

AGENDA

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

Planning Committee

Wednesday, 11th September, 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 Owen Bierley
- Councillor Karen Carless
- Councillor David Dobbie
- Councillor Ian Fleetwood
- Councillor Sabastian Hague
- Councillor Peter Morris
- Councillor Roger Patterson
- 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 - 9)
 - i) Meeting of the Planning Committee held on Wednesday, 14 August 2024.
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) 147738 - Land off Gallamore Lane Middle Rasen (PAGES 10 - 66)
- ii) 00420 - Land to the North of 40 Lodge Lane Nettleham (PAGES 67 - 84)
- iii) 00360 - Land at 2 School Lane Grayingham (PAGES 85 - 103)
- iv) 148165 - Land adjacent to Grange Farm, Sandy Lane, Tealby (PAGES 104 - 125)
- v) 148001 - Glebe Farm Barn Fen Road Owmbly by Spital (PAGES 126 - 143)
- vi) 00585 - Baltic Mill Land, Bridge Street, Gainsborough (PAGES 144 - 155)

7. **Determination of Appeals** (PAGES 156 - 166)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 3 September 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 14 August 2024 commencing at 6.30 pm.

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

Councillor Emma Bailey
Councillor John Barrett
Councillor Owen Bierley
Councillor Karen Carless
Councillor Ian Fleetwood
Councillor Peter Morris
Councillor Roger Patterson

In Attendance:
Russell Clarkson Development Management Team Manager
George Backovic Development Management Team Leader
Martha Rees Legal Advisor
Maisie McInnes Democratic and Civic Officer

Apologies: Councillor David Dobbie
Councillor Sabastian Hague
Councillor Tom Smith

Membership: Councillor Jeanette McGhee

131 PUBLIC PARTICIPATION PERIOD

The Chairman invited Heather Sugden to address the Committee and explained she would have three minutes to speak. She addressed Members in relation to a previously approved planning application, stating misrepresentations she felt had not been taken into account. Namely, that the applicant's home address was not as stated on the application; whether a change of use application had been made for an area of privately owned land; that the siting of the building was not in accordance with the application; that the applicant be made to remove works undertaken, should an investigation prove breach of planning control; and that the time taken to process planning applications onto the portal was too long.

The Chairman thanked Heather for attending and speaking to Members, and explained Planning Officers were dealing with the request and would respond directly in due course.

132 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on Wednesday, 17 July 2024, be confirmed and signed as an accurate record.

133 DECLARATIONS OF INTEREST

Councillors Bierley, Carless and Snee declared interests in application 147461 as they did not attend the site visit and would be abstaining from the vote on this application.

Councillor Fleetwood declared an interest in application 147926 as the application was in his ward as a County Councillor.

134 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

Members heard from the Development Management Team Manager that the new Government had made planning reform a priority and on 30 July, published its proposed reforms to the National Planning Policy Framework (NPPF) along with wider planning changes. The consultation will close at 11.45pm on Tuesday 24 September 2024, and officers were currently reviewing the consultation in preparation of a response. See [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system)

Whilst the changes were widespread, some of the key headlines are as follows:

- The return of mandatory housing requirements, using the Government's new Standard Method. Under the Government's proposed methodology, the Central Lincolnshire Annual housing requirement would rise from 1,054 to 1,676 dwellings per year (↑59%).
- Under its transitional arrangements, it proposes that Local Plans at early stages of preparation "*should be prepared against the revised version of the NPPF and progressed as quickly as possible*". As the Central Lincolnshire Local Plan was adopted in April 2023, this would apply to the next version as it commences preparation.
- The reintroduction of requiring a five-year housing land supply (with 5% buffer to "to ensure choice and competition in the market for land").
- Amendments to green belt policy (n.b. West Lindsey does not currently include any green belt designated land)
- Local Character and design coding: Rather than district-wide design coding, the government proposes to focus on the preparation of localised design codes, masterplans and guides "for areas of most change and most potential".
- Planning fees: increase fees for householder applications to meet cost recovery levels, with possible increases for other applications and other planning services (but still no proposal to ring-fence). The government are also looking at allowing local authorities to recover their Nationally Significant Infrastructure Project-related costs.
- Nationally Significant Infrastructure Projects: increasing the scope of commercial projects covered, but also raising the thresholds for some renewable energy projects to account for improved generation (i.e. the District Council would receive solar developments up to 150MW (currently 50MW)).
- Strategic planning: "It is our intention to move to a model of universal strategic

planning covering functional economic areas within the next five years,” the document says.

