previous section of this report and are considered to be acceptable and would achieve a high standard of design. The scale, height and form of the proposed development would be subservient to the largest detached dwelling to the west and would achieve a design and character that represents a positive combination of contemporary architecture and rural agricultural development.

It is considered that the proposed development has been designed to have a sound understanding of its context and would be in keeping with the prevailing character and appearance of the area whilst raising the standard of design more generally. This is not just in terms of its external appearance but also high-quality materials, form, and thermal efficiency. The proposed development would also preserve and enhance the rural setting of the site and preserve the openness of the landscape character.

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 135 f) of the NPPF requires that development proposals provide a high standard of residential amenity for both existing and future users.

The proposed development would not be located directly adjacent to any existing dwelling. The wider site consists of the proposed development, a single dwelling that was granted planning permission via a change of use earlier in 2023 (146692) and an existing detached dwelling to the north-west. With the cessation of agricultural activity on the wider site, the remaining development on the site would be of a very low-density form of development and would afford a higher standard of privacy than a typical residential dwelling. Therefore, it is considered that the proposed development would not unacceptably harm the residential amenity of existing and future users of the adjacent dwellings.

There are a number of dwellings intermittently spaced along the access track which runs north towards Hardwick and forms a junction with Sykes Lane approximately two kilometres to the north of the site.

The proposed development would have an internal footprint of 330 square metres on each floor in addition to the detached garage and would therefore achieve significantly exceed the requirements of the [national space standards](#) which are a material planning consideration in residential development proposals.

As such, it is considered that the proposed development would accord with Policy S53 of the CLLP and paragraph 135 f) of the NPPF. This is subject to the imposition of one condition requiring that a scheme of external lighting is submitted to the Local Planning Authority in the event that any additional lighting is installed on the dwelling beyond what is already proposed. This is due to the remote location of the site. The immediate surroundings will be naturally dark at night and inappropriate lighting can become an amenity issue as well as a character and appearance concern.

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 96 of the NPPF supports development proposals that allow for the creation of healthy and safe places. This is reinforced by paragraph 114 of the NPPF which requires that development proposals provide safe and suitable access to all users. Paragraph 115 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.

No objection has been received from the Local Highway Authority who noted that the proposal for the demolition of the existing agricultural building and the erection of one dwelling would not have an unacceptable impact on highway safety.

The theoretical vehicular movements from the existing permitted agricultural use would also be greater than the cumulative impact from a single dwelling. Furthermore, due to the presence of a real prospect of a permitted development fall-back for the change of use from an existing agricultural building to a single dwelling, the relative difference in vehicular movements between the fall-back and the proposed development is essentially the same.

In respect of the above, it is considered that the proposed development would accord with Policies S47 and S49 of the CLLP and paragraphs 96, 114 and 115 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 211 of the NPPF.

It has been noted by the Historic Environment Officer at Lincolnshire County Council that the HER outlines that the site is of possible medieval origin. However, due to significant disturbance on the site both from development in the 19th century and subsequent contemporary development, no archaeological input or mitigation would be required. It is therefore considered that the proposed development would not be contrary to the requirements of Policy S57 of the CLLP and paragraph 211 of the NPPF.

Ecology & Biodiversity

Policies S60 and S61 of the CLLP requires that development proposals do not have an unacceptable impact on ecology or biodiversity and should take opportunities to provide a net gain in biodiversity wherever possible. These requirements are also contained within paragraph 180 of the NPPF. Paragraph 186 states further that where there is significant harm to biodiversity would arise planning permission should be refused.

There are no concerns with respect to the change of use as it is located on previously developed land and the existing barn is generally in a good structural condition. The only aspect that requires any detailed consideration is the demolition of the barns. In this instance, the Planning Practice Guidance is relevant and states the following:

'Bats in buildings

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

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

The agent has also provided the following information:

'The site is lit during evening periods, there are no trees, woodland or expansive areas of water on site. There are no roof tiles nor timbers. There are some small openings but given the lack of features for roosting (usually

within roof timbers or masonry crevices) it is not considered likely that bats are present on site. There are no hanging tiles or timber cladding, and the site has not been disused for several years.'

It is unclear to what degree the site is lit in the evenings given its vacant state but there are at least two dwellings on the wider site (discussed previously). The barn also appeared to be in good condition during my site visit so there does not appear to be an opportunity for bats to enter the agricultural buildings. The barn is also not constructed from timber. Foss Dyke is located to the west of the application site but it is not a large open body of water and the site is not located near woodland.

Wild birds

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

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

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

Although the building is agricultural in nature, it is not a traditional barn that has any particular historic or architectural merit and therefore, it was not apparent on-site that there would be any opportunity for wild birds to establish nests on-site. Furthermore, the site is located in an open agricultural landscape with no trees within 100 metres of the site and only small patches of trees beyond. There are no established habitats such as wetlands, meadows, moorland, cliff or rock faces that would provide opportunities for wild birds.

The requirements of Policy S61 of the CLLP are also not considered to be relevant in this instance as the application relates to demolition of an existing agricultural building and the erection of a new self-building dwelling which is exempt from Biodiversity Net Gain considerations.

It is therefore considered that the proposed development is in accordance with S60 and S61 of the CLLP and paragraph 180 of the NPPF.

Climate Change

The new CLLP takes a progressive and innovative approach by setting specific standards that are required by new residential and non-residential development in relation to site average space heating demand and total

energy demand. Policy S6 of the CLLP provides an overarching set of design principles for efficient buildings. Policy S7 requires that all new non-residential buildings are accompanied by an Energy Statement and are required to meet the following criteria:

- 1. Can generate at least the same amount of renewable electricity on-site (and preferably on-plot) as the electricity they demand over the course of a year, such demand including all energy use (regulated and unregulated), calculated using a methodology proven to accurately predict a building's actual energy performance; and*
- 2. To help achieve point 1 above, target achieving a site average space heating demand of around 15-20kWh/m²/yr and a site average total energy demand of 35 kWh/m²/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m²/yr, irrespective of amount of on-site renewable energy production. (For the avoidance of doubt, 'total energy demand' means the amount of energy used as measured by the metering of that home, with no deduction for renewable energy generated on site).*

Ultimately, an Energy Statement should be provided demonstrating a level of compliance or consideration of these requirements. There is a specific format in which this must be completed that is set out in [Supplementary Planning Documents and Guidance Notes | Central Lincolnshire Local Plan \(n-kesteven.gov.uk\)](https://www.n-kesteven.gov.uk/Supplementary-Planning-Documents-and-Guidance-Notes-Central-Lincolnshire-Local-Plan).

The submitted Energy Statement confirms that the proposed development would achieve an average space heating demand of nine kWh/m²/yr and a total energy demand of 19 kWh/m²/yr which is significantly below the target total energy demand of 35 kWh/m²/yr and even further below the maximum permitted total energy demand of 60 kWh/m²/yr.

The figures outlined above would represent an exceptionally high level of energy efficiency which is achieved by the dwelling having an overall form factor of 1.18 and an air tightness of 1.0m³/hm². The building envelope enables the proposed development a level of energy efficiency that is close to passive house standard by utilising a built form which is design to minimise heat loss and thermal bridging. These figures in combination with the submitted u-values are considered to represent a very high standard of energy efficiency and exceed the requirements of the second criteria outlined above.

To the help meet the first criteria, it is proposed to install 19 solar panels with a total output of 380 watts. This would meet the total energy demand outlined above and experience with similar single dwelling applications suggests that this could potentially exceed the minimum energy requirements of the dwelling. It is proposed to utilise air-source heat pumps as opposed to natural gas and post-construction verification would be provided through 'as-built' EPC measurements. Additional weight is afforded in favour of the proposal due to the applicant proposing to install two electric vehicle charging points on the new dwelling.

In respect of the above, it is considered that the proposed development would accord with Policies S6, S7 and NS18 of the CLLP.

Flood Risk

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

The proposed development is located within Flood Zone 1 which is at the lowest risk of flooding. No objections have been received in respect to flood risk although one pre-commencement condition has been requested from the Witham Third District IDB. This is not in itself an unreasonable request as it is considered necessary to secure appropriate surface water drainage. However, it is not considered necessary for this condition to be prior to the commencement of the whole development.

The applicant is proposing to utilise soakaways and sustainable drainage systems to drain surface water on a site which is already covered in existing hardstanding and a fall-back position for the change of use of the existing agricultural building to a single dwelling.

There is no significant concern that positive drainage on the site cannot be achieved. It is proposed to address the discharge of foul sewage with a package treatments plan. Given the remote location of the site, this is considered to be acceptable.

