

Guildhall Gainsborough

Lincolnshire DN21 2NA

Tel: 01427 676676 Fax: 01427 675170

## AGENDA

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

### Planning Committee

Wednesday, 27th March, 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 Karen Carless
- Councillor David Dobbie
- Councillor Ian Fleetwood
- Councillor Sabastian Hague
- Councillor Peter Morris
- Councillor Tom Smith

1. **Apologies for Absence**
2. **Public Participation Period**  
Up to 15 minutes are allowed for public participation.  
Participants are restricted to 3 minutes each.
3. **To Approve the Minutes of the Previous Meeting** (PAGES 3 - 15)  
Meeting of the Planning Committee held on 28 February 2024,  
previously circulated.
4. **Declarations of Interest**  
Members may make any declarations of interest at this point  
but may also make them at any time during the course of the  
meeting.

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

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

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

## 6. **Planning Applications for Determination**

- i) 147233 - Land to rear of 3a 3b and 5b Church Street, Hemswell (PAGES 16 - 38)
- ii) 146801 - Land off Eastfield Lane, Welton (PAGES 39 - 86)
- iii) 146936 - Queens Head, Station Road, North Kelsey Moor (PAGES 87 - 120)
- iv) 147479 - Water Tower Abbey Road Bardney (PAGES 121 - 144)
- v) 147536 - Land off Bridge Street Baltic Mill Lane Gainsborough (PAGES 145 - 162)
- vi) 147781 - Prospect House, Summer Hill, Gainsborough (PAGES 163 - 168)

## 7. **Determination of Appeals** (PAGES 169 - 180)

## 8. **Exclusion of Public and Press**

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

## 9. **Exempt Reports**

- i) Planning Enforcement - Formal Case Update (PAGES 181 - 187)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 19 March 2024

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 28 February 2024 commencing at 6.30 pm.

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

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

**Also Present:** Councillor Mrs Jackie Brockway  
Councillor Paul Howitt-Cowan

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

**Also in Attendance:** 15 members of public

**Apologies:** Councillor Sabastian Hague

**Membership:** Councillor P. Swift was appointed substitute for Councillor S. Hague

### 84 PUBLIC PARTICIPATION PERIOD

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

### 85 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

**RESOLVED** that the minutes of the meeting of the Planning Committee held on Wednesday, 31 January 2024 be confirmed and signed as an accurate record.

## 86 DECLARATIONS OF INTEREST

The Chairman made a declaration on behalf of all Members regarding agenda item 6c, planning application number 147511, Whitton Gardens, as the applicant was West Lindsey District Council.

Councillor D. Dobbie declared he would leave the meeting for agenda item 6c, planning application number 147511, Whitton Gardens, as he had publicly voiced his opposition to the proposal. He also stated he would not vote in relation to agenda item 6a, planning application number 146729, West Bank Saxilby, as he had not attended the site visit.

Councillor J. Snee also declared he would not vote in relation to agenda item 6a, planning application number 146729, West Bank Saxilby, as he had not attended the site visit.

## 87 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

Members heard that the government had announced it would be creating a new use class, defined as the use of a dwelling house, not a sole or main residence, for temporary sleeping, accommodation for the purpose of holiday, leisure, recreation, business or other travel, for example, Airbnb. This would bring such dwellings within planning remit.

Additionally, it was explained that the government was also consulting on strengthening planning policy for brownfield development, seeking to amend national policy to make it clear that significant weight should be given to all housing delivery, but especially significant weight on brownfield sites. It proposed that councils should be less bureaucratic and more flexible in applying policies that halt housebuilding on brownfield land, so long as any new housing provided acceptable living standards. It was anticipated that 52 local planning authorities in England's 20 year largest citizen towns would be made to follow a new brownfield presumption. The consultation would run until 26 March 2024.

The government was also running a consultation around making changes to permitted development rights, mainly around household extensions. They were consulting on whether to increase the overall size limits on home extensions which would allow larger rear home extensions and also L-shaped extensions, removing the volume limits for home roof extensions, and the size limit for extensions to commercial buildings to be doubled to up to 100%, or 200m<sup>2</sup>, whichever was the lesser. Additionally, provision of, or limitations on, the location and size of air source heat pumps was being reviewed.

With regard to Neighbourhood Plans, Members were provided with the following update.

Neighbourhood Plan/s	Headlines	Planning Decision Weighting
Made Neighbourhood Plans	Brattleby, Caistor*, Cherry Willingham*, Dunholme*, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Scothern*, Saxilby with Ingleby*, Welton by Lincoln*, Willoughton, Glentworth, Spridlington, Sudbrooke*, Scotton, Bishop Norton and Atterby,	Full weight

	Gainsborough, Morton, Corringham, Sturton by Stow and Stow*, Hemswell and Harpswell, Keelby, and Hemswell Cliff.	
Scothern Review*	Examination at its final stage.	Review NP has increasing weight
Nettleham Review*	Examination underway.	Review NP has increasing weight
Reepham	Regulation 16 consultation has closed. An examiner is to be appointed.	Increasing weight
Ingham	Regulation 14 consultation is underway and closes on 5 April.	Some weight
Sturton by Stow and Stow Review*	Minor updates are being made to the NP.	Review NP has little weight
Grasby and Searby cum Owmbly	A planning consultant has been appointed to help with the NP.	Little weight
Springthorpe and Sturgate	The parish meeting has received approval to prepare a NP.	No weight
Swallow	The parish council is considering having a NP.	No weight
North Kelsey	The parish council is considering having a NP.	No weight
Neighbourhood Plans - made (26) - designated/in preparation (17) - under review (9)* - future (40 approx)	To view all of WL's neighbourhood plans please go to: <a href="https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/">https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/</a>	<b>NP stage-weighting</b> - Made–full weight - Referendum successful–full weight - Examination successful/Decision Statement issued–significant weight - Submission Reg 16–increasing weight - Draft Reg14 - some weight - Designated – little weight

A Member of the Committee requested that Councillors be kept informed of policy matters as they were passed, in order for all to understand the weighting to be afforded and how it interacted with existing policy. This was confirmed and Members were assured training would also be provided.

## 88 146729 - 33 WEST BANK, SAXILBY, LINCOLN

The Chairman introduced the first application of the evening, application number 146729, to raise the ground to 5.90m AOD and increase the width and depth of the existing pond at 33 West Bank, Saxilby, Lincoln. The Planning Officer confirmed there was no update to the published report and presented a summary of the application.

The Chairman thanked the Officer for his presentation and advised the Committee there were four registered speakers. He invited the first speaker, Mr Giles Kirk, applicant, to address the Committee.

Mr Kirk stated that his comments from the previous meeting still stood. He highlighted that the road had been repaired and was due to be resurfaced. He had met with Anglian Water regarding the tanker movements, and highlighted that the vehicles used for his application would be lighter than those used by Anglian Water. He also highlighted that the work was proposed to take place in summer months, meaning the issues with mud and surface water flooding would be less restrictive than in winter months. Mr Kirk explained they had been working on the site for some time, and had not been leaving mud on the roads, nor would they. He stated they took pride in what they were doing and as an additional mitigation, there would be wheel washing facilities on site. He summarised the measures they were putting in place to alleviate concerns, such as additional drainage measures, and highlighted that there had been no objections from the statutory consultees. He thanked the Committee for their time and requested approval based on the key facts of the application.

The Chairman thanked Mr Kirk and invited Mrs Anita Buchanan, the first of the registered objectors, to address the Committee.

Mrs Buchanan reiterated concerns regarding the damage to the road, highlighting it was the only point of access to the homes of residents along West Bank. She explained that there had been no permanent repairs to the road and the only way to avoid bigger issues was to stop the heavy vehicle movements on the road. She highlighted the damage that had been done to the grass verges and the banks, stating that the road and verges would not be able to cope with additional vehicle movements. She accepted she could not argue with the experts, but expressed her own experience, and that of other residents, seeking to prevent further problems on their road.

The Chairman thanked Mrs Buchanan and invited the second registered objector to address the Committee. It was noted that the speaker subsequently withdrew his request to speak. The Chairman invited Councillor J. Brockway, Ward Member, to address the Committee.

Councillor Brockway stated that she wished to correct statements she had made at the previous meeting which had proven to be incorrect. Firstly, She had stated the land had been marsh land, based on ordnance survey maps of old, however, subsequent research had shown there were also maps that did not show it as marsh land, it had not been a permanent feature of the land. Secondly, she had said the land was a flood plain, she corrected that statement to recognise it had never been designated as a flood plain. Thirdly, she corrected her statement that flooding along West Bank was caused by surface run off, stating that in fact there were water pipes that did not have a 'non-return flap' meaning the water flowed both ways. Councillor Brockway explained that Anglian Water now had a piece of equipment that dealt with ammonia levels and she hoped her residents would gain confidence from the conditions put in place to protect them.

The Chairman thanked Councillor Brockway for her corrections and invited any response from Officers. Members heard that since the previous meeting, Officer had revisited the matter with the Highways Agency, and based on the traffic management plan it was confirmed that movement numbers were acceptable and they were satisfied.

**Note:** Councillor D. Dobbie left the room at 6.55pm and returned at 6.56pm

Members of the Committee enquired as to the protection of wildlife, to which it was confirmed that the construction methodology would be submitted and reviewed by Lincolnshire Wildlife Trust amongst others to ascertain whether it was suitable. Those who had attended the site visit highlighted it had been very informative, and whilst residents had raised understandable concerns, it had been made clear by the statutory consultees that there were no objections to the proposals. On this basis, the Officer recommendation was proposed and seconded.

On taking the vote, it was agreed that planning permission be **GRANTED** subject to the following conditions.

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

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

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

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

2. No development must take place until details of the material used to raise the land levels have been submitted to and approved in writing by the Local Planning Authority. The material must be a clean inert material and appropriately certificated as contaminant free. The infilling of the site must be completed using the approved material.

Reason: To ensure that material brought onto the site is appropriate and will not contaminate the site to accord with the National Planning Policy Framework and local policy S56 of the Central Lincolnshire Local Plan 2023.

3. No development must take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- Position and type of reptile refugia
- Position and type of hedgehog refugia
- Construction methodology for the protection of hedgehogs and other mammals

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

4. No development must take place until a 30-year Biodiversity Net Gain Management and Maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved Management and Maintenance plan.

Reason: To ensure the biodiversity net gain measures are maintained for a 30-year period to accord with the National Planning Policy Framework and local policy S60 and S61 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 must be carried out in accordance with the following proposed drawings:

- A1/L01 Rev G dated May 2023 – Site Plan, Land Sections, Pond Sections and Land Drainage Details

The land levels must not be raised any higher than 5.90 metres Above Ordnance Datum as identified on the plan listed above and all other works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy S53 of the Central Lincolnshire Local Plan 2023 and Policy 2 of the Saxilby with Ingleby Neighbourhood Plan.

6. The development must be completed in strict accordance with the surface water land drainage scheme identified in Technical Note 01 (RLC/1183/TN01) by Roy Lobley Consulting dated 19th December 2023. The approved scheme must be maintained and retained as such thereafter.

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

7. The development hereby approved must be completed in strict accordance with Traffic Management Plan received 12th December 2023.

Reason: To manage the routing of traffic and delivery of earth to the site to accord with the National Planning Policy Framework, local policy S47 of the Central Lincolnshire Local Plan 2023 and Policy 17 of the Saxilby with Ingleby Neighbourhood Plan.

8. Apart from the biodiversity measures listed in condition 4 of this permission, the development hereby approved must only be carried out in accordance with the recommendations set out in section 4.3 and the landscape specification (excluding hedgehog refugia) set out in appendix 4 of the Preliminary Ecological Appraisal by CBE Consulting dated 4th December 2023.

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

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

NONE



**89 147233 - LAND TO REAR OF 3A 3B AND 5B CHURCH STREET, HEMSWELL**

The Chairman introduced the second application for consideration. Planning application number 147233 to erect 2no. dwellings with garages including installation of a private driveway on land to the rear of 3a, 3b and 5b Church Street, Hemswell. Following the presentation of the application, the Chairman noted there were three registered speaker and invited the first, Councillor Bryan Mander of Hemswell Parish Council, to address the Committee.

Councillor Mander stated that there had been a significant number of objections from residents, based on the Neighbourhood Plan. He stated that Beck Lane was an important local green space and was considered common land with public rights of access. Under the NPPF, CLLP and Neighbourhood Plan, Councillor Mander considered that anticipated growth levels had been met already, and where development could be permitted with community support, he stated that there was no support for the proposals, rather there was significant objection. He stated that the infrastructure was already struggling and the proposal would only exacerbate existing issues, with the adverse impact outweighing any positives of the proposal. Councillor Mander concluded by stating he believed there were material planning considerations that had been overlooked and requested the Committee reject the application.

The Chairman thanked Councillor Mander and invited the next registered speaker, Mrs Michelle Sheppard, to address the Committee.

Mrs Sheppard explained she was a resident and highlighted the village was in a conservation area. She expressed her shock that there was a plan to build in a garden, despite being contrary to the Neighbourhood Plan. Mrs Sheppard also questioned how the development could be considered as sustainable, when there were no amenities in the area to service additional properties, and growth levels had been reached in Hemswell. Additionally, with regard to the requirement for community support, Mrs Sheppard stated that there had been no attempt to gain local support, she considered that the need for local support had been dismissed. As her final comment, Mrs Sheppard requested the Committee to consider the setting of the listed building, the conservation area, and the negative impact the proposal would have on the area.

The Chairman invited the final speaker, Ward Member Councillor P. Howitt-Cowan to address the Committee.

Councillor Howitt-Cowan stated this was a controversial application and requested the Committee to consider a site visit prior to making a decision, in order to better evaluate the application.

The Chairman invited an Officer response, and it was explained that the CLLP no longer contained growth limits, and the area considered in the application fell outside of the conservation area. He also clarified that the Neighbourhood Plan had been superseded by the strategic policies S1 and S4 of the CLLP, which was adopted after the Neighbourhood Plan.

On inviting comments from the Committee, it was enquired as to how the 20 identified conditions would be managed. Officers confirmed that there was no ongoing monitoring of

planning conditions, it would be reliant on members of the public to raise any identified issues. However, it was highlighted that the number of conditions was with the intention of making the proposal acceptable.

A Member of the Committee proposed a site visit, in order to understand the access to the site and the impact on the local area. This was seconded and voted upon. With a majority vote it was

**RESOLVED** that the application be deferred for a site visit to be held, to afford Members a greater understanding of the site access and impact on the local area.

**Note:** Councillor D. Dobbie left the meeting at 7.20pm prior to the consideration of the next application.

## **90 147511 - WHITTONS GARDENS, CASKGATE STREET, GAINSBOROUGH**

The Chairman introduced the next application for consideration, planning application number 147511 for change of use from a public convenience block to a Café (Use Class E) with external alterations and creation of a bin storage area, at Whittons Gardens, Caskgate Street, Gainsborough. The Officer explained that since the report had been published, 26 late objections and one letter of support had been received from residents of Gainsborough and surrounding villages, these had been received outside of the statutory consultation period. In summary, the objections stated that the buildings should be brought back into use as toilets, there were too many existing cafes in Gainsborough and that the proposal would affect the trade of those existing cafes. The objections had been published on the website and did not change the recommendation to approve the application.

Following the officer presentation of the application, the Chairman invited the registered speaker, Mr Matt Deakins, Agent for the Applicant, to address the Committee.

Mr Deakins provided some background to the site, highlighting that the public toilets had been closed since 2011 and suggesting that if there had been high demand for them to be re-opened it would have been raised prior to 2024. He also noted that there would be toilet facilities for customers in the new proposals. Mr Deakins noted that should the application be approved, it would bring back into full use a currently vacant building, and be a key aspect of the wider improvement schemes along the riverside and through into the town. The intention was to maintain as much of the originality as possible, using natural tones and hues to match with the surroundings. The Committee was asked to see the application as the improvement work it was, and show their support.

Members of the Committee expressed their agreement with the application, highlighting the current building as a derelict eyesore and welcoming the opportunity to rejuvenate the area. In response to an enquiry regarding the incorporation of energy efficient measures in the proposals, it was confirmed this could be included as a note to the applicant to encourage the use of such measures.

With widespread support, the officer recommendation was proposed and seconded on, and, on taking the vote it was unanimously agreed that permission be **GRANTED** subject to the following conditions.

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the details and Page 70

materials specifications as shown on the approved plans and any other document forming part of the application:

- Proposed Site Plan and Location Plan- RD: 5281-05-B received 26/10/2023;
- Proposed Floor Plan (Café)- RD:5281-02 A received 26/10/2023;
- Proposed Elevations (shutters open)- RD:5281- 04 Rev C received 19/01/2024;
- Proposed Bin Store- RD:5281- 10 received 09/02/2024.

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

3. The development shall be carried out in accordance with the submitted Flood Risk Assessment (reference: '1208250 Version 1,' dated 22 Jan 2024, compiled by Ross Davy Associates). In particular, the finished floor levels of the café shall be set no lower than the existing level, at 6.5 metres above Ordnance Datum. The measures detailed shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy S21 of the Central Lincolnshire Local Plan.

4. The café hereby approved shall not be occupied until details of the proposed opening times have been submitted to and approved in writing by the Local Planning Authority. The café shall only be open during the approved times.

**Reason:** To safeguard the residential amenities of nearby residents in accordance with policy S53 of the Central Lincolnshire Local Plan.

5. Prior to the café being first being brought into use a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be occupied in accordance with the approved details.

**Reason:** To ensure the occupants are safe in a flooding event in accordance with Policy S21 of the Central Lincolnshire Local Plan.

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

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 2015 or any orders revoking and re-enacting those Orders, this permission shall relate to the use of the building as a Café (Use Class E b)) and for no other use including those described in Use Class E as defined by the amended Use Class Order 1987.

**Reason:** As the application was considered on this basis and was found to acceptable and to allow Local Planning Authority to assess alternative uses and the impacts they may have upon the area and residential amenity in accordance with Policies S53 and NS73 of the Central Lincolnshire Local Plan.

**Note:** Councillor D. Dobbie returned to the meeting at 7.31pm

**91 147708 - THE GUARDROOM UNIT, GIBSON ROAD, HEMSWELL CLIFF, GAINSBOROUGH**

The final application of the evening was introduced as planning application number 147708, for proposed two storey extension at The Guardroom, Unit 16 Gibson Road, Hemswell Cliff, Gainsborough. This was a resubmission of 146089. With no update from the Officer, Members had a short presentation of the application and the Chairman invited the first of two registered speakers, Mr Jon Cook, Agent for the Applicant, to address the Committee.

Mr Cook explained they had worked closely with Planning Officers and welcomed the recommendation to approve the application. He explained this would prove a substantial gain for the economy, increasing jobs and attracting visitors, as well as helping to bring investment into the area. The historic importance of the site was recognised, with notices and information boards providing the background and history of the location. He thanked the Committee for the consideration.

The Chairman invited the second speaker, Ward Member Councillor Howitt-Cowan, who stated his wholehearted support for the application and extolled the work undertaken to date to have brought previously derelict buildings into use. He also welcomed the officer recommendation to approve the application.

Members of the Committee expressed their understanding for the resubmission of the application, noting the marked differences to that of the previous application. The Officer recommendation was duly proposed.

A Member of the Committee enquired as to the strength of statements made previously by the Conservation Officer and Archaeology and proposed a site visit in order to ascertain the risk of impact on an historical area.

Further discussions further supported the proposals and in particular the layout of the current application in comparison with the previous plan. The Officer recommendation was duly seconded.

On having no seconder for the proposal for site visit, the proposal fell and the Chairman took the vote for the proposal on the table. With majority vote it was agreed that permission be **GRANTED** subject to the following conditions.

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

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

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

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

2. No development shall take place until, suitably qualified contaminated land assessments and associated remedial strategy with none technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority and the measures approved in that scheme shall be fully implemented. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing.

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

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

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

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

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

**Reason:** In order to identify potential contamination on-site and identify mitigation measures as recommended by the Environmental Protection Officer in accordance with policy S56 of the Central Lincolnshire Local Plan.

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

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

- Existing Plans- including Site Location Plan Drawing no. 200- received 12/12/2023;
- Proposed Ground Floor Plan Layout Drawing no. 302 Rev B received 25/01/2024;
- Proposed First Floor Layout drawing no. 303 Rev A received 25/01/2024;
- Proposed Elevations drawing no. 304 Rev B received 25/01/2024;
- Proposed Site Layout drawing no. 305 Rev B received 25/01/2024.

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

**Reason:** In the interests of proper planning to ensure that the development proceeds in accordance with the approved plans.

4. No development, other than to foundations level, shall take place until details of all external facing materials 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 and to ensure the development assimilates appropriately with the host building in accordance with Policy S53 of the Central Lincolnshire Local Plan.

5. The extension hereby approved shall not be brought into use until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. These details should include a plan showing the position of the drainage and location of the connections to the proposal. The development shall proceed only in accordance with the approved drainage details.

**Reason:** To ensure adequate drainage facilities are provided to serve the development to accord with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan (adopted April 2023).

6. The proposed landscaping hereby approved as shown on drawing no. 305 Rev B shall be carried out in the first planting season following the occupation of the extension and any landscaping which within a period of 5 years from the completion of the development dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

**Conditions which apply or relate to matters which are to be observed following**

**completion of the development:**

None.

**92 DETERMINATION OF APPEALS**

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

The meeting concluded at 7.42 pm.

Chairman

# Agenda Item 6a

147233 Land rear of", 3a 3b & 5a Church Street, Hemswell





## **Planning Application No: 147233**

**PROPOSAL:** Planning application to erect 2no. dwellings with garages including installation of a private driveway.

**LOCATION:** Land to rear of 3a 3b and 5b Church Street Hemswell

**WARD:** Hemswell

**WARD MEMBER(S):** Cllr P Howitt Cowan

**APPLICANT NAME:** Prospect Place Ltd

**TARGET DECISION DATE:** Extension of time to 1<sup>st</sup> March 2024

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** Grant permission, subject to conditions

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This application was deferred for a site visit at the last planning committee.

This application has been referred to the Planning Committee because of objections from 3<sup>rd</sup> parties, including the Parish Council, who consider the development would not be an appropriate location within the developed footprint of the village and would be contrary to the Development Plan. These are considered to be balanced planning matters, requiring a planning judgement.

### **Description:**

The site comprises rear garden land principally associated with 5a Church Street at the western end of the small village of Hemswell, although the application submission states the land also forms part of the garden areas of 3a and 3b Church Street. The private drive serving 3a and 3b would be extended to provide access to the site. The site adjoins the Hemswell Conservation Area with a narrow strip along the south falling within the defined conservation area. 5 Church Street is a Grade II listed building. The site falls within an Area of Great Landscape Value.

Two dwellings are proposed:

Plot 1: A one and a half storey 3 bed detached pitched roof dwelling with dormer windows. The footprint is approximately 10.60m x 7.4m, with a single storey rear projection of 4m. Eaves height is 4.5 m rising to a 7.4m ridge. "Reclaimed effect" facing brickwork and a "reclaimed effect" pantile is shown on the plans. Solar panels are proposed on the roof slope of the south facing (front) elevation shown below.



Two linked garages at right angles are proposed each with a drive that can accommodate 2 cars. One of these will serve plot 1 and the other will serve 3a Church Street. A “reclaimed effect” pantile is shown on the submitted plans. The garages will have an eaves height of 2.44m rising to a ridge height of 3.9m.

Plot 2: A one and a half storey 4 bed detached pitched roof dwelling with dormer windows. The footprint is 12.7m x 8m, with a one and a half storey rear (west) projection of approximately 3m. Eaves height is 4.5m rising to a maximum ridge height of 7.9m. The ridge of the rear projection is lower at 6.7m. “Reclaimed effect” facing brickwork and a “reclaimed effect” pantile is shown on the plans. Solar panels are proposed on the roof slope of the south facing elevation. The north (front) elevation is shown below.



North Elevation (1:100)

A new driveway leads to a detached pitched roof double garage at a right angle to the dwelling. This has a footprint of 6.6m x 6.6m with an eaves height of 2.44m rising to a ridge of 5.1m. “Reclaimed effect” facing brickwork and a “reclaimed effect” pantile is shown on the plans.

### **Relevant history:**

W47/ 225/90 – Outline application for residential development. Granted 23/04/1991.

Pre - development advice was initially sought for 5 dwellings on a larger site. It was the view of officers that the northern section of the site related to the countryside rather than the built form of the village. The advice proffered was that the “replacement of the substantial garage/store with a new dwelling” was not supported. This was not pursued in amended proposals which removed the northern section of the site from proposed development.

### Land to the west

M00/P/0267 – Planning application to convert existing barn to a dwelling and erect detached double garage. GC 22.05.00 conditions  
132376 Planning application to remove condition 6 (occupancy) of planning permission M00-P-0267. GC 10.06.16

**A summary of the representations received is set out below with full details available on the website including submitted photographs.**

**Representations:**

**Chairman/Ward member(s):** No comments received

**Harpwell Parish Council:** Strongly **object** to this application as it fails to meet the guidance criteria for new developments in small villages as defined in the following applicable planning guidance documents and statutory regulations, as further detailed below.

National Planning Policy Framework (NPPF) (2023) Sections 71, 124 d, 199, 200. Central Lincolnshire Local Plan (CLLP) (2023) S4, S57c, S62  
Planning (Listed Buildings and Conservations Areas) Act 1990 66 (1), 72 (1).  
Hemswell & Harpswell Neighbourhood Plan (H&HNP) (2022) Policy 3, Policy 6: 1a, 1b, 1d, 1f, 1h, 2c, 2d. Policy 7 (2)

**Objection Summary**

Approving this application would exceed the expected growth target set for Hemswell as defined in S4 of the CLLP and unnecessarily burden the limited local infrastructure and amenities.

Criteria defined in Policy S4 of the CLLP, identify that the proposed site for development is not in an appropriate location nor in the developed footprint of the village and therefore 'should not generally be supported unless there are clear material planning considerations that indicate otherwise'. Hemswell Parish Council is not aware of any material considerations to indicate the need for this development but is aware of significant opposition from the local community and several considerations, outlined in this objection letter, that would oppose this application.

As the development is on an unallocated site immediately adjacent to the developed footprint of Hemswell and is neither a First home exception site nor exclusively for a rural affordable exception site, in line with CLLP 4 (3), the development should not be supported.

**Local Residents: Objections** have been received from

2 Church Street,  
5 Church Street  
Antares, Church Street  
Pear Tree House.  
Primrose Cottage, 12-14 Maypole Street  
16 Maypole Street  
22 Maypole Street  
7 St Helens Way  
15 Dawnhill Lane

Grounds of objection:

- Contrary to recently made Neighbourhood Plan

- No community support which is a requirement
- Site previously discounted in Call for Sites
- Harmful impact on Listed Buildings in particular 5 Church Street
- Harmful Impact on Conservation Area
- Harmful impacts on non-designated heritage assets
- Applicants own Heritage Statement states the new road could have a negative impact on the conservation area and listed buildings
- Not in an appropriate location for development
- Lack of Infrastructure in village
- Highway Safety
- Loss of privacy and overlooking
- Harmful impacts on the character and appearance of the village
- Detrimental impact on wildlife
- Loss of views of the countryside
- Will exceed housing allocation for Hemswell.
- Our cottage has no foundations and sits on soil. Due to the topography of the immediate area, we are concerned the addition of a new road so close to the cottage and its curtilage will adversely affect the immediate drainage and undermine our property.
- adversely affect existing residents through noise and disturbance and overlooking leading to a loss of privacy

**LCC Highways:** The proposal is for 2 dwellings served from a private drive and it does not have an unacceptable impact on the Public Highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application, and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

**Tree and Landscape Officer:**

09.02.2024 Having looked at the recently submitted tree survey information, the survey information has answered the queries I raised in my previous comments on the application, and I have no objections, concerns or further queries to the development proposals providing tree protection measures given in the tree survey information are stipulated as to be adhered to.

17.10.23

The proposed development is not near the TPO trees. There is sufficient distance between TPO trees and development footprints for the roads and building to have no impact on the TPO trees or their growing environment. Although our TPO records show two green circles representing two TPO trees along the proposed road between plots 1 and 2, these two TPO trees (T7 & T8) do not exist. Various individual TPO trees do appear to have disappeared over time (T2, T3, T4, T7 and T8), as we only have records for the removal of T5 and T6. It is known that their removal occurred many years ago and are not related to the current development proposals. The site is outside the

Hemswell conservation area, with the exception of the site entrance driveway and the east and south boundaries of plot 2.

Plot 1 - There are no trees within the land to the rear of No.3a where Plot 1 and the two garages are proposed. There is a tall beech hedge within the neighbouring garden running alongside the westerly site boundary. The proposed building positions appear to be an adequate distance from the hedge, but protection measured should be required to avoid damage to the hedge and ground compaction over its roots.

Plot 2 - Any trees along plot 2 east and south boundaries or are within neighbouring gardens to the east and south of plot 2 which are near to or overhang the site, are within the conservation area and so are protected trees. I am aware of some large trees to the east in the neighbouring gardens, but without knowing their positions and RPAs we do not know if the proposals of plot 2 would affect them or not. The dwelling appears to be a reasonable distance from the trees to the south but with no tree data we cannot be sure where tree RPAs extend to.

The road curves around the northerly side of the existing dwelling at No.5a and would require the removal of an apple tree and a few shrubs. These are of poor form/shape and are insignificant to the surrounding areas amenity.

Recent tree removals - Tree application ref: 041703 was submitted in August 2020 and consent was given for the removal of two trees from the group G1 across the northerly side of the site. The removed trees were one TPO silver birch due to disease and decay, and one TPO sycamore due to it being diseased with Ganoderma and had decay and a large cavity caused by the fungal infection. Both trees were away from the proposed development. There have been no other tree applications in recent years so no other trees should have been removed.

### **Conservation Officer:**

09:02:2024 As per previous communication we have now found that the proposal meets Policy S57. The stone wall details have been moved away from the curtilage listed section of the wall to allow for protection of this. Although the stone wall is deemed a positive heritage setting. There is no planning protection to this outside of the CA (Conservation Area). Through this planning application we have enabled its protection through permission and conditions. The access has been confirmed to have no alterations to it so this would preserve the CA. The stone wall and brick wall will not be affected. The modern fence and driveway have no heritage significance and opening up the views to the historic stone wall behind with new residential properties in a traditional design will be more in keeping with the character of the CA and would offer a more positive approach than the current view.

The parish council raised some points to protect views to and from the listed building and CA. These have been considered and upon review of the information given by the parish council it has been found to be inaccurate.

- The pathway of Beck Lane is not an official Public Right of Way and so this does not hold weight in the planning process.
- The green space allocation is not correct, the allocation on the plan shows a light green section designated to protected tree clusters, not green space. Green space is allocated in a dark green.

This viewpoint is therefore not an applicable planning consideration as they are views taken from private land and cannot be considered in regard to protecting the heritage assets.

Views of from the listed building towards the north, facing the grade II listed Manor House grounds were also considered as these would be historically connected. In photo 4 of the parish councils comment you can see the window of the neighbouring property, 3b Church Street. The grade II listed 5 Church Street has no windows in the north elevation and views from the garden are restricted within the landscape. There are no viewpoints that were identified to be protected and photo 2 of the parish council's comment provide evidence of this. Consideration of the development of Plot 1 was taken to determine whether a property would negatively impact upon the setting of the listed buildings. The Manor House views the setting of the settlement and built form to the east with large treelines obscuring views. The addition of these houses would not detrimentally alter the setting. 5 Church Street would have more impact upon its setting with a new property being built on plot 1. However, the setting is within the garden if developed with enclosed landscaping. The properties of 5a, 3b, and 3a are all close and visible from the listed property. The addition of plot 1 would alter the setting, but this would not negatively impact upon what is a residential setting in the immediate vicinity with closed off views. Plot 2 is in a more discrete location that would have less impact upon the listed buildings and CA within a boundary of mature trees.

Views from within the CA to the north towards the grounds of the grade II Manor House were also considered. Views from the footpath north are restricted to the modern bungalow development close to the roadside.

The significance of the 5 Church Street is within its architectural interest. The conservation area appraisal highlights the features this building contains to be a strong character detail within the CA. The significant views and setting of this building are found to the south off Church Street.

Due to the points above, it is considered that the development will not negatively impact upon the views and setting of the CA or the listed buildings. It would alter the setting with the addition of residential properties, but this is already within a residential setting with modern development in the area.

When considering the proposal, the impact of the development does not negatively impact upon the significance of the listed buildings, or the CA but is considered to alter this. The proposal would conserve and protect the heritage assets under Policy S57.

**LCC Historic Services:** I would not be recommending further pre-determination or pre-commencement works. However, if permission is granted, I would recommend a condition for an archaeological scheme of works consisting of archaeological monitoring and recording of all groundworks. There is potential for medieval below-ground archaeological

remains as the site appears to have been within the medieval settlement. Archaeological monitoring and recording of groundworks would ensure that any potential archaeological remains are recorded prior to their destruction.

### **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 Hemswell and Harpswell Neighbourhood Plan (made March 2023); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### Development Plan

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution

Policy S4: Housing Development in or Adjacent to Villages

Policy S5: Development in the Countryside

Policy S6: Design Principles for Efficient Buildings

Policy S7: Reducing Energy Consumption – Residential Development

Policy S12: Water Efficiency and Sustainable Water Management

Policy S21: Flood Risk and Water Resources

Policy S23: Meeting Accommodation Needs

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S57: The Historic Environment

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Policy S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value

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

- ***Hemswell and Harpswell Neighbourhood Plan (NP)***

Relevant policies of the NP include:

**Policy 3:** Windfall Development (in Hemswell Only)

**Policy 5:** Protecting the Wider Landscape Character and Setting of the Neighbourhood Plan Area

**Policy 6:** Design Principles

**Policy 7:** Protecting Non-Designated Heritage Assets

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

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

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

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

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.

***National Planning Practice Guidance***

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

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

***National Model Design Code (2021)***

**Main Issues:**

- Principle
- Impact on Listed Buildings and Hemswell Conservation Area
- Archaeology
- Impacts on character and appearance of the site and wider area and the Area of Great Landscape Value
- Highway Safety and car parking provision
- Flood risk and drainage
- Impacts on existing housing through increased noise and disturbance and overlooking leading to a loss of privacy
- Energy Efficiency
- Landscaping and Biodiversity
- Minerals Safeguarding

**Principle**

Hemswell is defined as a small village by policy S1 of the CLLP. Policy S1 states *"Beyond site allocations made in this plan or any applicable neighbourhood plan, development will be limited to that which accords with Policy S4: Housing Development in or Adjacent to Villages"*. The site is not allocated in the development plan and policy S4 is engaged. S4 sets out:



*“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.*

The number of dwellings proposed on the site is within the 5 dwelling limit for small villages set out above.