- Climate-change: policy is likely to be strengthened but the government wants ideas on how. There are hints that a more proportionate approach may be taken to flood-risk although the NPPF remains unchanged at present, so it remains a consideration.

The Secretary of State had also written (30th July) to all Local authorities and stated: *“As announced in the King’s Speech, we will introduce a Planning and Infrastructure Bill later in the first session, which will: modernise planning committees by introducing a national scheme of delegation that focuses their efforts on the applications that really matter, and places more trust in skilled professional planners to do the rest; enable local authorities to put their planning departments on a sustainable footing; further reform compulsory purchase compensation rules to ensure that what is paid to landowners is fair but not excessive; streamline the delivery process for critical infrastructure; and provide any necessary legal underpinning to ensure we can use development to fund nature recovery where currently both are stalled. “*

For further information on these matters, please contact Head of Policy Rachael Hughes, or DM Team Manager Russell Clarkson.

| Neighbourhood Plan/s | Headlines | Planning Decision Weighting |
|----------------------------------|--|----------------------------------|
| Made Neighbourhood Plans | Brattleby, Caistor*, Cherry Willingham*, Dunholme*, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Saxilby with Ingleby*, Welton by Lincoln*, Willoughton, Glentworth, Spridlington, Sudbrooke*, Scotton, Bishop Norton and Atterby, Gainsborough, Morton, Corringham, Sturton by Stow and Stow*, Hemswell and Harpswell, Keelby, Hemswell Cliff, and Scothern Review | Full weight |
| Nettleham Review* | Examination successful, the referendum is to be held on 26 September 2024 | Review NP has significant weight |
| Reepham | NP at the examination stage. The examiner is holding a hearing on 25 September 2024 at Reepham and Cherry Willingham Village Hall to discuss the NP. | Increasing weight |
| Ingham | The submission version of the NP is being prepared. | Some weight |
| Sturton by Stow and Stow Review* | The Council has approved the Sturton by Stow and Stow Neighbourhood Plan Review - July 2024 as a minor modifications (non-material) review of the original NP. | Full weight |
| Dunholme Review* | Regulation 16 consultation is underway and closes on 20 September 2024. | Increasing weight |
| Grasby and Searby | Supporting evidence is being prepared | Little weight |

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|---|--|--|
| cum Owmbly | including a design guide and open space provision assessment. | |
| Welton by Lincoln Review* | The Regulation 14 version of the NP review is in preparation. | Review NP has little weight |
| Cherry Willingham Review* | Early work on a full review of the NP has begun. | Review NP has little weight |
| Swallow and Cuxwold Parish | Consultation is underway on the parish council's application to produce a NP for the parish. The consultation closes on 16 August 2024. | No weight |
| Neighbourhood Plans - made (26) - designated/in preparation (16) - under review (8)* - future (40 approx) | To view all of WL's neighbourhood plans please go to: https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/ | NP stage-weighting - 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 |

Members discussed the proposed changes in Planning Policy and Members commended the Central Lincolnshire Local Plan which had been named the region's best local plan by the Royal Town Planning Institute. They thanked everyone involved for their hard work and gave appreciation to all of those involved across Councils.

135 147461 - LAND OFF BRIDLE WAY MARKET RASEN LN8 3ZT

The Case Officer confirmed there were no updates since the previous committee meeting and delivered the presentation which showed the proposed floor plans and site photographs of the proposed development area.

Members discussed the application and explained they felt assured having attended the site visit that the development was appropriate and Members were surprised at how generous the size of the site was for the two dwellings.

On taking the vote, it was agreed that planning permission be **GRANTED** subject to conditions set out in the Case Officer's report.