One condition will be imposed but it will be a standard condition requiring the submission of a scheme of a foul sewage and surface water drainage prior to any development commencing above foundations level. Subject to this condition, it is considered that the proposed development would accord with Policy S21 of the CLLP and paragraphs 165 and 173 of the NPPF.

Other Matters:

Contamination

It has been identified on the application form that the existing agricultural building is constructed from asbestos. Asbestos is regulated by The Control of Asbestos Regulations 2012 but it is considered reasonable to impose a standard condition relating to unidentified contamination as no formal evidence of this has been provided. In addition, the site was formerly used for agricultural activity so it is not inconceivable that the site was formerly impacted by other forms of contamination.

Subject to the imposition of this one condition, it is considered that the proposed development would accord with Policy S56 of the CLLP and paragraphs 189 and 190 of the NPPF.

Mineral Safeguarding

Policy M11 of the LMWLP requires that development proposals do not result in the unnecessary sterilisation of the potential minerals reserves. Paragraph 217 of the NPPF requires that planning decisions should give great weight to the benefits of mineral extraction, including to the economy. Paragraph 218 states that development should not normally be permitted in Minerals Safeguarding Area if it might constrain future minerals development. Policy M11 of the LMWLP is consistent with the requirements of Section 17 of the NPPF and is therefore afforded full weight.

Although the application is located within a Sand and Gravel Mineral Safeguarding Area, the dwelling would be located on a site that already has a fallback position for residential development and there are also dwellings located on the same site. Therefore, the land is considered to already be sterilised from the perspective of mineral extraction.

Furthermore, the application site is located on a wider site that has already been developed so it is not considered that the proposed development would result in any further sterilisation of potential mineral reserves. The presence of other dwellings in the immediate vicinity means that it is also highly unlikely that any potential mineral reserves could be worked.

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

Conclusion:

The proposal has been considered in light of relevant development plan policies namely S1: The Spatial Strategy and Settlement Hierarchy, S2: Level and Distribution of Growth, S5: Development in the Countryside, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S11: Embodied Carbon, NS18: Electric Vehicle Charging, S20: Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S56: Development on Land Affected by Contamination, S57: The Historic Environment, S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan. Relevant guidance in the NPPF has also been considered.

In light of the assessment outlined in this report, it is considered that although the proposed development would be contrary to Policies S1 and S5 of the CLLP, it is considered that there is a real prospect of a fallback position which could be implemented were planning permission to be refused. This is by

virtue of the existing Well Wishing Barn having an extant permission for a prior approval change of use (146756) which is afforded by Schedule 2 Part 3 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

It is also considered that due to the high standard of design and thermal efficiency that the proposed development would achieve, the fallback position would be more harmful in planning terms. This is afforded significant weight in favour of the proposed development and having regard for Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is considered that the material planning considerations indicate that planning permission should be granted despite there being a departure from two policies in the development plan.

It is therefore recommended that planning permission is granted subject to conditions.

Conditions

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 101A, 102, 103 and 104, received 26th October 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.

3. No development above foundations level shall take place until a scheme of foul sewage and surface water drainage has been submitted to and agreed in

writing with the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

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

4. The development hereby permitted shall be carried out in accordance with the details set out in the Amended Energy Statement received 6th December 2023 unless otherwise agreed in writing by the Local Planning Authority.

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

5. Prior to occupation of the dwelling hereby permitted, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the Amended Energy Statement received 6th December 2023 and approved in writing by the Local Planning Authority.

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

6. No external lighting shall be installed on the development hereby permitted unless a scheme of external lighting is submitted to and agreed in writing with the Local Planning Authority. The development thereafter shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development hereby permitted does not have an unacceptable impact on residential amenity to accordance the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

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

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

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

8. 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.

Site Location Plan- 5-7 Market Place, Gainsborough



Officers Report
Planning Application No: 147177
And
Listed Building Consent No: 147178

PROPOSAL: Planning application to install a traditional Victorian awning.
And
Listed Building Consent to install a traditional Victorian awning.

LOCATION: 5-7 Market Place Gainsborough Lincolnshire DN21 2BP
WARD: Gainsborough South West
WARD MEMBER(S): Cllr T V Young and Cllr J S McGhee
APPLICANT NAME: Ms Claire Hill- West Lindsey District Council

TARGET DECISION DATE: 26/12/2023 (Extension of time agreed until 5 January 2024)
DEVELOPMENT TYPE: Minor - all others and Listed Building - Alter/Extend
CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission and listed building consent with conditions

The applications are referred to the planning committee for determination in line with the Council's constitution as West Lindsey District Council is the applicant.

Site Description: The application site is a grade II listed building within the Town Centre Market Place (Primary shopping Area) of Gainsborough. The building has retail on the ground floor and flats above. It is adjacent the pedestrian areas of the Market Place with other retail and business uses in all directions. The site is within the Gainsborough Town Conservation Area and in the setting of several listed buildings.

The Proposal: The applications seek full planning permission and listed building consent for the installation of a traditional Victorian retractable awning to the front elevation of the ground floor shop unit. The fabric part of the awning will be an Admiral Blue colour (RKS170) and will retract into a box affixed to the front elevation. It will measure 5.4m in width and will project out 2m. Following initial comments from the Highways Authority an amended plan was received on 08/12/23. This now shows the head clearance of the awning to be 2.2m above ground level.

Relevant history:

146998- Listed building consent for temporary propping to rear section of roof, replacement or repair of rotten structural timbers and inclusion of new supporting precast

concrete pad stone and joist hanger, installation of reinforcement bars at north-east corner, installation of new restraint straps to brick wall and header plate for rafters, temporary removal of existing roof tiles and re-laying following repair, and removal of existing render to north elevation (high level) and re-rendering following strapping and stabilising of gable wall. GC 29/08/2023.

143879 - Request for confirmation of compliance with conditions 3-12 inclusive of Listed Building Consent 142759 granted 17th June 2021 – 13/12/22 - Condition discharged

143856 - Request for confirmation of compliance with conditions 3-12 inclusive of planning permission 142758 granted 17 June 2021 – 13/12/22 - Condition discharged

142759 - Listed building consent for change of use of first - third floor from offices to 3no. residential apartments, removal of existing and installation of timber shop front, installation of gate, removal of pantiles and installation of slate roof, removal of escape door, facade repair including brick replacement, mortar repair and stone cill replacement, structural works tying in west facade with floor, sash window repair and refurbishment and associated internal and external repairs and refurbishment – 17/06/21 – Granted time limit plus conditions

142758 - Planning application for change of use of first - third floor from offices to 3no. residential apartments, removal of existing and installation of timber shop front, installation of gate, removal of pantiles and installation of slate roof, removal of escape door, facade repair including brick replacement, mortar repair and stone cill replacement, structural works tying in west facade with floor, sash window repair and refurbishment and associated internal and external repairs and refurbishment – 17/06/21 – Granted time limit plus conditions

97/P/0229 Consent to internally alter existing building - 14/05/97 - Approved

W33/1146/89 Change the use of shop to office (Class A2 of the Town and Country Planning (Use Classes Order) 1987) - 7/12/89 - Approved

Representations- In Summary. Full versions of the comments received can be viewed on the Councils website, using the following links:

147177- <https://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?id=147177&nb=1>

147178- <https://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?docid=147178>

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

Gainsborough Town Council: No comments to make.

Local residents: No representations received to date.

LCC Highways/Lead Local Flood Authority:

11/12/2023- No objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application. Recommends two informatives.

27/11/2023- Additional information required. Head clearance for the awning will need to be a minimum of 2.2m from ground level. Can the applicant update the design accordingly.

Historic England: In our view you do not need to notify us of this application under the relevant statutory provisions.

WLDC Conservation Officer: Verbal- No objections to the proposed awning.

Archaeology: No representations received to date.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023); the Gainsborough Town Neighbourhood Plan (made 2021); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S37: Gainsborough Town Centre and Primary Shopping Area

Policy NS41: City and Town Centre Frontages

Policy S47: Accessibility and Transport

Policy S53: Design and Amenity

Policy S57: The Historic Environment

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

- ***Gainsborough Town Neighbourhood Plan (NP)***

Relevant policies of the NP include:

NPP 1 Sustainable Development

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

NPP 18 Protecting and Enhancing Heritage Assets

NPP 19 Improving the Vitality of the Town Centre

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

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

The site is within a Minerals Safeguarding Area, Minerals or Waste site / area and Policy M11 applies.

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

National policy & guidance (Material Consideration)

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

https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in December 2023.

- ***National Planning Practice Guidance***

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

- ***National Design Guide (2019)***

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

- ***National Design Code (2021)***

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

Other Relevant Legislation

- Statutory Duties contained within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990- The 'Act'.