The definition of “appropriate locations” in the glossary to the CLLP is:

*“the site if developed would.*

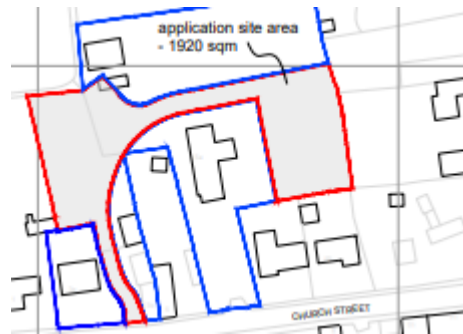
- *retain the core shape and form of the settlement;*
- *not significantly harm the settlement’s character and appearance; and*
- *not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement”*

#### Developed footprint:

Developed footprint of a settlement is defined as

<b>Developed Footprint</b>	<p>Developed footprint of a settlement is defined as the continuous built form of the settlement and excludes:</p> <ul style="list-style-type: none"> <li>• individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;</li> <li>• 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;</li> <li>• agricultural buildings and associated land on the edge of the settlement; and</li> <li>• outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.</li> </ul>
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Following the pre-application response described at the start of the report the application was submitted with the northern section adjacent woodland not forming part of the application site (shaded grey).



It can be noted that the Hemswell Parish Council consider the site is neither an appropriate location or within the developed footprint, as defined in the CLLP. They state “*it is a greenfield garden on the edge of the settlement, more relating to the open countryside, outside the developed footprint of the village. If developed this application would change the core shape of the village and damage the character of the conservation area and area of great landscape value along with the setting and views of heritage assets within the conservation area from amenity green spaces (PROWs) and the highway.*”

Whilst these comments are noted – having visited the site, I do not agree with this conclusion. The site comprises residential gardens which have a strong landscape boundary with mature hedges, which clearly delineates from the open field to the west / north-west.



(Extract from Google Maps)

This clear and distinguishing separation means that these domestic gardens relate more, in my view, to the built up area of the village than they do to the countryside. Consequently, whilst noting the views of the Parish Council, I consider that the site does fall within the developed footprint of the village.

Subject to a consideration of detailed impacts, including whether it can be deemed to be an “appropriate location” for the purposes of policy S4, the

principle and scale of development is considered to comply with the strategic policies of the Central Lincolnshire Local Plan.

Policy 3 of the Neighbourhood Plan (NP) Windfall Development (in Hemswell Only) prioritizes the development of the allocated housing sites identified within the NP. Any schemes proposing additional residential development outside of these allocated sites or propose a net increase in dwellings that exceed the specified capacity for the allocated sites will be judged primarily against CLLP policies LP2 and LP4: they will need to be in appropriate locations (LP2) and a preference will be given to brownfield sites inside the developed footprint of the settlement (LP4); and b. demonstrate that they have gained demonstrable support from the local community within Hemswell parish.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. Paragraph 30 of the National Planning Policy Framework sets out that

*“Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently”* (officer underlining)

However, policies S1 and S4 are strategic policies within the CLLP, and were adopted after the Neighbourhood Plan.

Policies LP2 and LP4 referred to no longer exist and have been superseded by policies contained in the most recent development plan which is the CLLP adopted in April 2023. The proposal has been assessed against this and the principle is considered acceptable.

### **Impacts on Listed Buildings and Hemswell Conservation Area**

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

Section 66 of the Planning (Listed Buildings and Conservations Act) 1990 places a statutory duty on the Local Planning Authority to have special regard

to the desirability of preserving a Listed Building, its setting, and any features of special architectural or historic interest. Section 72 of the same Act requires the Local Planning Authority to have regard for to the desirability of preserving or enhancing the character or appearance of the land and buildings within Conservation Areas.

The boundary of the conservation area is marked by the thick black line (below). This shows that the only part of the application proposal that falls within the conservation area is the existing drive which is to be extended. On this basis there will be a limited direct impact on Hemswell Conservation Area or its setting.



The impact of the development on Listed Buildings and non-designated heritage assets is considered in the detailed comments of the conservation officer above. There is no reason to depart from his conclusion that the development would preserve (i.e. to do “no harm to”) heritage assets in accordance with policy S57 of the Central Lincolnshire Local Plan. It would also be in accordance with policies 5 and 7 of the Neighbourhood Plan and the requirements set out by Section 66 and 72 of the Planning (Listed Buildings and Conservations Act) 1990. This would be subject to the conditions agreed by the conservation officer.

### **Archaeology**

Due to potential for archaeological remains on the site conditions will be imposed as recommended by LCC Historic Services. Subject to this it would be in accordance with policy S57.

### **Impacts on character and appearance of the site and wider area and the Area of Great Landscape Value**

Details of the design and scale of the plots are found at the beginning of this report. West of plot 1 are two adjoining rear gardens with the boundary marked by a fence with trees and vegetation beyond. This serves to limit views from the west. Views from the south will be available as the ridge height is approximately 1.4m higher than 5 Church Street and 3b Church Street. The impact however is diffused by a distance of approximately 47 metres to Church Street and is considered acceptable.

Views of Plot 2 from publicly accessible areas will be limited to non-existent.

It is enclosed by substantial trees and other vegetation to its northern and eastern boundaries. Views will be available from the rear gardens of dwellings facing Maypole Street. Plot 2 is set back 6.5m within its plot from this boundary. There is approximately 48m from the rear elevation of 24 Maypole Street to the boundary of the site. There is a distance of approximately 43m from the rear elevation of 20 Maypole Street and approximately 25m from the rear elevation of 24 Maypole Street. Views will also be available from the rear garden of dwellings facing Church Street to the south. 5c Church Street has a rear garden of approximately 12.85m whilst Antares ranges from approximately 7.8m to 11.95m.

The Hemswell Character Assessment includes Church Street *“This positioning of buildings close to the roadside, coupled with the presence of (1) several terraced properties with long, unbroken façades, (2) extensive and often tall boundary walling, and (3) stretches of mature trees planting that rise and project out over the central route all combine to give much of Church Street a particularly enclosed, often sheltered, character. Fig 127 and 128 provide a snapshot of the consistency of character seen along Church Street both in terms of materials, textures and colours, and also the generally enclosed character and narrow profile of the street.*

This sheltered and enclosed character will remain following development. Recommendations made include *“New development proposals should seek to draw inspiration from local vernacular architecture.”* The dwellings, are reflective of local character, in brick and pantile with gable end chimneys, brick corbelled eaves and stonework similar to that seen elsewhere in the conservation area.

NP 6 Design Principles sets out a number of criteria including that development should recognise and seek to reinforce distinct local character; draw inspiration from local vernacular architecture and seek to retain and enhance identified key views. No impacts will arise to key views.

No harm is considered to arise to the character and appearance of the site and wider area from the proposed dwellings and by extension the Area of Great Landscape Value.

It would be in accordance with policy S53 and S62. It will be necessary to remove permitted development rights for any extensions or alterations that could potentially have a harmful impact.

### **Highway Safety and car parking provision**

Two off street spaces (excluding garages) are proposed for plot 1 which has 3 bedrooms whilst three are provided for plot 2 which has 4 bedrooms. This is in accordance with the parking standards set out in the Central Lincolnshire Local Plan which require 2 off street spaces for 3 bed properties and 3 off street spaces for 4 bed dwellings. No objections on highway safety grounds are raised by Highways.

There is no reason to withhold consent on the grounds of highway safety including lack of car parking. It would be in accordance with policies S47 and S49.

### **Flood risk and drainage**

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

The site is in flood zone 1 (Low Probability Land having a less than 1 in 1,000 annual probability of river or sea flooding) therefore the main considerations are the means of foul and surface water drainage. The site is not identified as being at risk of Surface water Flooding on the Environment Agency Flood Map for Planning.

Surface water is to be disposed of by means of a soakaway with foul directed to the mains sewer in accordance with the preferred hierarchy for disposal. A condition will be imposed requiring further details of drainage to be submitted to and approved in writing by the local planning authority, with subsequent implementation in accordance with the approved details. Subject to this it would be in accordance with S21.

### **Impacts on existing housing through increased noise and disturbance and overlooking leading to a loss of privacy**

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things. Furthermore, paragraph 130 f) of the NPPF requires that development proposals provide a high standard of residential amenity for both existing and future users. Noise and disturbance from dwellings in proximity to other dwellings is not normally considered a reason to withhold consent. A Construction Management Plan will be conditioned to help mitigate disturbance during the construction phase.

There are no windows on the gable end that faces west on plot 1 towards the adjoining rear gardens and there is a distance of approximately 18 m towards the rear garden boundary of the bungalow to the south with views interrupted by the proposed garaging. No significant loss of privacy or overlooking will arise from plot 1.

At its closest to the rear garden boundary of Antares to the south there will be a minimum distance of approximately 12.5 m from the bedroom window at first floor to plot 2 which increases to approximately 15m. This boundary consists of a low stone wall with trees and vegetation which are to be retained. The objection refers to the loss of foliage during winter increasing

opportunities for overlooking. This is noted however, given the distance separation and the fact that the views are not from primary living accommodation such as a living room and are instead from a bedroom window this is not considered to be unacceptable. It would be in accordance with policy S53 of the Central Lincolnshire Local Plan. It will be necessary to remove permitted development rights for any new window openings or alterations and extensions to the dwellings including the roof that could potentially lead to a loss of privacy or other injurious impacts.

### **Energy Efficiency**

Policies S6 and S7 of the CLLP sets out design principles for efficient buildings and reducing energy consumption. Local policy LP7 states that: "Unless covered by an exceptional basis clause below, all new residential development proposals must include an Energy Statement which confirms in addition to the requirements of Policy S6".

Local policy S7 provides guidance and criteria on the generation of renewable electricity and the limit on the total energy demand for each single dwelling. The target is to achieve a site average space heating demand of around 15-20kWh/m<sup>2</sup>/yr and a site average total energy demand of 35 kWh/m<sup>2</sup>/yr.

An Energy Statement has been submitted which demonstrates that the site average space heating demand is 10.01 kwh/m<sup>2</sup> /yr and site average total energy demand of 34.46 kwh/m<sup>2</sup> /yr. These are in accordance with policy requirements. The total energy demand will be met by use of 20 solar PV panels, 10 on the roof slope of each dwelling. This will ensure that they will generate sufficient renewable electricity on site to match demand over the course of a year. It would be in accordance with policies S6 and S7 of the Central Lincolnshire Local Plan

### **Landscaping and Biodiversity.**

The site given its use as a large private garden does not appear to contain any features which are likely to support habitat for protected species. The proposals have been amended to safeguard existing trees on the site following submission of a tree constraints report and a tree management and arboricultural assessment. This results in the retention of the vast majority of trees on the site. Tree protection measures will be conditioned. Lost trees can be compensated for by replacement planting which will also serve to increase biodiversity value as well

No soft landscaping is proposed. Policy S60 seeks to protect and enhance biodiversity. Policy S61 of the CLLP requires "all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management. Policy S61 goes on to state that "All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric".



The mandatory requirement comes into place on February 12<sup>th</sup> 2024 for all but exemptions and “small sites”. Small sites are defined as:

(i) For residential: where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.

The Government’s 2023 response to the 2022 BNG consultation sets out exemptions from mandatory BNG, which will be implemented via secondary legislation. This includes small scale self-build which is what is proposed. On this basis there would not be a requirement to deliver 10%. Nevertheless, this does not prevent biodiversity enhancement being provided on such schemes. This is capable of being delivered by utilising landscaping incorporating native species. On this basis a condition will be imposed requiring biodiversity enhancement details to be submitted to and approved in writing and subsequently implemented in accordance with the approved details. On this basis it would accord with S60.

### **Minerals Safeguarding**

Policy M11 requires applications for non-minerals development in a mineral safeguarding area to be accompanied by a Minerals Assessment. This is located within the Planning Statement. It is considered that there is no likelihood of the application site being deemed suitable for limestone minerals works or extraction. The full site area is clearly within an historically sensitive residential area, with existing residential properties in close proximity on three sides. The scale of development is of a minor nature, and the site area represents a tiny proportion of the total land area that falls within this mineral safeguarding area. Not only is the extraction of limestone in this location wholly impractical, it cannot reasonably be considered to be necessary either given the extent of the alternative (and much more suitable) opportunities for mineral extraction elsewhere. On this basis there is no reason to withhold consent on mineral safeguarding grounds.

### **Conclusion including planning balance:**

Set out here – whilst comments are noted, you are satisfied it is an appropriate location within the developed footprint.

The proposal has been considered against policies S1: The Spatial Strategy, S2: Growth Levels and Distribution, Policy S4: Housing Development in or Adjacent to Villages, Policy S6: Design Principles for Efficient Buildings, Policy S7: Reducing Energy Consumption – Residential Development, Policy S21: Flood Risk and Water Resources, S23: Meeting accommodation Needs, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, S57: The Historic Environment, Policy S60: Protecting Biodiversity and Geodiversity, Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains, Policy S62: Area of Outstanding



Natural Beauty and Areas of Great Landscape Value of the Central Lincolnshire Local Plan and Policy 3: Windfall Development (in Hemswell Only); Policy 5: Protecting the Wider Landscape Character and Setting of the Neighbourhood Plan Area; Policy 6: Design Principles; Policy 7: Protecting Non-Designated Heritage Assets of the Neighbourhood Plan in the first instance as well as against all other material considerations including the National Planning Policy Framework and National Planning Practice Guidance.

Whilst the objections are noted, the site is considered to be an appropriate location for development within the developed footprint of Hemswell. Subject to the imposition of conditions no adverse impacts will result to Listed Buildings or Hemswell Conservation Area and their character would be preserved. The impacts on the character and appearance of the site and wider area are not expected to result in harm, and the Area of Great landscape Value (AGLV) will not be harmed by the development. The amenities of existing dwellings will not be significantly affected through loss of privacy, dominance or loss of light. Highway Safety will not be compromised. Energy Efficiency will be delivered as will biodiversity enhancement.

**Recommendation:** Grant approval subject to the conditions below.

Recommended Conditions:

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

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

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

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

2. No development shall take place until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. Construction shall be carried out in accordance with the approved CMP at all times. The CMP shall include the following matters:

- a) Details of construction access.
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials
- d) Programme of works. No works on the site, including works of preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or Public Holidays

- e) Details of proposed means of dust suppression and noise mitigation.
- f) Details of measures to prevent mud from vehicles leaving the site during construction.
- g) Monitoring and review mechanisms.

**Reason:** in order to reduce noise and disturbance to existing housing in accordance with policy S53 of the Central Lincolnshire Local Plan.

**3.** No development shall take place until a written scheme of archaeological works consisting of archaeological monitoring and recording of all groundworks has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

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

The scheme is to be in accordance with the Lincolnshire Archaeological Handbook.

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with policy S57 of the Central Lincolnshire Local Plan. Specifically, development may have an impact on medieval archaeology.

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

**4.** The Local Planning Authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 3 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with policy S57 of the Central Lincolnshire Local Plan. Specifically, the development does have the potential to disturb medieval archaeology.

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

Proposed Site Layout Drawing No. A1-02 Rev A

Site Layout (showing tree protection measures) Drawing No. A1-02 Rev B

Plot 1 Proposals (including floor plans and elevations) Drawing No. A1-03  
Plot 2 Proposals (including floor plans and elevations) Drawing No. A1-04  
Energy Statement dated August 2023

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

**Reason:** In the interests of proper planning.

6. The driveways of the dwellings shall be constructed of porous materials and retained as such thereafter.

**Reason:** In the interests of appropriate surface water disposal in accordance with policy S12 of the Central Lincolnshire Local Plan.

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

**Reason:** To ensure adequate drainage facilities are provided to serve the dwellings, to reduce the risk of flooding and to accord with the National Planning Policy Framework and policy S21 of the Central Lincolnshire Local Plan.

8. No work above existing ground level must take place until details of all external facing materials for the approved buildings and materials to be used for the access drive have been submitted to and approved in writing by the local planning authority. Work shall subsequently be carried out in accordance with the approved details.

**Reason:** In the interests of securing a satisfactory visual appearance in proximity to Heritage Assets in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan.

9. No work above existing ground level shall take place until a until a one metre squared sample panel of the proposed brickwork and bond has been erected on site and approved in writing by the local planning authority. Once approved, it must remain on site for the duration of the development.

**Reason:** In the interests of securing a satisfactory visual appearance in proximity to Heritage Assets in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan

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

**Reason:** In the interests of securing a satisfactory visual appearance in proximity to Heritage Assets in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan

**11.** No construction works above ground level must take place until details of a soft landscape scheme to enhance the biodiversity value of the site have been submitted to and approved in writing by the local planning authority.

**Reason:** To enhance the biodiversity value of the site in accordance with policy S60 of the Central Lincolnshire Local Plan.

**12.** The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 3

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with policy S57 of the Central Lincolnshire Local Plan. Specifically, the development does have the potential to disturb medieval archaeology.

**13.** Following the archaeological site work referred to in condition 12 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with policy S57 of the Central Lincolnshire Local Plan. Specifically, the development does have the potential to disturb medieval archaeology.

**14.** The report referred to in condition 13 and any artefactual evidence recovered from the site shall be deposited within 3 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with policy S57 of the Central Lincolnshire Local Plan. Specifically, the development does have the potential to disturb medieval archaeology.

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

**15.** All planting, comprised in the approved details of landscaping referred to in condition 11 shall be carried out in the first planting and seeding season following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or

become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure there is appropriate landscaping in place and to provide bio diversity enhancement in accordance with policies S53 and S60 of the Central Lincolnshire Local Plan.

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

**Reason:** To enable any such proposals to be assessed in terms of their impact on the character and appearance of the buildings and their surroundings in proximity to heritage assets and to avoid adverse impacts on existing neighbours in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan.

**17.** The hereby approved dwellings shall not be occupied until the approved surface water drainage scheme referred to in condition 7 for the development have been completed in full and maintained thereafter.

**Reason:** To ensure adequate drainage facilities are provided to serve the dwellings, to reduce the risk of flooding and to accord with the National Planning Policy Framework and policy S21 of the Central Lincolnshire Local Plan.

**18.** Prior to occupation of the approved dwellings evidence must be submitted to the local planning authority that a rainwater harvesting butt of a minimum 100 litres has been installed.

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

**19.** Prior to occupation of the approved dwellings a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement dated August 2023 and approved in writing by the planning authority.

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

**20.** 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 (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 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

**Prepared by:** George Backovic

**Date:** 13 February 2024

Signed

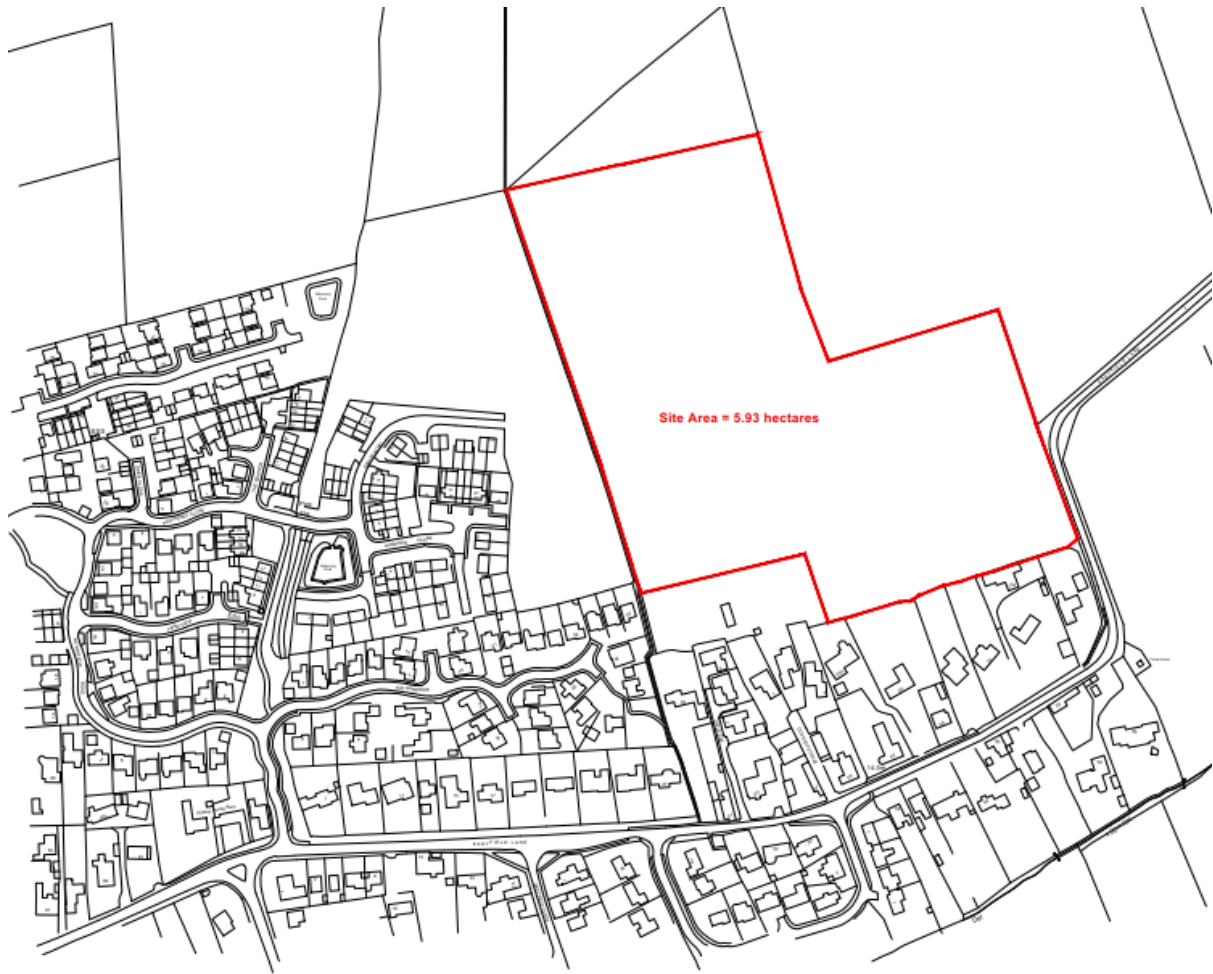


**Authorising Officer**  
**13/02/2024**

**Date:**

**Decision Level**

Committee



## **Officers Report**

### **Planning Application No: 146801**

**PROPOSAL:** Outline planning application to erect 109no. dwellings with access to be considered and not reserved for subsequent applications - resubmission of 144526

**LOCATION:** Land at Eastfield Lane Welton Lincoln Lincolnshire

**WARD:** Dunholme and Welton

**WARD MEMBER(S):** Cllr Mrs D M Rodgers, Cllr P Swift & Cllr S H Hague

**APPLICANT NAME:** Mr S Turley

**TARGET DECISION DATE:** 24/08/2023 (Extension of time agreed until 27th March 2024)

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Ian Elliott

**RECOMMENDED DECISION:** Grant Permission subject to conditions and the signing of a S106 Legal Planning Agreement subject to the following Heads of Terms:

- **Affordable Housing**

25% of the overall development to be delivered as affordable homes (i.e. up to 27 no. affordable homes). Of the affordable homes, the tenure split will be 60% affordable rent (up to 16 dwellings), 25% First Homes (up to 7 dwellings) and 15% shared ownership (up to 4 dwellings). To be identified on site plan in any reserved matters application.

- **Custom and Self-Build Housing**

5% of the dwellings (5 dwellings) to be delivered as serviced plots. Design code or plot passport detail to be submitted by a defined date to inform marketing exercise. To be identified on site plan in any reserved matters application.

- **NHS Health**

A contribution of £69,942.50 on completion of 50% of the dwellings for each phase of the development in order to contribute to the extension of existing facilities of additional clinical space at Welton Family Health Centre, The Ingham Practice and/or Lindum Medical Practice.

- **Open Space**

On site public open space and open space management and maintenance plan. To be identified on site plan in any reserved matters application.

- **Pedestrian Footpath Provision**

New pedestrian footpath along the western side of Eastfield Lane will be constructed by the applicant, as shown in drawing AP038224-PW03 Rev 1 Dated 23/02/22. The pedestrian footpath will extend from the sites access



linking to the existing footway on the western side of Eastfield Lane to the south. It will be approximately 103.5 metres in length and 2 metres in width.

- **Eastfield Lane Passing Places**

3 No. passing places to be installed along Eastfield Lane between the development site and the A46/Eastfield Lane junction. To be identified on site plan in any reserved matters application.

- **Travel Plan**

The sum of £5000 to be paid to LCC Highways for the monitoring of the delivery of the travel plan submitted with the planning application.

- **Speed Limit Traffic Regulation Order**

The sum of £2800 to be paid to the LCC Highways to process the extension to encompass the site access.

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**Planning Committee:**

This application has been referred to the Planning Committee at the request of Welton Parish Council who consider the development does not comply with the Welton by Lincoln Neighbourhood Plan, and following a number of 3<sup>rd</sup> party objections.

**Description:**

The application site extends to 5.93 hectares and is situated immediately adjacent the north-eastern boundary of the village of Welton. It is an arable field, and is allocated for residential development in the Central Lincolnshire Local Plan (April 2023) – site WL/WELT/008A.

The northern and eastern boundaries to the site are defined by existing hedgerows, with open countryside beyond. The southern-most section of the eastern boundary is bordered by the hedgerow adjacent to Eastfield Lane. There is an existing hedgerow along the site's entire southern boundary with existing dwellings immediately beyond and the continuation of Eastfield Lane which turns westwards into the centre of Welton.

The western boundary is also demarked by hedgerow. The land immediately beyond the site's western boundary is allocated for housing in the development plan (site WL/WELT/003) and full planning permission for 49 dwellings with attenuation pond, landscaping and boundary treatments was granted in February 2022 (WLDC Planning Reference Number: 143728).

Public footpath WELT/54/1 runs along the western boundary.

The application site is currently in agricultural use as an arable field. The levels fall from a high point of approximately 18m AOD in the site's north western corner to approximately 15m AOD in the site's south eastern corner. There is an existing footpath which joins Eastfield Lane in the south to Mill Lane in the north, running immediately adjacent to the site's western

boundary. There is an existing field entrance from Eastfield Lane in the site's south eastern corner.

Planning permission is being sought (in outline) to erect up to 109 dwellings on the site, with access to be considered with this application.

Matters of layout, scale, appearance and landscaping are reserved for subsequent approval ('reserved matters'), should this outline application be granted permission.

Access is to be considered with this application. Drawings submitted with the application show a singular vehicle access to the site. This access would be taken from Eastfield Lane, where the road bends around from a north to an east direction out of the village. The plans indicate pedestrian access to the public footpath on the western boundary (WELT/54/1) would be provided. They also indicate that vehicle and pedestrian walkways would run up to the western boundary.

The application is a resubmission of 144526 which was refused in May 2022, as outlined below.

**Relevant history:**

144526 – Outline planning application for residential development of 109no. dwellings, with access to be considered and not reserved for subsequent applications - 26/05/22 - Refused

Reason for refusal:

1. *"The proposal exceeds the level of development permitted by policy LP2 of the Central Lincolnshire Local Plan (CLLP) and is not promoted by the Welton by Lincoln Neighbourhood Plan (NP). The proposal has not demonstrated exceptional circumstances. The site is not within the built-up area of Welton and is not allocated for housing. The proposal is therefore contrary to policy LP2 of the CLLP. The emerging policy of the review of the Central Lincolnshire Local Plan is attached weight, but in accordance with paragraph 48 of the NPPF, is not considered to carry such weight that would otherwise justify a significant departure from the extant development plan."*

**Representations (In summary)**

*Representations made in relation to the application, the substance of which are summarised below (full representations can be viewed online).*

**Ward member(s):** No representations received to date

**Sir Edward Leigh MP:** Objections  
Supports the Parish Council comments

**Welton Parish Council: Objections**

This application relates to a site that was considered and rejected in the previous Central Lincolnshire Local Plan (CLLP) but has been allocated in the revised CLLP adopted in April 2023.

The site remains unchanged and there are other allocated sites in the Plan that have not been developed; not to mention the allocated sites that have been and are being developed creating an additional 539 homes and a further 508 properties from four newly allocated sites in the latest CLLP.

This proposal is incompatible with the existing made Welton-by-Lincoln Neighbourhood Plan (WNP) as this site is not included in its allocated sites. The Council asks that all relevant objections to the previous application 144526, are also considered.

The only access point on the plan is off Eastfield Lane which is a rural country lane and would need to be managed safely; there have already been 5 accidents on this corner between October 2022 and February 2023; the comments from LCC intimate that planning permission should be refused unless its preference for a western access solution is agreed, which is also supported by Lindum Homes and the Planning Officers. It also appears from the applicants' submission that the proposed junction onto Eastfield Lane would be further compromised by a field access immediately alongside it. This lane is used by residents, not only from Welton, but from surrounding villages for cycling, walking, running, dog walking, horse riding and other recreational activities; there is an Equestrian Centre half-way along the lane and many people use it to access the coffee house at the junction with the A46.

The provision of 3 passing places is not sufficient, this lane is already used as a rat-run from the A46 to the A15 and vice versa; the increased traffic will also add to the risk of more accidents at the junction of Eastfield Lane with Dunholme Road. Coming from Dunholme the right turn onto Eastfield Lane is blind and there have been numerous near misses and recorded accidents here.

The CLLP states that building should be low density and in keeping with the local vernacular and this application. It is not compatible with the Village Character Assessment appendix attached to the WNP and does not meet the density criteria. Concerns regarding the building density and local vernacular has also been included in the response from LCC Highways.

The proposed site layout states that dwellings are spaced to allow for off road parking between buildings, to the rear or using garages, thus preventing the need for excessive parking along road frontage. History shows that residents do not park their cars in garages, therefore cars will park along the road frontage if sufficient parking spaces are not provided.

NHS Lincolnshire Integrated Care Board has indicated that there is insufficient capacity at the Welton Health Centre, which will be the primary practice in the development's area to be able to cope with the number of patients that will be generated by these 109 homes, let alone future numbers from further

allocated sites. If this application is granted, the developer should invest in the development of the health centre to accommodate these additional patients.

The Council requests that a full risk assessment of the area is carried out with particular emphasis on traffic assessment prior to considering this application and if necessary, delaying it until such time as it has been done.

The Planning Committee should be mindful if they grant permission for this application, that properties should be eco-friendly in providing electric vehicle charging points, storage for bicycles, ground/air source heat pumps and those that are south facing fitted with solar panels – if these are installed when properties are being built it is more economical. They should also consider planting hedges between properties rather than erecting fences, as they absorb CO<sup>2</sup>, don't blow down or become dilapidated and encourage wildlife.

In conclusion, it is not an allocated site in the Welton-by-Lincoln Neighbourhood Plan and until such time that sufficient assessments have been carried out on the whole site, road and surrounding area, in particular the entrance into the development off Eastfield Lane, the council does not support this application.

**Local residents:**

Objections have been received from the following addresses –  
Eastfield House Farm, The Oaks, 7, 15, 17, 21, 23, 25, 27, 46, 48, 50, 51, 53, 58, 59, 60, 63, 63a, 64, 65, 66, 71, 73a and 77 Eastfield Lane, Welton  
25 Eastfield Close, Welton  
1, 2 and 3 Dovecote Drive, Welton  
2, 4, 10, 14, 27, 33 and 35 Musgroves Orchard, Welton  
17 and 18 Dunholme Road, Welton  
Nightingale House, 18 and 25 Roselea Avenue, Welton  
25, 46, 57, 63, 78a and 82 Ryland Road, Welton  
8 The Hardings, Welton  
9 Norbeck Lane, Welton  
8 School Drive, Welton  
13 Northfield Road, Welton  
9 Ayon Close, Welton  
28 Hampden Close, Welton  
9 Ayam Close, Welton

A summary of their objections are as follows:

Highway Safety

- Access in dangerous position.
- Eastfield Lane is not suitable for Heavy Goods Vehicles and construction traffic.
- Eastfield Lane is poorly maintained.
- Speed needs to be decreased from 60mph.
- Only other access to site is through the village past the school.
- Vehicles have to mount kerbs/verges along Eastfield Lane.
- Country lane (Eastfield Lane) not intended to be used by increased traffic.

- Inaccessible for public transport.
- Eastfield Lane too narrow with dangerous junction at either end.
- Eastfield Lane has a dangerous corner and is already busy enough.
- Eastfield Lane has no room for 2 vehicles and is used by farm vehicles, pedestrians, joggers, cyclist and horse riders.
- 100 homes will be dangerous to runners on Eastfield Lane.
- Passing places will be of little use.
- Preferred access should be to the west of the site.
- No path towards A46.
- Junction of Cliff Road with Lincoln/Ryland Road already congested.
- At the CLLP examination the Eastfield Lane access was not the preferred or desired access.
- Access to the west has not been explored by the agent.

#### Drainage

- Concerned about pressure of rainwater and drainage despite planned SuDs.
- Surface water flooding of road at bottom end of Eastfield Lane is regular and will be increased.
- Foul system cannot cope at the moment and erupts from flooded system in Eastfield Lane. Overflows in heavy rain.
- Dunholme WRC has capacity problems and cannot cope with further 25% more growth.
- Surface water flooding on the site on Environment Agency flood risk map.
- Inaccuracies with FRA – No dyke as stated in Appendix A and drop from garden of 4 Dovecote to site is 5ft (1.5 metres) 1.62-1.78 metres.
- 4 Dovecote has had significant surface water flooding on eastern side of garden.
- The latest planning submission Drainage Outfall Route is in breach of policy S21 of the Central Lincolnshire Local Plan (CLLP). The proposed drainage outflow route takes the water from the site into a high flood risk area at the corner of Eastfield Lane which is prone to flooding.
- The water from here also drains into the Eastfield Drain via the same corner that the proposed drainage outflow route will take. The drains cannot cope with the current level of water runoff.
- The addition of a further 109 homes feeding into this system cannot do anything else but increase the flood risk to existing residents.
- The drainage report showing that the ditch flowing south on the eastern boundary is free flowing and can cope with the rainwater discharge are incorrect. Serious concerns about the development flooding the property at 77 Eastfield Lane. Happened on more than 1 occasion and has caused by the culvert that starts under my drive and routes the field's dykes away being unable to cope with the amount of water that comes off the elevated field.
- Serious concerns about rain water flooding the foul water drains.
- Drainage Outfall Route is in breach of policy S21(b) of the Central Lincolnshire Local Plan (CLLP). The watercourse is not free of obstruction or free flowing.