136 147958 - 11-15 SILVER STREET, GAINSBOROUGH, LINCOLNSHIRE, DN21 2DT

The Case Officer presented the proposed floor plans and explained the proposed use for two flats on the first floor and a health centre on the ground floor. He explained that Members sought a deferral regarding clarity on the use of the ground floor and the applicant

had confirmed their view that they consider the proposed use would fall within use class E, being for the provision of medical or health services, principally to visiting members of the public. He advised they had provided details of intended hours of opening, and a new recommended condition for operating hours for 09:00-20:00 Monday to Friday, and 09:00-17:00 9-5pm on Saturdays, Sundays and Bank Holidays was now proposed by Officers. He advised the applicant had not provided answers to other questions, such as whether the 'health clinic' would be open to 'walk in' visiting members of public, or by pre-appointment only. He advised Members that as a former ice-cream parlour (use class E(b)), the authorised use of the ground floor was considered to fall within use class E, and use for another purpose under use class E would not comprise "development" for planning purposes. He advised that the applicant claimed the proposed use would fall within use class E(e), which, on the limited information given, would suggest development would not be taking place. At the rear of the site a new entrance would be created for access to the flats above.

The Chairman explained there was one speaker on this application, Councillor Jeanette McGhee, Ward Member for Gainsborough South-West.

Councillor McGhee addressed the Committee and explained she was aware of the charity planning to use and operate the health centre. She commended the charity for doing a fantastic job, but she was aware of the type of service users who would be potentially accessing the services and objected to the location of the site. She understood that with the complexities of life, a variety of people could benefit from the service, but the Council had received no input with the existing health centre this Charity ran, and it was felt it would be replicated in the town centre. The priority was not to demonise or stigmatise people using the service but consider their wellbeing and privacy using the service. The town centre location was not appropriate, and safeguards needed to be in place to protect individuals accessing help.

Members commended Councillor McGhee for putting the points across so eloquently and compassionately.

Members expressed disappointment that the application had been deferred and the applicant had refused to give more information to Members. Members urged the charity to work alongside the Council to ensure that safeguards were in place and the appropriate location could be put forward for the health centre. It was felt that the health centre would affect the regeneration of Gainsborough town centre and have a detrimental impact on those using the service, in a location surrounded by pubs and restaurants.

The Case Officer advised Members that the application included change of use to the ground floor for a "health centre", however did not specify use class E. The applicant claimed this would fall within use class E(e), which would not comprise development. The Case Officer noted that planning policy supported class E uses, and the local planning authority would need to be satisfied that the ground floor was only for such use. He recommended to the Committee a condition restricting use only for purposes under class E would be advisable. He also advised the Committee that they could restrict opening hours on amenity grounds if they considered it necessary.

Members proposed a condition to amend the operating hours of the health centre to reduce to 09:00 to 18:00 during the week, closing at 6pm rather than 8pm, and restrict the use to

Class E. This would mean the operating hours would be in line with public transport for users accessing site and to reduce the footfall during the town's night economy with nearby restaurants and pubs in the area.

Having been proposed and seconded. Upon a vote for the proposed condition, there were 4 votes for and 5 votes against the proposed condition. The vote was lost.

Members felt they were unable to vote for the application, without knowing all of the relevant information to inform their decision as they had moral and planning obligations as Members of the Planning Committee, and could not be certain on the impacts of the proposed ground floor use upon the town centre or on the amenity of those living in the proposed flats.

It was proposed and seconded that the application be refused on the grounds of inadequate information to ascertain the impacts of the ground floor use. Members encouraged the charity to work with the council and engage so that a better solution could be brought forward.

On taking the vote, it was agreed that planning permission be **REFUSED** on the basis that adequate information had been provided to ascertain the impacts of the ground floor use.

137 147926 - LAND AT GATE CLIFFE FARM, BARDNEY ROAD, NEWBALL, LINCOLN LN3 5DQ

The Case Officer provided an update to the Committee, since writing the report Officers had received an email regarding contamination through a sheep dip on the site. Members could add a condition relating to this if they felt it was required. The proposed floor plans had received prior approval from the Planning Committee, and the new proposal was to add a double garage and remove the existing agricultural building.

Mr Michael Orridge, the agent and architect for the application, addressed the Committee and explained the proposed development would provide betterment to the site, energy efficiencies, biodiversity net gain and landscaping. The applicant would be willing to add a condition to landscaping and the new proposal would include solar panels and would aim to be carbon zero through using renewables. The agent was happy to add a condition in line with the concerns regarding the suspected contamination. He concluded that the Parish Council had no concerns with the site.

Mr Philip Smith, a resident at Abbey House, outlined his objections to the development and explained he became aware of the development through local paper. He felt that material planning considerations had not been taken into account and there was a need to balance the needs of nature and environment against the needs for development.