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

Main issues

- Principle of Development;
- Impact on host Listed Building and Gainsborough Conservation Area;
- Other Matters.

Assessment:

Principle of Development

The application site is located within Gainsborough Town Centre. Gainsborough is defined as a 'Main Town' within Policy S1 of the CLLP. The works comprise of external alterations to the existing building, the main considerations in this case are the impacts on the host building, a Grade II Listed Building, as well as the nearby designated heritage assets comprising of other nearby listed buildings and the Gainsborough Town Centre Conservation Area.

Section 16 (2) of the Planning (Listed Building and Conservation Area) Act 1990 requires Local Planning Authorities to 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.

Impact on host Listed Building and Gainsborough Conservation Area

Policy S53 states that; *All development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.*

Policy NS41 states that; *Proposals for new frontages or **alterations to existing frontages** within an identified centre will be permitted provided the proposal:*

- a. is of a high quality design and is sympathetic in scale, proportion and appearance to the building of which it forms part, and to the character of the surrounding street scene; and*
- b. protects, and where possible enhances, traditional or original frontage or features that are of architectural or historic interest, particularly if the building is listed or within a conservation area; and*
- c. is designed to allow equal access for all users.*

With regard to Listed Buildings Policy S57 of the CLLP states that; *Permission to change the use of a Listed Building or to alter or extend such a building will be granted where the local planning authority is satisfied that the proposal is in the interest of the building's*

conservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.

Policy NPP18 of the NP states that; *Development proposals for the renovation of buildings and shopfronts in the Town Centre that reinforce its historic character and comply with West Lindsey District Council's shopfront improvement scheme will be supported.*

The statutory duties contained within Sections 66 and 72 the 'Act' place a legislative requirement on the Local Planning Authority to pay 'special regard' to the desirability of preserving the setting of listed buildings. With regard to conservation areas, Section 72 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The applications seek full planning permission and listed building consent for the installation of a traditional Victorian retractable awning to the front elevation of the ground floor shop unit. The fabric part of the awning will in an Admiral Blue colour (RKS170) and will retract into a box affixed to the front elevation. It will measure 5.4 metres in width and will project out 2 metres. The awning would be of a traditional appearance, design and colour that will match the existing shop frontage. The Councils Conservation Officer has verbally confirmed that they have no objections to the proposals.

Overall, it is considered that the special historic interest of the host Listed building would be preserved and would therefore accord to the statutory duty contained within Section 16 of the 'Act'. The proposals would also help to enhance the Gainsborough Town Centre Conservation Area and street scene of the Market Place in accordance with the policies contained within the Development Plan and the Statutory duties within Sections 66 and 72 of the 'Act'.

Other Matters

Highways- The highways authority have been consulted on the proposals. Their initial comments requested that the head clearance for the awning need to be at least 2.2 metres above ground level. Amended plans were received on 08/12/23, which now shows a clearance of 2.2 metres. The Highways Authority at Lincolnshire County Council have subsequently confirmed that they now have no objections to the proposals subject to two informatives to be added to the decision in the event that permission is granted. Overall, the proposals would not have a harmful impact upon on highway safety.

Drainage- Drainage from the awning will utilise the existing drainage systems at the site.

Residential Amenity- The proposals, given that they comprise of minor external works to an existing building, would not impact upon the amenity of any neighbouring residential occupiers.

Minerals Safeguarding Area- The proposals comprise of external works to an existing building and its frontage, it is not considered that safeguarding considerations within policy M11 of the Lincolnshire Minerals and Waste Local Plan are engaged in this case.

Planning application conclusion

The application has been considered against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S6: Design Principles for Efficient Buildings, Policy S13: Reducing Energy Consumption in Existing Buildings, Policy S37: Gainsborough Town Centre and Primary Shopping Area, Policy NS41: City and Town Centre Frontages, Policy S47: Accessibility and Transport, Policy S53: Design and Amenity, Policy S57: The Historic Environment of the Central Lincolnshire Local Plan, the policies within the Gainsborough Town Neighbourhood Plan, Policy M11 of the Core Strategy and the Statutory duties contained within Sections 66 and 72 of the 'Act' in the first instance along with the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment it is considered that the proposed awning would respect the host Grade II Listed building as well as the wider Market Place. The proposals would preserve the setting of the nearby listed buildings and conservation area. No unacceptable harm has been identified with regard to the impacts upon residential amenity, highways or drainage nor would the proposal impact upon the minerals safeguarding area. The application is recommended for approval subject to conditions.

Listed Building Consent conclusion

The proposal has been considered against the duty contained within section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. In light of this assessment, the proposal is considered as preserving the desirability of the Listed Building and its setting. Furthermore, the proposed development will preserve the desirability of the special architectural features or historic interest it possesses. The consent is therefore recommended for approval, subject to conditions.

RECOMMENDATION- Grant planning permission and listed building consent with conditions

Recommended Conditions- Planning Permission 147177

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

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

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

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

None.

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

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

- Site Location Plan received 31/10/2023;
- Project Specification drawing 02 Rev B received 08/12/2023;
- Side Elevation and Cross Section Drawing 04 Rev B received 08/12/2023;
- Proposed Front Elevation Drawing 03 Rev B received 08/12/2023;
- Product Specifications- Box Details Drawing 05 Rev B received 08/12/2023;
- Fixing Specification Drawing no. 06 Rev B received 08/12/2023.

The works shall be carried out in accordance with the details and material information 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.

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

None.

Notes to the Applicant

None.

Recommended Conditions- Listed Building Consent 147178

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

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

None.

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

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

- Site Location Plan received 31/10/2023;
- Project Specification drawing 02 Rev B received 08/12/2023;
- Side Elevation and Cross Section Drawing 04 Rev B received 08/12/2023;
- Proposed Front Elevation Drawing 03 Rev B received 08/12/2023;
- Product Specifications- Box Details Drawing 05 Rev B received 08/12/2023;
- Fixing Specification Drawing no. 06 Rev B received 08/12/2023.

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

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

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

None.

Notes to the Applicant

Highways

Oversailing License Section 177- Please contact Lincolnshire County Council Local Highways Team on 01522 782070 to obtain an oversailing license for the proposed awning over the footway, under Section 177 of Highways Act 1980.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the

Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Human Rights Implications:

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

Legal Implications:

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

Agenda Item 6d



Officers Report

Planning Application No: 147202

PROPOSAL: Planning application to change the use from 1no. shop, 3no. dwelling houses and 1no. flat to 1no. shop, 3no. dwellings and 2no. flats

LOCATION: 80-82 Church Street Gainsborough Lincolnshire DN21 2JR
WARD: Gainsborough South West
WARD MEMBER(S): Cllr T V Young & Cllr J S McGhee
APPLICANT NAME: Mr M Gregory 'Watson Homes Ltd'

TARGET DECISION DATE: 05/01/2024
DEVELOPMENT TYPE: Change of Use
CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

The application is referred to the planning committee for determination in line with the constitution as the proposal is considered to be a departure from Policy S49: Parking Standards of the Central Lincolnshire Local Plan 2023.

Description:

The site is a Grade II listed building within Gainsborough Town Centre. The property is a 3-storey building that fronts Church Street to the west, with an extensive range of buildings to the rear which extends to north street. The attached neighbouring buildings to the north and south are also listed.

The site is within the Gainsborough Town Centre Conservation Area and the site is attached to other commercial properties some of which have accommodation on the upper floors. To the west of the site on the other side of Church Street is the Grade I Listed Church of All Saints and to the east on the other side of North Street are residential and commercial properties. The majority of site is located within Flood Zone 2 & 3 but is in an area benefiting from flood defences.

The application proposes to change the use of the building from 1no. shop, 3no. dwelling houses and 1no. flat to 1no. shop, 3no. dwellings and 2no. flats. The existing ground floor shop unit fronting Church Street will be retained and above on the first floor a one bed flat (Unit 4) is proposed. Above this flat on the second floor another one bed flat (Unit 5) is proposed. To the north in the attached range a one bed dwelling over two floors (Unit 3) is proposed and further to the north in this range a 2-bed dwelling (Unit 2) is proposed. Finally, in the detached two storey building that fronts onto North Street a 2 bed dwelling over two floors is proposed (Unit 1). In the rear courtyard a limited amount of outside amenity space is provided, a bin storage area and a cycle storage area.

Work has started on a previous planning permission (M06/P/1192) and Listed building Consent (M06/P/1202). Therefore, this permission is extant.

Departure Procedure: The application has been advertised as a departure from the local plan in line with Section 15 (2) of the TCPA Development Management Procedure Order 2015¹ a site notice was displayed on 06/11/2023 and a notice has been placed in the local newspaper on 13/12/2023. The advertisement of the departure therefore meets the provisions of Section 15 of the DMPO.