- Suffer consequences at 66 Eastfield Lane from the increase in water run off that will certainly occur should the proposed plan go ahead,
- Proposed drainage outflow takes the water from site into a high flood risk area.
- The drains cannot cope with the current level of water runoff.
- The addition of a further 109 homes feeding into this system cannot do anything else but increase the flood risk to existing residents.
- Culverting the ditch along Eastfield Lane and widening the Lane will significantly increase the hard surface area and water runoff leading directly into the high flood risk area at the corner. Using the preferred access to the site from the west would remove this particular risk.
- It is stated that the calculations from the report show the existing ditch and culvert are more than capable of taking the rainwater discharge from the proposed site. This is undeniably incorrect.

#### Infrastructure

- Schools and doctors already stretched and over-subscribed.
- Parking amenities overloaded.
- Shopping facility limited.
- Cumulative infrastructure impact assessment should be concluded.
- Local amenities not within walking distance.
- Vets is small.

#### Residential Amenity

- Should be a robust green barrier of at least 2 metres height to minimise pollution and noise disturbance.
- Traffic will lead to noise pollution increase.
- Increase air/noise pollution.
- Reduce quality of life.
- Properties should not face 73a Eastfield Lane and should be bungalows with trees planted as screening.
- Eastfield Lane access would expose local residents to additional traffic noise, disturbance and pollution

#### Character/Visual Impact

- Negative and adverse visual impact on landscape.
- Not compatible with local vernacular.
- Ruin historic character of this part of the village.
- Contains some of Welton's best preserved vernacular architecture.
- Degrade village character.
- WLDC are changing the character of Welton permanently.
- Damage Ryland Road and Welton village character.

#### Landscaping

- The planting should be included to ameliorate the appearance of estate and resident's quality of life.
- Softening of northern boundary must be achieved.
- How will boundaries be affected.

### Wildlife/Ecology

- Wildlife has changed in the last 2 years.
- Clearance of vegetation for visibility splays will lead to a loss of wildlife habitat.
- Reduce wildlife habitat and destroying local environment.
- Enjoy seeing lizards and snakes and even at top of garden. This will destroy their habitat.
- The Biodiversity Net Gain Statement is in breach of policies S61 and S80 of the CLLP.
- The increase in biodiversity of the areas (in points 1, 2 & 3) is significant in the overall benefits, and their removal reduces the biodiversity net gain below the 10% requirement. The inaccuracies in the submission are misleading to decision makers, as can be seen from the response from Lincolnshire Wildlife Trust.
- The ecology appraisal does not reflect the true position of wildlife in the area. Evidence has already been provided from a number of residents that show species, such as grass snakes and bats within 40 metres of the site. This evidence does not appear to have been updated in the ecology review or passed onto the decision makers. An onsite review, rather than desktop review should be completed so that decisions can be made upon accurate information.

### Climate Change

- No detail on dwellings being environmentally sustainable.

### Heritage

- Eastfield Lane is an old part of the village with Grade II Listed Buildings.

### Density

- Existing properties are 2.7 dwellings per acre and development is 7.4 dwellings per acre.
- Should be in accordance with Area K of Character Assessment.
- Density is 18.3 dwellings per hectare.
- Indicative number should be 40.
- Not low-density development.

### Agricultural Land

- Building on best most versatile land and policy S67 should be activated.
- Agricultural land should be maintained for food security.

### Other

- Bus stop 760 metres away is well outside the guidelines.
- Inaccessible for public transport.
- Will compound that local plan is not working.
- No public consultation.
- Enough housing in Welton and have 8-year supply of housing.
- Welton becoming a town and overdeveloped with 6,000 more residents than Market Rasen.

- No more houses should be granted until review of Neighbourhood Plan has been completed.
- Profit led development and not local need.
- Litter will increase.
- Existing developments cover the need of Welton.
- Support Ryland Road Residents comments.
- Already reached allocation on new housing.
- No new house should be delivered until 2030/31 in Welton/Dunholme as still 555 to be built from existing planning permissions.

**Ryland Residents Group (63a Eastfield Lane, Welton):** Objection

This statement of objections is submitted by Brian Wadsworth of 63a Eastfield Lane, Welton, as an existing residential property owner directly affected by the application, and also on behalf of the Ryland Residents' Group, which strongly objected to the designation of this site in the Central Lincolnshire Local Plan (CLLP). CLLP planners decided to allocate this site for future housing development following an earlier public consultation process which did not benefit from local community input. The Ryland Community remains aggrieved by this decision and by the process leading up to it. We are also profoundly apprehensive at the impacts of excessive housing development in Welton and Dunholme on our local infrastructure and services, including our already over-stretched GP Surgery, local schools, village roads and parking provision. However, the CLLP has now been adopted by WLDC regardless of the many objections lodged. This statement of objections focuses on specific aspects of the outline planning application which would adversely impact the Ryland area as a whole and pre-existing residential properties in the near vicinity. On 16th February 2023, shortly before adoption of the 2023 CLLP, the Council's Director for Planning, Regeneration and Communities wrote to me as follows regarding this site: "Main modification 68 (MM68) proposes to retain site-specific criteria under policy 80 on access safety, a "low density" scheme [in] keeping with the local vernacular and drainage and surface water flood risk provisions. Relevant design and drainage criteria in the Welton Neighbourhood Plan will also be engaged." The outline planning application now submitted relies upon a profoundly sub-optimal access solution and is neither "low density" nor "in keeping with the local vernacular". It requires significant modifications to mitigate adverse impacts on the Ryland area and community.

**SITE ACCESS** The landowner has once again proposed that site access be located (solely) at the northern 90-degree corner of Eastfield Lane, beyond the outer extremity of the existing built-up area. It would be diplomatic to describe this as an expedient, rather than an appropriate solution. Our objections on grounds of traffic safety, protection of vulnerable road users and disturbance to the existing community are familiar to CLLP and WLDC planning officials from earlier discussions on the CLLP. During the latest phase of those discussions, the landowner's agents admitted that a viable road access corridor exists to the west of this site, benefiting from pre-existing consents. Subject to any necessary agreement with Lindum Homes (with whom the agent was then in negotiation) and resolution of a minor third-party land ownership issue (the owner having confirmed his willingness to sell), the



agent expressed confidence at the Planning Inspectorate hearings that this solution could be delivered, if preferred. Lincolnshire County Council Highways Department has repeatedly expressed preference for a western access solution. Access to the west is self-evidently the best solution for any future residents who may come to live on this site. All residential and service vehicle traffic will be seeking to approach the site from the west or depart in a westward direction. There is nothing to the east apart from a junction with the A46 at Welton Hill, in the 'wrong' direction for shops, schools, other services and centres of employment. Short term expediency must not be allowed to prevail over the advice of LCC Highways, the interests of the existing community and the practical needs of future homeowners on this site. Planning consent should be refused unless the appropriate agreements are concluded to ensure site access via the western corridor. If there is any issue of cost which may genuinely stand in the way of this solution, it would be appropriate (in view of the clear and compelling community benefits) for WLDC to negotiate some 'offset' from prospective s106 contributions. However, the developer has presented no evidence that the western solution would in practice cost materially more than the current proposal, which would necessitate significant road modification works to Eastfield Lane. Adoption of the western access solution would allow conditions to be imposed banning access along Eastfield Lane by heavy construction traffic or other large vehicles (for which the existing road standard and layout is clearly unsuitable, both within the built-up area of Ryland and along the farm lane section extending eastwards to the A46). I and other Ryland Residents strongly object to any such use of Eastfield Lane.

**BUILDING DENSITY AND THE LOCAL VERNACULAR** The outline planning application as submitted is not compatible with the local vernacular of the Ryland area and does not constitute "low density" development. CLLP planning officials have previously confirmed that this site is not required in order to meet housing targets set in the local plan. The site in question falls within "Area K" as described in the Welton Neighbourhood Plan's village character assessment. This area covers east of the public right of way north of Eastfield Lane and east of Musgrave's Orchard on the south side. The local vernacular is described as follows: "The buildings in this area are arranged in a particularly scattered fashion, with no consistent approach to their orientation or distancing from the roadside and sitting within plots of differing sizes and shapes. The informal manner in which properties are arranged adds to the more rural, unplanned character of the area." The effective building density of pre-existing residential properties in this area is approximately 2.7 dwellings per acre. By contrast, the outline planning application for this site proposes dramatically higher density, at 7.4 dwellings per acre. This figure appears to be calculated by including within the site boundary a redundant triangle of 'green space' land which formed part of CLLP site WL/WELT008 (as distinct from 008A). Site 008 was rejected during CLLP development, so this area of land cannot be considered, having been deliberately left outside the adopted site designation. I and our Residents Group object to the excessive building density proposed in this application, which is clearly out of keeping with our area. A substantial reduction in density is required in order to meet the criteria stipulated in the adopted CLLP (MM68). Lower density should allow: - fewer dwellings with larger plots and greater diversity of styles and layout, more in keeping with Neighbourhood

Plan Area K, - tree planting to ameliorate the appearance of the new estate and enhance its residents' quality of life, - importantly, a landscaped and tree planted zone devoid of buildings to be created along the entire southern perimeter of the site, incorporating the proposed drainage pond (which should be landscaped to appear as a natural feature, suitable for waterfowl), in order to avoid intrusion by the new housing estate against the northern boundaries of older, established residential properties to the north of Eastfield Lane.

**OTHER GROUNDS OF OBJECTION** Further measures will be required to reduce the adverse impacts on adjoining, pre-existing residential properties arising from loss of privacy and security, noise and light pollution. - Conditions must be imposed to minimise disturbance from plant and machinery during the construction phase. - The landowner's proposed (minimalist) hedge improvement is not fit for purpose. A continuous wall of 2m in height is needed along the southern boundary of the site. - Conditions should be imposed to avoid or minimise future light pollution from any street or outdoor public lighting on the new estate. The Environment Agency stated in the CLLP consultations that Dunholme WRC has capacity issues. This is clearly evidenced by the 16 days of continuous discharge observed during 2022. This is the situation before completion of various large development sites in Welton and Dunholme which have already been granted planning permission. We therefore object to this development proceeding before the necessary infrastructure improvements have been made.

**LCC Highways:** No objections subject to conditions

Representation received 21<sup>st</sup> February 2024:

- There is no precise definition of "severe" with regards to NPPF Paragraph 115, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:
  - The highway network is over-capacity, usually for period extending beyond the peak hours
  - The level of provision of alternative transport modes
  - Whether the level of queuing on the network causes safety issues

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

- A S106 sum of £5000 will be required for the future monitoring of the approved Travel Plan
- A S106 sum of £2800 will be required to alter the existing speed limit Traffic Regulation Order (TRO) on Eastfield Lane.

- Potential highway safety issues to be mitigated via improvements to the existing highway infrastructure.

The following off-site improvements will be required:

- Metalled upgrade of the existing Public Right of Way (PROW - Welt/54/1) that runs adjacent to the site, to include an Equalities compliant ramp where it connects to Eastfield Lane.
- The provision of tactile crossing points at the following locations – Eastfield Lane, outside No. 25; Junction of Eastfield Road/Northfield Road; Junction of Hackthorn Road/Ryland Road and Ryland Road, outside No. 9.
- Eastfield Lane will require widening of the carriageway and the provision of a footway, to extend the existing footway into the site. These improvement works will require the culverting of one or both existing roadside ditches and as such will be dependant on gaining the relevant permissions and consents.
- 3 No. passing places along Eastfield Lane between the development site and the A46/Eastfield Lane junction.

Conditions:

- Construction Management Plan and Method Statement
- Public Right of Way
- 3 Passing Places
- Highway Widening
- Travel Plan
- Estate Road Phasing and Completion Plan

Representation received 16<sup>th</sup> June 2023:

The submitted Transport Assessment is a fair a reasonable representation of the proposed development's impact on the existing highway network and is considered acceptable.

The access point shown is acceptable as it offers adequate visibility in both directions.

- Eastfield Lane will require widening of the carriageway and the provision of a footway, to extend the existing footway into the site. These improvement works will require the culverting of one or both existing roadside ditches and as such will be dependent on gaining the relevant permissions and consents.

Further highway improvements will be required as follows:

- Metalled upgrade of the existing Public Right of Way (PROW - Welt/54/1) that runs adjacent to the site, to include an Equalities compliant ramp where it connects to Eastfield Lane.
- The provision of tactile crossing points at the following locations – Eastfield Lane, outside No.25; Junction of Eastfield Road/Northfield Road; Junction of Hack thorn Road/Ryland Road and Ryland Road, outside No. 9.
- Level surface upgrade of the bus stop outside No. 79 Ryland Road.

- 3 No. passing places along Eastfield Lane between the development site and the A46/Eastfield Lane junction.

The above improvements are to form part of recommended conditions to the Local Planning Authority as part of final comments.

The existing speed limit traffic regulation order on Eastfield Lane will require extending to encompass the site access, a sum of £2800 will be required for the HLLFA to process this change.

Layout is a reserved matter, however the indicative layout shown as part of this application is acceptable in general. The current design of the site is a traditional adoptable highway and footway configuration, and whilst it is not objectionable, consideration should be given to incorporating Placemaking and Building for a Healthy Life design codes and principles into the submitted layout. The HLLFA encourages permeability and circulation for all modes of movement within the site and promotes the adoption of alternative highway designs. It is recommended the cul-de-sac design shown is altered to incorporate connecting edge lanes, please refer to Lincolnshire County Council's Design Approach, available on our website. The HLLFA would also encourage tree lined streets as part of the overall development layout.

A reserved matters application to determine the final layout must show pedestrian and vehicle links to the adjacent site along with multiple pedestrian links to the adjacent PROW.

Travel Plan:

This Travel Plan should be conditioned and we should request a S106 contribution of £5000k for monitoring (£1k p.a. over 5 years) – this appears to have already been accepted by applicant in Para 7.2.2.

The targets set out in Section 5 seem reasonable – seeking a 10% shift away from the car over 5 years. Sections 6, 7 and 8 clearly set out the process to be followed for implementation and monitoring (noted in Para 8.4.2 that they suggest using STARS which would fit with LCCs monitoring software).

**LCC Lead Local Flood Authority:** No objections with comment

Representation received 21<sup>st</sup> February 2024:

Proposed drainage strategy is acceptable in principle, subject to detailed design at a later stage.

Condition:

- Surface Water Drainage

Representation received 16<sup>th</sup> June 2023:

The submitted drainage strategy is acceptable in principle, as is the proposed discharge rate. The outfall will require further investigation to confirm its suitability and security for the lifetime of the development. It is requested that

this investigation is carried at this time and the details submitted for consideration by the HLLFA.

**Anglian Water:** Comments

- The foul drainage from this development is in the catchment of Dunholme Water Recycling Centre that will have available capacity for these flows.
- The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

**Witham Third Internal Drainage Board:** No objection

Provided it is constructed in accordance with the submitted details and Flood Risk Assessment.

**LCC Education:** Contribution Required

Requests contributions of £510,060 for secondary extension and £102,012 for sixth form extension.

**WLDC Developer Contributions & Enabling Officer:** Comment

Should the proposal be acceptable, the application would trigger an affordable housing obligation of 25% under Policy S22 of the newly adopted Central Lincolnshire Local Plan (April 2023) as the site falls within Value Zone A. Given the indicative dwelling number, this would equate to 27 affordable housing units on the site which is the number proposed.

The details of the appropriate mix of affordable property types and their distribution across the site would be agreed with the Council at the reserved matters stage. However, Policy S22 requires the affordable housing to integrate seamlessly into the site layout amongst the private housing.

A Section 106 agreement will be required in order to secure the affordable housing obligation. Following the introduction of the government's First Homes policy, the Council's preferred tenure split for a site is:

- 25% First Homes
- 15% Shared Ownership
- 60% Affordable Rent

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

**NHS Lincolnshire:** Contribution Required

The development will impact the Welton Family Health Centre, The Ingham Practice, Lindum Medical Practice and Brayford Medical Practice as the development is within their catchment area. The contribution requested for the development is £68,942.50 (£632.50 x 109 dwellings).

NHS Lincolnshire Integrated Care Board (LICB) wishes for the Section 106 contribution from the development of 109 dwellings on Land at Eastfield Lane, Welton to contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the IMP Primary Care Network (PCN) at the Welton Family Health Centre, The

Ingham Practice and/or Lindum Medical Practice. Alternatively, the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

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

To ensure that there is sufficient time carry out the works and allow the s106 funds to be spent in the most appropriate way, a repayment period of 10 years from receipt of the final payment transfer (for the entire development) to the relevant NHS body will be required.

**Health Centre, Cliff Road, Welton: Objection**

We would like to object to the planned proposal for an additional 109 properties off Eastfield Lane, Welton. As a Practice, we are already providing medical services for 9663 patients. This number is increasing year on year whilst the resources are not. Funding from NHSE is constantly being squeezed, there is the threat of the asylum centre needing medical support and we are unable to recruit new GP's to serve these additional patients. Each proposal that is approved puts further strain on resources in the practice and stretches services even thinner. Our AskMyGP system is already saturated very early each morning and our nurses' clinics are fully booked at all times.

The practice does not have the additional infrastructure for increased parking in the village or additional clinical rooms available to see additional patients. The Practice is considering having to close its list due to overwhelming numbers of incoming patients, which would mean residents of this development may have to travel to Lincoln for GP services.

**Lincolnshire Police: No objections with advice**

Advice provide on:

- Dwelling Frontages
- Perimeter
- Gates
- Landscaping
- Lighting
- Footpaths
- Parking Provision
- Letter Plates
- Intruder Alarms
- Utilities
- Building Regulations

**Lincolnshire Wildlife Trust:** No objection subject to a condition

Representation received 2<sup>nd</sup> February 2024:

Lincolnshire Wildlife Trust wishes to make the following comments with reference to the above planning application. Our previous comments regarding an outdated PEA and a lack of BNG assessment have been addressed with the latest documents detailing an 11.65% gain in habitat biodiversity units.

The stated uplift in on and offsite biodiversity units is predicated on appropriate habitat management for the full 30-year period as required by the Environment Act. A Management and Monitoring Plan is recommended by the ecologists in the BNG report and we request this be achieved via a planning condition in accordance with the Environment Act and Local Plan Policy S61. We acknowledge the statement in 4.1.2 that the landscape details are yet to be finalised. We would encourage these be confirmed by way of submission of a Landscape Ecological Management Plan (LEMP). This should include clarifications of native planting outlined in Figure 2 of the BNG report for urban trees, areas of grassland throughout the site and may include the aforementioned BNG MMP.

Sustainable drainage systems (SuDS) are internationally recognised as the most effective way of managing both surface water flood risk and storm-related pollution. The attenuation pond serves this function and the recent implantation of Schedule 3 of The Flood and Water Management Act 2010, establishes a process to ensure that any new development includes high quality SuDS, and removed developers' automatic right to connect to public sewers. Implementation is essential to addressing growing surface water flood risk, tackling the sewage pollution problem and is complementary to BNG and nutrient neutrality.

Representation received 28<sup>th</sup> June 2023:

Lincolnshire Wildlife Trust wishes to place a HOLDING OBJECTION in regards to the above planning application until further ecological information has been submitted and we are satisfied that there will be no significant negative impacts on protected or priority habitats, species or local wildlife sites as a result of the proposed development.

The Preliminary Ecological Appraisal submitted with this application is the same document as that of the original 144526 application. The site has thus not been resurveyed in the past 18 months since January 2022 (Paragraph 3.2.1).

An updated PEA document will need to be conducted as the baseline conditions of the site are very likely to have changed thus impacting the baseline Biodiversity Net Gain (BNG) values.

The various ecological receptors and considerations for legally protected species are also likely to have altered in 18 months with the aid of the 2021

and 2022 ecological records submitted to the Lincolnshire Environmental Records Centre during the intervening period.

The applicant also needs to consider the local policy changes that have taken place with the recently adopted CLLP that affords stronger environmental protections and considerations to those in the (now) superseded Plan.

We agree that the minimum 10% gain is feasible onsite and want to see the gains incorporated into enhanced landscape buffers and 'wildlife corridors' throughout the site. The area to the north of the proposed development contains a pond and general 'nature area'. While this would be a worthwhile inclusion in the final design, we wish to highlight that biodiversity benefits are somewhat limited due to the near continuous disturbance from people and domestic pets, particularly next to large residential areas.

**Environment Agency:** Does not wish to comment

It does not appear to fit any of the criteria on our consultation checklist.

**LCC Archaeology:** No archaeological input is required.

**ECM checked:** 19<sup>th</sup> March 2024

### **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 September 2016); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

The application therefore falls to be considered against all 3 documents comprising the Development Plan. However, under planning law<sup>1</sup>, if to any extent a policy contained in a development plan document for the area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document – here, the Central Lincolnshire Local Plan, most recently adopted in April 2023.

### Development Plan

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

Relevant policies of the CLLP include:

- S1 The Spatial Strategy and Settlement Hierarchy
- S2 Growth Levels and Distribution
- S4 Housing Development in or Adjacent to Villages
- S6 Design Principles for Efficient Buildings
- S7 Reducing Energy Consumption – Residential Development
- S12 Water Efficiency and Sustainable Water Management

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<sup>1</sup> S38(5) of the Planning and Compulsory Purchase act 2004



S21 Flood Risk and Water Resources  
 S22 Affordable Housing  
 S23 Meeting Accommodation Needs  
 S45 Strategic Infrastructure Requirements  
 S47 Accessibility and Transport  
 S48 Walking and Cycling Infrastructure  
 S51 Creation of New Open Space, Sports and Leisure Facilities  
 S53 Design and Amenity  
 S54 Health and Wellbeing  
 S57 The Historic Environment  
 S59 Green and Blue Infrastructure Network  
 S60 Protecting Biodiversity and Geodiversity  
 S61 Biodiversity Opportunity and Delivering Measurable Net Gains  
 S66 Trees, Woodland and Hedgerows  
 S80 Housing Sites in Large Village  
<https://www.n-kesteven.gov.uk/central-lincolnshire>

- ***Welton-by-Lincoln Neighbourhood Plan (WNP)***

Relevant policies of the NP include:

H1 Type, Size and Mix  
 D1 Village Character  
 D2 Safe Environment  
 EN1 Environmental Capital  
 EN2 Habitat  
 EN3 Flood Risk  
 T2 Cycling  
 W1 Healthcare  
 W2 Sport & Recreation

Welton-by-Lincoln Village Character Assessment dated January 2016 (WCA)  
 The site is not within any of the character areas (A-K)  
 Area I (Northfield) is nearby to the West  
 Area K (Welton East) is adjacent to the south

<https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Welton%20NP%20Neighbourhood%20Development%20Plan.pdf>

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

A review of the existing Welton by Lincoln Neighbourhood Plan is currently being prepared by the Welton by Lincoln Parish Council. To date a draft plan has not been published for consideration.

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2023. Paragraph 225 states:

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

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

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

### **Other:**

Planning Obligations Supplementary Planning Document October 2023

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

Central Lincolnshire Policies S76 – S82: Sustainable Urban Extensions and Housing Allocations in Lincoln Urban Area, Main Towns, Market Towns, and Large, Medium and Small Villages Evidence Report March 2022 (HAER)

<https://www.n-kesteven.gov.uk/sites/default/files/2023-03/EVR076-082%20Policy%20S76-82%20Residential%20Allocations%20Introduction%20Reg19.pdf>

### **Main issues**

- Principle of the Development  
*Central Lincolnshire Local Plan 2023*  
*Welton by Lincoln Neighbourhood Plan*  
*Concluding Statement*
- Access

## Assessment:

### Principle of the Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here the development plan comprises both the Central Lincolnshire Local Plan (April 2023); and Welton-by-Lincoln Neighbourhood Plan (2016). The application falls to be considered against both documents.

However, under planning law<sup>2</sup>, if there is any conflict between the policies of the documents, it must be resolved in favour of the most recent document – here, the Central Lincolnshire Local Plan (2023).

#### *Central Lincolnshire Local Plan (adopted April 2023):*

Local policy S1 of the CLLP sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Welton as a large village and *‘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’*. Local policy S1 states that most of the housing growth in Welton will be *‘via sites allocated in 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’*.

Local Policy S80 identifies sites within large villages which are allocated primarily for residential use. The application site is identified by allocation reference WL/WEL/008A as land north of 77 Eastfield Lane, Welton (5.82 hectares) for an indicative capacity of 109 dwellings.

Local Policy S80 of the CLLP also sets out some site specific requirements for the site. These are:

- *“Access preferred via development at adjoining allocation to the west. If access has to be achieved through Eastfield Lane adequate visibility splays and road widening and footway provision will be required.*
- *Design to be low density and in keeping with the local vernacular of the area.*
- *Development of the site will need to address drainage and surface water flood risk on the site.”*

Subject to meeting these criteria, the proposed development would accord with the site allocation within the Central Lincolnshire Local Plan (2023).

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<sup>2</sup> S38(5) of the Planning and Compulsory Purchase Act 2004

*Welton by Lincoln Neighbourhood Plan (WNP):*

The relevant policies are listed in the policy section above.

Policy H1 requires that *“Proposals for more than 10 dwellings should demonstrate how the mix, type and size of dwelling has taken into account local need.”*

Policy D1 sets out that development should respect local character and include wildlife features.

Policy D2 requires development to be safe and accessible environments.

Policy EN1 protects biodiversity and promotes net biodiversity gain. Protects watercourses from degradation and pollution.

Policy EN2 encourages habitat creation and enhancement.

Policy EN3 promotes that use of sustainable urban drainage systems to reduce surface water run off.

Policy T2 Cycling encourages new cycleways, paths and secure storage facilities.

Policy W1 Healthcare would support development which expands or provides new healthcare facilities.

Policy W2 would support the development of public sports and recreation facilities.

It is noted that the Parish Council state *“This proposal is incompatible with the existing made Welton-by-Lincoln Neighbourhood Plan (WNP) as this site is not included in its allocated sites.”*

The WNP does not allocate any residential development sites. It does recognise three housing sites (Site 1 – Land off Halfpenny Close; site 2 – Land East of Hackthorn Road; Site 3 – Land off Prebend Lane), but the WNP itself acknowledge that these sites *“have planning permission so are unable to be included as policies of the WNP.”*

The WNP does not allocate any residential housing sites within its policies – and does not seek to prohibit or restrict residential development on unallocated sites within its policies.

Furthermore – the NP was made in July 2016, and pre-dated the previous iteration of the Central Lincolnshire Local Plan (2017) which had allocated the aforementioned 3 sites.

The site is allocated for residential development in the 2023 version of the Central Lincolnshire Local Plan. It is not considered that this conflicts with the policies of the WNP, but if it did, the 2023 CLLP would take precedence as the most recent Development Plan document.

*Density:*

Paragraph 4.8 of the Central Lincolnshire Policies S76 – S82: Sustainable Urban Extensions and Housing Allocations in Lincoln Urban Area, Main Towns, Market Towns, and Large, Medium and Small Villages Evidence Report March 2022 (HAER) states that *“there are no policies identifying specific density requirements in the adopted Central Lincolnshire Local Plan.”*

Therefore, an assessment of sites that have been granted planning permission has been used to identify a number of capacity assumptions based on the location in the settlement hierarchy and using a range of different sized sites.”

Paragraph 4.14 of the HAER states that *“in order to identify the assumed developable area, a calculation has been carried out to factor in the reduction in developable area, based on the size of the overall site area, set out in Table 2 below”.*

**Table 2: Developable Area of Sites**

Site Size	Percentage of the site developable
Less than 0.4 hectares	100%
0.4 – 2 hectares	85%
2 – 20 hectares	75%
20 hectares or larger	60%

The application site covers 5.93 hectares so in accordance with table 2 would have a developable area of 75% of the overall to leave room for public open space and necessary infrastructure such as roads and pedestrian footpaths.

Using the 75% the developable area on the site would be 4.44 hectares (5.93 hectares/100% x 75%). Using the whole site area the development would propose 18.4 (109/5.93) dwellings per hectare (dph) and the developable area would propose 24.5 dph.

Paragraph 4.15 of the HAER provides a density assumption table (see below) for the settlement hierarchy categories.

Settlement Hierarchy Category	Density Assumption (dwellings per hectare)
Lincoln City Centre (within 1km of railway station)	90 dph
Wider Lincoln Urban Area	40 dph
Town centres	50 dph
Town suburbs	35 dph
Large Villages	25 dph
Medium and Small Villages	20 dph

The settlement of Welton is categorised as a large village in policy S1 of the CLLP. The recommended developable area explained earlier (see table 2 above) would therefore at 24.5dph accord with the density assumption of 25dph.

It is relevant to compare the character and density of the site (24.5dph) with character area I (Northfield) and K (Welton East) of the WCA, which sit to the immediate south, and the west of the site.

Page 63 of the WCA states that in character area I (Northfield) the *“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.”*

Page 68 of the WCA states that in character area K (Welton East) *“the informal manner in which properties are arranged adds to the more rural, unplanned character of this area.”*

In addition, the most recent application for the adjacent allocated site (WL/WEL/003) has planning permission (143728) and works have commenced on site for 49 dwellings on a site that is 2.35 hectares in size. Using the 75% developable area this site will have a net housing density of 28.8 (49 dwellings/1.7 hectares).

The area to the west of the site is therefore more densely populated than the application with the more rural character area to the south being of lower density. The density of the application site is just under the assumed density but lower than the modern housing development to the west therefore the application site would provide a more appropriate end to this section of the village adjacent the open countryside to the north and east and the rural character of character area K.

It is noted that a number of third parties consider the development should reflect the density of Area K to the south. However, this is an exceptionally low density at approximately 14.2 dph (485 hectares/34 (see land outline in yellow on plan below)) which reflects its strong rural character as identified in the WCA.

However, if the development site (75% developable area = 4.44 hectares) was built out at this rate, it would amount to approximately 63 dwellings. This would be a significant under delivery that would run counter to one of the core principles of the NPPF, which is to make “effective use of land”.



It is considered that such a low-density would-be counter-productive, and the site density should bridge a gap between the low density to the south and high density to the west.

It is considered, on viewing the indicative drawing, that the development would achieve this.

#### *Concluding Statement*

The principle of housing development on the site has been established by its allocation status (WL/WEL/008A) in the CLLP 2023.

The application proposes the development of an allocated site at 18.4 dwellings per hectare (109/5.93) gross density. To put into perspective:

- Planning permission 130995 (to the west) permitted 50 dwellings on 1.27 hectares of the recommended developable land equating to approximately 39.3 dwellings per hectare gross density.
- Planning permission 143728 (adjacent to the west) 49 dwellings on 1.7 hectares of the recommended developable land equating to 28.8 dwellings per hectare gross density.

The proposed development would therefore be of an acceptable density when compared against the HAER and the surrounding residential built form.

The development therefore accords with local policies S1 and S80 of the CLLP and the provisions of the NPPF.

## Access

In planning law access is defined as:

*“in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made”*

Objections have been received from Welton Parish Council, residents and the Ryland Residents Group in relation to the access and highway safety, particularly concerns with the use of Eastfield Lane. This includes that there have already been 5 accidents on this corner between October 2022 and February 2023.

Local policy S47 and S49 of the CLLP require developments to contribute towards a safe highway and set parking requirements based on the number of bedrooms that a dwelling has.

Any future reserved matters application would have to accord with the parking standards set out in appendix 2 of the CLLP. There are no residential parking standards in the WNP.

Paragraph 115 of the NPPF states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

The first bullet point of the site-specific requirements in policy S80 states *“access preferred via development at adjoining allocation to the west. If access has to be achieved through Eastfield Lane adequate visibility splays and road widening and footway provision will be required.”*

The submitted design and access statement confirms that:

- a) vehicular access would be from the east boundary from Eastfield Lane
- b) Four pedestrian accesses would be from the west boundary
- c) One pedestrian access from the vehicular connecting to the existing pedestrian footpath on Eastfield Lane.

Policy S80 of the CLLP states that vehicular access to the site would be preferred from the west. Although it should be noted that the policy does not require that vehicular access has to be from the west to make the development acceptable.

The indicative layout drawing does suggest that it would connect to access points on the adjacent development to the west. The accompanying Design & Access Statement does state:



*“In addition, the indicative layout has been designed to make available a connection to the approved scheme to the west (subject to negotiations regarding any ransom strip). If this is deemed appropriate it could link both sites for better vehicular connectivity and an alternative option for construction traffic to enter from the east.”*

The agent has submitted an email dated 6<sup>th</sup> March 2024 stating that *“the eastern access was reviewed by our Transport Consultant and determined to be the better access from a highways viewpoint. In order to try and achieve the best of both worlds we discussed with Lindum the possibility of linking up access to their site. Lindum would have preferred to access their site from Eastfield Lane, particularly during construction, because of the same access issues outlined above, particularly in relation to materials deliveries on large loads. Unfortunately it became clear during this discussion that there was a problem with third party land separating the two sites, so it was out of the gift of either party and the matter was not pursued”*.

It would seem therefore that the developer has not secured an agreement to connect to the west, but that the development would have the opportunity, and is not precluded from doing so.

The indicative site layout plan (AP038224-PW01 Rev E dated 30<sup>th</sup> August 2022) identifies one vehicular access off Eastfield Lane which has a 60mph speed limit. The position of the access on the bend would mean that vehicles approaching the bend from both directions would be slowing down. The application has alongside the proposed highway improvements demonstrated that vehicular access from the site would be safe from vehicles entering and exiting the site. The use of the Eastfield Lane access would stop further traffic including delivery, waste and emergency vehicles from having to travel through the highway infrastructure of the dwellings to the west. The proposed access would only serve the 109 dwellings proposed on the site.

At the officer's site visit the proposed access appeared acceptable in terms of visibility along Eastfield Lane. The Highways Authority at Lincolnshire County Council have no objections to the proposed access confirming that *“the access point shown is acceptable as it offers adequate visibility in both directions”*.

The Highways Authority have commented on the accidents mentioned in the representations stating that *“they have been considered and are not regarded as an impediment to the development.”*

The proposed vehicle access would therefore not have an unacceptable harmful impact on highway safety and would be expected to accord with S47 of the CLLP and the provisions of the NPPF, most notably paragraph 115.