Members discussed the development and felt the report was well-written and explained the history of the site and present situation very clearly. It was felt that betterment would be delivered through the application and Members supported the aim to reduce carbon footprint.

It was proposed and seconded that a site visit take place to consider the location and appropriateness of the development. Upon the vote, the proposal for a site visit was lost

Having been proposed and seconded to vote on the application as per the Officer's recommendations, on taking the vote, it was agreed that planning permission be **GRANTED** subject to conditions set out in the Case Officer's report.

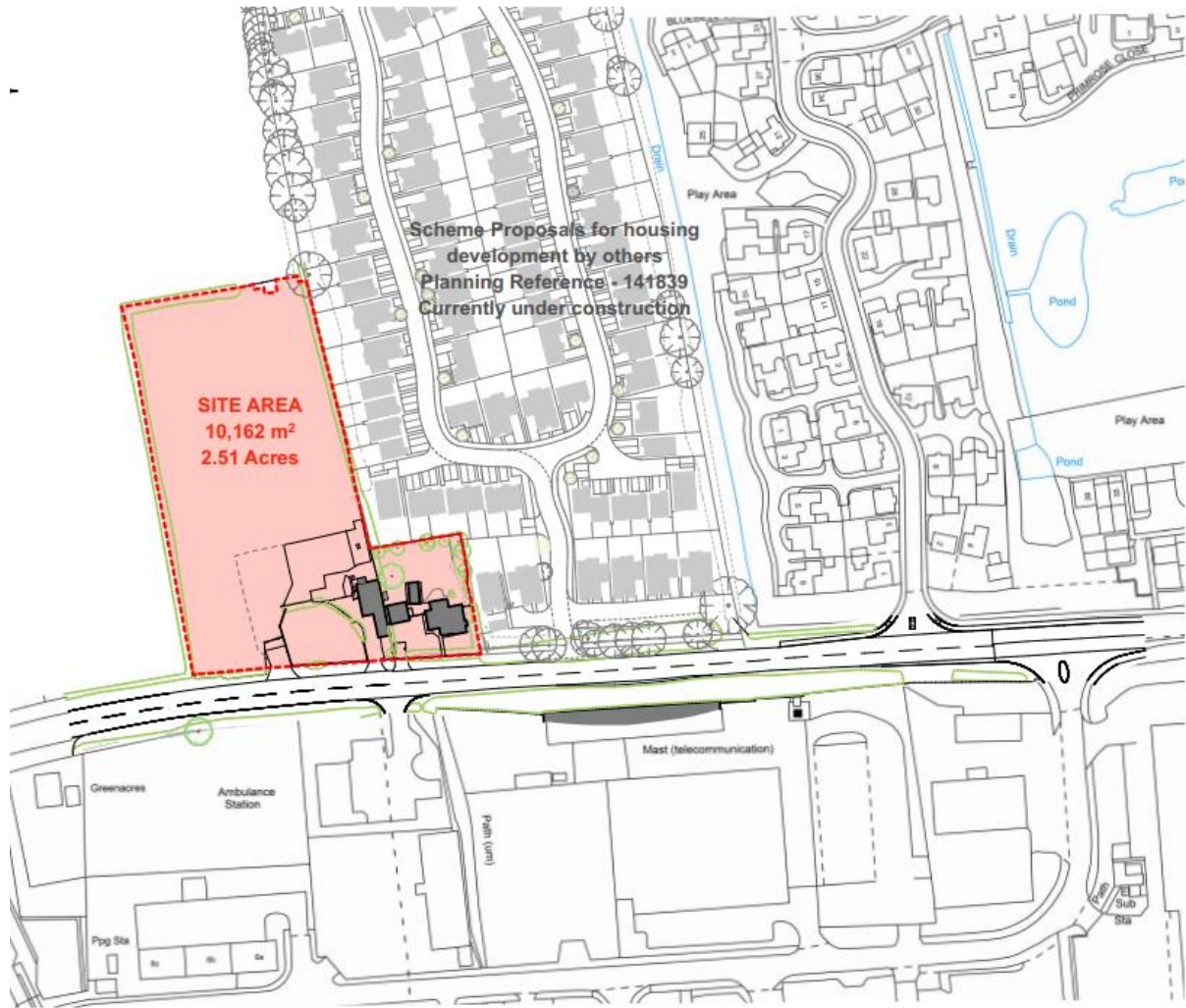
138 DETERMINATION OF APPEALS

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

The meeting concluded at 7.55 pm.