Relevant history:

147359 - Listed building consent to change the use from 1no. shop, 2no. flats and a dance hall to 1no. shop, 3no. dwellings and 2no. Flats. To be determined in tandem with this application.

M06/P/1192 - Planning Application to change the use from 1no. shop, 2no. flats and a dance hall to 1no. shop, 3no. dwelling houses and 1no. flat. Granted 24/01/2007.

M06/P/1202 - Listed Building Consent to change the use from 1no. shop, 2no. flats and a dancehall to 1no. shop, 3no. dwelling houses and 1no. flat. Granted 24/01/2007.

97/P/0171 - Planning application to alter existing shop front. Granted 10/04/97.

97/P/0172 – Listed Building Consent to alter existing shop front. Granted 10/04/97.

Representations:

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

Town Council: No comments or objections to make.

Local residents/Occupiers: 25-27 Lord Street, Gainsborough: Excellent proposal for this disused building. The building in question is currently having a negative impact on Church Street, these proposals will smarten the building up and give it a new lease of life and enable the building to contribute positively to the area. Good work.

LCC Highways and Lead Local Flood Authority: 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 and the applicant is providing cycle parking to facilitate sustainable options. Future residents of the development will not be

¹ <https://www.legislation.gov.uk/uksi/2015/595/article/15>

reliant on the private car and therefore parking is not essential for this proposal. The site already has an existing use including residential, there is no change to the structure of the building which abuts the highway and therefore it would not have an unacceptable impact on highway safety. One informative is suggested.

LCC Archaeology: No representations received to date.

Conservation Officer: 80-82 Church Street is a grade II listed building built in the 18th or early 19th century. The building is built with brick walls and pantile roof. The front elevation is three storey and a two-bay front.

The building is listed as part of a group with 62-90 church street which compile a collection of seven grade II listed buildings all in a row. All these buildings are from the 18th century built in different shapes and sizes with brick walls and slate or pantile roofs.

The grouping of this row is focused on the grade I listed Parish Church of All Saints. The church has a 11th century tower with the remainder being 18th century. Built in limestone ashlar walls, and with its size and scale, this building illustrates its hierarchical dominance over the street scene has a strong significance for the setting within the historic environment.

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.

The property is to the north of the Gainsborough Town Centre Conservation Area. The conservation area appraisal also highlights the group value of the Church and the row of listed buildings on Church Street.

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.

The proposal to convert the building seeks to retain the whole historic form including vernacular openings intact. Due to the group value of buildings on Church Street, the principle elevation offers a strong significance, with the brick walls, vertical sash windows, and shop front. The proposal does not seek to alter the vernacular details of this.

The only alteration to an opening consists of the door opening to a window on the ground floor of the Living/Dining Room in unit 3. With this alteration I would like to request the opening is retained in its size or is made readable as partly infilled. A fully glazed unit or a timber cladding infill to the bottom half would retain the opening whilst allowing for the readable adaptation for modern living.

Outside of this individual alteration, the proposal will not alter the historic fabric to the listed building. The alterations are either to the modern partition walls or additional walls within the existing fabric. This will protect and conserve the listed building with its original form and use.

Within the buildings there are many items of historic or architectural interest. There are original doors, windows, architraves, skirting boards, beams, roof trusses, fireplaces that need to be considered for retention for the internal works. There is no detail for the internal works in terms of materials or finishes so this will be required within a condition.

Some of the historic timbers and trusses are vulnerable due to the weathering and some of the modern structural supports are loosely positioned and not secure. This will need to be fully assessed prior to any work to ensure the best outcome for the historic fabric.

The windows to the front are vertical sashes but appear to be 20th century replacements due to the horns and thick glazing bars. These have little historic interest but the vertical sashes offer architectural interest to the front elevation.

The retention of the shop front is a positive approach, although in need of some repair, this is a positive feature of the principle elevation and is a strong feature in the grouping and setting with Church Street and the church located directly opposite. The repairs and improvements will need more detail which can be conditioned.

The retention of the historic stairs is also a positive approach, although these have been harmed with the loss of the banisters and other decorative details, this approach will conserve the historic form and layout with the steps remaining.

The dancehall converted area appears to be a rebuilt section or has extreme loss that there was no historic or architectural interest visible here. The significance of this building comes in its historic layout that highlights the evolution of this listed building.

67 North Street is mentioned in the Heritage Statement as not part of the listed building but is sited within the courtyard of 80-82 Church Street.

When reviewing the three key factors of determining curtilage listed structures, this meets all three points.

Therefore, I disagree with the Heritage Statement that suggests this property is not part of this group of buildings and I consider that the dwelling known as 67 North Street is curtilage listed as part of the historic group.

The historic mapping indicates that North Street was previously known as Back Street and these buildings that face North Street were historically

associated as ancillary buildings to the main dwellings facing onto Church Street.

67 North Street must take the same approach and consider the internal and external alterations within this building through the Listed Building Consent. In this case the floor plans show a similar approach with no alterations to the existing vernacular openings or floor plans with only additional partition walls being added. Any works internally must be submitted along with the listed building.

There is one exception to this with one new window being added to the ground floor at the rear (west elevation).

This is a minimal alteration to the building and the size and scale of the opening is in keeping with the character of the building.

The proposal protects the significance of the listed building through its historic character, townscape feature, design, layout and views. This will conserve the listed buildings special architectural and historic interest and setting. This proposal is supported by Policy S57 of the CLLP.

I have no objections to this proposal subject to the following conditions:

Environment Agency: 06/10/2023: In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused.

The application site lies within Flood Zone 2 and 3, which is land defined by the planning practice guidance as having a medium and high probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations. An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

To overcome our objection, the applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

Further comments received 21/12/2023: We have received the amended drawing 'Location Plan, Existing Floor Plans and Elevations', dated December 2023 and are consider that it satisfactorily addresses our earlier concerns regarding flood risk. As there will be no increase in residential accommodation on the ground floor, we withdraw our previous objection, dated 06 October 2023,

Joint Committee of National Amenity Societies: No representations received to date.

Historic England: 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. We suggest that you seek the views of your specialist conservation and archaeological advisers.

Building Control: Confirmation that work started but then came to a halt in 2011 with the last site inspection on the 22 June 2011 (071797) in relation to planning permission M06/P/1192 & listed building consent M06/P/1202 (see relevant planning history above).

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:

The following policies are particularly relevant:

Central Lincolnshire Local Plan adopted 2023 (CLLP):

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 S13: Reducing Energy Consumption in Existing Buildings

Policy S20: Resilient and Adaptable Design

Policy S21: Flood Risk and Water Resources

Policy S23: Meeting Accommodation Needs

Policy S35: Network and Hierarchy of Centres

Policy S37: Gainsborough Town Centre and Primary Shopping Area

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S57: The Historic Environment

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

Gainsborough Neighbourhood Plan

NPP 1 Sustainable Development

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

NPP 8 A Mix of Housing Types

NPP 18 Protecting and Enhancing Heritage Assets

NPP 19 Improving the Vitality of the Town Centre

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

Lincolnshire Minerals and Waste Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area (MSA). Policy M11 applies.

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

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2023.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

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

Listed Building Legal Duty

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

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

CA Legal Duty

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

<https://www.legislation.gov.uk/ukpga/1990/9/section/72>

Main issues

- Principle of Development
- Conservation Area and Listed Buildings
- Residential Amenity
- Visual Impact
- Foul and Surface Water Drainage
- Flood Risk
- Highways and Carparking
- Other Matters

Assessment:

Principle of Development

It is proposed to create five flats/dwellings on the upper storey's of this three storey building located within the town centre of Gainsborough and within the extensive range of buildings attached/located to the rear (east) of the building fronting Church Street. The Central Lincolnshire Local Plan contains a suite of policies to guide development within the Town Centre.

Gainsborough is designated as a Main Town within Policy S1 of the CLLP. Policy S1 states that: *'To maintain and enhance their roles as main towns, and to meet the objectives for regeneration, Sleaford and Gainsborough will, primarily via sites allocated in this Local Plan and any applicable neighbourhood plan, be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision. In addition to sites being allocated in the Local Plan or a neighbourhood plan, development proposals in accordance with Policy S3 and other relevant development plan policies will be viewed positively.'*

Policy S3 of the CLLP relates to new housing in the Main Towns of Central Lincolnshire and states that: *Within the developed footprint* of the Lincoln Urban Area and Main Towns and Market Towns, development proposals at appropriate locations** not specifically identified as an allocation or an area for change in this plan will be supported in principle.*

Paragraph 90 of the NPPF is supportive of residential development within Town Centre locations as it is recognised that such development often plays an important role in ensuring the vitality of such centres. Significant weight is also attached to securing the future use of a designated heritage asset.