The Highways Authority at Lincolnshire County Council have made the following recommendations and improvements:

- Eastfield Lane will require widening of the carriageway and the provision of a footway, to extend the existing footway into the site. These improvement works will require the culverting of one or both existing roadside ditches and as such will be dependent on gaining the relevant permissions and consents.
- 3 No. passing places along Eastfield Lane between the development site and the A46/Eastfield Lane junction.
- Metalled upgrade of the existing Public Right of Way (PROW - Welt/54/1) that runs adjacent to the site, to include an Equalities compliant ramp where it connects to Eastfield Lane.
- The provision of tactile crossing points at the following locations – Eastfield Lane, outside No.25; Junction of Eastfield Road/Northfield Road; Junction of Hackthorn Road/Ryland Road and Ryland Road, outside No. 9.
- Level surface upgrade of the bus stop outside No. 79 Ryland Road.

When looking at the recommended highway improvements it must be considered whether it is reasonable and necessary for the developer to be obliged to be responsible for the works and whether they are fundamental to the approval of the development.

It is considered that the widening of Eastfield Lane and the inclusion of 3 passing places is reasonable and necessary and will either be conditioned or obligated in a S106 Legal Agreement.

The public right of way to the west boundary of the site (see photos below) is currently a grassed footpath with areas worn by pedestrian use.



Paragraph 56 of the NPPF states that *“planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects”*.

The Highways Authority have not objected to the proposed vehicular access on highway safety grounds whether all recommended improvements are reasonable or necessary.

Therefore, whilst the improvements to the public right of way, the tactile crossing and the bus stop upgrade recommended by the Highways Authority are acknowledged it is on balance considered that they are not relevant, necessary or reasonable to make the development acceptable in planning terms.

The recommendation for a financial contribution towards the change of position of the speed limit signs and the monitoring of the travel plan is accepted and will be obligated within a S106 Legal Agreement.

Objections have been received in relation to:

- the safety of walkers, dog walkers, cyclist etc
- 3 passing places is insufficient
- Eastfield Lane is poorly maintained
- Vehicle access should be from the west

Eastfield Lane is an adopted highway with no pedestrian footpath or lighting maintained by Lincolnshire County Council. The condition of Eastfield Lane would have formed part of their assessment. The use of the public for exercise or travel along Eastfield Lane is completed at their own risk given the lack of footpath facilities along the Lane. The Highways Authority at Lincolnshire County Council have recommended that 3 passing places is sufficient. The proposed development can only be determined in line with the submitted plans and the access of Eastfield Lane.

Therefore, subject to conditions, the development would not be expected to have a severe harmful highway safety impact and would accord with local policy S47 of the CLLP and the provisions of the NPPF.

### **Other Considerations:**

#### Scale, Appearance, Layout and Landscaping

Details of scale, appearance, layout and landscaping are not under consideration with this application as they are reserved for subsequent approval (“reserved matters”). An indicative site plan (ISP) J1852-PL-03 Rev P02 dated 5th May 2023 has been submitted but not any indicative elevation and floor plans.

However, any reserved matter application will be expected to demonstrate how it will be “in keeping with the local vernacular of the area” in order to satisfy policy S80 of the CLLP; and meet with D1 of the WNP – taking reference from the Welton Character Area (or succeeding documents through the Welton NP Review).

#### Affordable Housing

Local policy S22 of the CLLP states that *‘affordable housing will be sought on all qualifying housing development sites:*

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

The percentage sought would be based on the value zones indicated on Map 3 (page 57) of the CLLP. The site is located within Value Zone A and therefore must provide 25% affordable units which would equate to 27 (27.25) units on a 109 house scheme.

The WNP is not silent but does not include a specific policy on affordable housing but section 6.3 (pg26-27) has a statement of intent stating that *“The WNP recognises the need to provide housing that is affordable and accessible. The Parish Council will, by working with relevant agencies, monitor and review future need. With building work ongoing for many years, it should be possible to react to such need, perhaps using the Community Right to Build. Entitlement and priority to affordable housing will be set by WLDC Home Choice”*.

The Housing Officer has confirmed that the affordable units required would be up to 27 and that a *“Section 106 agreement will be required in order to secure the affordable housing obligation. Following the introduction of the government’s First Homes policy, the Council’s preferred tenure split for a site is:*

- *25% First Homes (7 of the 27 affordable homes)*
- *15% Shared Ownership (4 of the 27 affordable homes)*
- *60% Affordable Rent” (16 of the 27 affordable homes)*

Paragraph 5.7 of the planning statement states that *“The applicant is proposing 25% of these dwellings (equating to 27 dwellings) will be affordable housing, as full policy compliant affordable housing provision.”*

The agent has submitted heads of terms in line with the above percentages to ensure the provision of affordable homes is legally obliged through a signed and certified S106 agreement created by the Authorities legal team.

The development would therefore be in accordance with the affordable housing contribution required by local policy S22 of the CLLP and the provisions of the NPPF.

#### Developer Contributions

Objections have been received in relation to the impact of the development on local schools and medical services including directly from the Health Centre in Welton.

As the site is allocated for residential development in the Central Lincolnshire Local plan, the principle of this scale of development in this location has already been found sound through the examination and subsequent adoption of the Local Plan.

However, Local policy S45 of the CLLP states that *‘Planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development. Development proposals must consider all of the infrastructure implications of a scheme; not just those on the site or its immediate vicinity’*.

Local policy S54 of the CLLP states that *“The Central Lincolnshire authorities will expect development proposals to promote, support and enhance physical*

*and mental health and wellbeing, and thus contribute to reducing health inequalities. This will be achieved by:*

- *Seeking, in line with the Central Lincolnshire Developer Contributions SPD, developer contributions towards new or enhanced health facilities from developers where development results in a shortfall or worsening of provision, as informed by the outcome of consultation with health care commissioners”*

Policy W1 and ED1 of the Neighbourhood Plan supports development which would expand and/or improve local health and educational facilities within the village.

*National Health Service (NHS):*

The development will impact the Welton Family Health Centre, The Ingham Practice, Lindum Medical Practice and Brayford Medical Practice as the development is within their catchment area. The contribution requested for the development is £68,942.50 (£632.50 x 109 dwellings).

It is noted that the Welton Family Health Centre have made direct representations, who cite capacity concerns with taking on further patients.

The NHS Lincolnshire Integrated Care Board at the NHS has requested a contribution of £68,942.50 (£632.50 x 109 dwellings). This will help contribute to the expansion in capacity through remodelling/changes to layout or extension to Welton Family Health Centre, The Ingham Practice and/or Lindum Medical Practice. Where appropriate the contribution could be used to support the expansion in capacity at an alternative general practice site as required to meet the local population health need.

This request would accord with the Central Lincolnshire Planning Obligations Supplementary Planning Document (SPD), which states *“Local GP practices work as part of a Primary Care Network (PCN) and therefore the capital request will be viewed considering the PCNs ability to support the planned development. Patient choice needs to be considered to avoid funding being restricted to the nearest Practice.”*

Whilst the Welton Practice concerns are noted, the NHS Primary Care Network has set out that contributions in accordance with the SPD will be acceptable and required in order to accommodate the development.

Accordingly, such a contribution, to be secured through a S106 agreement, will accord with policy S45 of the Local plan.

*LCC Education:*

The Education department at Lincolnshire County Council has requested that contributions of £510,060 for secondary extension and £102,012 for sixth form extension are required. As confirmed by the response, secondary school and sixth form contributions are already secured through the collection of

Community Infrastructure Levy (CIL) contributions and this would not need to duplicate the contribution through the S106 agreement.

The Education department has not requested any Primary School contribution as the places required by the development (21 children) would be met by sufficient available places for 2025/26.

The agent has submitted heads of terms to ensure the NHS contribution is secured through a signed and certified S106 agreement created by the Authorities legal team.

The development is therefore in accordance with local policy S45 and S54 of the CLLP, policy W1 and ED1 of the WNP and the provisions of the NPPF.

#### *Open Space:*

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

*“The preference is for on-site provision in a suitable location where this is practicable and would be the most effective way of meeting the needs generated by the development”.*

Policy W2 of the WNP would support the development of public sports and recreation facilities.

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

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

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

#### *LAP (Local Area for Play)*

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

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<sup>3</sup> <http://www.softsurfaces.co.uk/blog/playground-surfacing/lap-leap-neap-play-area/>

*LEAP (Local Equipped Area for Play)*

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

*NEAP (Neighbourhood Equipped Area for Play)*

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

Manor Park Sports Ground is an approximate 915-1170 metre (via PROW Welt/54/1, Eastfield Lane and Ryland Road) walk from the site. Manor Park Sports Ground is accessible on foot via lit public footpaths and comprises the following facilities:

- Large pavilion (includes a library)
- Large car park
- Full and junior sized football pitches
- Enclosed Artificial pitch
- Enclosed Crown Bowling Green
- Skate Park
- Fully fenced young children's play area
  - 3 springy rides
  - 1 climbing frame
  - 1 toddler climbing/slide combination
  - 2 young child swing
  - 1 toddler swing

The Welton Sports and Social Club is an approximate 1153m walk (via development to the east, Hampden Close, Halfpenny Close, Northfield Road, and Hackthorn Road) or 1,500 metre walk (via PROW Welt/54/1, Eastfield Lane, Ryland Road and Hackthorn Road) from the proposed site and comprises the following facilities:

- Social club
- Modest car park
- Football pitch (no goals)
- Grass space
- 1 Older and 1 younger climbing frame
- 3 older children swings
- 2 toddler swings
- 4 springy rides
- 1 toddler slide
- 1 toddler roundabout
- 6 benches
- 3/4 bins

In light of the facilities listed above Manor Park Sports Ground and Welton Sports and Social Club are considered to be a Neighbourhood Equipped Area for Play (NEAP).

Indicative site layout plan AP038224-PW01 Rev E dated 30<sup>th</sup> August 2022 identifies an area of public landscaped space (3718m<sup>2</sup>) to the north, central open space (3221m<sup>2</sup> (includes LEAP 410m<sup>2</sup>)) and SuDs balancing pond (3340m<sup>2</sup>) which will provide an onsite local area of play (LAP).

It is approximated that the area of proposed public open space totals 10,279m<sup>2</sup>.

The site is 59,300m<sup>2</sup> (5.93 hectares) in size therefore 10,279m<sup>2</sup> equates to 17.33% of the site has been indicatively set aside for public open space. This includes an area of open space equipped for children who are beginning to go out and play independently close to where they live.

Table 4 of the Planning Obligations Supplementary Planning Document October 2023 provides a table to enable an assumption of population for housing developments.

As this is an outline application with only access to be considered the open space has to be calculated using the district average. Therefore, the development would on average comprise 251 (250.7) people (2.3 x109).

Table A3.1 of Appendix 3 of the CLLP provides a figure per 1,000 population to calculate the need for each type of open space is set out below.

Allotments and Community Growing Space:  
 $251/1000 \times 0.31 = 0.07$  hectares or 700m<sup>2</sup>

Amenity Greenspace:  
 $251/1000 \times 0.43 = 0.11$  hectares or 1,100m<sup>2</sup>

Provision for Children and Young People:  
 $251/1000 \times 0.012 = 0.03$  hectares or 300m<sup>2</sup>

Local and Neighbourhood Parks and Gardens:  
 $251/1000 \times 0.38 = 0.09$  hectares or 900m<sup>2</sup>

Outdoor Sports Facility:  
 $251/1000 \times 1.09 = 0.27$  hectares or 2,700m<sup>2</sup>

Natural and Semi-Natural Greenspace:  
 $251/1000 \times 1 = 0.25$  hectares or 2,500m<sup>2</sup>  
In total the amount of open space required is 8,200m<sup>2</sup>.

The indicative site plan therefore demonstrates that the site would be expected to provide a mix of on-site provision which is well above the required 8,200m<sup>2</sup>.

When compared against the standards in table A3.1 The Welton Sports and Social Club and Manor Park Sports Ground are within the 1200m or 15-minute walk limit by lit pedestrian footpaths for a NEAP. The open space on



the site would provide a LAP within 400 metres. There would be a LEAP within 400 metres within the open space on the site.

The presence of a Public Rights of Way adjacent the west boundary would provide a further close useful mode of outdoor exercise to the residents and provide public access to walks within the open countryside. The presence of the Public Rights of Way is a bonus to the potential future residents and would provide an added benefit. Access must be provided to the Public Rights of Way.

Therefore, the indicative on site provision and existing off-site provision which is within an acceptable walking distance would meet all of these space standards apart from the allotments and community growing space.

Table 5 of the Planning Obligations Supplementary Planning Document October 2023 states that allotments and community growing space should be no more 1,600 metre walking distance to the site. In this case it is not considered that there are any allotments within this identified distance. The indicative site plan does not suggest that any allotments would be included on the site.

In this case, given the amount of other open space on the ISP it would be unreasonable to insist on the provision of allotments on the site.

The inclusion of the necessary type and amount of open space and the maintenance and management of the public open space needs to be submitted in a Heads of Terms so it would be legally obliged through a signed and certified S106 Legal Agreement.

Therefore, the development would accord with local policy S45 and S54 of the CLLP and the provisions of the NPPF.

#### Drainage

Objections have been received in relation to foul and surface water drainage.

Paragraph 175 of the NPPF guides that *“Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.”*

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

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

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

Criteria f of the flood risk section of local policy S21 of the CLLP requires that *“they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical.”*

Criteria m of the protecting the water environment section of local policy S21 of the CLLP requires that *“that surface water connections to the combined or surface water system are only made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments) and where there is no detriment to existing users”.*

Policy EN3 of the WNP requires that *“Appropriate sustainable urban drainage systems have been incorporated into the proposals unless they can be shown to be impractical”*

The application has included a Flood Risk and Drainage Assessment (FRDS) by Alan Wood and Partners dated February 2022 and a Drainage Appraisal (DA) by Brown & Co JH Walter dated February 2024. The FRDS includes percolation tests (Appendix B) and a preliminary drainage strategy (Appendix E).

#### *Surface Water:*

The Internal Drainage Board (IDB) and Anglian Water have made comments in relation to surface water drainage but have not objected to the development.

Paragraph 6.3.2 of the FRDS states that *“the existing ground conditions are considered to be unsuitable for the disposal of surface water run-off from the development into soakaways or infiltration trenches.”*

As infiltration is not viable for the site the FRDS has identified a ditch to the south east corner of the site. Discharge to a surface water body is second on the hierarchy list above.

Paragraph 6.3.6 of the FRDS states that *“It is proposed that the surface water run-off from the development is discharged into Eastfield Drain, for which the developer has riparian right of discharge.”*

In line with Lincolnshire County Council SuDS guidance the equivalent greenfield discharge rate would be 5.6 litres per second. Anglian Water have advised *“that the design for an adoptable discharge will need to be based upon a flow control incorporating a 75mm diameter orifice to prevent blockages, resulting in a maximum discharge rate of approximately 5 litres per second.”*

Paragraph 6.3.6 of the FRDS suggests the use of an attenuation lagoon in the southernmost area of the site as shown on preliminary drainage strategy (Appendix E).



- a) Permeable paving
- b) Attenuation storage contained within a suitable sub-base to areas of roads and paving
- c) Open swales to access road verges
- d) Rainwater harvesting
- e) Attenuation lagoon

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The Lead Local Flood Authority have recommended that the “outfall will require further investigation to confirm its suitability and security for the lifetime of the development. It is requested that this investigation is carried at this time”.

The submitted drainage appraisal states in paragraph 3.4 and 3.5 that:

*“The offsite site drainage route is identified by the blue line starting on eastern half of the southern boundary of the site. This is an existing ditch adjacent to the location of the proposed attenuation pond”.*

*“The ditch within the site flows eastwards under the hedgerow and into the roadside ditch on the western side of Eastfield Lane. The water then flows southwards along the roadside ditch passing into a culvert that then continues under the road as the road turns 90 degrees and continues westward into the village. The water emerges from the culvert on the south side of the road flowing south along the eastern edge of the development boundary line of the village, before joining Ryland Drain. Ryland Drain flows eastwards and becomes a Witham 3rd District IDB asset (Ryland Drain FID 14) at the location marked with a red X on figure 4.”*



(extract from figure 4 of DA)

Paragraph 4.1, 4.2 and 4.3 concludes that:

*“The recent heavy rain has clarified the fact that this is a very free flowing drainage route from the site and along an established route to an IDB managed asset at Welton Hill”.*

*“The photographs establish the condition of the ditches and the fact that they are free flowing. It confirms that the applicant and the other landowners along the drainage route are maintaining their ditches to drain their own land and enabling riparian rights for landowners upstream of their drainage assets”.*

*“The brief clip of video taken on Saturday 10th after the heavy rains (on Thursday and Friday the 8th and 9th February), shows just how free flowing and efficient the drainage system is”.*

The Lead Local Flood Authority at Lincolnshire County Council have no objections to the submitted drainage strategy in principle or the proposed discharge rate subject to detailed designs at a later date.

*Foul Water:*

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

*“When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This will need to be done in consultation with the sewerage company of the area.”*

Paragraph 5.1 of the FRDS states that foul water *“will be discharged to the public sewer network”*

Anglian Water has advised that *“the foul drainage from this development is in the catchment of Dunholme Water Recycling Centre that will have available capacity for these flows”.*

The preliminary drainage plan (Appendix E) identifies an indicative foul water network which connects to a drain on Eastfield Lane. It is considered by the FRDS that a gravity discharge to the public sewer can be achieved.

The development would therefore discharge wastewater into the existing public sewer which has capacity and is the preferred option according to national guidance.

The indicative use of a Sustainable Urban Drainage system for surface water would be acceptable as would be connection to the foul sewer for foul water.

As the drainage plan is only indicative it is considered relevant and necessary to attach a comprehensive drainage condition on the outline permission as recommended by the Lead Local Flood Authority.

Therefore, subject to a condition the development is considered to accord with policy S21 of the CLLP, policy EN3 of the WNP, and the provisions of the NPPF.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the development therefore the development would not unacceptably harm any items of archaeological interest. The development accords with policy S57 of the CLLP and the provisions of the NPPF.

## Biodiversity

Objections have been received in relation to ecology and wildlife.

### *Protected Species:*

Policy S60 of the CLLP states *“all development should:*

- *protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- *minimise impacts on biodiversity and features of geodiversity value;*

Policy EN1 of the WNP protects biodiversity and encourages net biodiversity gain where possible.

Guidance contained within paragraph 185 and 186 of the NPPF encourages the protection and enhancement of protected species (fauna and flora) and providing net biodiversity gains.

The application has included a Preliminary Ecology Appraisal (PEA) by ESL dated January 2024. Section 6 of the PEA recommends that:

- No further requirements for surveys.
- If required target eradication of variegated yellow archangel.
- Removal of habitat suitable for nesting must be done outside bird breeding season (March-August) unless a qualified ecologist is present.
- Installation of bird nest boxes into dwellings (no specific number identified).
- Installation of bat boxes into dwellings (no specific number identified).
- The use of hedgehog friendly fencing.
- Re-landscaping of western boundary hedgerow that requires removal of bramble scrub and/or hedgerow planting should ideally be carried out between March-November outside the hibernating period.

The proposed development subject to conditions would therefore not be expected to have an unacceptable harmful impact on protected species and accords to local policy S60 of the CLLP, policy EN1 of the WNP and guidance contained within the NPPF.

### *Biodiversity Net Gain:*

The application was submitted prior to the mandatory 10% BNG requirement under the Environment Act 2021 coming into force.

Nonetheless, Local policy S61 of the CLLP requires *“all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management”*. Local policy S61 goes on to state that *“All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England’s Biodiversity Metric”*.

The application has included the submission of a Biodiversity Net Gain Statement (BNGS) by ESL dated January 2024 and a Biodiversity Metric Spreadsheet (BMS) by ESL dated 24<sup>th</sup> January 2024. The BNGS and BMS conclude that the development would result in a habitat gain of 11.65% and a hedgerow gain of 39.19%.

The Lincolnshire Wildlife Trust Officer has accepted the BNGS and the BMS but has recommended a condition is used for the submission of the following:

- A 30-year Management and Monitoring Plan.
- A Landscape Ecological Management Plan.
- A high quality Sustainable Urban Drainage scheme which is complimentary to Biodiversity Net Gain.

The proposed development subject to conditions would therefore be expected to provide at least 10% Biodiversity Net Gain for habitats and hedgerows and accords to local policy S61 of the CLLP, policy EN1 of the WNP and guidance contained within the NPPF.

#### Climate Change

Local policy S6 and S7 of the CLLP sets out design principles for efficient buildings and reducing energy consumption. Local policy LP7 states that:

“Unless covered by an exceptional basis clause below, all new residential development proposals must include an Energy Statement which confirms in addition to the requirements of Policy S6”.

Local policy S7 provides guidance and criteria on the generation of renewable electricity and the limit on the total energy demand for each single dwelling (*“not in excess of 60 kWh/m<sup>2</sup>/yr”*).

The application has included an outline energy statement which sets out that energy efficiency cannot be formed until the detailed design stage (reserved matters) and that the approaches of local policy S6 and S7 are supported by the applicant.

Therefore, the lack of a detailed energy statement is considered acceptable at this stage. It is therefore considered that a permission must include conditions requiring details of energy efficiency to meet local policy LP6 and LP7 at reserved matters stage.

It is considered that subject to details at reserved matters stage the development would be expected to accord to expect local policy S6 and S7 of the CLLP and the provisions of the NPPF.

It is considered that subject to details at reserved matters stage the development would be expected to accord to expect local policy S6 and S7 of the CLLP and the provisions of the NPPF.

## **Other Considerations:**

### Self-Build Dwelling

Part 3 of local policy NS24 of the CLLP states that:

*“Proposals for 100 or more dwellings will provide serviced plots to deliver at least 5% of the total number of dwellings on the site as self-build or custom build homes. All plots set aside for self-build or custom build housing (secured via a legal agreement or planning condition) must include:*

*legal access onto a public highway;  
water, foul drainage, broadband connection, and electricity supply available at the plot boundary;  
sufficient space in order to build without compromising neighbouring properties and their amenity and the amenity of future occupiers; and  
an agreed design code or plot passport for the plots.*

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

*includes making details available to people on the custom and self-build register at the Central Lincolnshire Districts; and*

*covers a period of at least 18 months from the date at which the plots are made available (with the 18 month time frame not commencing until (i) thorough and appropriate marketing is in place and (ii) criteria (a)-(d) have been implemented);*

*these plots may be built out as conventional market housing subject to detailed permission being secured and the relevant District being satisfied that e) and f) have been satisfactorily concluded”*

The 5% requirement (5 dwellings) for self-build dwellings will be secured within the S106 Legal Agreement as agreed with by the agent in the submitted head of terms.

Criteria d) of local policy NS24 requires a design code and plot passport for the plots. These details are considered reasonable, relevant and necessary to be secured by a condition.

### Construction Management Plan

Given the proximity of neighbouring dwellings and the temporary disturbance caused by the development it is considered necessary and reasonable to add a construction management plan condition to the permission to reduce and control the extent of the disturbance.

### Community Infrastructure Levy (CIL)

The development is liable to a CIL payment at £25 per square metre of floor space created.



**Conclusion and Reasons for decision:**

The decision has been considered against policies S1 The Spatial Strategy and Settlement Hierarchy, S2 Growth Levels and Distribution, S4 Housing Development in or Adjacent to Villages, S6 Design Principles for Efficient Buildings, S7 Reducing Energy Consumption – Residential Development, S12 Water Efficiency and Sustainable Water Management, S21 Flood Risk and Water Resources, S22 Affordable Housing, S23 Meeting Accommodation Needs, S45 Strategic Infrastructure Requirements, S47 Accessibility and Transport, S51 Creation of New Open Space, Sports and Leisure Facilities S53 Design and Amenity, S54 Health and Wellbeing, S57 The Historic Environment, S59 Green and Blue Infrastructure Network, S60 Protecting Biodiversity and Geodiversity, S61 Biodiversity Opportunity and Delivering Measurable Net Gains, S66 Trees, Woodland and Hedgerows and S80 Housing Sites in Large Villages of the Central Lincolnshire Local Plan 2023, policy H1 Type, Size and Mix, D1 Village Character, D2 Safe Environment, EN1 Environmental Capital, EN2 Habitat, EN3 Flood Risk, T2 Cycling, W1 Healthcare, W2 Sports and Recreation, ED1 Improving Education of the Made Welton by Lincoln Neighbourhood Plan in the first instance. Furthermore, consideration has been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Model Code.

The site is allocated for an indicative 109 dwellings under WL/WEL/008A of the Central Lincolnshire Local Plan 2024 therefore the proposed development would accord with the Development Plan. The proposed 109 dwellings would provide an effective use of the land and provide a low-density housing development. The indicative plans have proven that the site can accommodate 109 dwellings including 27 affordable units towards the housing supply in Central Lincolnshire. The site additionally has the room for all the associated infrastructure including a sufficient amount of on-site usable greenspace and a young child's play area. The site is in the sustainable location of Welton with good public transport links and all facilities/services within an acceptable walking distance away.

The proposed single vehicular access off Eastfield Lane is considered acceptable, and access from the west is not precluded. The proposal would not be expected have a harmful impact on archaeology, drainage or biodiversity. It would provide the required infrastructure contributions and biodiversity net gain. The proposal is therefore acceptable subject to the signing of a Section 106 Agreement and satisfying a number of conditions.

**Human Rights Implications:**

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

**Legal Implications:**

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

**Representors to be notified -**

*(highlight requirements):*

**Standard Letter** ☐ **Special Letter** ☐ **Draft enclosed** ☐

**Prepared by:** Ian Elliott

**Date:** 19<sup>th</sup> March 2024

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

1. Apart from the five self-build plots an application for approval of the reserved matters for the remaining 104 dwellings must be made to the Local Planning Authority before the expiration of three years from the date of this permission. No commencement of the five self-build plots must occur until the reserved matters for the self-build plots are approved.

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

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

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

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

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

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

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

- a) the routing and management of traffic including any off site routes for the disposal of excavated material;
- b) the parking of vehicles of site operatives and visitors;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) wheel cleaning facilities;
- g) measures to control the emission of dust and dirt;
- h) protection of the public right of way along the west boundary;
- i) details of noise reduction measures;
- j) a scheme for recycling/disposing of waste;
- k) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- l) strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

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

5. No development must take place until a Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Travel Plan must be implemented in accordance with the timetable contained therein and must continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development to accord with the National Planning Policy Framework, local policy S47 of the Central Lincolnshire Local Plan 2023 and policy D2 of the Welton by Lincoln Neighbourhood Plan.

6. Any reserved matters application must include the following:

- A housing mix schedule
- An off street parking standards schedule

Reason: In order to ensure an appropriate mix of housing and the provision of an acceptable standard of off-street parking for each dwelling to accord with the National Planning Policy Framework, local policy S1, S2 and S23 of the Central Lincolnshire Local Plan 2023 and policy D1 of the Welton by Lincoln Neighbourhood Plan.

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

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

8. Any reserved matters applications submitted to the Local Planning Authority must include the following documents:

- A 30-year Biodiversity Net Gain Management and Monitoring Plan
- Landscape Ecological Management Plan

Reason: To safeguard the biodiversity net gain of the development and to ensure all recommendations listed in section 6 of the Preliminary Ecology Appraisal (PEA) by ESL dated January 2024 to accord with the National Planning Policy Framework, local policy S61 of the Central Lincolnshire Local Plan 2023 and policy EN1 Environmental Capital and EN2 Habitat of the Welton by Lincoln Neighbourhood Plan.

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

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

- AP038224-PW01 Rev E dated 30<sup>th</sup> August 2022 – Site Plan (Vehicular Access Only)
- AP038224-PW02 Rev A dated 18<sup>th</sup> May 2022 – Location Plan

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy S47 and S80 of the Central Lincolnshire Local Plan 2023.

10. No development above ground level must take place until a detailed surface water drainage scheme for the site, based on sustainable urban drainage principles has been submitted to and approved in writing by the Local Planning Authority. If a full sustainable urban drainage system

scheme is incapable of being delivered then comprehensive justification of this must be submitted. The scheme must:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which must be restricted to 6 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme must be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

Reason: To ensure that surface water is adequately and appropriately drained on the site and without creating or increasing flood risk to land or property, nor drainage network adjacent to, or downstream of, the permitted development to accord with the National Planning Policy Framework, local policy S21 of the Central Lincolnshire Local Plan 2023 and policy EN3 of the Welton by Lincoln Neighbourhood Plan.

11. No development above ground level must take place until details of a scheme for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. Development must thereafter proceed in strict accordance with the details and be operational before the first dwelling is occupied.

Reason: To ensure adequate foul drainage facilities are provided to serve the development to prevent the pollution of the water environment and to accord with the National Planning Policy Framework, local policy S21 of the Central Lincolnshire Local Plan 2012-2036 and policy EN3 of the Welton by Lincoln Neighbourhood Plan. The approved scheme must be retained and maintained in full, in strict accordance with the approved details

12. No occupation of any dwelling must take place until the works to improve the public highway by means of widening the Eastfield Lane carriageway and the provision of a frontage footway to connect to the existing footway terminating outside 77 Eastfield Lane and to extend the existing footway into the site, have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development to accord with the National Planning Policy Framework, local policy S47 of the Central Lincolnshire Local Plan 2012-2036 and policy D2 of the Welton by Lincoln Neighbourhood Plan.

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

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development to accord with the National Planning Policy Framework, local policy S47 of the Central Lincolnshire Local Plan 2012-2036 and policy D2 of the Welton by Lincoln Neighbourhood Plan.

14. No services must be laid within the development for the provision of piped natural gas.

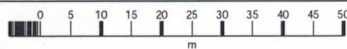
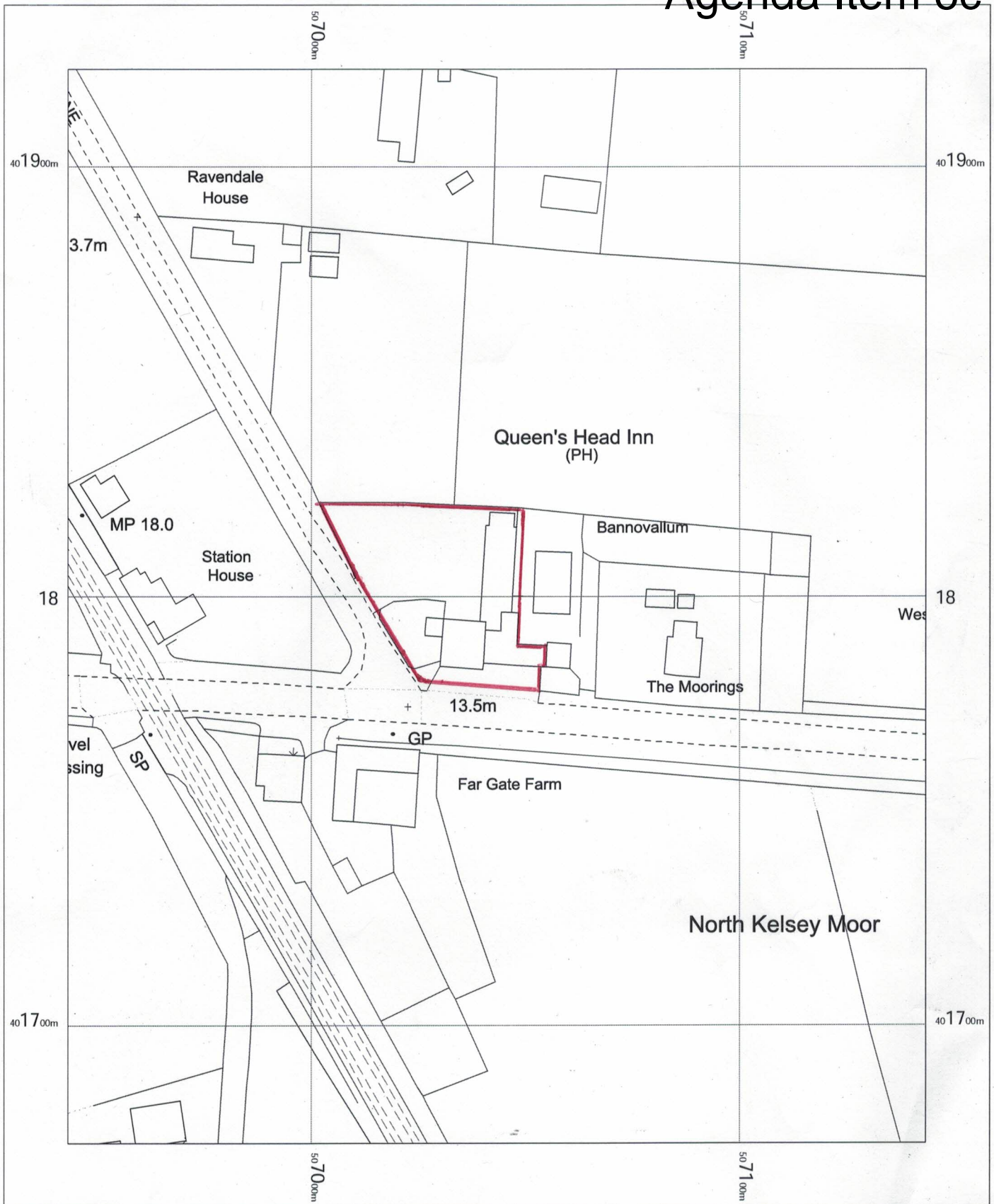
Reason: In the interests of energy efficiency to accord with the National Planning Policy Framework and local policy S6 and S7 of the Central Lincolnshire Local Plan 2023.

15. 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 must be placed within the curtilage of the dwelling(s) hereby approved.

Reason: In the interests of energy efficiency to accord with the National Planning Policy Framework and local policy 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:**

NONE



OS MasterMap 1250/2500/10000 scale  
Monday, March 7, 2022, ID: JEW-01024294  
maps.johnnewright.com

1:1250 scale print at A4, Centre: 507000E 401798N

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## **Officers Report**

### **Planning Application No: 146936**

**PROPOSAL:** Planning application for change of use from former public house to form 1 no. dwelling with studio workspace & attached annexe, including additional self-contained annexe to be used as holiday accommodation. resubmission of 145652

**LOCATION:** Queens Head Station Road North Kelsey Moor Market  
Rasen LN7 6HD

**WARD:** Kelsey

**Ward Member:** Cllr P Morris

**TARGET DECISION DATE:** 18/08/2023

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Joanne Sizer

**RECOMMENDED DECISION:** Grant subject to conditions.

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This application has been referred to the Planning Committee because principle matters are considered to be finely balanced.

**Description:** The site is the Queens Head Public House, located at North Kelsey Moor. The public house (a “sui generis” use) is a traditional two-storey double fronted detached building which has been extended to the side and rear to create a restaurant and an accommodation block. There is private accommodation at the first floor level of the public house and a carpark/garden to the rear. The site is adjoined by residential properties to the north and east, Owmbly Lane adjoins the western boundary with properties beyond and Station Road adjoins the southern boundary with properties on the opposite side.