Chairman

Agenda Item 6a



OFFICERS REPORT
PLANNING APPLICATION NO: 147738

Proposal: Planning application to demolish all buildings on site and erect a Class E food store and a Class E(b) coffee shop drive-thru together with access, car parking, servicing, landscaping and associated works.

Location:

Land off Gallamore Lane
Middle Rasen
Market Rasen
LN8 3HZ

WARD: MARKET RASEN

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

APPLICANT NAME: Mr Keith Nutter

TARGET DECISION DATE: 25/04/2024

DEVELOPMENT TYPE: Major - Retail

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: To grant planning permission, alongside the signed and certified legal agreement under section 106 of the Planning Act 1990 (as amended) dated 17th June 2021 pertaining to:-

- £5000 for the processing of the alteration to the traffic regulation order and relocation of the existing speed limit terminal signs.
- £5000 for the future monitoring of the required Travel Plan.

This application has been referred to the Planning Committee as it comprises a main town centre use in an out of centre location, and following third party objections from another supermarket operator in regard to the Retail Impact Assessment and anticipated impact upon Market Rasen town centre?

Proposal:

The application seeks permission to demolish all buildings on site and erect a Class E food store and a Class E(b) coffee shop 'drive-thru' together with access, car parking, servicing, landscaping and associated works.

The proposed food store would have a floor space of 1835.1 metres squared (m²) with 1802m² of internal floor space and no more than 1315m² retail sales space. The proposed drive-thru building would have a floor space of 146.8m² with an internal floor space of 139m². The development as a whole would provide 147 parking spaces (including 8 Parent and Child and 8 Disabled Parking Spaces). The site would include:

- External public paved and soft landscaped areas
- Service area and access roads
- Cycle Parking

A single vehicular access to serve both buildings will be created off Gallamore Lane. This would replace the existing vehicular access off Gallamore Lane which will be removed by the layout and landscaping of the development.

Description:

The application site primarily comprises a grassed area which slopes down to the north then flattens out, a single two storey dwelling to the south east corner and some hardstanding from the access to the south section of the site. The site has an existing wide gated access off Gallamore Lane. Along the east boundary is a watercourse. The site screened to the north and west by hedging with a mix of hedging, trees and fencing to the east boundary. The south boundary is screened by a high brick wall and fencing. Open countryside sits to the north and west. To the east is a single dwelling (Sunnymede) and open countryside which is allocated for housing (CL1358 – See Planning History Section) in the Central Lincolnshire Local Plan. To the south, on the opposite side of the road, is Gallamore Industrial Estate. Public Rights of Way MaRA/169/1 is nearby to the south of the site and runs through Gallamore Industrial Estate. Public Right of Way Midd/99/2 is approximately 270 metres to the west of the site and travels directly north from Gallamore Lane.

Environmental Impact Assessment

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 sets out the thresholds for when a development either requires an EIA or not. The proposal is not a Schedule 1 but is a Schedule 2 development (the site is over 1ha, under schedule 2 paragraph 10(b)) therefore a screening opinion is required. It is considered that the proposed development does not require the submission of an Environmental Impact Assessment but should be accompanied by a Landscape Visual Impact Assessment.

Relevant history:

Site:

132281 - Outline planning application for redevelopment of former plant hire site for residential use, appearance and scale to be considered and not reserved for subsequent applications – 18/12/15 - Granted with Conditions

136342 - Application for approval of reserved matters, considering access, appearance, landscaping, layout and scale - following outline planning permission 132281 granted 18 December 2015 - to erect 16no. dwellings – 26/02/19 - Granted with Conditions

142302 - Outline planning application for the demolition of a dwelling and associated outbuildings and to erect a retail food store building and a detached coffee shop drive thru building - access to be considered and not reserved for subsequent applications – 15/07/21 - Granted with Legal Agreement

Relevant Extracts:

“Therefore, none of the alternative sites assessed are considered to be sequentially preferable to the application site which lies in an out of centre location, opposite to Market Rasen’s developed footprint and within easy walking or cycling distance of Market Rasen’s residential form subject to highway and pedestrian footpath improvements (see later in report).”

“It is considered that the proposed development would be likely to increase turnover within Market Rasen and increase the market share. On this basis, notwithstanding comments received to the contrary, it would be reasonable to conclude, that it would not harm any planned investment within the Town Centre or undermine the vitality and viability of Market Rasen Town Centre.”