The Gainsborough Town Centre section of Policy S37 of the CLLP states that; *'Development proposals within Gainsborough Town Centre, not in E Use Class will be considered on their merits subject to satisfying the criteria in a)-e) where relevant and providing that they will:*
f) not result in large gaps between town centre uses in frontages;
g) not detract from or otherwise harm or conflict with town centre uses; and
h) be compatible with maintaining or enhancing Gainsborough Town Centre as a sub-regional shopping destination.

Proposals for residential or commercial development above town centre uses will be supported providing that the proposed use would not be likely to introduce conflict with existing uses.'

Point 4 of Policy NPP19 of the GNP states that; *Development proposals for the use of upper floors of commercial premises within the town centre for residential use will be supported where it can be demonstrated.*

Overall, the site is located within the developed footprint of Gainsborough, being within the town centre. The proposal will maintain a retail use on its ground floor level fronting Church Street.

The residential development element of the proposals is supported by the development plan and the NPPF as this would complement the existing uses ensuring the continued vitality of the town centre. In principle it is considered that the proposal accords to policies S1, S3, S35 and S37 of the CLLP and Policy NPP 19 of the Gainsborough Neighbourhood Plan.

Conservation Area and Listed Buildings

The site is a Grade II listed 3 storey building which is surrounded by other commercial properties some of which have accommodation on the upper floors. Many of these neighbouring buildings are also listed, including the attached buildings to the north and south. To the west of the site on the other side of Church Street is the Grade I Listed Church of All Saints. The building was built in the early 18th or early 19th century and is located in the Gainsborough Town Centre Conservation Area.

S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act contains similar requirements with respect to buildings or land in a conservation area. In this context, "preserving", means doing no harm.

Policy S57 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. This aim is echoed within policy NPP18 of the Gainsborough Neighbourhood Plan (NP).

Paragraph 205 of the NPPF states that *'great weight should be given to the [designated] asset's conservation'*. Paragraph 206 goes on to state that *'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*.

Paragraph 207 provides guidance that *'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent'*.

Existing openings will be utilised (including the retention of the Church Street shopfront) apart from one new small ground floor window on the rear (east) elevation of the detached building which fronts onto North Street and one ground floor window is proposed where a door currently exists on the north elevation of the rear range. In terms of floor plans no alterations to the existing vernacular floor plans are proposed with only additional partition walls being proposed.

Any subsequent building regulations application would work within the constraints of the Listed Building to upgrade the sound proofing if necessary between the ground floor shop unit and between the proposed self-contained residential units.

The full scope of the works shown on the proposed plans have been reviewed by the councils Conservation Officer and have been found to be acceptable subject to suggested conditions in terms of the impact on historic fabric and that they would preserve the special historic interest of the host building.

It is considered that the proposed approach to development (subject to conditions) would achieve the key heritage aims of the NPPF in that it would put an existing deteriorating Heritage Asset into a viable use to enable its ongoing conservation. It is considered that the proposal would not harm the special architectural or historic interest of the Listed Building or its setting. The proposal will also preserve the character and appearance of the Conservation Area. The proposal would accord to Statutory Duties, the policies within the Development Plan and Section 16 of the NPPF.

Residential Amenity

The proposal will bring back into use a vacant Grade II Listed Historic building. National and Local Planning Policy seeks to bring back to use vacant upper floors in town centres for residential uses in order to contribute to the vitality and viability of the town centre.

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.

Existing openings will be utilised apart from one new small ground floor window on the rear (east) elevation of the detached building which fronts onto North Street and one ground floor window is proposed where a door currently exists on the north elevation of the rear range. Any subsequent building regulations application would work within the constraints of the Listed Building to upgrade the sound proofing if necessary between the ground floor shop unit and between the proposed self-contained residential units.

There are no concerns in relation to overlooking, over dominance or loss of light over adjoining properties. All five of the units meet with the nationally described space standards. The main living areas of the flats and bedrooms would all be served by windows, allowing adequate light to enter the rooms. In terms of noise, a level of noise is to be expected in a town centre location.

The lack of outside amenity space is noted; however this is not an unusual situation for town centre flats/dwellings, other grassed amenity areas are available within the town centre area, notably to the west around All Saints Church and Gainsborough Old Hall and along the Riverside Walk.

The development would therefore not have an unacceptable harmful impact on the living conditions of the future occupiers and is acceptable with regard to the impact on existing neighbouring uses and would accord with Policy S53 and the provisions of the NPPF, particularly paragraph 130(f).

Visual Impact

Local Plan Policy S53 states that all development *'must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.'* Development must *'relate well to the site, its local and wider context and existing characteristics including the retention of existing natural and historic features wherever possible and including appropriate landscape and boundary treatments to ensure that the development can be satisfactorily assimilated into the surrounding area'*. It further states that development should *'contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness'*, and should *'be appropriate for its context and its future use in terms of its building types, street layout, development block type and size, siting, height, scale, massing, form, rhythm, plot widths, gaps between buildings, and the ratio of developed to undeveloped space both within a plot and within a scheme.'* In addition, development must *'achieve a density not only appropriate for its context but also taking into account its accessibility.'*

Existing openings will be utilised apart from one new small ground floor window on the rear (east) elevation of the detached building which fronts onto North Street and one ground floor window is proposed where a door currently exists on the north elevation of the rear range.

It is therefore considered that the proposal will not harm the character and appearance of the street-scene in accordance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

Foul and Surface Water Drainage

The site benefits from existing foul and surface water drainage connections which the proposed flats will link into. The proposals will not increase the external floor space of the existing building. Given the existing drainage connections at the site it is not considered necessary to request any further details to be submitted in this respect.

The proposal therefore accords with the NPPF and Policy S21 of the Central Lincolnshire Local Plan.

Flood Risk

The case officer has contacted the Environment Agency setting out the following:

"In regards to your attached comments, the site is within Flood Zone 2 & 3, apart from No.67 North Street at the eastern end of the site (see figures 1 & 2 below). However, the site is within an area benefiting from flood defences. The site also benefits from the following planning consent which has been enacted (please see attached approved proposed floor plans). M06/P/1192 - Planning Application to change the use from 1no. shop, 2no. flats and a dance hall to 1no. shop, 3no. dwelling houses and 1no. flat. The current application(s) if you look at the attached proposed plans does not propose any more accommodation on the ground floor level and each of the five units proposed has accommodation on the first or second floors in addition to the

ground floor accommodation which provides a safe place of refuge in the event of flooding. The site is not within a dry island and in a nearby flood event a safe egress route can be found by travelling east through the external passageway proposed to Unit 1 away from the River Trent onto North Street.'

The Environment Agency have now confirmed that the further information provided to them satisfactorily addresses their concerns in regards to flood risk and as there will be no increase in residential accommodation on the ground floor they withdraw their objection.

Overall, matters of flood risk are considered to be acceptable in accordance with the NPPF and Policy S21 of the Central Lincolnshire Local Plan.

Highways and Parking

No objection has been received from the Local Highway Authority relating to the proposed development. Appendix 2 of the CLLP which is referred to in Policy S49 states that 1 bed dwellings in market towns should provide 1 parking space per dwelling plus visitor spaces and 2 bed dwellings 2 parking spaces plus visitor spaces. The proposal does not include any dedicated parking provision for the flats/dwellings proposed. It is noted that no parking provision has been requested by the highway's authority, stating that the development is in a highly sustainable location. The Gainsborough Neighbourhood Plan does not contain any specific figures with regard to parking provision for new dwellings within the town.

With consideration to the town centre location with close walking proximity to numerous facilities/services and siting close to public transport links, including the bus station, it is considered that the non-inclusion of parking provision is acceptable in this case. It is also considered that the benefits of restoring and bringing this Grade II listed building back into use greatly outweighs the harm caused by the lack of parking provision and the departure from local policy S49 of the CLLP. Taking this into account it is not considered reasonable to withhold permission on this ground alone and on balance the lack of parking is justified in this instance. If it is minded to grant permission the informative suggested by LCC Highways will be attached to the decision notice.

Other matters:

Household waste

Bins for the proposed flats will be kept in the rear courtyard which is surrounded by high walls to the east of the building which fronts Church Street.

Minerals Safeguarding Area

Changes of use to existing buildings and listed building consent applications are considered to be exempt from safeguarding considerations. In any case, due to the development being within the continuous developed footprint of Gainsborough it is not considered that safeguarding considerations are engaged in this case.