The site lies entirely within flood zone 2, an area with a medium probability of flooding. It partially lies within an area identified to be at low risk from Surface water flooding but there are immediately surrounding areas which are at high risk of surface water flooding.

This application seeks planning permission to change the use of the existing public house to one residential dwelling an ancillary residential annexe and Holiday let (use class C3). The change of use and associated conversion works includes the erection of a first floor extension as well as internal and external alterations.

It follows the refusal of application 145652 in November 2022. This application sought planning permission for the change of use from former public house to form 1 no. dwelling with workspace with 2 no. attached annexes including first floor extension and other internal and external alterations. The reasons for refusal are set out in the relevant history section of this report.



**Relevant history:**

W72/228/84 - Extend public house and living accommodation over. Granted 03/05/84.

W72/653/89 - Extend public house. Granted 17/07/89.

W72/10/94 - Planning application to erect a single storey extension to existing public house and change the use of store to dining/function room. Granted 10/03/94.

98/P/0759 - Planning application to extend chalet bedrooms. Granted 03/11/98.

98/P/0808 - Consent to display independent sign on post. Granted 03/11/98.

M02/P/1048 - extend kitchen and form letting units with private accommodation. Granted 17/04/03.

M04/P/0878 - to erect extension to kitchen and form letting units with private accommodation above (amendment to m02/p/1048). Granted 01/11/04.

145652 - Planning application for change of use from former public house to form 1no. dwelling with workspace with 2no. attached annexes including first floor extension and other internal and external alterations. – Refused November 2022 for the following reasons:

- 1. Insufficient information has been submitted to show that the public house is no longer fit for purpose or that the site is not viable for re-development of a new community facility. Furthermore, no evidence has been provided that the public house as a community facility is being met by alternative provisions. The proposal does not include the provision of a new community facility and consequently proposed development is contrary to policy LP15 of the Central Lincolnshire Local Plan.*
- 2. The application has not been submitted with comprehensive and proportionate evidence to justify that the building can no longer be used for the purpose for which it was originally built, or last used for, or that there is no demand for the use of the building for business purposes. No evidence has also been provided to justify the extent of the alterations and extensions proposed and they are consequently considered to go beyond minimal works and include new openings and additional features contrary to the provisions of Part A of Policy LP55 of the CLLP and associated guidance within the NPPF.*
- 3. The application site is located within Flood Zone 2 and no Flood Risk Assessment has been submitted with the application. The development cannot therefore demonstrate that the risk of flooding can be adequately managed over the lifetime of the development, taking into account the vulnerability of its users, without increasing the risk elsewhere. Therefore, the proposed development does not accord with Policy LP14 of the CLLP and associated guidance within the NPPF.*

*4. The application has not been submitted with adequate information to assess and conclude that the proposed change of use and the associated alterations and extensions are of an appropriate size, scale and design to respect the character and appearance of the Queens Head as a non-designated heritage asset and its contribution to the area. The application does not provide details to prove that the development is compatible with the fabric of the building or that it will sustain or enhance architectural features that contribute to its special interest and historical significance and would demonstrably assist in the maintenance or enhancement of it. Therefore, the proposals are contrary to policies LP17, LP25 and LP26 of the Local Plan and associated guidance within the NPPF.*

### **Representations:**

Ward member(s): None received to date.

North Kelsey Parish Council: No objections to the application and support the proposal.

### Local residents raising concerns and/or objections:

- Langmead, Owmbly Lane North Kelsey Moor.
- Sherwood House, Owmbly Lane, North Kelsey Moor
- Moor Lodge Owmbly Lane North Kelsey Moor
- Moor Farm, Owmbly Lane North Kelsey Moor
- Bannovallum, Station Road North Kelsey Moor
- Cornerways, Owmbly Lane, North Kelsey Moor

### Summary of the matters raised:

- The residents of North Kelsey Moor have not been approached/consulted by the applicant to discuss the matter of this application and loss of the public house.
- No effort has been made by the applicant to reinstate the building as a public house or other community facility, which is disappointing to the community.
- There has been no maintenance or upkeep of the building since it has been purchased as a public house in a bid to run it down and make it unviable.
- The building as a community facility could be supported by residents who could assist with its upkeep and allow for families of North Kelsey Moor and surrounding villages to come together
- The survey has been done in surrounding villages that already have their own pubs so is not a true reflection of the residents of North Kelsey Moor.
- It would be great for the community if this could be reinstated as a pub.
- The pub has been run down by inappropriate owners
- This was the hub of the community for many years and should be again.

- From the day the pub was bought by the current owners no attempt has been made to open it as a pub and it has been left to go into disrepair.
- The reopening of the building as a community use would benefit the health and well being of our community.
- The survey results submitted are not relevant and attempt to skew the views of residents of North Kelsey Moor.
- The pub when open was well supported, with food, quizzes and community events.
- Following Covid, which had an impact on all pubs, effort should be made to re-instate this as a much needed focal point for the community.
- There are many community uses that could be considered and run (shop, pub, café, play park, b&b). These would all benefit the local community.
- The future of this community facility should be safeguarded for future generations of the village.
- The community should not lose out for the benefit of one person
- The total loss of this facility would be detrimental to the whole village
- The pub has been successful in the past and centre of the community. A chance for this to happen again should be given.
- The Local Authority has a duty to encourage the development of new business in the district at the benefit to it and the community. It should not permit the loss of them.
- The use of the building as holiday accommodation would be a beneficial use for multiple small local business in the area and should be considered.
- The rear boundary of the property has been moved and the person will be trespassing onto our land to enable the development to take place. This will not be permitted. There are already services on our land and land has been lost due to the extension originally built. This also cut out all natural light. This was allowed to happen by West Lindsey District Council. We will not have our home impacted on again and is upsetting. Regard should be given to others and their homes which they have worked hard for. It is clear land within the application site does not belong to them.
- The consultation exercise that has been taken has been done so to meet the objectives of the applicant and show support for the application.
- If the community lose the pub the residents do not have anywhere to socialise as the village hall was sold to private owner and with no hub.

Local residents writing in support of the proposals:

The Manor, North Kelsey

West Barn Cottage, Caistor Road, North Kelsey Moor

The Moorings, Caistor Road North Kelsey Moor

Station House, Station Road North Kelsey Moor

West Barn Cottage, Caistor Road North Kelsey Moor

Summary of comments made:

- The remote location of the pub and within fairly close proximity to other village pubs who offer food means that it could not be viable. It would in fact put pressure on the viability of the other two existing and open pubs if it were to open again.
- No one wants to see a pub close but a pragmatic approach needs to be taken due to the lack of trade available in such a rural location.
- There is a demand for housing in this area and the re-development would contribute to this while re-using an existing building.
- The re-use of the building could contribute to the village through retaining the building as a dwelling of quality and character
- The business has failed since 2019 and the building dilapidated since.
- Why put pressure on the existing pubs by re-opening one that has not been in operation for over 4 years.
- The re-use of the building supports the community as it will improve the appearance of the dilapidated building.
- There is no way in the current economic climate that the pub could ever re-open.
- The building would require enormous investment to return it into a satisfactory standard with poor prospects of generating any return.
- There is not enough demand for what this site can offer as a pub as this is already provided in neighbouring villages.
- The building needs urgent repair which will not happen as a closed public house.
- The former pub is spoken of with much nostalgia, however for at least seven years the Queens Head has not been open or provided a service to the community.
- The village is too small to sustain a pub and although people may travel to it from neighbouring villages, this takes trade away from them. There is not enough trade to sustain the use of the building as a pub in the current economic climate.
- The removal of the public house from the area would ensure a reduction in rural drink driving.
- The residential use of the building is a welcome change for the village.
- The current state of the site is a focal point for antisocial behaviour and having to be moved

LCC Highways:

No objections. The development proposals will result in a reduction in vehicle movements compared to that of its former use. The development is therefore not objectionable on traffic impact, in accordance with the NPPF.

The site provides sufficient off road parking to accommodate the proposals.

Environment Agency:

The application site is in Flood Zone 2 of our Flood Map for Planning and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'.

The proposal is therefore covered by our national flood risk standing advice and it was not necessary to consult us.

Please view the advice on our website at <https://www.gov.uk/guidance/flood-risk-assessment-local-planningauthorities#flood-zone-2> before determining the application.

#### Archaeology:

The Assessment of Significance & Heritage Impact Assessment provided by the applicant satisfies the requirement set out in paragraph 194 of the National Planning Policy Framework (NPPF).

No below-ground archaeological remains are expected to be disturbed, as the current footprint of the building is not going to be altered. Therefore, there are no objections to the planning application on archaeological grounds. For changes affecting the historic fabric of the building please refer to comments by the West Lindsey District Council Conservation Officer..

#### Conservation officer:

I commend the heritage statement submitted with the proposal as it is very detailed throughout the site.

I am supportive to see the building retained and used for residential as it is no longer a commercial premises and keeping it vacant will lead to further decay and eventually loss of the property.

The significance of the property is in its location and envelope which is highlighted in the HS. Windows noted on the front elevation are also more traditional in style and have some significance to the style of the whole property.

The range of alterations to the building are predominantly to the modern extensions which have no significant heritage for concern. The rear first floor extension is in character with the original form and scale which are appropriate changes.

I do, however, feel to incorporation of uPVC windows and modern doors to the property are not in keeping and better materials and design could be proposed. Especially with the original building, the front elevation will lose the traditional timber frames windows. The proposal could enhance the character of the NDHA if the windows and doors of the original buildings were traditional timber frames in a heritage style double glazing to allow for improved energy performance.

Overall, the significant heritage of the property is within the footprint and envelope of the property so gaining a use of the property will allow for this to be retained. The loss of features such as the front windows is disappointing and I would like to see more heritage design incorporated. I have no objections however to the proposal if it retained a use for the property.

#### **Relevant Planning Policies:**

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

## Development Plan

- **Central Lincolnshire Local Plan 2023-2043 (CLLP)**

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development in the Countryside

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 S43: Sustainable Rural Tourism

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S50: Community Facilities

Policy S53: Design and Amenity

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering measurable Net Gains

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

- **Neighbourhood Plan (NP)**

The Parish is not currently preparing a Neighbourhood Plan

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

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

## National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019. Paragraph 213 states:

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

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

- **National Design Code 2021**

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

## **Main issues**

- Principle of Development (Loss of Community Facility and guest accommodation and conversion to residential dwelling.
- Flood Risk
- Character and Visual Impact including Historic Environment
- Residential Amenity
- Highways and Access
- Other Matters – Climate change and Energy Efficiency and enhancing biodiversity

## **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 S50 (Community Facilities) of the CLLP is engaged. This places a presumption against the loss of an existing community facility and states:

*The loss, via redevelopment, of an existing community facility to provide an alternative land use which is not that of a community facility will only be permitted if it is demonstrated that:*

- a) The facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility; or*
- b) The service provided by the facility is met by alternative provision that exists within reasonable proximity: what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area; or*
- c) The proposal includes the provision of a new community facility of similar nature and of a similar or greater size in a suitable on or offsite location.*

Planning application 145652 related to the application site and also sought planning permission for the change of use from former public house to form 1no. dwelling with workspace with 2no. attached annexes including first floor extension and other internal and external alterations. This application was assessed under the Central Lincolnshire Local Plan adopted in 2017 and refused for the reasons stated in the relevant history section of this report, in accordance with associated 2017 policies.

The application site remains the same as considered in planning application 145652 and the principal proposals are also similar. However, the 2017 CLLP was superseded in April 2023 when the 2023 Central Lincolnshire Local Plan

was adopted. Consequently, the proposals subject to this application now fall to be determined against the policies within the 2023 Development Plan. There are nevertheless similarities between the Policy requirements in the 2017 and 2023 Development Plans and consequently where appropriate, the assessment and conclusions reached in the determination of application 145652 will be considered in this report and assessment.

This application seeks planning permission to change the use of the existing public house to one residential dwelling, an incidental annex and holiday let. The change of use and associated conversion works includes the erection of a first floor extension as well as internal and external alterations.

Policies S1: The Spatial Strategy and Settlement Hierarchy, S5: Development in the Countryside, NS27: Residential Annexes, S43: Sustainable Rural Tourism and S50: Community Facilities of the 2023 Central Lincolnshire Local Plan are therefore particularly relevant and are applicable.

Loss of Community Facility and Re-development of guest accommodation Policies S50 and S43:

The public house incorporates a bar, restaurant and purpose-built guest accommodation. It is located in North Kelsey Moor off Station Road, which is the main highway through the area. There has been no intervening change of use occurred since the determination of application 145652 and its authorised use therefore remains a 'Sui Generis' or unclassified, Use Class. It is considered primarily as a public house for planning purposes (formerly A4 use, now "sui generis").

The application site was also considered to be located within the countryside in the determination of application 145652. This was concluded when taking into consideration the definitions of hamlet and developed footprint as set out in Policy LP2 of the 2017 CLLP.

These definitions remain the same in the glossary of the 2023 CLLP and nothing has significantly changed on site or in the area. Consequently, the application site and North Kelsey Moor is still considered to be located within the countryside.

Local Policy S50 of the 2023 CLLP relevantly states:

*In most instances, the loss of an existing community facility will not be supported.*

*The loss, via redevelopment, of an existing community facility to provide an alternative land use which is not that of a community facility will only be permitted if it is demonstrated that:*

- a) The facility is **demonstrably** no longer fit for purpose and the **site is not viable to be redeveloped for a new community facility; or***
- b) The service provided by the facility is **met by alternative provision that exists within reasonable proximity**: what is deemed as*



*reasonable proximity will depend on the nature of the facility and its associated catchment area; or*  
*c) The proposal includes the provision of a new community facility of similar nature and of a similar or greater size in a suitable on or offsite location.*

It should be noted that a development is only required to meet one of the criteria (a)-(c), in order to comply with the policy.

This policy wording is identical to the 2017 policy LP15 and consequently the assessment undertaken and conclusions reached in application 145652 are still relevant. Reason for refusal 1. also related to this policy and stated:

*“1. Insufficient information has been submitted to show that the public house is no longer fit for purpose or that the site is not viable for re-development of a new community facility. Furthermore, no evidence has been provided that the public house as a community facility is being met by alternative provisions. The proposal does not include the provision of a new community facility and consequently proposed development is contrary to policy LP15 of the Central Lincolnshire Local Plan.”*

However, the 2023 CLLP has also introduced Policy S43 relating to rural tourism which is also relevant to the loss of the public house in providing purpose built guest accommodation. It states that:

*The conversion or redevelopment of hotels and guest houses and any other forms of visitor accommodation to permanent residential accommodation will be resisted unless it can be demonstrated that the existing tourism use is no longer viable through a thorough and proportionate marketing exercise lasting not less than 12 months.*

The combined policy approach S43 and S50 of the 2023 CLLP therefore provides a presumption to retain community facilities and guest accommodation to achieve and maintain sustainable and well integrated places and the rural economy. Unless it can be demonstrated through clear and robust evidence that they meet the criteria's listed previously. An assessment of these and the evidence submitted is set out below.

Policy S50:

*a) The facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility*

Policy S43: *The conversion or redevelopment of hotels and guest houses and any other forms of visitor accommodation to permanent residential accommodation will be resisted unless it can be demonstrated that the existing tourism use is no longer viable through a thorough and proportionate marketing exercise lasting not less than 12 months.*

In the determination of application 145652 the case was made that the purpose of the Queens Head never solely served or was sustained by the Local Community of North Kelsey Moor and its custom derived from passing traffic, visitors from surrounding villages and staying in the bed and breakfast accommodation. This custom was however said to have decreased significantly over the last 20 years and the viability of running the business was compromised. The Covid pandemic had further financial implications on the business in its remote location and resulted in no prospect of the public house being able to re-open.

In support of this, application 145652 was submitted with some brief details of the sale and marketing history of the public house. It stated that the public house was offered for sale in late 2018 through to the early part of 2019 but was then withdrawn. After the appointment of the receiver in February 2020 agents were instructed to market the property in May 2020.

It is understood that there was little interest in taking on the public house business as a going concern and the property stayed on the open market until May 2021. By this time a new company had been set up by the previous owner and he then purchased the property back. However, this venture also failed and the property was eventually sold to the applicants in January 2022.

In the assessment of application 145652 in 2022 it was concluded that this level of evidence did not clearly demonstrate the business to be unviable, or that the facility was demonstrably no longer fit for purpose, or that the viability for re-development of the site as an alternative community use had been explored or advertised. In this regard it was noted that no information from any third party Estate Agents in terms of marketing, interest or offers being received over the different sale periods was provided. Nor was any financial records/accounts submitted to evidence the past and recent financial viability of the business. The representations from members of the community were also mixed in terms of the loss of the public house to a residential use and the need for an alternative facility on the site.

This application has provided some further information in terms of trying to prove that the facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility. What additional information is provided is set out in the planning statement submitted and a statement provided by the company who took on the Receivership of the Queens Head in 2020. The planning statement sets out that the previous marketing of the property demonstrates that there was no third-party interest for acquiring the site as a going concern or for alternative community uses. It also reiterates that the countryside location and current economic climate means that the facility is no longer fit for purpose, and it is no longer viable to operate as a public house or other community facility. The poor state of the building is also noted as a reason why the public house is no longer fit for purpose and the level of repairs and refurbishment required adds to the viability argument of the proposals. A conditions assessment of the building has also been submitted in support of this.

The conditions statement submitted sets out that the structure and the fabric of the building is sound, and that repairs and refurbishment could bring it back to modern standards, albeit at a cost. As such the evidence submitted does not show that the facility is demonstrably unfit for purpose in this regard and could be brought into use, should the refurbishment works be carried out. However, the cost associated with undertaking them would likely to be unviable, with no guarantee that the Queens Head would be profitable if re-opened as a public house, with visitor accommodation or other community use. It is nevertheless noted that the refurbishments work required to the existing building are also noted to be applicable to the conversion and use of the building as a dwelling. As such, the building is as fit for use as a public house/and community facility, as it is for a private dwelling house. The viability of the alterations would nevertheless be more secure through the use and value of the building as a residential property

The statement from Walter Real Estate also confirms that the Queens Head went into receivership in 2020, after initially being on the market between 2018 and 2019. It also clarifies that they put the Queens Head on the market after they were appointed fixed charge receivers in 2020 and that it remained on the market until 2022 when it was purchased by the applicant. The statement also sets out that no expressions of interest were received from parties seeking to operate the property as a going concern, only for alternative uses and mainly residential.

The financial circumstances of the Queens Head and it being taken into receivership prior to the applicant's ownership is therefore noted, as well as the property being marketed in excess of a 12-month period, with it being stated that no interest from parties seeking to purchase and operate the property as a going concern being received. This evidence therefore indicates that the market considered the Queens Head to be unfit and unviable to be re-opened as a going concern. There is also other circumstances to consider around the timings of the sale of the Queens Head and impacts upon its use and viability as a public house and visitor economy. In this regard, it is recognised that the Covid Pandemic hit around the time the Queens Head went into receivership and all pubs were closed or restricted between 2020 and 2022. Consequently, when the Queens Head was purchased by the current owner, it would have then been closed on and off for around 4 years and the building started to get run down. With this in mind, and when considering that the Queens Head, in its countryside location and only directly serving a small community would likely be unviable and again at real risk of going into receivership, if opened up as a going concern or other community facility.

The number of other public houses and facilities in and around the area is also a factor in terms of the realistic viability of the Queens Head as a going concern or other community facility; and although explored further in the next section of the report, it noted that there are at least 6 other public houses within neighbouring settlements and serving the wider rural communities. These circumstances and the conclusion that it would be unviable to re-open the Queens Head is however reached on the balance of probability and it is

also recognised that there has not been any detailed or financial evidence submitted to prove this, even though it has been requested. It is also recognised that the current owner purchased the Queens Head as a public house and associated accommodation, with no intention of re-opening as a going concern or other community facility. This is shown through the submission of application 145652 in October 2022 and soon after its purchase in May 2022. Consequently, no financial information or business models are also available for consideration. Additionally, since the refusal of application 145652 in November 2022, the site has remained in the private ownership of the applicant with no effort to market or use the premises for sale or rent as a public house, visitor accommodation or other community use.

It is nevertheless, also recognised that the proposed development relating to this application does propose to use a section of the existing building as a holiday let. However, this would act as only a small benefit to the overall rural economy and will still result in the loss of the wider community facility. Limited weight can therefore be afforded to this aspect of the development.

Consequently, and on this basis, it is concluded that although the Queens Head went into receivership in 2020 and has remained close from this date forward, no detailed evidence has been submitted that proves that the Queens Head is demonstrably no longer fit for purpose or viable to be used as a public house, visitor accommodation/tourism use, or redeveloped as an alternative community facility. However, on the balance of probability it is considered plausible to conclude that the circumstances surrounding the refurbishing and re-opening of the Queens Head as a going concern, tourism use or other community facility are unlikely to be viable options.

On this basis, whilst matters relating to the provisions of criteria a) of Policy S50 and Policy S43 are considered to be finely balanced it may be justified.

#### Policy S50 (b)

*b) The service provided by the facility is met by alternative provision that exists within reasonable proximity: what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area*

It was previously identified that there were 6 alternative public houses offering a similar range of facilities to the Queens Head within 4 miles of it.

- The Butchers Arms (North Kelsey) is located approximately 1.9 miles (3km) (via roads) to the west of the Queens Head. The only footpath between North Kelsey and North Kelsey Moor is via the public right of way NKel/60/3 which is an unlit footpath through agricultural land. A car journey between the two would take approximately 4 minutes.
- The Bull Inn (South Kelsey) is located approximately 4.8 miles (7.7km) (via roads) to the south-west of the Queens Head. There is no footpath between South Kelsey and North Kelsey Moor and a car journey between the two would take approximately 7 minutes.

- The Cross Keys Inn (Grasby) is located approximately 2.5 miles (4km) (via roads) to the north-east of the Queens Head. There is no footpath between Grasby and North Kelsey Moor and a car journey between the two would take approximately 6 minutes.
- Skipworth Arms (nr Moortown) is located approximately 3.2 miles (5.1km) (via roads) to the south of the Queens Head. There is no footpath between Moortown and North Kelsey Moor and a car journey between the two would take approximately 5 minutes.
- The Salutation Inn (Nettleton) is located approximately 3.6 miles (5.8km) (via roads) to the south-east of the Queens Head. There is no footpath between Nettleton and North Kelsey Moor and a car journey between the two would take approximately 7 minutes.
- The White Hart Inn (Caistor) is located approximately 3.2 miles (5.1km) (via roads) to the east of the Queens Head. There is no footpath between Caistor and North Kelsey Moor and a car journey between the two would take approximately 6 minutes.

On this basis it was concluded that these 6 public houses offered an alternative provision for passing/commuting customers or those needing accommodation when visiting from the wider area and arriving by motor car.

On consideration of the earlier application, It was however identified that as the Queens Head is the only public house/community facility within North Kelsey Moor and offers a reasonable prospect for residents to access it via foot or cycle. The other pubs within the neighbouring villages would likely result in North Kelsey Moor residents having to use their car to access them. There was no evidence of any community consultation, despite reference to such.

Consequently, it was concluded that there was no clear evidence to prove the loss of the public house for use by the residents of North Kelsey moor is supported through an alternative provision.

This current application has now been submitted with further evidence of a community consultation which has 43 responses attached. This consultation gave the following information:

1. Do you think we need a pub in North Kelsey Moor?

Yes	No	Don't Know
0	41	2

2. How often did you use the pub when it was open?

Daily	Monthly	Weekly	Now and again	Never
0	1	5	16	21

3. What did you visit the pub for?

Drinks	Food	Special Occasions
7	12	4

4. If you currently use an alternative pub, where do you go?

Cross Keys Grasby	Butchers Arms North Kelsey	Bull South Kelsey	Skipworth Arms Moortown	Weatherspoon's Scunthorpe
2	18	1	2	5

5. Would you like the pub to reopen as a pub or something else?

Pub	Something Else
0	40

6. If the pub reopened, would you come back?

Yes	No	Maybe
2	38	2

However, it is noted that the respondent's addresses are not from North Kelsey Moor residents. They are mostly from residents of neighbouring villages and the results do not therefore reflect the views of the residents and community most immediately affected by the permanent loss of the community facility. This evidence does not therefore prove that the residents of North Kelsey Moor itself are served by alternative public house within reasonable proximity.

The consultation period undertaken as part of this application has nevertheless been considered in this regard and only responded to by 11 North Kelsey Residential properties. 6 object to the proposals and 5 of them are in support. Some of the comments made do however raise viability as a concern, as well as the impact the re-opening of the Queens Head would have on some of the other public houses located within the neighbouring settlements. This is however a matter of competition and not a material planning consideration.

There has been a mixed response from residents on consultation of this application, with letters both supporting and objecting to the application. North Kelsey Parish Council have also not raised any concerns to the loss of the public house. Collectively, the level of objection to the loss of the public house and community facility is therefore considered to be low and the level of use associated with it as a community facility would not be enough to sustain the use of the Queens Head.

It is also recognised that the service provided by The Queens Head as a public house/community facility has not been provided to North Kelsey Moor residents since before 2020 and it is therefore likely that some residents will now use an alternative provision in neighbouring villages. Although it is likely that this provision will be accessed via private car, this situation will be common place for residents in North Kelsey Moor, given its countryside

location and most public houses, shops, services and facilities being located within neighbouring settlements.

It is therefore based upon these facts that it is considered plausible that the other existing public houses within a 4 mile radius are within a reasonable proximity to provide the service to the rural community of North Kelsey Moor, in its countryside location. This matter is however considered to be subjective and a finely balanced, but it is considered that the development could accord with S50 criteria (b).

Policy S50 (c):

*c) The proposal includes the provision of a new community facility of similar nature and of a similar or greater size in a suitable on or offsite location*

The proposed development does not propose the provision of a new community facility and consequently the proposed development does not comply with criterion c) of S50.

Principle Conclusion of Policies S43 and S50:

The application has not been submitted with any comprehensive evidence which proves that the facility is demonstrably no longer fit for purpose, or the site is not viable for use as a public house, visitor accommodation or redevelopment of a new community facility. Nor does the proposal include the provision of a new community facility. However, on the balance of probability it is considered plausible to conclude that the circumstances surrounding the refurbishing and re-opening of the Queens Head as a going concern, tourism use or other community facility are unlikely to be viable options.

Whilst matters relating to the provisions of criteria a) of Policy S50 and Policy S43 are considered to be finely balanced, it is considered that there is a case for compliance with the criterion.

There is also no comprehensive evidence that the public house facility provided by the Queens Head is already provided through an alternative provision, within a reasonable proximity. However, when considering the facts of this site, and the number of public houses within neighbouring settlements; it is reasonable to conclude that alternative provision exists.

This matter is nevertheless considered to be subjective and . consequently, matters relating to the provisions of criteria b) of Policy S50 are finely balanced, but it is considered the development would meet the criterion.

Policy S5 Part A relates to the Re-use and conversion of non-residential buildings for residential use in the countryside and states:

*Where a change of use proposal to residential use requires permission, and where the proposal is outside the developed footprint of a settlement listed in the Settlement Hierarchy or the developed footprint of a hamlet, then the proposal will be supported provided that the following criteria are met:*

- a) ***Comprehensive and proportionate evidence is provided to justify either that the building can no longer be used for the purpose for which it was originally built, or the purpose for which it was last used, or that there is no demand (as demonstrated through a thorough and robust marketing exercise) for the use of the building for business purposes; and***
- b) *The building is capable of **conversion with minimal alteration**, including no need for inappropriate new openings and additional features; and*
- c) *The building is of **notable architectural or historic merit** and intrinsically worthy of retention in its setting.*

This policy wording is identical to the 2017 policy LP55 and consequently the assessment undertaken, and conclusions reached in application 145652 are still relevant. Reason for refusal 2. also related to this policy and stated:

“2. The application has not been submitted with comprehensive and proportionate evidence to justify that the building can no longer be used for the purpose for which it was originally built, or last used for, or that there is no demand for the use of the building for business purposes. No evidence has also been provided to justify the extent of the alterations and extensions proposed and they are consequently considered to go beyond minimal works and include new openings and additional features contrary to the provisions of Part A of Policy LP55 of the CLLP and associated guidance within the NPPF.”

Consequently, it needs to be demonstrated through clear evidence submitted with this application that the proposals meet all the requirements of Policy S5. An assessment of these and the evidence submitted is set out below.

#### Policy S5 (a)

*Comprehensive and proportionate evidence is provided to justify either that the building can no longer be used for the purpose for which it was originally built, or the purpose for which it was last used, or that there is no demand (as demonstrated through a thorough and robust marketing exercise) for the use of the building for business purposes; and*

As set out in the previous section of this report, and in relation to these requirements; this application has been provided with additional information which is set out in the planning statement, the submission of a condition assessment of the building, to evidence its poor state of repair and a statement from receiver in relation to the marketing and interest of the property from 2020.

The planning statement sets out that the previous marketing of the property demonstrates that there was no demand for acquiring the site as a going concern or for alternative uses. It also reiterates that the countryside location and current economic climate means that the facility is no longer fit for purpose, and it is no longer viable to operate as a public house or other community facility.



The conditions assessment provided does set out that extensive refurbishment works would be required to enable the existing building to be re-used and brought up to modern day standards. It does not however evidence that the building can no longer be used for the purpose for which it was originally built or last used for, just that refurbishment works would be necessary to do so.

The previous section of the report does however question the financial ability of the required refurbishment works to be feasible, when based upon the questionable viability of the continued use of the Queens Head as a public house with associated visitor accommodation. It also recognises that the public house has been closed since before 2020, when it went into receivership and little objection has been received from the community of North Kelsey Moor, or the Parish Council. The community of North Kelsey Moor is also considered not large enough in itself to sustain the public house within its countryside location and there are also 6 other public houses within reasonable proximity to the Queens Head, that already serve the surrounding rural communities. The statement from Walter Real Estate also confirms they put the Queens Head on the market after they were appointed fixed charge receivers in 2020 and that it remained on the market until 2022 when it was purchased by the applicant. The statement also sets out that no expressions of interest were received from parties seeking to operate the property as a going concern. These collective considerations therefore conclude on the balance of probability that there is little demand for the Queens Head to remain as a public house.

However, policy S5 also requires consideration to be given to the demand for the use of the building for other business uses as demonstrated through a robust marketing exercise.

In this regard, the statement provided by Walting Real Estates is drawn upon and the marketing exercise undertaken between 2020 and 2022 considered robust enough. The statement confirms that: *"Without exception, all of the serious interest received came from parties seeking to redevelop the property to provide alternative uses, mainly residential"*. However, no detailed evidence has been provided which sets out how much interest was shown for alternative uses or if they were business related. Consequently, the evidence submitted is not considered to comprehensively demonstrate that there is no demand for the use of the site for business purposes but does proportionately indicate that the main interest for the redevelopment of the site was for residential use. There are also circumstantial matters which are considered material to the realistic probability of the site and building not being suitable or in demand for other business uses. This is due to it being located within an unsustainable countryside location and the building not generally being compatible to other commercial business types or uses. Consequently, it is considered plausible on the balance of probability that there was no serious demand to use the Queens Head for other business purposes, and in these circumstances, the marketing exercise and statement received is considered to proportionately demonstrated this.

The proposed change of use on the balance of probability is therefore considered to accord with the requirements of Policy S5 part (a),.

Policy S5 (b) and (c):

*b) The building is capable of conversion with minimal alteration, including no need for inappropriate new openings and additional features; and*

*c) The building is of notable architectural or historic merit and intrinsically worthy of retention in its setting.*

The Queens Head has been identified to have historic and architectural merit due to its presence dating from 1856 and associated with the railway. Its historic form was also noted to be retained, albeit altered over the years. On this basis it was considered that the building could be of notable architectural or historic merit and intrinsically worthy of retention in its setting. However, there was no heritage assessment submitted with the previous application to evidence its significance and value or to understand how the proposed conversion works impacted upon it.

This application has been provided with a heritage statement which notes that the site and buildings do not form part of any listings, including Lincolnshire's historic environment record. However, the location of the site, its association with the railway line and the buildings original architectural form as a Victorian Inn, gives it some historic and architectural interest. The site and building have, nevertheless, undergone significant alterations and extensions which have compromised the architectural character of the original site and buildings. Consequently, the site and building only has a low local level of architectural and historic merit, with only some aspects of the earlier building being worthy of retention in its setting. The heritage report therefore concludes that the Queens Head has some local historic and architectural interest, and the development of the site has the potential to improve/reinstate valued architectural and historic features noted on the original south and west elevations.

In terms of the ability of the building to be converted with minimal alteration, it is noted from the condition survey submitted, that some refurbishments work would need to be undertaken to bring the building back into use. However, it is of a condition and form which enables the conversion of the public house and associated visitor accommodation to be undertaken without the need for significant alterations or additional features to take place. However, the proposals do include internal and external alterations, including an extension which are considered beyond minimal.

Nevertheless, the heritage statement sets out that the overall proposals for additions and alterations, including the removal of unsympathetic features and replacement with more sympathetically designed and detailed elements, would considerably enhance the existing appearance of the Queen's Head in the streetscape. Consequently, although the building is capable of conversion with minimal alteration and with no need for new opening and additional

features; the proposed development in doing so are appropriate and justified in this instance. The proposed development is therefore considered to meet the requirements of criteria b) and c) of Policy S5 Part A.

Policy S5 Conclusion:

The evidence submitted along with local circumstances is considered to proportionately demonstrate that that a robust marketing exercise has been undertaken and that there was no serious demand shown for the Queens Head to be used for other business purposes. This matter is however finely balanced. The heritage statement submitted also confirms that the Queens Head has a low local level of architectural and historic merit, and the proposed alterations and additions are justified as they will enhance the character and appearance of the building. Consequently, on balance the proposed development is considered to meet the requirements of Policy S5 part (a).

Principle Conclusion:

Although application has not been submitted with comprehensive evidence which proves that the facility is demonstrably no longer fit for purpose, or the site is not viable for use as a public house, visitor accommodation or redevelopment of a new community facility. Nor does the proposal include the provision of a new community facility. It is plausible, on the balance of probability to conclude that the circumstances surrounding the refurbishing and re-opening of the Queens Head as a going concern, tourism use or other community facility are unlikely to be viable options. There is evidence that the site has previously been marketed, albeit not since 2022. Consequently, whilst matters relating to the provisions of criteria a) of Policy S50 and Policy S43 are considered to be finely balanced, it is considered the application can be deemed to be in compliance.