“The application has submitted an acceptable town centre sequential test and robust impact assessment to justify the location of the site and the minimal impact on comparative uses in the town centre of Market Rasen. The proposal would develop an area of previously developed land occupied by a former plant hire company. It is therefore considered that the principle of the development is acceptable and accords to local policy LP6 and LP55 of the CLLP and the provisions of the NPPF, in particular paragraph 20,85, 86, 87 and 89.”

Land to the east (Allocation CL1358)

141839 - Planning application to erect 80no. dwellings with associated car parking, gardens, roads, home-zones, pathways (foot and cycle) and public open space – Still under consideration.

Market Rasen Leisure Centre:

138607 - Planning application for development of a dry leisure centre, together with external sports pitch – 07/02/19 - Granted time limit and other conditions

Sequential Test Conclusion:

“Therefore, none of the alternative sites assessed are considered to be sequentially preferable to the application site which lies in an edge of centre location, immediately adjacent to Market Rasen’s developed footprint and within easy walking distance of bus services. There is also scope for improved links to the town centre both in terms of walking and cycling.”

Impact Test Extract:

“Any impact arising from the proposed Leisure Centre will be of a negligible scale and would not raise any concerns over town centre impact. The location of the application proposal – within 200 metres of Market Rasen town centre, may result in spin off benefits to retailers and services in the town centre as those attending the Leisure Centre will (due to the advantages of convenience and proximity), have the opportunity to undertake other tasks (such as make purchases and orders, collect goods, book services and appointments etc.) as part of the same visit/trip to the Leisure Centre.”

Representations

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

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

Market Rasen Town Council: No objections with comment

To ensure that all pedestrian routes from the site to the centre of Market Rasen, are improved in relation to surface and lighting.

Local residents:

See Appendix A for addresses of supportive representations. A summary of the comments are listed below:

- Another supermarket like Aldi is absolutely necessary in a continually expanding town.
- Starbucks would be welcomed too and bring people into the town.
- bringing jobs and more competition to local supermarkets.
- Aldi will be a great asset to the town of Market Rasen, more people from the villages will come in and at the same time go to the high street.
- We need more variety in the affordability of food shops available. Help more people stay local rather than having to travel again to save on costs! This has to go ahead!
- This is definitely what the town needs.
- Would be a fantastic addition to our community.
- It would help people get cheaper shopping especially with the cost of living crisis and Aldi being a cheaper superstore than the little Tesco we have. It will also stop people having to venture out and will make the town of Market Rasen
- Please can consideration be given to extend the footpath all the way to Middle Rasen please as this will support those that live in Middle Rasen to walk and access the site safely.
- Market Rasen needs this project to go through, the income this would generate for a dying town would be appreciated.
- Aldi is definitely needed, to give residents choice and create more jobs
- This development would also impact positively in reducing the family's cost of living as well as environmental issues associated with vehicle use and travel.
- What a positive and exciting opportunity. Much needed to add rejuvenation and hope to this lovely town.
- it will save us having to drive to Grimsby or Lincoln to do weekly shopping.
- I feel the town needs more shops due to how it is expanding and growing and the amount of developments in the town.
- There isn't enough food shopping options for the people of market rasen without having to travel out of town this would be ideal as Tesco is our only option

General Comments are listed below:

- lighting on the main A46 road drops out between Middle Rasen and Market Rasen and footpaths are in place to get to and from the store late at night the lighting needs extending down the main road.
- the extension of the 30mph zone entering Market Rasen is welcomed - but consideration needs to be given to the section of the A46 that would remain a 60mph limit. It goes from a 30 in middle Rasen, to a 40 to a 60 to a 30 hitting this area. Speed cameras are very often NOT in this area. With increased pedestrians in the area for this development it needs careful consideration.
- are there any concerns around nuisance / anti social behaviour occurring on site late at night. I know car parks in Lincoln have been utilised for car gatherings which increase noise etc. in the local area.
- consideration of increased litter in the local area and making sure the developments have sufficient litter bins, emptied regularly.
- I am quite disappointed and frankly shocked at the Biodiversity Net Gain assessment, where I can see that the development will result in a net loss of -65.78% habitat units and -11.93% hedgerow units. Our local plan mandates a 10% uplift in BNG, certainly not a total loss of almost -80%! What are the developers doing to fix this?
- Great competition for Tesco but i do worry about the local shops
- My only concern is the impact this and further developments will have on the flood risk to houses near the River Rase and downstream of this development (this development & houses adjacent are relatively close to the river & may well have a knock on effect)
- Starbucks is not needed, it will kill the high street where there are plenty of cafes available already.
- Concerns about drive through coffee shop. We already get litter thrown from cars on the A631, including stuff from McDonalds Cleethorpes and Costa at petrol stations.
- Agree to the idea of an Aldi supermarket but not to a Starbucks. There are plenty of cafes and coffee shops in and around Market Rasen already so don't need another one. Possibly a clothes/shoe shop would be more practical or some other retail outlet.
- I will demand that provision be made to provide a pedestrian path to allow people living in the adjacent housing development to walk to the store without walking out on to Gallamore Lane. A path that I believe is appropriate is marked in green on a file I have attached. Including this path would require only minor adjustments to the proposed site map and would not reduce the number of homes proposed for the new development, but it would massively increase the accessibility of the new store, reduce the necessity of car travel for a very short distance, and improve business revenues as it will encourage more frequent and discretionary visits from nearby residents.
- I support the construction of the Aldi, but I oppose the addition of a Starbucks to the proposal for the following reasons:
- As an 'out of town retail' location, it will draw spending away from the centre of Market Rasen, which is predominantly made up of independent businesses and food/drink locations. A chain fast food location will draw

commerce out of the local area and provide an unwelcome level of competition that risks damaging the town's identity.

- As a business primarily configured to serve drive-thru customers, Starbucks will create a disproportionate amount of new local car traffic as people are heavily discouraged from walking to the location and sitting inside. I believe this is a highly inappropriate use of space for a bypass road on the edge of a town.
- I believe that the space currently set aside for a Starbucks would find far more appropriate use for a small number of new houses. This would reduce the traffic congestion that a Starbucks would bring, help address the local demand for housing, and be a massive boon for the proposed Aldi as they have a new, stable customer base adjacent to them. I have linked a map illustrating that, in the space proposed for the Starbucks, six new households could be built using the same space profile as the adjacent proposed development.

Objections:

- Market Rasen already has a Tesco and a Co-op it does not need an Aldi. It will further kill the high street as people will only come to shop and go. Market Rasen high street is dying with only uneconomical small shops. Putting an Aldi in town will only kill off the last remaining small businesses in particular the butchers and greengrocers. Those in support are only looking selfishly for a cheap branded shop and not considering the impact on local businesses.
- This will be the absolute death of the high street. Starbucks will just increase the litter in the environment. There are enough supermarkets and coffee shops in Rasen already. Guess this will be built on green land also. Don't want it at all in the town.
- Can the local community support 3 to 4 supermarket brands and what will be the provisions for what will become a clear target for anti-social behaviour if the Starbucks is open late. As will become a meet up place for groups of teenagers as do not have a lot to do in the local community. If they are provisions in place happy to support, but this has been approved before and then housing built how will this be any different. Would be better to use the existing Co-op which looks like it's a ghost town most days and develop what is already in place in the centre of town rather than pulling people away from using the local businesses. The market has been killed off by Tesco and fees. Let's try and keep the local businesses going.

LCC Highways/Lead Local Flood Authority: No Objections with comment and subject to conditions and obligations secured in a Section 106 Agreement.

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.

Conditions:

- Construction Management Plan and Method Statement
- Closure of existing vehicular access
- 1.8 metre wide footway, to connect the development to the existing footway network on the north and south side of Gallamore Lane
- Pedestrian refuge
- Travel Plan
- Surface Water Drainage

Obligations:

- £5000 for the processing of the alteration to the traffic regulation order and relocation of the existing speed limit terminal signs.
- £5000 for the future monitoring of the required Travel Plan.

WLDC Growth Team: Supports with comment

In principle and subject to normal planning considerations, the Growth Team is supportive of the application for the following reasons:

- Job creation - Local employment opportunities would be provided both during construction of the facility and longer term in the operation of the retail food store and coffee shop provision.
- Improved local convenience offering for residents.
- Multiplier for local economy reducing leakage of expenditure to other settlements.
- Provides services to the adjacent well established industrial/commercial estate at Gallamore Lane.