Energy Policies

It is noted that Policy S13 of the CLLP encourages applicants to consider all opportunities to improve energy efficiency and where such efforts achieve an improved EPC rating would be supported in principle. Notwithstanding that the wording of Policy S13 only encourages applicants to consider improving energy efficiency, in this instance, it is not considered necessary to request that any amendments are made to the proposals given that the site comprises of a listed building, in a conservation area and within the setting of other listed buildings where such new internal materials, solar panels and air source heat pumps, for example would likely not be supported.

Conclusions and reasons for decision

The decision has been considered against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S2: Growth Levels and Distribution, Policy S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns, Policy S6: Design Principles for Efficient Buildings, Policy S13: Reducing Energy Consumption in Existing Buildings, Policy S20: Resilient and Adaptable Design, Policy S21: Flood Risk and Water Resources, Policy S23: Meeting Accommodation Needs, Policy S37: Gainsborough Town Centre and Primary Shopping Area, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity and Policy S57: The Historic Environment of the Central Lincolnshire Local Plan and the policies contained within the Gainsborough Neighbourhood Plan (NPP 1 Sustainable Development, NPP 6 Ensuring High Quality Design, NPP 7 Ensuring High Quality Design in each Character Area, NPP 8 A Mix of Housing Types, NPP 18 Protecting and Enhancing Heritage Assets and NPP 19 Improving the Vitality of the Town Centre) and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance and against Section 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In light of the above assessment it is considered that the principle of development in this Town Centre location can be supported. The proposal would not have a detrimental impact on the residential amenity of neighbouring properties or a detrimental impact on the street scene. Furthermore, the proposal would not harm the special architectural or historic interest of the Listed Building or its setting. The proposal will also preserve the character and appearance of the Conservation Area.

Matters of highway safety, flood risk and drainage are also considered to be acceptable. The proposal does represent a departure from the provisions of Policy S49, however as detailed in the above report, the heritage benefits that the scheme would bring is considered to outweigh the lack of proposed parking provision in this case.

RECOMMENDATION- Grant planning permission with the following conditions:

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 002 (Proposed Floor Plans and Elevations) dated 21/11/2023. 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.

3. Where any repair/replacement is required on the pantile roof, the roof tiles to be used shall match the existing pantiles exactly in terms of size, shape and colour unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the Gainsborough Conservation Area. To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies S53 and S57 of the Central Lincolnshire Local Plan and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Reason: To safeguard the Grade II Listed Building and to accord with the National Planning Policy Framework.

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

None.

Notes to the Applicant

Listed Building Consent 147359

See conditions on the decision notice for Listed Building Consent 147359 also.

Highways

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

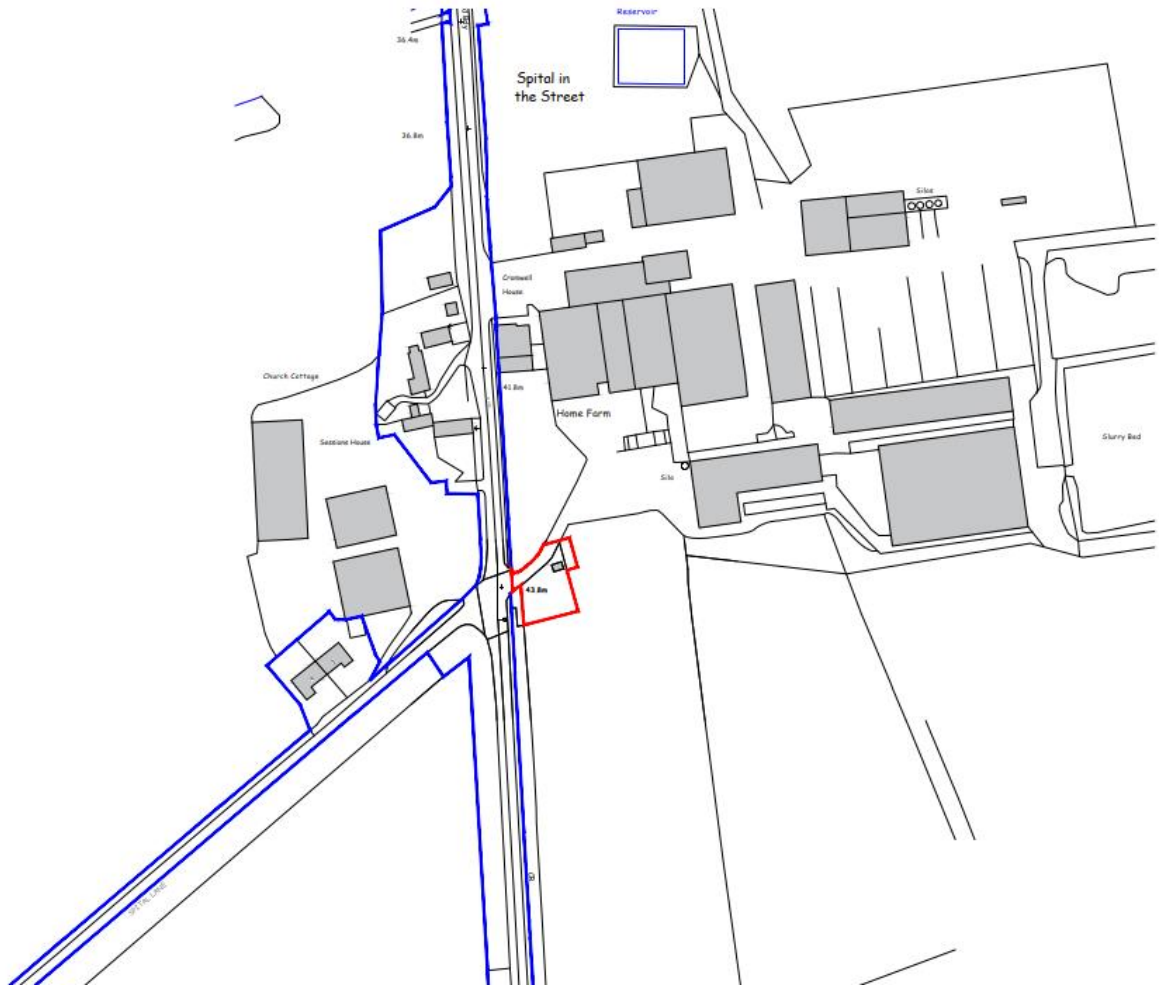
Human Rights Implications:

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

Legal Implications:

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

Agenda Item 6e



Officers Report

Planning Application No: 147527

PROPOSAL: Planning application for replacement of existing raw milk vending unit with a larger structure including an ice cream vending machine and internal seating area

LOCATION: Raw Milk Vending Machine, Home Farm Ermine Street
Spital In The Street Market Rasen LN8 2AU

WARD: Waddingham and Spital

WARD MEMBER(S): Cllr A M Duguid

APPLICANT NAME: Mr Adam Duguid

TARGET DECISION DATE: 05/01/2024

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

The application has been referred to the Planning Committee as the applicant is also the Ward Member.

Description:

The application site is situated in the open countryside, approximately 1.4 kilometres to the east of Hemswell Cliff, and lies within a Limestone Minerals Safeguarding Area. The site forms part of a working farm (Home Farm) which is located to the north and north east of the site. The site is accessed off the A15 to the west which leads to an area of hardstanding to the south of the access to Home Farm on which stands a single storey wooden raw milk vending unit. Apart from Home Farm to the north and north east of the site, to the south and east are agricultural fields and to the west on the other side of the A15 are other agricultural buildings belonging to Home Farm.

Four Grade II listed buildings which form a small cluster are located to the north and north west of the application site, the nearest of which (Barn at Spital Almshouse) is approximately 62 metres in distance from the application site.

The application seeks permission to replace the existing single storey wooden raw milk vending unit with a larger single storey wooden structure to house a raw milk vending unit as well as an ice cream vending machine and internal seating area.

Relevant history:

136284 – Planning application to erect a shed to house a direct to the public milk vending machine. Granted 19/07/2017.

Representations:

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

Glentham Parish Council: No representations received to date.

Local residents: No representations received to date.

LCC Highways/Lead Local Flood Authority: The proposal is for a replacement structure and it does not have an impact on the Public Highway or Surface Water Flood Risk. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

LCC Archaeology: 18/12/2023: The site lies in the remains of the medieval settlement of Spital in the Street. We do not have much information on the medieval settlement, but it would have encompassed more than the current roadside buildings. Given the site's location in the area of the medieval settlement there is a high potential for below-ground archaeological remains pertaining to the medieval period.