Additionally, although no comprehensive evidence has been submitted to demonstrate that the public house facility provided by the Queens Head is already provided through an alternative provision, within a reasonable proximity. When considering the facts of this site, and the number of public houses known to be within neighbouring settlements; it is plausible to conclude on the balance of probability that alternative provision exists. Whilst a finely balanced matter, it is considered to meet with S50(b).

The evidence submitted with the application is also not considered to comprehensively justify that the building can no longer be used for the purpose for which it was originally built, or last used. However, it is plausible on the balance of probability to conclude that the marketing exercise undertaken proportionately demonstrates that there was no serious demand shown for the Queens Head to be used for other business purposes. This matter is however considered to be finely balanced. The heritage statement submitted also confirms that the Queens Head has a local level of architectural and historic merit, and the proposed alterations and additions are justified as they will enhance the character and appearance of the building. Consequently, on balance, the proposed development is considered to meet the requirements of Policy S5 part (a).

### Flood Risk and Drainage

The application site falls entirely within flood zone 2, together with the surrounding area as defined in the Environment Agency flood maps. Flood Zone 2 is an area with a medium risk of flooding (Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding). Areas around the site are also recognised to have a high risk of surface water flooding.

Policy S21: Flood Risk and Water Resources of the 2023 CLLP is therefore relevant and states:

*All development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.*

*Through appropriate consultation and option appraisal, development proposals should demonstrate:*

- a) that they are informed by and take account of the best available information from all sources of flood risk and by site specific flood risk assessments where appropriate;*
- b) that the development does not place itself or existing land or buildings at increased risk of flooding;*
- c) that the development will be safe during its lifetime taking into account the impacts of climate change and will be resilient to flood risk from all forms of flooding such that in the event of a flood the development could be quickly brought back into use without significant refurbishment;*
- d) that the development does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies, where adoption, ongoing maintenance and management have been considered and any necessary agreements are in place;*
- e) how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area; and*
- f) that they have incorporated Sustainable Drainage Systems (SuDS)/ Integrated Water Management into the proposals unless they can be shown to be inappropriate.*

Paragraph 168 of the NPPF states that ‘*applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments.*

The sequential and Exceptions test is not therefore applicable to this application but Footnote 55 of the NPPF clarifies that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3

However, as no Flood Risk Assessment was submitted with application 145652, as required by the NPPF and 2017 Local Plan Policy LP14. The third reason for refusal related to matters of flood risk and stated:

*“3. The application site is located within Flood Zone 2 and no Flood Risk Assessment has been submitted with the application. The development cannot therefore demonstrate that the risk of flooding can be adequately managed over the lifetime of the development, taking into account the vulnerability of its users, without increasing the risk elsewhere. Therefore, the proposed development does not accord with Policy LP14 of the CLLP and associated guidance within the NPPF.”*

A flood risk assessment has been submitted with this application and identifies:

Land levels adjacent to the building are approximately 13.60m AOD and existing ground floor levels are approximately 13.75m AOD.

The site is at a medium risk of flooding from pluvial sources and the pluvial external depth of flooding in the medium event is 0.30m, (approximately 0.15m internal depth of flooding). There is also surface water flooding shown adjacent to the building in the medium risk event with depths of up to 0.30m.

The site is not at risk of flooding from fluvial sources in the 1.0%, (1 in 100) + climate change event, but is at a low risk of flooding in the 0.1%, (1 in 1000) + climate change event and the fluvial external depth of flooding is 0.25m, (approximately 0.10m internal depth of flooding). It sets out that complete flood risk mitigation for the site and building cannot be achieved through raising the site and floor levels of the existing building. Consequently, it recommends additional flood resilience measures should be incorporated into the refurbishment works where possible.

The vulnerability of the use of the site for residential purposes (“more vulnerable” use) is also the same as associated with the current public house use (also a “more vulnerable” use, as set out in Annex 3 of the NPPF). The Flood risk assessment also notes that the occupiers of the proposed dwelling and associated annex will have access to bedrooms on the 1<sup>st</sup> floor which can provide refuge in the event of a flood. There is also no increase in flood risk related to the holiday accommodation provided and it also has upper floor accommodation. However, as it will be run in association with the occupation of the host dwelling, visitors will also have access to first floor refuge within the host dwelling should it be required. Based upon this the FRA concludes that the development can offer safety for occupants for its lifetime, accounting for impacts of climate change. The proposed extension and alterations do not also increase the ground floor footprint of the building and do not extend hard surfaces within the site. Consequently, it is considered that the proposed

development does not increase the risk of flooding to the site or elsewhere and the development overall therefore meets the flood risk requirements of Policy S21 of the CLLP and guidance within the NPPF.

Policy S21 also requires adequate drainage provision to be provided for all proposed development. No drainage information has been provided with the application. However, given the fact that the Queens Head is already served by an established system, no further details are considered necessary.

#### Visual Impact including the Historic Environment.

The Queens Head was previously identified to have historic and architectural merit and noted as a non-designated heritage asset. However, due to no heritage information being submitted with the previous application it was not possible for the Local Planning Authority to assess and conclude if the proposed change of use and the associated alterations and extensions are of an appropriate size, scale, and design to respect the character and appearance of the Queens Head and its contribution to the area. Consequently, reason for refusal 3. related to this matter and stated:

*4. The application has not been submitted with adequate information to assess and conclude that the proposed change of use and the associated alterations and extensions are of an appropriate size, scale and design to respect the character and appearance of the Queens Head as a non-designated heritage asset and its contribution to the area. The application does not provide details to prove that the development is compatible with the fabric of the building or that it will sustain or enhance architectural features that contribute to its special interest and historical significance and would demonstrably assist in the maintenance or enhancement of it. Therefore, the proposals are contrary to policies LP17, LP25 and LP26 of the Local Plan and associated guidance within the NPPF.*

The proposed development in terms of the extension and alteration of the building remains the same as in application 145652 as are the policy requirements set out in Policies S53: Design and amenity and S57 The Historic Environment of the 2023 CLLP.

Policy S57 relevantly states that:

Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

*Development proposals will be supported where they:*

*d) protect the significance of heritage assets (including where relevant their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, architectural detailing, materials, siting, layout, mass, use, and views and vistas both from and towards the asset;*

- e) promote opportunities to better reveal significance of heritage assets, where possible;*
- f) take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.*

*Proposals to alter or to change the use of a heritage asset, will be supported provided:*

- g) the proposed use is compatible with the significance of the heritage asset, including its fabric, character, appearance, setting and, for listed buildings, interior; and*
- h) such a change of use will demonstrably assist in the maintenance or enhancement of the heritage asset; and*
- i) features essential to the special interest of the individual heritage asset are not harmed to facilitate the change of use.*

In addition to this CLLP Policy S53 relates to the Design of development and 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.

A heritage statement has been submitted with this application and notes that the site and buildings do not form part of any listings, including Lincolnshire's historic environment record. However, the location of the site, its association with the railway line and the buildings original architectural form as a Victorian Inn, gives it some local historic and architectural interest. It is nevertheless recognised that the site and building have undergone significant alterations and extensions which have compromised the architectural character of the original site and buildings. Consequently, the site and building only has a low local level of architectural and historic interest.

The statement sets out that the original South and West elevation of the original two storey inn are the most significant, due to later additions dominating other aspects of the building and site. It also assesses the heritage impact of the proposed alterations and extension, which includes

- Replacement of the windows and doors on all elevations
- The removal of the mono pitch tiled roof along the front south elevation and the provision of a porch.
- A two-storey extension on the rear north/east side elevations
- Changes to the fenestration and provision of a porch on the North elevation.
- Changes to the fenestration, including the provision of additional windows, a dormer window and porch on the West elevation.
- A small alteration to the single storey roof element of East elevation
- Extensive alterations to the interior of the later parts of the building

- The reconfiguration and loss of the two bar areas in the ground floor area of the original building.
- The alteration of the upper floor rooms in the original building to create a new layout, en-suite and bathroom.

The statement also assesses the heritage impact of the proposed development and includes both internal and external features. The statement identifies that some internal fabric will be damaged/lost as a result of the conversion works. They are not however significantly harmful overall and their loss is outweighed by the external changes, including the removal of unsympathetic features considerably enhancing the appearance of the Queens Head within the street scape and at the junction through North Kelsey Moor.

The Conservation officer has commended the heritage statement submitted and is supportive of the re use of the property to prevent further decay or even loss from being vacant. The Conservation officer reiterates the significance of the property in its location and envelope. They also note the front elevation to be more traditional in style and hold features of significance. Consequently, although the range of alterations to the building are considered to be appropriate changes and enhance the traditional character of the building; the incorporation of UPVC windows and modern doors, especially on the front elevation is not considered to preserve its significance. The Conservation officer has however suggested that timber framed, heritage style double glazed option would be appropriate in resolving this. A condition to secure appropriate window and door design would therefore be proposed, should planning permission be granted. As would a condition to ensure all materials and finish are appropriate.

With such conditions in place the proposed extension and alterations are considered to be of a size, scale and design which respect and enhance the character of the existing property and its significance as a (non-designated) heritage asset.

The landscaping plan submitted also shows the garden area of the dwelling would be planted and result in an improvement to the area around the existing building and street scene. No specific details have however been provided in terms of exact planting, timescales and maintenance. Consequently, a condition is proposed to secure this as an enhancement is proposed.

It is therefore concluded overall that subject to the recommended conditions weight can be afforded to the development, as it would help to improve and sustain the building and its significance, as well as the character of the surrounding area.

The proposed development is therefore considered to be in accordance with the provisions of Policies S53 and S57 of the CLLP.

#### Neighbouring Amenity



The amenity considerations as set out in Policy S53: Design and Amenity relevantly states that:

*“All development proposals will be assessed against, and will be expected to meet the following relevant design and amenity criteria. All development proposals will:*

#### *7. Uses*

- b) Be compatible with neighbouring land uses and not result in likely conflict with existing uses, unless it can be satisfactorily demonstrated that both the ongoing use of the neighbouring site will not be compromised, and that the amenity of occupiers of the new development will be satisfactory with the ongoing normal use of the neighbouring site;*
- c) Not result in adverse noise and vibration taking into account surrounding uses nor result in adverse impacts upon air quality from odour, fumes, smoke, dust and other sources;*

#### *8. Homes and Buildings*

- 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;*

Harm to neighbouring properties was not previously identified in the earlier application. The only difference between the proposed development being considered in this application, is the continued use of part of the existing building as guest/holiday accommodation. Whereas in application 145652 it was proposed to use all of the existing building as a residential dwelling and two associated annexes. This change does not however result in any additional impacts to the use of the site as existing or as proposed in application 145652. It remains the view that there will be no harm to neighbours as a result of the development.

The application site adjoins two neighbouring properties known as Ravendale House and Bannovallum. In this respect it is recognised that the application site, proposed extensions and alterations are located more than 60 metres away from Ravendale House located to the North West of the site. Screening between the two sites is also provided through existing trees and planting. Consequently, the proposed change of use and associated alterations and extension are not expected to have an adverse impact upon the residential amenity of its occupiers. No concerns or objections have also been raised by its occupiers/owners.

The Queens Head however shares a close relationship with the neighbouring property located to the East (Bannovallum). The occupiers of Bannovallum have raised concerns and objections in relation to the proposals due to an ongoing boundary dispute between the two properties. They have claimed that the application site and services associated with the property are on land within their ownership and that permission to access them will not be given.

This concern has been raised with the agent who has subsequently submitted a revised site location plan. Additionally, whilst the neighbour's claims are noted, boundary disputes are not a planning matter which can be considered as part of this application and are a civil matter between the relevant parties.

Matters which are material for consideration are impacts on the residential amenity of the occupiers of Bannovallum relating to the proposed change of use and the associated alterations and extensions. In terms of the proposed change of use, the proposed residential nature of the proposals, including the annex and associated holiday accommodation are considered acceptable as a neighbouring use to an existing residential property. With regards to the proposed extension and alterations it is noted that there are no new openings proposed on the east side elevation of the main building or the rear offshoot running along the eastern boundary. There are also no new roof lights proposed on the Eastern roof slopes. The development is therefore considered acceptable in this regard.

Nevertheless, should planning permission for the change of use be acceptable then permitted development rights would need to be removed to ensure that the relationship between the two properties remains acceptable. As for impacts relating to the extension of the building, the extension of part of the single storey roof line is not considered to result in a significant change to the presence of this element of the building and consequently it would not be harmful to the amenity of the neighbouring occupiers. The first floor extension will introduce a further projection from the rear of the main two storey building and will be visible from the neighbouring property and garden. It is however of a size similar to an existing two storey rear projection and will be set at a distance (at least 15 metres) away to ensure that it will not be harmful through its presence/dominance or loss of light.

Consideration also needs to be given to the occupation of the annex and the use of the holiday let accommodation and the relationship they will share with the occupiers of the proposed host dwelling. In this regard it is noted that both will be connected to the occupation of it, and this controlled through appropriate conditions. With such conditions in place the occupation of all three elements is considered to be possible, without having adverse impacts upon each other.

It is therefore considered that the proposed change of use and associated alterations and extensions do not have a harmful impact on the residential amenity of the occupiers of the neighbouring properties or those of the proposed dwelling and annex. Consequently, the proposed development is considered to be in accordance with the requirements of Policy S53 of the CLLP and guidance within the NPPF. Neutral weight is therefore afforded to this element of the proposals.

#### Highway Safety and parking:

Policy S47 sets out 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'. Policy S49 relates to

adequate parking provision and car parking standards are set out in Appendix 2 of the CLLP. These standards require 3 parking spaces (including the annex) to be provided for the proposed dwelling in its rural location.

Paragraph 110 of the NPPF requires that development proposals provide safe and suitable access to all users. While Paragraph 111 states that development proposals can only be refused on highways grounds where there is an unacceptable impact on highway safety, or the wider cumulative impact would be severe.

The proposed development will utilise the existing access serving the existing dwelling and the proposed garage and front driveway area is large enough to provide the required off street parking spaces and additional for the holiday accommodation. No concerns have been raised by the Local Highway Authority in relation to the proposed development, the construction phase of it or highway safety. Consequently, the development is not considered to have an unacceptable impact on highway safety and is in accordance with the requirements of Policies S47 and S49 of the CLLP and guidance within the NPPF.

### **Other matters**

#### Climate change/Energy Efficiency:

Policy S13 relates to reducing energy consumption in existing buildings for all development proposals and involves the change of use or redevelopment of a building, or an extension to an existing building. It encourages the applicant to consider all opportunities to improve the energy efficiency of that building (including the original building, if it is being extended).

It states that:

*Proposals which do consider and take such viable opportunities will, in principle and subject to other material considerations, be supported. In particular, residential properties which, following an extension or conversion, will achieve an improved EPC rating overall will, in principle, be supported. To gain this in principle support, a pre-development EPC should be provided as part of the application, together with evidence as to how a completed development EPC is likely to be rated.*

An energy statement has been provided with the application which outlines that the proposed development will improve the energy efficiency of the building through insulation, changes to windows and doors and a possible new heating system. It also states that an electrical vehicle charging point will be provided. The details provided do not however include existing or proposed EPC ratings and consequently very limited weight can be afforded to the measures which have been set out in the statement.

#### Biodiversity and Geodiversity

Policy 60 relates to protecting biodiversity and geodiversity and Policy S61 to biodiversity opportunity and delivering measurable net gains.

They collectively seek to

- a) protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- b) minimise impacts on biodiversity and features of geodiversity value;*
- c) deliver measurable and proportionate net gains in biodiversity; and*
- d) protect and enhance the aquatic environment within or adjoining the site, including water quality and habitat.*

Although the proposed development is not considered to materially relate to these policies or their requirements, a landscaping plan has been submitted which states that habitat improvements will be undertaken with ecologist advice and will include installation of bat, bird and owl box's. However, while this is a welcome addition to the proposed development, no specific detail has been provided in terms of type of planting and how biodiversity will be protected, managed and enhanced as a result of it. Very limited weight can therefore be afforded to this element of the proposals.

### **Conclusion and Planning Balance:**

The development has been assessed against the following Local Plan Policies and relevant guidance within the NPPF and NPPG, with full weight being afforded to them.

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development in the Countryside

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 S43: Sustainable Rural Tourism

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S50: Community Facilities

Policy S53: Design and Amenity

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity net gain.

Consideration has also been given to all representations. As a result of the assessment undertaken it is considered that the application has not been submitted with comprehensive evidence which proves beyond reasonable doubt that the facility is demonstrably no longer fit for purpose, or the site is not viable for use as a public house, visitor accommodation or redevelopment of a new community facility. Nor does the proposal include the provision of a new community facility.

However, it is plausible, on the balance of probability to conclude that the circumstances surrounding the refurbishing and re-opening of the Queens

Head as a going concern, tourism use or other community facility are unlikely to be viable options. Consequently, matters relating to the provisions of criteria a) of Policy S50 and Policy S43 are considered to be finely balanced, but it is possible that the proposal meets with the criterion.

Additionally, no comprehensive evidence has been submitted to demonstrate that the public house facility provided by the Queens Head is already provided through an alternative provision, within a reasonable proximity. However, when considering the facts of this site, and the number of public houses within neighbouring settlements; it is plausible to conclude on the balance of probability that alternative provision exists. The Queens Head is in a fairly remote, countryside location which will rely upon passing motor trade, as the population in North Kelsey Moor is unlikely to sustain the business. By contrast, alternative provision is found within existing settlements, an arguably more sustainable location. This matter is nevertheless considered to be subjective and consequently, matters relating to the provisions of criteria b) of Policy S50 are also finely balanced.

The evidence submitted with the application is also not considered to comprehensively justify that the building can no longer be used for the purpose for which it was originally built, or last used. However, it is plausible on the balance of probability to conclude that the marketing exercise undertaken proportionately demonstrates that there was no serious demand shown for the Queens Head to be used for other business purposes. The heritage statement submitted also confirms that the Queens Head has a local level of architectural and historic merit, and the proposed alterations and additions are justified as they will enhance the character and appearance of the building. Consequently, the proposed development is considered to meet the requirements of Policy S5 part (a).

Overall, it is considered that the likelihood of the business successfully re-opening is low, and would be unlikely to be a sustainable, longer term success, with more sustainable alternatives in close proximity. It is considered overall, that the development may comply with policy S50.

Additionally, subject to conditions, the proposed development is considered to be in accordance with the provisions of the Local Plan Policies in relation to all other material considerations. These matters therefore weigh in favour of the development and especially that afforded to the proposed development in enhancing the character of the building and its local significance. Nevertheless, this weight, is not considered to outweigh the principle policy requirements.

It is therefore concluded that the proposed development can meet some of the provisions of the Local Plan Policies and where a possible departure is considered, local circumstances can be afforded weight to justify support for it. On this basis grant of permission subject to the following conditions is therefore recommended.

**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:

- LDH1539 09 – Site Layout/Block plan received 05/09/23
- Site location plan received 08/03/24
- LDH1535/06A Proposed first floor plan received 08/03/24
- LDH1535/05B Proposed ground floor plan received 08/03/24
- LDH1535 08 Proposed North and West elevations received 23/06/23
- LDH1535 07 Proposed South and East elevations received 23/06/23

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 Policy S53 of the 2023 Central Lincolnshire Local Plan

3. Prior to their installation details of all external materials, including windows and doors to be used in the exterior of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the agreed materials.

Reason: To ensure appropriate materials are used for the character and significance of the building and its surroundings, have a low environmental impact and high energy efficiency in accordance with Policies S13, S53 and S57 of the 2023 Central Lincolnshire Local Plan and guidance within the NPPF and NPPG

4. Prior to the completion of the development or occupation of the dwelling as hereby approved, a scheme of hard and soft landscaping including boundary treatments has been submitted to and approved in writing by the Local Planning authority. Details submitted should include the size, species and position or density of all trees and planting, site surfaces, fencing and walling.

The approved scheme shall then be carried out in the first planting and seeding season following the occupation of the dwelling or completion of the development (whichever is the sooner); and any trees or plants which within a period of 5 years from the completion of the development die, or removed or become damaged or diseased shall be replaced in the next planning season with others of similar size and species.

Reason: To ensure that landscaping and boundary treatments contribute to the character and biodiversity value of the area in accordance with Policies S53 and S60 of the Central Lincolnshire Local Plan and guidance within the NPPF.

5. The proposed development shall be completed in accordance with the flood resilience measures set out in section 5.0 of the Flood Risk assessment undertaken by Roy Lobley Consulting and dated March 2023.

Reason: To ensure the development is safe for its lifetime and does not increase flood risk elsewhere in accordance with Policy S21 of the Central Lincolnshire Local Plan and guidance within the NPPF.

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

6. The annexe and holiday accommodation hereby approved and shown on drawing Nos LDH1535/05B and LDH1535/06A shall only be occupied as ancillary short-term accommodation in connection with the residential dwelling hereby approved and the building currently known as Queens Head Station Road North Kelsey Moor Market Rasen LN7 6HD, and shall not be used separately as a dwellinghouse.

Reason: To prevent the annexe being occupied as a separate dwelling house in accordance with Policies S5, NS27 and amenity considerations set out in Policy S57 of the CLLP and guidance within the NPPF.

7. Notwithstanding the provisions of Classes A, AA, B, C, D, E and G of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the dwelling, annex and holiday accommodation hereby permitted shall not be altered or extended unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of adjoining dwellings and the resulting amount of space around the dwelling in accordance with Policy S53 of the Central Lincolnshire Local Plan and guidance within the NPPF.

### **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



## 147479- Site Location Plan



## Officers Report

### Planning Application No: 147479

**PROPOSAL:** Planning application for conversion of water tower to 1no. dwelling with demolition of existing attached agricultural buildings, and extension of host building.

**LOCATION:** Water Tower Abbey Road Bardney LN3 5XD

**WARD:** Bardney

**WARD MEMBER(S):** Cllr I Fleetwood

**APPLICANT NAME:** Mr C Pacey

**TARGET DECISION DATE:** 14/12/2023 (Extension of time agreed until 28<sup>th</sup> March 2024)

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Danielle Peck

**RECOMMENDED DECISION:** Grant planning permission with conditions

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The application is referred to the Planning Committee in line with the Councils constitution as the proposal constitutes a departure from Part A of Policy S5 of the Central Lincolnshire Local Plan.

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**Site Description:** The application site comprises of a disused water tower within the open countryside to the north west of the settlement of Bardney. The water tower is considered to be a non-designated heritage asset, being listed on the Lincolnshire HER<sup>1</sup>. The site is adjoined by the highway to the east with residential dwellings beyond, open countryside adjoins all other boundaries. The Viking Way also runs along the north and east boundaries. The site is within close proximity to the Grade II \* Listed Silver Birch Cottage, and the Scheduled Monument of Bardney Abbey. Part of the site is also located within Flood Zones 2 and 3 and the site is also located within a Sand and Gravel Minerals Safeguarding Area.

**The Proposal:** The application seeks full planning permission to convert the water tower to 1no. dwelling. The proposals also include the demolition of the existing attached single storey agricultural buildings off the east elevation and replacement with a two-storey extension.

Following discussions with the agent for the application amended plans and visualisations of the proposals were received on the 30/01/2024 and 01/02/2024, these plans removed the attached garage originally proposed and also reduced the height of the link element. The visualisation below shows what is now proposed.

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<sup>1</sup> [https://www.heritagegateway.org.uk/Gateway/Results\\_Single.aspx?uid=MLI53087&resourceID=1006](https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=MLI53087&resourceID=1006)



### Relevant history:

**145159-** Planning application to convert water tower to 1no. dwelling, with demolition of existing attached agricultural buildings and extension of host building. Refused 02/09/2022.

*1. The proposed extensions would include additional inappropriate openings and large inappropriate extensions which go beyond what is considered to be minimal alterations. The development would therefore be in conflict with Policy LP55 Part A of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.*

*2. The proposed development would introduce large extensions and alterations which by virtue of their scale, massing, design and use of materials would create a dominant and detracting feature within the area. The proposals would therefore harm the character and setting of the surrounding countryside and landscape where the building is visible from significant distances and public footpaths, the proposal is therefore contrary to Policy LP17 and Policy LP26 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.*

*3. The proposals by virtue of their large scale, massing, design and use of materials would cause unacceptable harm to the host building, a non- designated heritage asset. The proposals would also cause less than substantial harm and would fail to preserve the setting of the nearby designated heritage assets, which include the remains of Bardney Abbey and Kings Hill Barrow, Scheduled Ancient Monuments and the Grade II\* Listed Birch Tree Farmhouse. There is no public benefit that would outweigh this level of harm. The proposal would therefore be contrary to Section 66 of the 'Act', policy LP25 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework, most notably Paragraphs 199, 200, 201, 202 and 203.*

4. The proposed development is located close to the main monastic precinct of Bardney Abbey. Insufficient information has been submitted to enable the Local Planning Authority to make a reasoned decision on the impacts of the proposed development on below ground assets of archaeological interest. The proposal would therefore be contrary to policy LP25 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

5. Insufficient information in the form of a Minerals Assessment has been submitted to assess the impact of the development on a Minerals Safeguarding Area. Therefore it cannot be demonstrated that the proposed development would not sterilise a mineral resource. The proposal would therefore be contrary to policy M11 of the Lincolnshire Minerals and Waste Local Plan and the provisions of the National Planning Policy Framework.

**WR/51/68- CONSTRUCT A WATER RESERVOIR CAPACITY 100,000 GALLONS, AND METER HOUSE.**

**Representations- In summary:**

**Full versions of the representations received can be viewed on the Councils website using the following link: <https://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?docid=147479>**

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

**Bardney Parish Council:** No representations received to date.

**Local residents:**

A general observation has been received from Silver Birch House, Abbey Road- I would like assurances that the road will be kept clear and clean, as well as property access kept clear. I have no objections to the plans submitted.

**LCC Highways/Lead Local Flood Authority:**

**05/02/2024-** The proposal is for conversion of water tower to 1no. dwelling with demolition of existing attached agricultural buildings, and extension of host building and it does not have an impact on the Public Highway or Surface Water Flood Risk. Access improvements have been demonstrated therefore the proposals don't have an unacceptable impact on highway safety.

**08/11/2023-** Additional information required. Please request the applicant demonstrate a bound access within the extent of the highway- the current proposals show a gravel driveway however gravel isn't permitted within 1m of the highway in the interest of highway safety.

**WLDC Conservation Officer:**

**06/03/2024-** No objections to the amended proposals. Recommends conditions.

**28/12/2023-** The proposal seeks to remove the mid-20th century agricultural structure. This has no architectural or historic interest, and the removal will conserve the historic environment. The glazed link to separate the property will provide a visual break from the original structure and the new development. This design will preserve the original water tower.

The new development is predominantly sited upon the footprint of the existing agricultural shelter. This is considered the most appropriate position for the development which will create a harmonious approach with the existing structure. However, the garage is located further north and is an addition to this footprint, which is incongruous to the setting of the NDHA. This is harmful to the landscape, scale, siting, and layout of the heritage assets which would not be supported under policy S57. This garage section should be removed from the proposal all together.

The scale is still a significant addition which is large in scale and negatively impacts upon the dominance of the original Water Tower in the wider setting. I disagree with the Heritage Statement that suggests this extension reuses the general volume and scale of the existing structures.

Policy S57 states that features essential to the special interest of the individual heritage asset are not harmed to facilitate the change of use. The prominence of the tower is a significant factor and the current proposal diminishes this due to its scale.

The proposal reaches roughly half way up the tower which minimises the visual impact of what is originally an individual tall tower and the height does not offer the visual of a subservient addition when considering the scale and the views within the setting. Due to the landscape, the extension would be visibly connected from the many views which would diminish the significance of the original tower structure which will combine with the new large-scale extension.

A single storey addition would be the best solution but there may be an option for a more discrete two storey element if this can be suitably designed. If there is proposal designed with a suitable two-storey extension, then the connection of the second floor to the tower should also be reconsidered. It would be better to disconnect the levels of the extension with the Water Tower to retain the tower as a separate space visually within the setting to preserve the heritage asset.

This also does not meet the requirements of Policy S57 in the CLLP therefore, I must object to this application.

I strongly feel we are close to a positive outcome here and would be happy to consider amended plans. The scale of the proposal is the main issue. The type of design and materials proposed are compatible with the Tower and would preserve the setting if reduced.

## **LCC Archaeology:**

**15/02/2024-** The trial trench did not record any archaeological features or deposits. Therefore, no further archaeological input will be required.

**08/12/2023-** To reiterate, the proposed development is located adjacent to the remains of Bardney Abbey, which is designated as a Scheduled Monument because of its national importance. The site is publicly accessible with a suite of interpretation and is promoted as a site for visitors, particularly popular with walkers on the Viking Way long distance path. Bardney Abbey was the earliest of the monastic sites that once lined this part of the Witham Valley between Lincoln and Boston, which form part of a ritual landscape whose archaeological remains are of international importance. This includes not only the medieval monasteries but many earlier pre-Christian religious sites, including Bronze Age barrow cemeteries, and a series of causeways which from the Iron Age onwards that were used for ritual deposition into the waters, with finds displayed in The Lincoln Museum and the British Museum in London. The site is also close to another Scheduled Monument, the King's Hill Barrow, which is associated with King Athelread of Mercia (who founded the Abbey in AD 697) and King Oswald of Northumbria who was also buried here before his bones were later captured and taken away as relics to Gloucester. The proposed development has the potential to impact both directly upon any below ground remains associated with the Abbey, and indirectly on the setting of the nationally important designated heritage assets. There will also be direct impacts on the fabric of the non-designated water tower as part of the proposed conversion.

Our previous advice advised that Historic England be consulted over the effect on the setting of the designated important remains and I see from their comments that they are satisfied that the new proposals will cause less than substantial harm to the setting of the designated assets.

My colleagues' previous comments raised concerns regarding the design, massing and materials of the proposed development and the effect this would have on the significance of the water tower itself, being a non-designated heritage asset. Clearly there have been significant changes to the design of the new building which appears to have largely addressed these concerns, the materials in particular are much more in keeping with the character of the Tower and this section will offer no more comment on these matters. It is also noted that the comments regarding there being no need for a separate historic building record still apply.

The proposed extension building will still have a potential archaeological impact, siting as it does within a landscape that has been of great practical and ritual significance from the prehistoric to the medieval period as evidenced by the considerable finds and monuments of these and other periods along the valley and in close proximity to the Site. There is a high potential for as yet unrecorded below ground remains to survive in the area of the water tower and these remains may be of national or greater importance. It is recommended that the local planning authority should require the developer to carry out an archaeological trial trench evaluation prior to determination to provide site specific

evidence for the significance and condition of any archaeological remains on this site that may be impacted by the proposed development. This is in accordance with the NPPF, section 16, paragraph 194, and Central Lincolnshire Local Plan Policy LP25 for Archaeology. The results of the evaluation should be sufficient for the local planning authority to make a reasoned decision on the impacts of the proposed development on below ground assets of archaeological interest.

### **Historic England- In Summary:**

**29/02/2024-** Same response received as 13<sup>th</sup> November 2023.

**13/11/2023-** Bardney Abbey, Birch Tree Farmhouse and King's Hill Barrow form an associated group of upper tier designated heritage assets. At the disused water tower contributes positively to their significance, a structured approach to understanding setting issues can be found in our setting of heritage assets [https://historicengland.org.uk/imagesbooks/publications/gpa3-setting-of-heritage\\_assets/](https://historicengland.org.uk/imagesbooks/publications/gpa3-setting-of-heritage_assets/). The revised scheme largely addresses our previous concerns regarding design, materials and modifications to the water tower and the associated setting impacts of the former scheme upon designated heritage assets. With regards to below ground archaeological impacts including access and service works as well as footings etc we refer you to the expertise of the County Council historic environment advisors. We welcome a sustainable scheme for the reuse of the water tower. It will be of the utmost importance that if consented the quality of materials and design in the finished building are closely secured through conditions including the approval of material samples (NPPF paragraph 135). We strongly recommend that if the scheme is approved Permitted Development rights are removed so as to better secure the setting of the assets discussed above - further to NPPF paragraphs 189, 195, 199, 200, 202.

Recommendation- Historic England has no objection to the application on heritage grounds but is concerned that should it be minded to grant consent your authority secures the design quality and execution of the scheme (NPPF 135 & 189, 195, 199, 200 , 202) and refers you to the expertise of the County Council historic environment advisors as regards below ground impacts (NPPF 205 and footnote 69). In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Your authority should take these representations into account in determining the application.

### **The Victorian Society:**

Support for Reuse and Conservation: Initially, we would like to emphasize our support for the reuse and conservation of the unlisted Water Tower at Barney. Recognizing its

heritage value as a local architectural and historic asset, we acknowledge the importance of preserving such structures for the benefit of future generations.

**Significance:** The Water Tower, dating back to c.1903, stands as a tangible heritage asset, contributing significantly to the local architectural landscape. Its distinctive features, including a two-storey red brick structure, an 8ft iron tank with a curved cover, and iron-framed windows. The tower's architectural details, such as blue brick bands and arches, further highlight its historical and aesthetic significance.

**Harm:** Our principal concerns revolve around the potential harm that the proposed extension may inflict upon this heritage asset. Specifically, we are apprehensive about the impact on the setting of the Water Tower, citing the extension's size, proximity, and massing as potential sources of harm. The proposed extension, in its current form, risks compromising the simplicity and visual integrity of the tower.

**Advice:** 1. Single-Story Extension and Greater Degree of Separation: We strongly advise that the proposed extension be limited to a single story to minimize its visual impact on the Water Tower. Additionally, providing a greater degree of separation between the tower and the extension would help preserve the tower's prominence and architectural clarity. 2. Removal of Garage from Extension Plans: To further mitigate the impact, we suggest reconsidering the inclusion of a garage in the extension plans. The removal of the garage would contribute to a more harmonious integration of the extension with the Water Tower. 3. Conservation of Iron Water Tank: We encourage comprehensive plans for the conservation of the iron water tank, ensuring that its historical integrity is maintained throughout any development process. We firmly believe that these recommendations, if incorporated into the proposal, would enable the achievement of the desired objectives while safeguarding the heritage value of the Water Tower.