Not enough information has been provided with the proposed application regarding the foundations of the proposed building and any other associated groundworks. Once further information has been provided regarding this, a recommendation can be made by this department.

If the building does have foundations and ground reduction works are to be carried out, I will be recommending that a condition is placed for archaeological monitoring and recording of groundworks.

Further comments received 21/12/2023: I will not be recommending any archaeological conditions.

Conservation Officer: No objection or comments to make.

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:

The following policies are particularly relevant:

Central Lincolnshire Local Plan adopted 2023 (CLLP):

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development in the Countryside

Policy S12: Water Efficiency and Sustainable Water Management

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S57: The Historic Environment

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

Lincolnshire Minerals and Waste Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area (MSA). Policy M11 applies.

<https://www.lincolnshire.gov.uk/directory-record/61697/minerals-and-waste-local-plan-core-strategy-and-development-management-policies>

Neighbourhood Plan:

No plan currently being prepared.

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2023.

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

- **National Design Code (2021)**

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

Listed Building Legal Duty

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

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

Main issues:

- Principle of Development
- Residential Amenity
- Visual Impact
- Impact on listed buildings
- Highway Safety and parking
- Archaeology
- Other Matters

Principle of Development

The proposal is located in the open countryside and the site comprises an existing single storey wooden raw milk vending unit with associated car parking. It is now proposed to replace the existing unit with a larger single storey wooden structure to house a raw milk vending unit as well as an ice cream vending machine and internal seating area.

Policy S5, Part F - Agricultural diversification states that:

'Proposals involving farm based diversification to non-agricultural activities or operations will be permitted, provided that the proposal will support farm enterprises and providing that the development is:

- a) In an appropriate location for the proposed use;*
- b) Of a scale appropriate to its location; and*
- c) Of a scale appropriate to the business need.'*

In this case the proposal seeks permission for a single storey timber clad building approximately 9.9 metres by 4 metres to house a storage area, a milk vending and ice cream vending machine and a seating area. The building will sell milk and ice cream to members of the public with Home Farm Dairy located a short distance away to the north east of the site. This type of development is considered to be a farm-based diversification and will therefore be supportable if the criteria set out in the above policy are met.

In regards to criteria (a) the proposed building will be situated to the south of an existing access to Home Farm which has an access onto the A15, a busy main road which provides one of the main routes into Lincoln. The application site is located in close proximity to the main body of the farm and will be easily accessible from the nearby highway. The application site is not in a Conservation Area, Area of Outstanding Natural Beauty or other form of designated land, the site falls within flood zone 1. It is therefore considered that the location of the application site is acceptable.

In regards to criteria (b) the proposed timber clad single storey building will be approximately 2.9 metres in height on its front (west) elevation sloping down to approximately 2.2 metres on its rear (east) elevation. The proposed building is approximately 9.9 metres by 4 metres in size with the existing building having a height of 3.8 metres, 2.2 metres to the eaves and being 4 metres in length and 3.5 metres in width. The proposed building is small in scale and would not appear as a dominating or intrusive feature in the surrounding landscape. Further to this there are several large existing agricultural buildings in the nearby vicinity to the proposed building and it is

considered that the proposal will be seen in context with these buildings rather than be seen as an isolated feature.

In regards to criteria (c) the proposal is considered to be a small form of diversification and one that is appropriate considered the size of the main business.

The proposal is therefore acceptable in principle subject to other planning considerations.

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.

The proposal is small in scale and will have the following opening hours as previously approved under planning permission 136284. If it is minded to grant permission an appropriate condition in terms of opening hours will be attached to the decision notice:

- Monday to Friday 8:00 to 21:30
- Saturdays 8:00 to 21:30
- Sunday and Bank Holidays 8:00 to 21:30

The proposal will also utilise the same access and car parking arrangements as previously approved under planning permission 136284. There are also no near neighbours to the proposal. It is therefore considered that the proposal accords with Policy S53 of the Central Lincolnshire Local Plan as it will not have an unacceptable impact on the living conditions of nearby residents.

Visual Impact

Local Plan Policy S53 states that all development *'must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.'*

Development must *'relate well to the site, its local and wider context and existing characteristics including the retention of existing natural and historic features wherever possible and including appropriate landscape and boundary treatments to ensure that the development can be satisfactorily assimilated into the surrounding area'*. It further states that development should *'contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness'*, and should *'be appropriate for its context and its future use in terms of its building types, street layout, development block type and size, siting, height, scale, massing, form, rhythm, plot widths, gaps between buildings, and the ratio of developed to undeveloped space both within a plot and within a scheme.'* In addition, development must *'achieve a density not only appropriate for its context but also taking into account its accessibility.'*

The proposed single storey timber clad building is small in scale and would not appear as a dominating or intrusive feature in the surrounding landscape. Further to this there are several large existing agricultural buildings in the nearby vicinity to the proposed building and it is considered that the proposal will be seen in context with these buildings rather than be seen as an isolated feature.

It is therefore considered that the proposal accords with Policy S53 as it will not harm the character and appearance of the street scene or the countryside.

Impact on Listed Buildings

Four Grade II listed buildings which form a small cluster are located to the north and north west of the application site, the nearest of which (Barn at Spital Almshouse) is approximately 62 metres in distance from the application site. It is considered that due to this separation distance and the limited scale of the proposal, the application will preserve the setting of these listed structures. The WLDC Conservation Officer has also commented that they have no objections to the proposal.

The proposal therefore accords with the NPPF, Policy S57 of the Central Lincolnshire Local Plan and the statutory duty in S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Safety and Parking

Local Plan Policy S47 and S49 requires well designed, safe and convenient access for all, and that appropriate vehicle parking provision is made for development users. Policy S49 states that all development apart from residential 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.

The site will utilise the existing access off the A15 which leads to the existing car park for the existing raw milk vending shed approved under planning permission 136284. 5 Parking spaces including 1 space for disabled users are therefore provided for the proposed enlarged building. The agent previously stated under the submission for planning permission 136284 that the site is predicted to get 4/5 vehicles per hour at the busiest times. It is likely that visitor times will be staggered and it should also be noted that the parking spaces will not be required for a particularly long period of time for each user of the vending machine. It is therefore considered that the parking spaces provided will be sufficient to accommodate the predicted number of vehicles.

It is considered that the proposal will not have a significant impact on traffic movement or a detrimental impact on highway safety in accordance with Policy S47 and S49 of the Central Lincolnshire Local Plan and the NPPF.

Archaeology

The proposed development is located within the remains of the medieval settlement of Spital in the Street and Lincolnshire County Council

Archaeology wanted more information from the applicant on the foundations of the proposed building and any other associated groundworks.

The applicant has confirmed that the proposed building is located on existing hardstanding and the structure will have no foundations and will sit on a surface level concrete slab.

Lincolnshire County Council Archaeology have subsequently confirmed that they will not be recommending any archaeological conditions.

Other Matters:

Surface Water Drainage

For the proposed structure and for other buildings on the farm, all surface water is harvested wherever possible and goes into either water butts or underground storage tanks. The water is then re-used in the farm operations.

The existing car park is also constructed from permeable gravel. It is therefore considered that the proposal accords with Policy S21 of the Central Lincolnshire Local Plan and the NPPF.

Minerals and Waste

The application site is within a Mineral Safeguarding Area (MSA). Policy M11 of the Core Strategy & Development Management policies (CSDMP 2016) therefore applies. No limestone extraction companies would be interested in extracting from this site for the following reasons:

- a) The site is too close to existing dwellings and the noise, dust and vibration nuisance would be too great.
- b) The owner of the land would not be willing to make the land available for mineral extraction.
- c) The site is an existing raw milk vending shed with associated car parking.
- d) In view of the above it is highly unlikely that planning permission would be granted for this use in this location.

Although a minerals assessment has not been submitted it is considered that the effect on the sterilisation of the minerals resource is likely to be negligible given the small-scale nature of the proposal.

Conclusion and reasons for decision:

The decision has been considered against Policy S1: The Spatial Strategy and Settlement Hierarchy, S5: Development in the Countryside, S12: Water Efficiency and Sustainable Water Management, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity and S57: The Historic Environment of the adopted Central Lincolnshire Local Plan in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal is considered to be an appropriate form of farm diversification which will help to support the rural economy, whilst not resulting in any harm to the surrounding landscape, residential amenity, nearby listed buildings or on the nearby highway.

Recommendation: Grant planning permission subject to the conditions below:

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 detail matters referred by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: R0377 - 002 - P0 dated 25/10/2023. The works shall be in accordance with the details shown on the approved plans and in any other documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework.

3. The materials used in the development shall match those stated on the application form.

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.

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

4. The use hereby permitted shall not be open to customers outside the following times: Monday to Friday 8:00 to 21:30, Saturdays 8:00 to 21:30, Sunday and Bank Holidays 8:00 to 21:30.

Reason: In the interests of residential amenity and to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

Human Rights Implications:

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

Legal Implications:

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

Agenda Item 7



Planning Committee

**Wednesday, 3 January
2024**

Subject: Determination of Planning Appeals

Report by:

Director – Planning, Regeneration & Communities

Contact Officer:

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

Purpose / Summary:

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

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

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

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

Risk Assessment: None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal by Mr and Mrs G Leaning against the decision of West Lindsey District Council to refuse planning permission to remove 2 existing open sided sheds and erect 1no. detached bungalow - resubmission of application ref 144624 at land adjacent to Highfield Garage, Gainsborough Road, Willingham By Stow, Gainsborough, Lincolnshire DN21 5JX.

Appeal Allowed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse



Appeal Decision

Site visit made on 27 November 2023

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 20 December 2023

Appeal Ref: APP/N2535/W/23/3320232

Land adjacent to Highfield Garage, Gainsborough Road, Willingham By Stow, Gainsborough, Lincolnshire DN21 5JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs G Leaning against the decision of West Lindsey District Council.
 - The application Ref 146049, dated 19 December 2022, was refused by notice dated 13 March 2023.
 - The development proposed is described as 'planning application to remove 2 existing open sided sheds and erect 1no. detached bungalow - resubmission of application ref 144624'.
-

Decision

1. The appeal is allowed and planning permission is granted for the removal of 2 open sided sheds and the erection of a detached bungalow on land adjacent to Highfield Garage, Gainsborough Road, Willingham By Stow, Gainsborough, Lincolnshire DN21 5JX in accordance with the terms of the application, Ref 146049, dated 19 December 2022, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. The development plan at the time that the Council determined the planning application was the Central Lincolnshire Local Plan which had been adopted in 2017. In April 2023 this plan was replaced by a new Central Lincolnshire Local Plan ('Local Plan') and it is on the basis of this new Local Plan that I have determined this appeal.
3. The description of the proposed development in the banner header above was taken from the planning application form. In the decision in paragraph 1 above I deleted the superfluous words from this description.
4. A unilateral undertaking was submitted with the planning application. Its terms are considered later on in this decision.

Main Issues

5. Based upon the Council's reasons for refusal of the application, the main issues in this appeal are:
 - whether the location of the proposed development would comply with the development plan; and,
 - the effect of the proposed development on the supply of employment land within the District.

Reasons

Planning policy and the location of the proposed development

6. In order to further sustainability objectives, policy S1 of the Local Plan details the spatial strategy for the District which includes a settlement hierarchy. The strategy focuses new development in order of preference on the following hierarchy: Lincoln Urban Area; Main Towns; Market Towns; Large Villages; Medium Villages; Small Villages; and Hamlets. For planning policy purposes, land outside of these settlements is located within the open countryside where development is strictly controlled.
7. The appeal site is located adjacent to the rear of linear development along Gainsborough Road. This line of development together with an overlapping shorter line of dwellings on the eastern side of the road forms a cluster with an elongated developed footprint. This cluster stands within the open countryside clear of the Small Village of Willingham By Stow which is located further to the south.
8. As part of the site visit, checking against the list of dwellings provided by the appellant, I found that there were at least 15 dwellings within this footprint. If the recent side addition to Willow Cottage with a front door is a separate residential unit, then this number rises to 16. For the purposes of the Local Plan this collection of homes therefore constitutes a Hamlet where single dwelling infill developments are supported.
9. The glossary to the Local Plan defines infill as the development of a site between existing buildings. The proposed dwelling would be located in a position currently occupied by a portal framed shed in between the rear of a large workshop facing the road and a second larger open portal shed.
10. In order to facilitate the development both of the portal framed sheds would be demolished. However, as the larger portal shed on one side is existing the proposed bungalow complies with the glossary's definition of infill and hence policy S1 of the Local Plan.
11. Even if the contrary interpretation was held to be true, namely that the proposal did not constitute infill development because once fully implemented the proposal would result in a bungalow that would not be located between two buildings, the thrust of policy S1 in relation to Hamlets is to allow limited infill development within the developed footprint of the settlement. In such circumstances, the fact that the appeal proposal would achieve this aim, whilst also shrinking the built footprint of the Hamlet, would be a material consideration of significant weight in favour of the appeal.

Employment land

12. The appeal site forms part of a larger disused site that was last used as a haulage yard. The Council's second objection to the application related to the loss of local employment land to residential development. In this regard the Council relied upon the absence of sufficient information in the application to demonstrate compliance with the criteria of policy LP5 of the now superseded Local Plan which sought to protect employment sites.
13. In response to the appeal the Council identified policies of the new Local Plan that it considered were relevant. Its list did not include any employment land

policies. The Council though provided a full copy of the current Local Plan which I have read. On the basis that a hamlet is a settlement named in the Settlement Hierarchy of policy S1, policy S33 Part 2 of the Local Plan is relevant as it deals with applications, such as the proposed development, which would result in the loss of employment land.

14. It is common ground that there is demand for the site. Its partial loss to development, and the unilateral undertaking preventing commercial use of the site should the appeal be allowed, would therefore have an adverse effect on the supply of employment land. However, given the close proximity of the Main Town of Gainsborough and the employment land opportunities it already has, together with the land that has been allocated for employment in the Local Plan, this effect would not be significant. For this reason, and because the proposed dwelling would not conflict with the remaining criteria of this policy, the scheme would comply with policy S33 of the Local Plan.

Other Matters

15. The appeal site and neighbouring land to the south owned by the appellant form a disused haulage yard. As a result, should the appeal be allowed, the potential exists for an unneighbourly employment use recommencing on the neighbouring land that would harm the living conditions of future occupiers of the proposed bungalow. In order to prevent this a planning obligation in the form of a properly completed unilateral undertaking (UU) has been completed by the appellant. This obligation ensures that in the event of the appeal being allowed no commercial employment use on the neighbouring land would occur.
16. Given the above, I find that the undertaking is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind. As a result, it complies with Regulation 122 of the Community Infrastructure Regulations 2010 (as amended) and I shall take its provisions into account.
17. In preventing commercial employment use of this land the UU would also improve the living conditions of the occupiers of dwellings on either side of the land within the appellant's ownership. This is because it is evident from the interest that has been shown in the site that if the appeal was dismissed commercial use of the site would re-start. The creation of a quieter environment with no lorries operating from the site would also be of benefit to the nearby public house and the attractiveness of the visitor accommodation it offers. These are notable benefits that weigh in favour of the scheme.

Conditions

18. In the interests of certainty, I have imposed a condition specifying the relevant plans that the development is to be carried out in accordance with. To protect health, any contaminated land present on the site needs to be identified and dealt with. This matter needs to be dealt with by way of a pre-commencement condition because starting development without assessing contamination could hinder any remediation required. The appellant has agreed to this. To help the dwelling complement the character and appearance of the area, the external materials used in the dwelling's construction need to be in accordance with those listed on the application form. In the interests of sustainable drainage and ecology, well drained hardstanding and ecological enhancements need to occur.

19. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.
20. As the proposed development is for a single dwelling a landscaping scheme is unnecessary. I have therefore not attached the two conditions relating to this matter. A condition was also suggested requiring further drainage details. However, as these matters are addressed by Building Regulations this condition is not necessary.

Overall Conclusions – The Planning balance

21. I have found that the location of the proposed development would comply with the development plan and that the loss of the use of the site and adjacent land for employment would not materially affect employment opportunities in the area. As a result, it would comply with the development plan considered as a whole.
22. In the event that the contrary assessment of the location of the proposed development described above was held to be correct, and the proposal was considered to be contrary to policy S1 of the Local Plan and therefore the development plan considered as a whole, the fact that the development would occur within the existing development footprint of the hamlet and serve to shrink it is a material consideration of sufficient weight to outweigh non-compliance with this policy.
23. For the reasons given above, I therefore conclude that the appeal should be allowed.

Ian Radcliffe

Inspector

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: GLWBS/21/012 dated 17/10/2021, GLWBS/21/014R1 dated 6/03/2022 and GLWBS/21/013R1 dated 06/03/2021.
- 3) No development shall take place until, suitably qualified contaminated land assessments and associated remedial strategy with non-technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
 - b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
 - e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- 4) The materials used in the development shall match those stated on the application form.
 - 5) New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.
 - 6) The development shall be carried out in full accordance with the recommendations contained within the Preliminary Ecological Appraisal (CGC Ecology November 2022).

-----End of Schedule-----