**Lincolnshire Wildlife Trust:** The 'Ecology and Protected Species Survey' submitted with the applications makes several recommendations for ecological enhancement of the site and we request these measures are conditioned for this application. Provision for bat roosts on site should be created through the addition of integrated bat bricks, given a lack of mature trees on site, and nest boxes for common breeding birds should also be incorporated into the final designs. A Barn Owl nest box has also been recommended (paragraph 5.2.3) "to compensate for the eventual loss of the building as a roosting site". A pole mounted box overlooking open countryside is recommended and we suggest the applicant seeks further advice here. These enhancements should ideally be incorporated into a landscape plan for the site that also includes a planting scheme with native tree and shrub species. There has been no UK Habitat Assessment survey with an accompanying Biodiversity Metric calculation. It is therefore unclear how the development will meet the mandatory 10% as required by The Environment Act 2021 and Policy S61 of the Local Plan and how these habitats will be managed and monitored for the next 30 years. Given the agricultural nature of the site in its contemporary state we anticipate the development will exceed this requirement using the information provided in the block plan and visuals submitted.



**Lincolnshire Bat Group-** Thank you for referring this application to Lincs bat group. There was no evidence of roosting, but note Recommendations 5.1.2 re lighting.

### **Relevant Planning Policies:**

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

#### Development Plan

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development in the Countryside

Policy S13: Reducing Energy Consumption in Existing Buildings

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S57: The Historic Environment

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

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

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

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

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

#### National policy & guidance (Material Consideration)

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

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

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

[https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.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>

#### Other Relevant Legislation

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

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

#### **Main issues**

- Principle of Development;  
*Minerals*  
*Flood Risk*
- Visual Impact;
- Impact on Heritage Assets, including archaeology;
- Impact upon Residential Amenity;
- Ecology;
- Highways;
- Drainage;
- 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 CLLP sets out a spatial hierarchy for the District and where development should be focused. The application site is clearly located within the open countryside being well separated from the nearby settlement of Bardney. Tier 8 of Policy S1 relates to Countryside and states; 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.....*

Policy S5 relates to development within the open countryside. Part A of S5 states the following: *Where a change of use proposal to residential use requires permission, and where the proposal is outside the developed footprint of a settlement listed in the Settlement Hierarchy or the developed footprint of a hamlet, then the proposal will be supported provided that the following criteria are met:*

- a) Comprehensive and proportionate evidence is provided to justify either that the building can no longer be used for the purpose for which it was originally built, or the purpose for which it was last used, **or** that there is no demand (as demonstrated through a thorough and robust marketing exercise) for the use of the building for business purposes; and*
- b) The building is capable of conversion with minimal alteration, including no need for inappropriate new openings and additional features; and*
- c) The building is of notable architectural or historic merit and intrinsically worthy of retention in its setting.*

The host building was historically purpose built as a water tower serving the Bardney Village. The water tower was completed in 1905 and was purpose-built as a water tower and pumping station, the location was reputedly selected due to well water quality. The water tower has been redundant for a long period of time and due to technological changes in the water supply there is no possibility of it being returned to its original use. Therefore, an alternative use would be acceptable in principle to meet point a) of S5.

Point b) of S5 states that the building is capable of conversion without the need for inappropriate new openings or additions. The proposals include the conversion of the tower, split into four floors comprising of a living room at ground floor level with bedrooms and en-suites on the other three floors. It is also proposed to erect a glazed link from the host building to new extensions off the east elevation. The existing agricultural building attached to the east elevation would be replaced by a two-storey extension which would be broadly on the footprint of the existing extension, albeit the proposed extension is of a larger scale and size.

It is acknowledged that the scale of the extension goes beyond the provisions of criteria b) of Part A. However, the proposals have been designed, through discussion, appropriately. They now provide interest to the host building and would enhance its historic interest as well as providing an appropriate level of living accommodation for future occupiers.

With regard to criteria c) of Part A, the exterior of the building is red brick with stone dressings with the iron tank at the top, original windows and doors are also visible. The building is listed on the Lincolnshire HER (ref: MLI53087). and is considered to be a non-designated heritage asset. The buildings historic importance and its importance within the area is also described in detail by all of the heritage consultation responses. It is therefore considered that it is an important feature within its setting and is worthy of retention and would meet point c) of S5.

With regard to the above discussion, in conclusion the proposal would comprise of a departure from Part A, specifically criteria b) of Policy S5. However, significant weight is given to the fact that the conversion would bring back into use a non- designated heritage asset as well as securing its long-term use. It is noted that the proposals are also supported by Historic England and the Councils Conservation Officer. The amended alterations and extensions are considered to be acceptable and would preserve the setting of the nearby designated heritage assets and the wider character of the area this is discussed in more detail within the relevant sections of this report. In this case, it is considered that a departure from Policy S5 is justified.

### *Minerals*

The site is located within a Sand and Minerals Safeguarding Area. Policy M11 of the LMWLP seeks to ensure that developments do not prevent the exploitation of mineral deposits as an economic resource within identified MSAs without adequate justification. Within MSAs proposals for non-minerals development should be accompanied by a Minerals Assessment, unless the development falls within one of the exemptions to the Policy M11 of the Core Strategy.

The proposals comprise of a change of use of an existing building together with a two-storey extension on a similar footprint to the attached agricultural building. The policy does list changes of use and alterations to existing buildings as exemptions. In any case it is considered that the site would be unsuitable for the extraction of minerals due to its location close to residential properties. It is noted that the Waste and Minerals Authority have not provided any comments on the proposals.

### *Flood Risk*

It is noted that the eastern part of the site is located within Flood Zone 2. However, the proposals, including the new extensions will not be located within the area therefore the proposed location of the accommodation is sequentially acceptable. The agent for the application has stated the following: *The existing building (to which the new finished floor levels will relate) is also well elevated (7.48 AODN - Bench Mark on the Water Tower itself).* This is considered to be acceptable and the proposal would not increase flood risk at the site or to others.

### Visual Impact

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. Good design will be at the centre of every development proposal and this will be required to be demonstrated through evidence supporting planning applications to a degree proportionate to the proposal.*

Section 1 of the policy states that all development proposals will:

## *1. Context*

- 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 proposals include the conversion of the tower, removal of existing agricultural building and replacement with a two-storey extension off the eastern elevation and a glazed link. Through the application process amended plans were received, the amended plans have removed the attached double garage and have also reduced the height of the glazed link. As detailed in previous sections of this report the site is located within a sensitive landscape. The existing building is a prominent feature within the landscape and is visible from significant distances away. In addition to this the Viking Way, a well-used public footpath runs adjacent to the north boundary.

Due to the visual impact concerns on the previous application the submission has been accompanied with a Landscape Visual Impact Assessment (LVIA), contained within the Design and Access Statement. The photographic montages shown within the statement give a good idea of how the water tower will appear within the landscape (from the Public Rights of Way) in comparison to the existing building, views from the nearby designated heritage assets are also shown. The proposed design is sympathetic and inspired by the appearance of the Tower and its historic features, and “champions” the Tower as an independent vertical historic structure within the landscape. The extensions would be set to the rear (east) of the building, they would be at a lower height of the tower and are not considered to over dominate the host building which would remain the most notable element. The Local Planning Authority agrees with the conclusions within the LVIA which concludes that the amendments to the Tower has negligible impact on the surrounding historic assets and landscape.

The proposed extension takes precedence from the key features and design of the Tower; the mass to the south and west elevation containing the snug area and bedroom imitates the top of the existing Tower in a more contemporary style. The windows used in this element mimic the existing curved windows in the Tower, but instead will go down to floor level. The glazed link gives a clear definition between the host building and extension.

With regard to materials to be used these are noted to match the existing Water Tower with red brick external walls, blue brick detailing, and red cladding inspired by the original metal tank. Timber is a present material within the existing Tower, which has inspired the cladding material to the first floor of the extension. The introduction of the timber to the first-floor facades creates a “softer” appearance, rather than the red brick being utilised throughout the extension which would likely appear dominating in comparison to the tower. It is however considered that the quality of materials to be used in the development

will need to be carefully chosen, such detail will be secured by means of condition to enable the Local Planning Authority to ensure these are of a high quality and appropriate in the context of the host building and wider area.

Overall, it is considered that the proposals would now have an acceptable visual impact upon the open countryside and landscape which it lies within. Views of the proposal are not considered to be harmful and the extensions respect the host building. It is considered that the amendments to the scheme have overcome the previous reason for refusal. The proposals accord to the aims of Policy S53.

#### Impact on Designated Heritage Assets, including Archaeology

Policy S57 of the CLLP states that, *Development proposals will be supported where they:*  
*d) protect the significance of heritage assets (including where relevant their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, architectural detailing, materials, siting, layout, mass, use, and views and vistas both from and towards the asset;*  
*e) promote opportunities to better reveal significance of heritage assets, where possible;*  
*f) take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.*

Paragraph 200 of the NPPF states that: *In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*

In considering potential impacts, Paragraph 206 of the NPPF states that: *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Paragraph 209 of the NPPF relates to non-designated heritage assets and states; *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

In relation to Listed Buildings and their settings, Section 66 of the 'Act' places a legislative requirement on Local Planning Authorities when considering whether to grant planning

permission to 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 host building is considered to be a non-designated heritage asset being listed on the Lincolnshire HER (ref: MLI53087). The site is also nearby to the remains of Bardney Abbey (150m to the north) a scheduled ancient monument, the Grade II \* Listed Birch Tree Farmhouse (180m to the north west) and the Kings Hill Barrow another scheduled ancient monument (500m to the north west).

The application has been submitted with an Assessment of Significance and Heritage Impact Assessment by Austin Heritage Consultants. The assessment gives in depth details of the Water Tower including its historic development. In terms of impacts upon the host building and designated heritage assets, the assessment details the following;

*Conversion of Tower- Changes to the fabric include the insertion of new floors; the reinstatement of a door in an existing opening in the west elevation; insertion of 2 no. arched-head windows on the second floor of the north elevation to provide necessary light to the new stair and ensuite (to match the windows below on the ground floor and needed as rooflights are not possible due to the positioning of the roof tank); and restoration of windows at the upper level to provide light to the bedroom and reuse of the existing doorway in the south elevation.*

*There will be a minor impact on fabric with the removal of the internal ladder and insertion of new floors within the tower, but this will be mitigated by the survival of the tower and its appearance in the landscape overall, plus retention and repair of surviving pipework on the north side of the building as a feature within the spaces, relocating the ladder in the same room as a feature, and retaining the existing open space of the ground floor as an open living room. Insertion of only 2 new windows will have a minor impact on fabric and the appearance of the original fenestration of the north elevation. However, it is understood that they will be designed to match existing with metal-framed, crittall style replacements that will be sympathetic to the original design and character. It is expected that views to the Abbey will also be enhanced by the new window openings in the wall fabric at second floor level.*

*The iron tank will be retained and restored as part of the overall works, which will preserve and retain this distinctive original feature as existing, enhancing the overall appearance of the tower in the landscape and reflecting its original purpose.*

*Reuse of the building would have the benefit of restoring the original structure while incorporating it as the core feature within a newly built structure designed to enhance the presence of the tower in the landscape and preserve it for the future.*

*Addition to the tower- The overall aim is to complement, but separate the new addition, and the glazed link will also permit views of the east elevation from inside and outside the building. There will be some physical impact on the east elevation with the addition of the link, but it will only extend to the first floor level, and it is expected that the enhanced visibility and appreciation of this elevation will mitigate the physical impact where the new*

*fabric attaches to the original. The tower itself will continue to remain the key feature of the development and reflect its historical use. The new work will be set to the rear of the building where current structures exist, and the addition will be set considerably lower than and back from the tower itself, so it can be better appreciated from the surrounding landscape.*

*Birch Tree Farmhouse- The Grade II\* listed Birch Tree Farmhouse is located approximately 190m to the west of Bardney Water Tower. As the proposed works would be located to the rear on the east side of the tower, if any of the study area was visible from the farmhouse or its garden setting, the tower would clearly still remain the dominant feature in any narrow view. It is therefore not expected that the new work would adversely affect the appreciation of the tower from this location.*

*Bardney Abbey- Bardney Abbey is a Scheduled Ancient Monument with the southern boundary of the scheduled area located approximately 125m northwest of Bardney Water Tower. The new works would likely be noticeable to the side of the tower, but it is expected that due to careful selection of materials and replication of some detailing from the tower, and the horizontal and considerably lower nature of the addition, that the proposed works would blend with and complement the overall character of the existing tower as viewed from its surroundings.*

The conclusions and findings within the statement and assessment are largely agreed with by the Local Planning Authority and relevant heritage consultees. The revised scheme has addressed previous concerns regarding the design, materials and alterations which were previously not considered to be appropriate. As detailed in the visual amenity section, the proposals are considered to be more respectful of the host building and are appropriate within the wider setting of the designated heritage assets.

Overall, the proposals would now preserve the setting of the nearby designated heritage assets in accordance with the Statutory Duty under Section 66 of the Act as well as the provisions of the policies within the CLLP and the NPPF.

### *Archaeology*

With regard to Archaeology Policy S57 states that where development affects archaeological remains, *Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.*

The comments from the historic environment officer are clear in that there is the high potential for further unrecorded below ground remains to have survived in the area of the water tower. The proposed development is located close to the main monastic precinct of Bardney Abbey, which as described above is part of a wider ritual landscape of national and international archaeological importance.



Pre-determination trial trenching has been carried out at the site in February 2024 following the initial comments. The trial trenching did not record any archaeological features or deposits and therefore no further archaeological input is required in this instance as confirmed by the historic environment officer in email dated 15/02/2024. The previous refusal reason for 145159 has now been overcome.

### 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;*

Paragraph 135 f) of the NPPF states that decisions should ensure that development...;

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

The proposal includes the installation of many new openings, to facilitate the conversion. The site is adjoined by open countryside to the north, east and south, with two residential properties adjacent to the west boundary. There is significant separation distances from the proposals as to not cause any unduly harmful overlooking impacts. It is also not considered that the proposal would cause any loss of light impacts due to the separation distance.

Existing residential properties are located to the south west of the site. There are large separation distances from the western elevation of the water to these properties of c. 40-60m. Openings to the north, south and east will look over open fields. The proposals would not have an unacceptable impact upon residential amenity. The proposal also includes an adequate amount of amenity space for future occupiers of the dwelling. Overall the proposals accord to Policy S53 of the CLLP.

### Ecology and Biodiversity

The application has included the submission of an Ecology and Protected Species Survey dated May 2022. In terms of protected species, the following is described in the survey:

#### Bats

The Water Tower and attached open agricultural building are both considered to have a low potential for transient roosting and a negligible potential for maternity and hibernation use. No bats were recorded emerging from the buildings and no field signs were noted during the daylight assessment. It is considered that the proposals to develop the site is

unlikely to result in a breach in the legislation relating to bats and there is no requirement for a European Protected Species licence.

### Birds

The site has high potential to be used for nesting by species of common bird and disused and active nests were noted during the survey. Any site preparation/clearance work should commence outside the active nesting season which typically runs from March through to late August. If work commences during the bird breeding season, a search for nests should be carried out before they begin, and active nests should be protected until the young fledge. The water tower and open sided shed are being used by barn owls as a day roost. No potential nest site was identified and there are no indications that barn owls have bred on the site. As the site is not used for breeding, the proposed development will not result in a breach of the legislation which protect this species. However, long term roost areas are important to the reproductive success and long-term favourable conservation status of these species.

The report recommends that new bird and bat boxes are installed to ensure that there is a biodiversity net gain. The report also recommends that a new owl roosting feature is put in place as soon as possible before works commence. Further details of their positioning around the site would be secured by a condition in the event that permission is granted.

Local policy S61 of the CLLP requires *“all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management”*. Local policy S61 goes on to state that *“All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England’s Biodiversity Metric”*.

However there are no legally binding targets at the moment such as a 10% net biodiversity gain to consider as a planning material consideration. The Government has recently announced that the 10% mandatory target for minor developments will be April 2024 and given that small-scale self-build and custom-build schemes are expected to be exempt from the requirement nationally, proposals for single dwellings such as this application are not required to submit a Bio-diversity net gain statement or biodiversity plan at this time.

In any case it is expected that given the agricultural nature of the site in its contemporary state it is anticipated that the development will provide significant biodiversity enhancements based on the information provided in the block plan and visuals (which include green roofs) submitted.

Overall, with the imposition of conditions it is considered that the proposal would accord to the aims of the biodiversity policies of the CLLP as well as the National Planning Policy Framework and the National Planning Policy Guidance.

### Highways

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.”* Policy S49 sets out parking standards for the District.

There is an existing access point to the west boundary of the site. The proposal includes a large area for parking for at least three cars. The highways authority has been consulted on the proposals and initially requested more information. An amended plan was received on which included a note to indicate that a bound surface will be used. Therefore, the proposal accords to Policies S47 and S49.

### Drainage

The majority of the application site and its access are in flood zone 1 (low risk for river and sea flooding); the main body of the site is at very low risk of surface water flooding whilst a small section of the access to Abbey Road is at low risk of surface water flooding.

Government guidance and the Building regulations (Approved document H) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. *Connection to the public sewer;*
2. *Package sewage treatment plant (which can be offered to the Sewerage Undertaker for adoption);*
3. *Septic Tank;*
4. *If none of the above are feasible a cesspool*

The application indicates that foul water is proposed to package treatment plant and surface water to soakaway. The NPPG advises that where a connection to a public sewage treatment plant is not feasible, a package treatment plan can be considered. Given the open countryside location, connection to a public sewer would not be expected to be a feasible option. If permission were to be granted then a condition would be placed on the decision to provide further details in relation to this. With regard to the disposal of surface water, this represents the preferred methods of surface water drainage as set out within the NPPG. No percolation testing has been undertaken however, it is considered that means of proposed foul and surface water drainage can be conditioned if permission were to be granted. The proposal accords to Policy S21.

### Other Matters

Energy Efficiency Policies- The proposals comprise of the conversion of an existing building. Policy S13 of the CLLP states that; *For all development proposals which involve the change of use or redevelopment of a building, or an extension to an existing building, the applicant is encouraged to consider all opportunities to improve the energy efficiency of that building (including the original building, if it is being extended)\**. It is recommended that an informative is added to the decision notice to encourage the applicant to consider the use of energy efficiency measures in the conversion.

Removal of Permitted Development Rights- It is considered reasonable and necessary in this case, due to the sites sensitive location to remove permitted development rights for any further alterations to the building as well as the erection of any outbuildings. This will allow the Local Planning Authority to properly assess any alterations or outbuildings and their impact on the character of the area and nearby designated heritage assets.

**Planning balance and Conclusion:** The application has been considered against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S5: Development in the Countryside, Policy S13: Reducing Energy Consumption in Existing Buildings, Policy S21: Flood Risk and Water Resources, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, Policy S57: The Historic Environment, Policy S60: Protecting Biodiversity and Geodiversity and Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan, Policy M11 of the Core Strategy and Section 66 of the 'Act' in the first instance as well as the guidance contained within the NPPG and the provisions of the NPPF.

In light of this assessment it is considered, on balance, that the principle of development can be supported with weight being given to the proposal bringing back into use a non-designated heritage asset and securing its long-term future. The proposals would preserve the setting of the nearby designated heritage assets as well as the character of the area. The impacts upon residential amenity, highway safety, drainage and ecology and biodiversity are all considered to be acceptable subject to conditions. It is considered that the submission has addressed the previous reasons for refusal and can now be supported. It is therefore recommended that planning permission is granted subject to conditions.

### **RECOMMENDATION- Grant Planning Permission with Conditions**

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

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

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

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

None.

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

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

- Site Location Plan with Proposed Block Plan- 2668-A1-04C received 01/02/2024;
- Proposed Elevations- 2668-A1-06A received 01/02/2024;
- Proposed Floor Plans – 2668- A2-05A received 01/02/2024.

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

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

- Brickwork- 1m square sample panel to be made available on site for inspection;
- Sample of any replacement stone;
- All new external cladding – Samples to be made available on site for inspection;
- Specifications of all new windows, doors, glazing and joinery details at a scale of 1:20, including colour and finish,
- Rainwater goods.

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

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

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

4. The development hereby approved must only be carried out in accordance with the recommendations set out in Section 5 of the Ecology and Protected Species Survey dated May 2022.

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

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

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

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

**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.

7. Prior to the first occupation of the dwelling hereby permitted, a scheme of landscaping including details of the size, species and position or density of all trees and hedges to be planted, shall be submitted to and approved in writing by the Local Planning Authority. All planting comprised in the approved details of landscaping shall at the latest be carried out in the first planting season following the occupation of the relevant dwelling; and any landscaping which within a period of 5 years from the completion of the development dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

8. Notwithstanding the provisions of Class A, AA, B, C, D and E of Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), following the commencement of the development hereby permitted, there shall be no further

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

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

## **Notes to Applicant**

### **COMMUNITY INFRASTRUCTURE LEVY**

Please be aware that as of the 22<sup>nd</sup> 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](http://www.west-lindsey.gov.uk/cilforms) and West Lindsey District Council's own website [www.west-lindsey.gov.uk/CIL](http://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

### **Highways**

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 the Highway Authority's website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>

### **Reducing Energy Consumption in Existing Buildings**

Policy S13 of the Central Lincolnshire Local Plan encourages the improvement of energy efficiency as stated below:

*'For all development proposals which involve the change of use or redevelopment of a building, or an extension to an existing building, the applicant is encouraged to consider all opportunities to improve the energy efficiency of that building (including the original building, if it is being extended).'*

The applicant is therefore encouraged to use PAS 2035:2019 Specifications and Guidance (or any superseding guidance) for this proposal. Please see the link below:

<https://knowledge.bsigroup.com/products/retrofitting-dwellings-for-improved-energy-efficiency-specification-and-guidance-1/standard>

### **Ecology**

Please use the following link for advice on the barn owl pole nest box as recommended in the Ecology Report. <https://www.barnowltrust.org.uk/barn-owl-nestbox/barn-owl-pole-nest-box/>

### **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: 147536**

**PROPOSAL:** Planning application for change of use of vacant Baltic Mill site into a landscaped area.

**LOCATION:** Land off Bridge Street Baltic Mill Lane Gainsborough DN21 1LP

**WARD:** Gainsborough South West

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

**APPLICANT NAME:** Ms Amy Potts- West Lindsey District Council

**TARGET DECISION DATE:** 04/01/2024 (Extension of time agreed until 29<sup>th</sup> March 2024)

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Danielle Peck

**RECOMMENDED DECISION:** Grant planning permission with conditions

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

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**Site Description:** The application site comprises of an area of currently vacant land on the western side of Bridge Street within Gainsborough. Historically the site was occupied by Baltic Mill which was used as an oil mill, processing linseed imported from overseas, it is believed to have been built around 1830. The demolition of the building was carried out in 1995 and the site has been vacant since. The site is adjoined by retail uses to the south, north and east with the Riverside Walk located to the west.

The site lies within the Gainsborough Riverside Conservation Area and is also within close proximity to a number of Grade II Listed Buildings, namely;

- No. 18 Bridge Street- c. 20m to the south;
- No. 18 Silver Street- c. 60m to the north;
- No. 27 Silver Street- c 55m to the north east.

The site is within Flood Zones 2 and 3 as defined by the Environment Agency's flood risk map for planning. It is also within a Sand and Minerals Safeguarding Area.

**The Proposal:** The application seeks full planning permission for the installation of hard and soft landscaping at the currently vacant Baltic Mill site, comprising of the following;

- Three new sets of steps and one ramp from Bridge Street and Chapel Staith together with new retaining walls;

- New trees and planting beds with central grassed area;
- 4no. new lighting columns;
- Pergola structure, 8no. timber benches and 4no. bins;
- Bespoke artwork (north west corner).

The proposal is one of the schemes within Gainsborough that will benefit from the Levelling up funding from Central Government<sup>1</sup>.

### **Relevant Planning History:**

**124760-** Planning application to change the use of a wasteland site to use as a pay and display car park for a temporary, 5 year period. Granted with conditions 29/09/2009.

**M01/P/0486-** ERECT BUILDING FOR A3 USE (PUBLIC HOUSE) ON GROUND AND FIRST FLOOR AND ERECT 14 FLATS ON FIRST, SECOND AND THIRD FLOORS. Granted with conditions 09/10/2001.

**W33/CAD/4/93-** Consent to demolish building. Conditional outline consent 26/07/1993.

**W33/423/78-** Change of use to use premises for the storage of glass and manufacture of windows. Unconditional consent 13/07/1978.

### **Representations- In Summary.**

Full versions of the comments received can be viewed on the Councils website, using the following link: <https://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?docid=147536>

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

**Gainsborough Town Council:** To support the observations from LCC Archaeology section to ensure no loss of archaeological heritage with the development.

**Local residents:** No representations received to date.

**LCC Highways/Lead Local Flood Authority:** No objections. The proposal does not affect the public highway.

**Environment Agency:** The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

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<sup>1</sup> <https://www.west-lindsey.gov.uk/council-news/2023/10/council-allocates-ps12-million-towards-public-green-spaces-gainsborough-part-our-levelling-plans>

### Condition

The development shall be carried out in accordance with the submitted drawings (ref: '1000008345-4-0150-02' and '1000008345-4-0150-04', both dated October 2023, compiled by Project Centre), and the following mitigation measures they detail:

- A maximum depth of 1 meter shall be adhered to for all excavations, for example for the retaining walls and street furniture.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure the structural integrity of the existing flood defences thereby reducing the risk of flooding in accordance with Policy S21(d).

### LCC Archaeology:

**07/03/2024-** The attached report for the pre-determination archaeological evaluation of planning application 147536 has demonstrated that it is unlikely that any significant archaeological remains are to be impacted by the proposal. The trenches revealed post-medieval structural elements associated with the Baltic Oil Mill that correspond to structures which appear in historic mapping. No further archaeological input is required.

**21/11/2023-** I welcome the inclusion of a Desk-Based Assessment (DBA) and a Heritage Statement with the above planning application.

The proposed site is located within an area of high archaeological potential for medieval and post-medieval below-ground remains. Of particular significance is the presence of an early medieval cemetery to the northeast of the site, the extent of which is unknown and could encroach into the site area.

As stated in the DBA, it is very likely that medieval deposits have been disturbed in the southern part of the site due to the presence of cellars of the former Baltic Mill, which were approximately 2 metres below the level of Bridge Street. However, the depth and extent of 19th century foundations in the northern part of the site, immediately south of Chapel Staith, is unknown. It is also unknown if these buildings had cellars.

The proposed development involves landscaping and cabling for street lighting which can disturb below-ground remains. The introduction of geotextiles and new soils and planting of trees can also affect the soil water chemistry, which in turn could impact any potential archaeological remains. The load of this material and any heavy machinery used for works is another factor to take into account for the disturbance of below ground remains.

### Recommendation

Currently there is insufficient specific information on the archaeological potential for the site and the extent of impact to buried archaeological remains from the proposed

development. Particularly to the north, where the extent of ground disturbance from post-medieval buildings is unclear.

Given the known high archaeological potential, but as yet unknown character and extent, I recommend that the applicant submit the results of a trial trench evaluation which should aim to determine the presence, absence, significance, extent depth and character of any archaeological remains which could be impacted by the proposed development as noted above.

Trenching results are also essential for effective risk management and to inform programme scheduling and budget management. Failing to do so could lead to unnecessary destruction of heritage assets, potential programme delays and excessive cost increases that could otherwise be avoided.

It should also be noted that preferred mitigation strategies will include preservation in situ (avoidance of sensitive areas) where possible and open area excavation where not. It is important that the archaeological implications for this development have been fully considered as part of the application process and in the project feasibility assessment. In short, archaeology may be a significant element of this project and early understanding of the site resource and mitigation requirements will be essential.

This information should be provided with the application so that an informed planning recommendation can be made and to meet the requirements of the National Planning Policy Framework (NPPF) paragraphs 194 and 205.

This will also help inform an appropriate mitigation strategy for the proposed impact if necessary and should permission be subsequently granted.

**WLDC Conservation Officer:** Verbal comments- no objections to the proposals.

**Canal and River Trust:** This application falls outside the notified area for its application scale and location.

### **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 S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S48: Walking and Cycling Infrastructure

Policy S53: Design and Amenity

Policy S56: Development on Land Affected by Contamination

Policy S57: The Historic Environment

Policy S58: Protecting Lincoln, Gainsborough and Sleaford's Setting and Character

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Policy S66: Trees, Woodland and Hedgerows

Policy NS73: Gainsborough Riverside Regeneration Area

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

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

Relevant policies of the NP include:

NPP 1 Sustainable Development

NPP 2 Protecting the Natural Environment and Enhancing Biodiversity

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

NPP 12 Western part of CL 4687, Baltic Mill, Area A on Map 21

NPP 18 Protecting and Enhancing Heritage Assets

Gainsborough Heritage and Character Assessment dated 28<sup>th</sup> February 2018

Character Area TCA 06: Gainsborough 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 in a Sand and Gravel Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

National policy & guidance (Material Consideration)

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

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1182995/NPPF\\_Sept\\_23.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.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 September 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 Model Code (2021)**  
<https://www.gov.uk/government/publications/national-model-design-code>

#### Other

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

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

- Gainsborough Town Centre Conservation Appraisal

[https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Gainsborough%20Town%20Centre%20CA%20Appraisal\\_0.pdf](https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Gainsborough%20Town%20Centre%20CA%20Appraisal_0.pdf)

- Gainsborough Town Centre Heritage Masterplan

<https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Gainsborough%20Town%20Centre%20Heritage%20Masterplan.pdf>

#### **Main issues**

- Principle of Development;  
*Flood Risk*
- Impact upon Visual Amenity and Heritage Assets;  
*Archaeology*
- Drainage;
- Ecology and Biodiversity Net Gain;
- Contamination;
- Other Matters.

#### **Assessment:**

##### Principle of Development

Policy S1 of the Central Lincolnshire Local Plan designates Gainsborough as a Main Town (Tier 2). The Policy 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.”*

The site is located within the designated Gainsborough Riverside Regeneration Zone (ROA6) as defined on the CLLP Policies Map. The site-specific policy, NS73 of the CLLP states that;

*‘Development proposals within the Gainsborough Riverside Regeneration Area, shown on the Policies Map as ROA6, will be supported in principle. This in principle support will apply to existin'g uses and a range of uses which are appropriate in this location including office, leisure, or residential uses. Proposals should not undermine the achievement of the ambitions for this regeneration area, as set out in a)-g) below. Proposals will be viewed particularly favourably where they:*

- a) Protect, enhance or restore the historic identity of the town;*
- b) Strengthen the connection between the river and the town;*
- c) Make the most of the riverside location enhancing;*
- d) Deliver innovative design or design excellence which provides visual interest;*
- e) Contribute positively to the Conservation Area;*
- f) Expand leisure opportunities related to the riverside; and/or*
- g) Enhance public spaces and green infrastructure.’*

Policy 1 of The Gainsborough Neighbourhood Plan states that; *‘Development in the Gainsborough Neighbourhood Plan area should be located so that it can make a positive contribution towards the achievement of sustainable development. Development should assist in meeting the economic, social and environmental regeneration of the Town in accordance with CLLP policies and, as appropriate to its scale and nature, subject to complying with a set of criteria’*

Baltic Mill is also noted as an Opportunity Site within the Gainsborough Town Centre Heritage Masterplan.

The application site is adjoined by Bridge Street to the east and located adjacent to the popular Riverside Walk within the developed footprint of Gainsborough. The site, as existing, is enclosed by c. 2 metre high palisade fencing and comprises of a raised area of hard standing following the demolition of the old Baltic Mill in 1995.

The application seeks full planning permission for the change of use of the existing vacant Baltic Mil site into a landscaped area, which will include the following;

- Three new sets of steps and one ramp from Bridge Street and Chapel Staith together with new retaining walls;
- New trees and planting beds with central grassed area;
- 4no. new lighting columns;
- Pergola structure, 8no. timber benches and 4no. bins;
- Bespoke artwork (north west corner).



As stated above, Policy NS73 encourages such proposals within this area of Gainsborough, an assessment of the proposals against the criteria is given below.

With regard to criteria b) the installation of the steps and pathways would encourage permeability from the Riverside Walk into the town centre/market place along Silver Street as well as towards the Bus Station, to the east. The landscaping would enhance the riverside walk by creating an attractive area when walking along the sites west boundary, complying with criterion c).

In terms of criteria d), the proposals include a new pergola structure which would be located on the southern part of the site, as well as new artwork. Consideration of criteria e) and the positive impact on the Gainsborough Riverside Conservation Area is discussed in the Visual Amenity and Designated Heritage Assets section of this report.

With regard to criterion g) the site will be a publicly accessible area, it would also enhance public space provision within the town as well as contributing towards green infrastructure with the inclusion of new trees and planting beds therefore according to this criterion. The proposal would provide a pleasant landscaped space for people to sit down or rest along the Riverside Walk.

Overall, the proposal would see this long-term vacant untidy area of land brought back into use in the popular Riverside area of the Town. Its re development would accord to the principle Policies S1 and NS73 within the CLLP and would be a form of sustainable development within the town as detailed within Policy NPP1 of the Gainsborough Neighbourhood Plan.

### *Flood Risk*

The application site is located within Flood Zones 2 and 3 as defined by the Environment Agency's flood risk maps for planning. The existing site lies directly adjacent to the River Trent (c .10 metres to the west).

Paragraph 173 of the NPPF states that; *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Footnote 59 states that; A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3.'*

The proposal comprises of a change of use of land, with new and hard landscaping, the proposal would not include any new habitable structures. With consideration given to Annex 3 (flood risk vulnerability classification) of the NPPF, it is considered that the site falls to be *'water compatible development- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing*

rooms'. Given that the proposal comprises of the change of use of land the sequential and exceptions tests are not applicable here in accordance with footnote 60<sup>2</sup> of the NPPF.

The application has included the submission of a Flood Risk Assessment by the Project Centre dated October 2023. As the site is within the vicinity of the River Trent, any new development should be constructed in a way that would not detrimentally impact flow routes or impact upon the flood defences. The Environment Agency have reviewed the proposals and the submitted Flood Risk Assessment and have confirmed that they have no objections subject to the imposition of a condition, which will be recommended to be included on the decision notice in the event that permission is granted. Overall the proposals would accord to Policy S21 of the CLLP and the provisions of the NPPF, specifically Section 14.

#### Impact upon Visual Amenity and Designated Heritage Assets

The application site lies within the Gainsborough Riverside Conservation Area as well as being within close proximity to a number of Grade II Listed Buildings, namely;

- No. 18 Bridge Street- c. 20m to the south;
- No. 18 Silver Street- c. 60m to the north;
- No. 27 Silver Street- c 55m to the north east.

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. This is also reflected within Policy S57 of the CLLP.

Policy S53 of the CLLP 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.*

Criteria d and e of Policy NS73 state that redevelopment projects within this area will be viewed favourable where they;

- 'd) Deliver innovative design or design excellence which provides visual interest;*
- e) Contribute positively to the Conservation Area;'*

Criteria a) of Policy NPP 12 of the Gainsborough Town NP states that development proposals should incorporate: *'A design that reflects the prominence of the location along the Riverside and within the Riverside Conservation Area and linkages with the nearby historic core of the Town when viewed from Silver Street;'*

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<sup>2</sup> 60 This includes householder development, small non-residential extensions (with a footprint of less than 250m<sup>2</sup>) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

The site is within the Gainsborough Town Centre character area (TCA 06) of the Gainsborough Heritage and Character Assessment. Page 65 lists the *“historic industrial character of the Riverside Conservation Area”* as a key characteristic of the character area. Page 75 states that *“the significance of the area as an industrial inland port town has led to the desire to preserve this declining element of the town’s character and architectural and historic interest and its designation as a conservation area”*.

The proposals mainly comprise of hard and soft landscaping with the only structure proposed being the pergola along the south boundary. The pergola would have a maximum height of 3.5 metres, the side elevation of pergola will incorporate mapping detail of the Gainsborough Town and Riverside area. It is noted that an area has been allocated for bespoke artwork to be included on the north west corner of the site, however no details have yet been provided, it is considered that further details can be secured by condition prior to its installation. The low-level hard landscaping has been designed appropriately within the site and would be expected to improve the visual amenity of the area, particularly when approaching the site from the north east along Silver Street. The development of the site would also maintain the views through from Silver Street over the River Trent, which is noted as being important within the Gainsborough Town NP.

The proposals would enhance the Conservation Area given its current vacant unattractive appearance and would see the removal of the high fencing which negatively contributes to the character and appearance of the area. With consideration given to the minor nature of the proposals it is not considered that there would be any harmful impact upon the setting of the nearby Listed Buildings preserving their historic interest and setting in accordance with the Statutory Duty.

Overall, it is considered that the proposals would enhance the character and appearance of the Gainsborough Riverside Conservation Area by bringing a currently unattractive site into a use that better complements the historic and sensitive area. The proposals would also preserve the setting of the nearby listed buildings. Overall, the scheme accords to the Statutory duties within the ‘Act’ as well as Policy S57 of the CLLP, Policy NPP18 of the Gainsborough Town NP and the provisions of the NPPF.

### *Archaeology*

With regard to Archaeology Policy S57 states that where development affects archaeological remains, *‘Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.’*

The initial comments from the historic environment officer are clear in that the proposed site is located within an area of high archaeological potential for medieval and post-medieval below-ground remains. Of particular significance is the presence of an early medieval cemetery to the northeast of the site, the extent of which is unknown and could encroach into the site area.

Pre- determination trial trenching was carried out at the site in February 2024 following the initial comments with oversight of the WSI from the County's Archaeologist. The trial trenching revealed post medieval structural elements associated with the Baltic Oil Mill which corresponds to structures which appear in historic mapping. The report has been reviewed and it has been concluded that no further archaeological input is required. The proposal therefore accords to Policy S57 of the CLLP and the provisions of the NPPF.

### Drainage

Policy S21 of the Central Lincolnshire Local Plan states that development proposals should demonstrate '*that adequate mains foul water treatment and disposal already exists or can be provided in time to serve the development*' and '*that proposed surface water disposal should follow the surface water hierarchy.*'

There will be no need for any connection to foul sewage. The FRA explains that there would be an increase in soft landscaping and greenery incorporated into the design proposals. As a consequence of the proposed increase in permeable surface, surface water runoff from the sites will be reduced, both in discharge rate and volume, when compared to the existing scenario. It is not considered necessary to request that any further detail is given in terms of surface water disposal from the site. The proposals would accord to the aims of Policy S21 of the CLLP and the provisions of the NPPF.

### Ecology Biodiversity Net Gain

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. Policy NPP2 of the NP states that where practicable development proposal should achieve a net biodiversity gain.

The application site is not subject to any statutory or non-statutory ecological/biodiversity designations. The existing site is completely covered by hardstanding. It is therefore reasonable to conclude the existing biodiversity potential here is very low. Policy S61 requires that all qualifying development should achieve at least a 10% net gain and preferably on-site and off-site in exceptional circumstances where a specific Biodiversity Net Gain (BNG) is not possible.

The proposed site plan shows that there will be new planting in the form of trees, planting beds and grassed areas. It is reasonable to conclude that the site will bring significant biodiversity gains through the proposed landscaping scheme and would therefore broadly accord to the aims of Policy S61 of the CLLP.

The application has also been submitted with a Preliminary Ecological Appraisal by Archer Ecology dated September 2022. The report did not find that the site was being used by any protected species and no further survey work is required in this respect.

Overall, the proposal would be expected to accord to the aims of Policies S60, S61 and S66 of the Central Lincolnshire Local Plan, Policy NPP2 of the Gainsborough Town NP and the provisions of the NPPF.

### Contamination

Policy S56 of the CLLP states that; *‘Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the relevant Central Lincolnshire Authority as the first stage in assessing the risk of contamination.’*

Given that the site was historically the Baltic Oil Mill, the application has been submitted with a Preliminary Soil Contamination Report by Construction testing solutions (CTS) dated June 2023, the report includes the results of trial holes.

Within the former Baltic Oil Mill site area, the made ground was found to comprise locally of a layer of crushed limestone gravel or ash overlying and more generally from ground level granular soils containing many bricks and fragments of metal, plastic, concrete, rubber and wood. It is noted that Section 15 of the report states that two of the samples at the site were found to have copper and zinc. However, based upon the laboratory testing undertaken it is considered that remedial measures in terms of contaminated soils is unlikely to be required as part of the proposed redevelopment of the site area. In any case, it is considered reasonable to add a precautionary condition in the event that any contamination is found at the site as well as ensuring that any contaminated soils are dealt with correctly. Overall, subject to conditions the proposal would accord to Policy S56 of the CLLP and the provisions of the NPPF.

### Other Matters

**Highways and Pedestrian Access-** There is no new vehicular access proposed onto the site, the proposals would not have any unacceptable harmful impact upon highway safety. Policy S48 of the CLLP details that development proposals should give easy access and permeability to adjacent areas. The elevated design of the site would be as a result of the existing site levels. There are three stepped entrances into the park located in key lines, in addition to this there would be an access ramp at an appropriate gradient located along the north east entrance by Bridge Street. The proposals would encourage permeability to adjacent areas of Gainsborough as well as providing inclusive site access options. The proposals would accord to the aims of Policy S48 of the CLLP and the provisions of the NPPF.

**Minerals Safeguarding Area-** The site is within a Sand and Gravel Minerals Safeguarding Area. The application comprises of a change of use of land, the site is located within the developed footprint of Gainsborough therefore it is not considered that the site would be practical for the extraction of mineral resources. There are no mineral safeguarding concerns arising from the development.

**Residential Amenity-** Due to the nature of the proposals there would be no unacceptable impacts upon residential amenity. It is not considered that the proposed lighting would have any unacceptable harmful impacts upon occupiers of nearby flats and apartments along the Riverside.

**Conclusion and Reasons for Decision:** The application has been assessed against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S21: Flood Risk and Water Resources, Policy S47: Accessibility and Transport, Policy S48: Walking and Cycling Infrastructure, Policy S53: Design and Amenity, Policy S56: Development on Land Affected by Contamination, Policy S57: The Historic Environment, Policy S58: Protecting Lincoln, Gainsborough and Sleaford's Setting and Character, Policy S60: Protecting Biodiversity and Geodiversity, Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains and Policy S66: Trees, Woodland and Hedgerows and Policy NS73: Gainsborough Riverside Regeneration Area of the Central Lincolnshire Local Plan, the policies within the Gainsborough Town Neighbourhood Plan and the Statutory duties contained within the 'Act' and Policy M11 of the Core Strategy in the first instance as well as the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment the principle of development is considered to accord to the principle policies of the Development Plan and would see a currently unattractive vacant area of land re purposed as an attractive, publicly accessible landscaped area. It is considered that the proposals would enhance the Riverside Conservation Area and preserve the setting of nearby listed buildings. Matters of flood risk are acceptable subject to a condition. The proposal would also bring significant biodiversity benefits to the area. Contamination risks have been adequately addressed, subject to conditions. The application is recommended for approval subject to conditions.

### **RECOMMENDATION- Grant planning permission with 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:

- Site Location Plan 1000008345-4-BM0000 Rev 2;
- Baltic Mill Seat Details 1000008345-4-0150-02 Rev 1;
- Baltic Mill Planting Plan Planting Bed 5 1000008345-4-3000-06 Rev 1;
- Gainsborough Public Realm Lighting Document;
- Gainsborough Baltic Mill Lighting Column Specification;
- Lighting Column 3D44268-03 Rev A;
- Lantern Specification and Lantern Product Datasheet;
- Baltic Mill Retaining Wall Details 1000008345-4-0150-04 Rev 1;
- Baltic Mill Soft Landscape Details 1000008345- 4-BM-3001-01 Rev 1;
- General Arrangement Baltic Mill 1000008345-4-0100 Rev 1;
- Proposed Lighting Layout Baltic Mill Sheet 1 of 1 1000008345-4-0130-001 Rev 2;
- Baltic Mill Step and Edging Details 1000008345-4-0150-01 Rev 1;
- Baltic Mill Planting Design Planting Beds Location Plan 1000008345-4-3000-01 Rev 1;
- Baltic Mill Corten Pergola Design Intent Details 1000008345-4-0150-05 Rev 1;
- Baltic Mill Planting Design Tree Planting Plan 1000008345-4-3000-02 Rev 1;
- Hardscape Plan Baltic Mill 1000008345-4-1110 Rev 1;
- Baltic Mill Planting Design Planting Plan- Planting Bed 1 1000008345-4-3000-03 Rev 1;
- Baltic Mill Planting Design Planting Plan Planting Beds 2 and 3 1000008345- 4-3000-04 Rev 1;
- Baltic Mill Planting Design Planting Plan Planting Bed 4 1000008345- 4-3000-05 Rev 1.

All received 9<sup>th</sup> November 2023. The works shall be carried out in accordance with the details and materials 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. The development shall be carried out in accordance with the drawings '1000008345-4-0150-02' and '1000008345-4-0150-04', both dated October 2023, compiled by Project Centre and the following mitigation measures they detail:

- A maximum depth of 1 metre shall be adhered to for all excavations for example for the retaining walls and street furniture.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To ensure the structural integrity of the existing flood defences thereby reducing the risk of flooding to accord with the National Planning Policy Framework and Policy S21(d) of the Central Lincolnshire Local Plan.

4. The development shall proceed in strict accordance with Sections 15 and 16 of the Preliminary Soil Contamination Report by Construction testing solutions (CTS) dated June 2023.

**Reason:** In order to safeguard human health and the water environment and to accord with the National Planning Policy Framework and Policy S56 of the Central Lincolnshire Local Plan 2023.

5. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) must be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination must then be dealt with in accordance with the approved details.

**Reason:** In order to safeguard human health and the water environment and to accord with the National Planning Policy Framework and Policy S56 of the Central Lincolnshire Local Plan 2023.

6. The proposed landscaping hereby approved as shown on the drawings listed within condition 2 of this permission, together with the Planting Schedule (1000008345-4-3000-07 Rev 1) shall be carried out in the first planting season following the commencement of the works. Any landscaping which within a period of 5 years from the completion of the development dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** In the interests of providing biodiversity enhancements to accord with the National Planning Policy Framework and Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

7. Prior to the installation of any bespoke artwork, details, including its exact positioning shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in strict accordance with the approved details unless otherwise agreed in writing.



**Reason:** In the interests of visual amenity and to ensure the artwork is appropriate for the Riverside Conservation Area and the setting of Listed Buildings to accord with the National Planning Policy Framework, policies S53 and S57 of the Central Lincolnshire Local Plan 2023 and Policies NPP 6, 7 and 12 of the Gainsborough Town Neighbourhood Plan.

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

None.

**Notes to the applicant**

**Environment Agency**

**Excavation**

The submitted application drawings only suggest superficial excavation which is unlikely to affect our defence works. If any excavations over 1-metre are required, please contact the Environment Agency at your earliest opportunity.

**Environmental permit**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal);
- on or within 8 metres of a flood defence structure or culverted main river (16metres if tidal);
- on or within 16 metres of a sea defence;
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert;
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise you to consult with us at the earliest opportunity.

**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: 147781**

**PROPOSAL:** Listed building consent to install access ramp & level access shower.

**LOCATION:** Prospect House Summer Hill Gainsborough Lincolnshire DN21 1HQ

**WARD:** Gainsborough East

**WARD MEMBER(S):** Cllr D Dobbie, Cllr M D Boles and Cllr J W Flear

**APPLICANT NAME:** Roy Robson

**TARGET DECISION DATE:** 29/03/2024

**DEVELOPMENT TYPE:** Listed Building - Alter/Extend

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Grant with conditions attached

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The application is referred to the planning committee for determination in line with the constitution as the agent for the application is West Lindsey District Council as the proposal is subject of a Disabled Facilities Grant.

#### **Description:**

The application site is a Grade II Listed 2 storey detached dwelling (Prospect House) located within the developed footprint of Gainsborough. The front (principal) elevation of the dwelling is the west elevation and the site is accessed off Summer Hill to the north of the dwelling which leads to an area of off road car parking and a detached single storey garage to the north of the dwelling with gardens beyond. There is another single storey detached outbuilding located by the north eastern corner of the site between the dwelling and the aforementioned garage.

The application seeks permission to install a ramp to access a back door on the side (north) elevation of the dwelling and to create a level access shower to an existing ground floor bathroom/utility room.

#### **Relevant history:**

No relevant planning history.

#### **Representations:**

**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 and Lead Local Flood Authority:** The proposal is for listed building consent to install access ramp & level access shower 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.

**Conservation Officer:** Supports the application subject to suggested conditions.

**LCC Archaeology:** No representations received to date.

### **Relevant Planning Policies:**

#### National guidance

National Planning Policy Framework (NPPF)

[https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf)

National Planning Practice Guidance (NPPG)

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

#### Lb Legal Duty

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

### **Main issues**

- Principle and impact on a Listed Building

### **Assessment:**

#### Principle and Impact on a Listed Building

Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The National Planning Policy Framework requires Local Planning Authorities to assess the significance of the heritage assets involved and the likely impact of the development on them.

The application seeks permission to install a concrete ramp to access a back door on the side (north) elevation of the dwelling to navigate an existing set of concrete steps. The proposed ramp will be located between a garden wall

located within the site and an existing single storey outbuilding by the north east corner of the dwelling.

It is also proposed to create a level access shower to an existing ground floor bathroom/utility which will involve an original door to be blocked by a stud wall which can easily be removed and the creation of a new doorway to a landing. An original cupboard in the bathroom will be kept.

It is considered that the proposed concrete access ramp which will replace 'modern' concrete steps and is largely located between an existing outbuilding and a garden wall will have no adverse impact on the Listed Building. Likewise, the proposed alterations to an existing bathroom/utility room will retain existing features such as the original doorway behind a stud wall and an original cupboard and the insertion of a new door to a small ground floor bathroom/utility room will not unduly affect the fabric and historic floor plan of the Listed Building.

The Conservation Officer recommends approval of this application subject to conditions. If it is minded to approve this application the conditions recommended will be attached to the decision notice.

It is therefore considered that the works are acceptable as the changes (subject to conditions) will have no adverse impact on the special architectural significance and historic interest of the Listed Building in accordance with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 and the NPPF.

**Other matters:**

None.

**Conclusions and reasons for decision**

The proposed works have been considered against Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 and advice given in Chapter 16 of the National Planning Policy Framework. In light of this assessment, the works are acceptable as the changes (subject to conditions) will have no adverse impact on the character, appearance and fabric of the Listed Building.

**RECOMMENDATION- Grant listed building consent with the following conditions:**

**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: Existing and Proposed Ground Floor Utility/Bathroom Floor Plans, Proposed Ramp Plans (x3) and a Proposed Site Location/Block Plan for the Proposed Ramp received 23/01/2024. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

3. The following features must be retained in situ:

- The original door opening, door, frame and architrave to the downstairs utility/bathroom.

**Reason:** To ensure the development proceeds in accordance with the approved plans to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

4. Prior to the installation of the new internal doorway to the ground floor utility/bathroom a section through of the proposed new internal door to the ground floor utility/bathroom showing all finishes, the new door, frame, architrave etc. on a scale of no less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved details.

**Reason:** To ensure the development proceeds in accordance with the approved plans to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

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

**Reason:** To ensure the development proceeds in accordance with the approved plans to safeguard the fabric and setting of the Grade II Listed Building 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.

**Human Rights Implications:**

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

**Legal Implications:**

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





**Planning Committee**

**Wednesday, 27 March  
2024**

**Subject: Determination of Planning Appeals**

Report by:

Assistant Director Planning and  
Regeneration

Contact Officer:

Simon Wright  
Locum Democratic and Civic Officer  
[simon.wright@west-lindsey.gov.uk](mailto:simon.wright@west-lindsey.gov.uk)

Purpose / Summary:

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

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

## IMPLICATIONS

**Legal:** None arising from this report.

**Financial:** None arising from this report.

**Staffing:** None arising from this report.

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

**Risk Assessment:** None arising from this report.

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

**Title and Location of any Background Papers used in the preparation of this report:**

Are detailed in each individual item

### Call in and Urgency:

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

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

**Yes**

☐

**No**

**x**

### Key Decision:

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

**Yes**

☐

**No**

**x**

## **Appendix A - Summary**

- i) Appeal made by Quadra Ventures Limited against the decision of West Lindsey District Council to refuse planning permission for the placing of 5no banks of containers offering 3no different size options for self storage. at Land to the north of Caenby Corner Services, Ermine Street, Bishop Norton, Market Rasen, LN8 2AU

**Appeal Dismissed** – See copy letter attached as Appendix Bi.

**Officer Decision** – Refuse

- ii) Appeal made by Mr Henry Wilson of P Wilson and Son against the decision of West Lindsey District Council to refuse planning permission for the change of use of agricultural building to B8 (storage and distribution) at Highcliff Farm, The Cliff, Ingham, Lincoln, LN1 2YQ

**Appeal Allowed** – See copy letter attached as Appendix Bii.

**Officer Decision** – Refuse



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# Appeal Decision

Site visit made on 6 February 2024

**by R Bartlett PGDip URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21<sup>st</sup> February 2024**

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**Appeal Ref: APP/N2535/W/23/3327398**

**Land to the north of Caenby Corner Services, Ermine Street, Bishop Norton, Market Rasen, LN8 2AU**

- 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 Quadra Ventures Limited against the decision of West Lindsey District Council.
  - The application Ref 146450, dated 14 March 2023, was refused by notice dated 21 June 2023.
  - The development proposed is placing of 5no banks of containers offering 3no different size options for self storage.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since the appeal was lodged the Hemswell Cliff Neighbourhood Plan 2021-2036 (the NP) has been made. As such, it now forms part of the development plan for the area, and I afford it full weight. The appellant has had the opportunity to comment on this as part of the appeal process.

## Main Issues

3. The main issues are:
  - i) whether the site is a suitable location for the proposed use having regard to the development plan;
  - ii) the effect of the development on the character and appearance of the area;
  - iii) the effect of the development on the setting of nearby listed buildings and archaeology.

## Reasons

### *Location*

4. The site is located in the countryside and comprises part of a previously undeveloped parcel of grade 2 agricultural land.
5. Policy S1 of the Central Lincolnshire Local Plan (April 2023) (the CLLP) sets out the spatial strategy for the area. It restricts development in the countryside to that supported by specific policies or which is essential to agriculture, horticulture, forestry, outdoor recreation, transport or utility services; to the

delivery of infrastructure; to renewable energy generation; and to minerals or waste development. Policy S5 (Parts E and F) of the CLLP support non-residential development and agricultural diversification in the countryside, provided that it is, amongst other things, in an appropriate location for the proposed use, is justifiable to maintain the rural economy or is justified by its need to be located in close proximity to an existing established business or natural feature. Similarly, Policy S34 of the CLLP limits non-designated employment proposals in the countryside to the expansion of existing uses or to those that support the agri-food sector or other land based rural businesses.

6. Policy 1(e) of the NP restricts development outside of the existing or planned built footprint of the village, to that required for agriculture, to support an existing use, or to make sustainable use of a previously developed site. Policy 6(2) of the NP restricts employment and business development outside of the area identified on Policy Map 6, to agricultural diversification and the expansion of existing businesses within the same curtilage.
7. Whilst solar panels are proposed to provide power to the development, with any surplus energy generated being fed back into the grid, these would be an ancillary part of the proposal, the primary use of which is not renewable energy generation. The proposal is not an expansion of an existing adjoining business and is not adjacent to a natural feature that the proposed use relies upon. Whilst I am advised that there is a demand for the proposed use from local people, particularly users of the nearby Sunday Market and Antiques Centre, and that pre-application advice was sought for the proposal on a different site, which the Council was unwilling to support, I have not been provided with any substantive evidence of this demand or with a copy of the pre-application enquiry and advice referred to. In the absence of evidence to identify a local demand for the proposed use, and to demonstrate why such a demand could not be met on a more suitable site, including details of other sites considered and why they were ruled out, I cannot be satisfied that the proposed development of this site is necessary to maintain the rural economy in this area.
8. Despite being roughly triangular and having an irregular boundary on one side, the field, which the site forms part of, is large and there is no substantive evidence before me to demonstrate why it is inaccessible or unproductive for farming purposes. The overhead lines, which cross over a small part of the field and Spital Lane, do not cross over the proposed storage area and are much higher than most modern farm machinery.
9. I acknowledge that paragraphs 88 and 89 of the National Planning Policy Framework (the Framework) support all types of business in rural areas, but this is through the conversion of existing buildings or well-designed beautiful new buildings, neither would apply in this case. The Framework also supports the development and diversification of agricultural and land-based businesses. However, in this case it is unclear how the proposal would support the farm other than by income generated from renting or selling the land as a separate enterprise. It would not be connected to the existing farm enterprise, would not utilise any existing buildings or previously developed land forming part of it, and would need to employ at least one additional person to operate it. Furthermore, it would not comply with the development plan policy requiring such diversification to be in an appropriate location for the proposed use.

10. I therefore conclude that this previously undeveloped site in the countryside is not a suitable location for the proposed use and accordingly the proposal would conflict with Policies S1, S5 and S4 of the CLLP, Policies 1 and 6 of the NP and the Framework.

*Character and appearance*

11. Notwithstanding the small group of commercial buildings adjacent to the roundabout to the south of the site, and the small group of farm buildings, dwellings and a church to the north of the A15 and Spital Lane junction, the surrounding land, is predominantly open, undeveloped, agricultural fields, with sporadic areas of woodland.
12. Spital Lane is a narrow country road, with a 50mph speed limit and a 7.5 tonne weight limit. There are two accesses to the field from this road, the main one of which is adjacent to the junction of Spital Lane and the A15. The second, is an overgrown, unsurfaced, gated, grass track, adjacent to an area that appears to be used as a layby or passing place. The proposal would utilise the overgrown disused access, which would be widened and upgraded to a tarmac surface for the first 10m from Spital Lane. This would inevitably incur some vegetation clearance and I am advised that the trees to the southwest of this access are protected by a Tree Preservation Order (TPO). The potential effect of the new access on these trees has not been considered. The new access to the site would comprise a significant length of 6m wide access track, which according to the plans, would be compacted stone beyond the first 10m, although the planning statement suggests the road would be tarmac/concrete.
13. It is proposed to site 50 containers, which would be divided into 88 units, plus a further large container building to provide welfare facilities. The containers would be 2.4m high and some would have solar panels on top. According to the planning statement the containers would be blue. The area upon which the containers would be sited, together with the parking and circulation routes around them, would be levelled and surfaced using compacted stone. As no excavation works are proposed, other than scraping approximately 150mm off the ground surface, the works to create the level access roads, parking and storage compound could increase the ground level. The planning statement also states the remainder of the field would be fenced off, but no details of this fencing or of any other fencing, gates, barriers or lighting that would be required for security purposes have been provided.
14. I acknowledge that the containers would be relatively low and that conditions could be imposed to control their colour, number, size, siting and height, and to prevent them from being stacked. I also acknowledge that the site has the benefit of some existing landscape screening, that no existing trees or hedgerows are proposed to be removed, and that new landscaping is proposed. However, it was evident from my visit that as the A15 is higher than the site, the existing trees and hedges do not effectively screen it, particularly during the winter months. There are also clear views across the field from the wide access adjacent to the junction of Spital Lane and the A15. Although new landscaping is proposed, and could be conditioned, it would take some time to become established and based on the details submitted would not be effective. The appeal statement suggests an amended landscaping scheme, showing trees along the full extent of the proposed access road was submitted to the Council, however, I have not been provided with a copy of this.

15. The change of use from a field occasionally used by farm machinery, to a commercial storage use that would be floodlit at least some of the time, and would generate daily traffic movement by cars, vans and light goods vehicles, coming and going, and parking on the site, at different times of day and night, would significantly intensify its use and fundamentally change the character of this open agricultural land, and the character of the narrow country lane that it would be accessed from. This together with the appearance of the containers themselves, the hardstanding and substantial new access road, the fencing and lighting and the provision of a new widened tarmac access within a tree lined country road, would all appear incongruous in the landscape. Whilst I accept that the commercial buildings nearby form part of the character and appearance of the area, the appeal site and proposal are unrelated to these and would encroach into previously open undeveloped countryside, accessed from a lightly trafficked, narrow country lane.
16. I therefore conclude that the proposal would result in unacceptable harm to the character and appearance of the area, contrary to Policy S53 of the CLLP, Policy 2 of the NP and Paragraph 135 of the Framework. These policies seek to ensure that all development contributes positively to local character and landscape.

#### *Heritage assets*

17. The site is located approximately 300m to the south of a small group of listed buildings, which are located on either side of the A15. The significance of these buildings is their historic and architectural interest, together with their likely historic links to the Grade I listed Norton Place and its associated historic parks and gardens to their northeast. The group of listed buildings are separated from the site by agricultural land and buildings, and are not viewed in context with it. Whilst the rural setting within which these buildings are experience forms part of their setting, I am satisfied the given the scale of the development and its distance from the listed buildings, it would not result in harm to their significance or their setting. In reaching this view I am mindful of the fact that the site lies outside of the designated protection area highlighted by Historic England for Norton Place and other nearby listed buildings and structures.
18. The site is also within an area where there is high potential for as yet unknown archaeological remains and close to where other Roman artefacts have been found. However, as the information submitted states that there would be no excavation works and that the access and hardstanding would be formed by scraping off 150mm of topsoil and laying crushed stone, its construction should not result in any greater ground disturbance than farming the land and would be unlikely to disturb any potential archaeology. Had I been allowing the appeal I would have considered imposing conditions to restrict excavations and/or to require a written scheme of archaeological investigation and a watching brief.
19. I therefore conclude that the proposal would not result in harm to any heritage assets and would accord with Policy S57 of the CLLP and the Framework.

#### **Other Matters**

20. Existing development around the nearby roundabout comprises a petrol filling station with adjoining used car dealership and coffee shop, transport café, HGV

park and hotels, all of which appear to be long established uses connected with the busy transport route they are adjacent to. The exception to this is the land on the northeastern side of the roundabout, which I am advised was last used as a racetrack and Sunday Market. This land is currently being advertised as a future business park. However, there is no evidence before me to indicate that the site is either allocated in the development plan or has planning permission for such use. At the present time this outdoor recreational land is predominantly devoid of buildings and structures. My attention has also been drawn to a Council Waste Depot, which appears to have been provided on the eastern side of the former racetrack site. Waste development is listed as an acceptable countryside use in Policy S1 of the CLLP. The presence of these existing commercial uses does not justify the introduction of new unconnected development that would encroach further into a previously undeveloped area of the countryside.

### **Conclusion**

21. For the reasons given above, the proposal conflicts with the development plan as a whole and there are no material considerations of sufficient weight that indicate a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

*R Bartlett*

INSPECTOR





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## Appeal Decision

Site visit made on 6 February 2024

**by R Bartlett PGDip URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 February 2024**

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**Appeal Ref: APP/N2535/W/23/3326876**

**Highcliff Farm, The Cliff, Ingham, Lincoln, LN1 2YQ**

- 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 Henry Wilson of P Wilson and Son against the decision of West Lindsey District Council.
  - The application Ref 146568, dated 4 April 2023, was refused by notice dated 25 May 2023.
  - The development is change of use of agricultural building to B8 (storage and distribution).
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### Decision

1. The appeal is allowed and planning permission is granted for change of use of agricultural building to B8 (storage and distribution), at Highcliff Farm, The Cliff, Ingham, Lincoln, LN1 2YQ, in accordance with the terms of the application, Ref 146568, dated 4 April 2023, subject to the following conditions:
  - 1) The change of use hereby permitted relates only to the area outlined in red on approved drawing no. 100 05 location and block plan.
  - 2) The site outlined in red on the approved drawing no. 100 05 shall be used for agricultural purposes or B8 (storage and distribution) purposes only.

### Preliminary Matter

2. The application was a re-submission, following the refusal of planning permission for the proposal on the grounds that it had not been demonstrated that no suitable premises were available in a more appropriate location. Whilst the re-submission addresses the previous reason for refusal, since that time a new development plan has been adopted. I must make my decision based upon the policies in place at the present time.

### Main Issue

3. The main issue is whether the appeal site is a suitable location for storage and distribution use, having regard to the Central Lincolnshire Local Plan (April 2023) (CLLP).

### Reasons

4. Policy S5 (Parts E and F) of the CLLP support non-residential development and agricultural diversification in the countryside, provided it is, amongst other things, in an appropriate location, is justifiable to maintain the rural economy or is justified by its need to be located in close proximity to an existing

established business or natural feature. Similarly, Policy S34 of the CLLP limits non-designated employment development in the countryside to the expansion of existing uses or to those that support the agri-food sector or other land based rural businesses.

5. The change of use sought does not relate to the expansion of an existing business on the site, and is not connected to agriculture, the agri-food sector or any other land based rural business. It also does not rely upon a natural local feature, does not require a rural location, and there is no evidence before me to suggest it is essential to support the rural economy in this area.
6. Whilst the income received from renting out farm buildings to other businesses no doubt helps to support the farm, this form of farm diversification, for uses that do not require a rural location, is inappropriate in the countryside and undermines policies that seek to locate employment development in or adjacent to larger built-up areas or within allocated employment sites.
7. Allowing the long-term rental of modern purpose-built agricultural buildings such as this, to non-agricultural related businesses, would set an undesirable precedent for new buildings and new uses in the countryside. I acknowledge that several other buildings on the wider farm site are in use for various non-agricultural purposes. However, these appear to be in older and smaller sheds and Nissan huts, connected to the former military use of the site. There is also a modern purpose-built office building on the site, known as Eco One Business Park, but I am not aware of the circumstances that led to that development being approved.
8. I therefore conclude that this site in the countryside is not a suitable location for the proposed use and accordingly the proposal would conflict with Policies S5 and S34 of the CLLP.

### **Other Matters**

9. The agricultural building in question was only granted planning permission in August 2020. I am advised that, due to changes in farm subsidies following Brexit, the farm has ceased growing oilseed rape and has put the land into environmental schemes, taking advantage of the Government scheme for rewilding. Consequently, the full extent of the building is no longer required for agricultural storage purposes. The rental income generated by letting out part of this building supports the established farm use, and employees of the new use also support the local economy in this area by utilising local services and facilities. I afford these economic benefits moderate weight.
10. The company renting the unit from the appellant installs fibre optic ducting and cables across Lincolnshire. It has relocated from a small industrial unit elsewhere in Lincolnshire due to the need for more internal storage space, and more external space for vans, large articulated lorries and recyclable waste storage. The previous site was unsuitable for the company's needs and evidence has been provided of alternative sites that have been considered and why these were ruled out. This includes consideration of sites suggested by the Council's Growth Team. I afford this undisputed evidence moderate weight.
11. The internal floorspace of the new use is approximately 200 square metres. Under Class R of the General Permitted Development Order (GPDO) agricultural buildings can be changed to a flexible use, including B8 storage and

distribution. The cumulative floor area of an established agricultural unit that can be changed under Class R of the GPDO is 500 square metres. I have not been advised that any of the other buildings on site that are in commercial use have taken up this allowance. The prior approval of the Council may be required for a change of use exceeding 150 square metres. However, there is nothing before me to suggest that prior approval of the limited matters that can be considered would not be granted.

12. Although the appeal building would not qualify for change of use under the provisions of the GPDO due to its age, I am advised that if the appeal is unsuccessful, the use would relocate to an older farm building on the same site, which would benefit from deemed consent under the Order. Relocating the use elsewhere on the same farm, where the same development plan policies would apply, would have comparable impacts in terms of locational suitability. In my view there is a very realistic prospect of the business relocating to another building on the wider farm site, in the event that the appeal is dismissed. As such I afford this fallback position significant weight.
13. Having regard to the nature of the business currently occupying the site, it is likely that employees will use their work vans to transport themselves and their equipment around the district to undertake their installation works. As such, even if the site was in an area better served by public transport, it is unlikely that it would be used. As the harm from being in a location that is not well served by public transport is limited, I afford it limited weight.
14. Community consultation on the emerging Ingham Neighbourhood Plan indicates that there is some local support for employment use on land at Highcliffe Farm. However, this plan is not at a stage where it can be afforded any weight.

### **Planning Balance**

15. The use of the building for B8 storage and distribution purposes in the countryside is contrary to Policies S5 and S34 of the CLLP. However, given the mix of uses already operating from the wider farm site, together with the small scale of the B8 use sought, the fact it utilises an existing building and existing area of associated hardstanding that is well screened, and has safe access on to a suitable road network, the harm resulting from the conflict with the relevant development plan policies would be very limited.
16. As detailed above, I afford significant weight to the fallback position and moderate weight to the economic benefits of the B8 use. Accordingly, the material considerations in this case would be of sufficient weight to indicate that a decision should be made other than in accordance with the development plan.

### **Conditions**

17. As the B8 use has already commenced a time limit condition is unnecessary. As planning permission is only sought for change of use, it is only necessary to condition the drawing number identifying the part of the building and land for which the new use would apply. Given the location of the site within the countryside, it is reasonable to restrict the proposed use to storage and distribution. It would also be appropriate for the use of the building to revert back to agriculture.

## **Conclusion**

18. For the reasons given above, having considered the development plan and all other material considerations, I conclude that the appeal should be allowed.

*R Bartlett*

INSPECTOR

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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