There is the potential for the coffee shop drive-thru unit to detract from the use of town centre hospitality provision, however the drive-thru unit will not of itself act as a destination and will therefore be complementary to the existing offer within the town.

Environment Agency: Comment

The Environment Agency does not wish to make any comments on this application. It does not appear to fit any of the criteria on our consultation checklist, 'When to consult the Environment Agency'. However, if you believe you do need our advice, please contact me using the details below.

LCC Archaeology: No objections

Principal Ecology and Wildlife Officer: Comment

Response received 19th July 2024:

The development is still at a significant loss of biodiversity which means offsite will be required to adhere to local policy and the NPPF. This is unfortunate as the location is in the Biodiversity Mapping area and as such onsite gains should be priorities see appendix 4 of the local Plan. Due to site context, I do not believe a development of this nature/scale is appropriate from an ecological opportunity perspective. The applicant has stated they

unable to make any further alterations to the scheme and I see no way in which the applicant would be able to make a net gain (or even “no net loss”). As BNG now falls as a pre-commencement condition it is for the planning officer to determine whether they believe an appropriate balance of onsite vs offsite provision is proposed in balance with other planning matters

Should the you be looking to recommend approval, I have listed the conditions that will be required if permission were to be granted to ensure compliance with CLLP 61/NPPF, the applicant may still wish to explore urban greening (green rooves/living walls/Living fences) prior to discharging the BNG related conditions to further alleviate their onsite value. The applicant should also consider all grassland proposed as enhanced to acid grassland so that the strategic significance multiple could be applied thus also reducing the need to purchase more offsite units.

Recommended conditions:

1. All work must be completed in strict accordance with the Great Crested Newt Non-Licensed Method Statement dated May 2024
2. Development must include the installation of at least 3 bat boxes installed in line with Bat Conservation Trust best practice guidelines
3. Development must adhere to a sensitive lighting strategy
4. No development hereby permitted shall take place unless evidence to demonstrate that the biodiversity value attributable to the development shall exceed the pre-development biodiversity value of the onsite habitat by at least 10% (in compliance with metric trading rules), has been submitted to and agreed with the Local Planning Authority.

*The biodiversity value attributable to the development is the total of—
(a) the proposed post-development biodiversity value of the onsite habitat,
(b) the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and
(c) the biodiversity value of any biodiversity credits purchased for the development.*

Where criteria (b) or (c) apply, the evidence will need to demonstrate that registered offsite biodiversity gain and/or biodiversity credits has been secured, as appropriate. Development may only proceed in accordance with the agreed details.

5. No development hereby permitted until a written Habitat Management and Maintenance Plan [HMMP] in accordance with the [Biodiversity Net Gain Assessment] dated [May 2024] and prepared on behalf of Tetra Tech Limited is submitted to and approved in writing by the Local Planning Authority. The HMMP shall relate to all proposed habitats on site and must be strictly adhered to and implemented in full for a minimum of 30 years

following an initial completion period. The HMMP must contain the following:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering/monitoring the [HMMP];
- c) the details of funding, resources and mechanisms for long term delivery of the [HMMP].
- d) the planned habitat creation and enhancement works for the initial completion period to create or improve habitat.
 - i. Explanation as to how climate change models (RCP 8.5) have impacted management, species selection and/or provenance. (removable if not applicable)
 - ii. Explanation as to how soil sampling has impacted creation/enhancement of grassland habitats or any habitat creation on previous arable/contaminated land. (removable if not applicable)
 - iii. Explanation as to any legal requirements associated with protected and or invasive species on site.
- e) the management measures to maintain habitat for a period of 30 years from the completion of development;
- f) the monitoring methodology and frequency in respect of the retained, created and/or enhanced habitat
- g) the mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

Response received 1st February 2024:

With this case the PEA will need updating as it is over 18 months old (May 2022). The PEA should then inform whether there have been changes to site that may require an updated Great Crested Newt Survey (Sept 2022) as this is now 15 months old.

The PEA should identify if there are any new (or changes to pre-existing) features on site that could be suitable for breeding, foraging, hibernating etc.

There would also be a benefit in conducting and eDNA sampling as these are more sensitive analysis techniques. Newt surveys should be conducted between March and June with eDNA surveys between mid-April and June.

Natural England: No objection subject to advice

Lincolnshire Fire and Rescue: Comment

Access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations 2000 Part B5. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence. Lincolnshire Fire and Rescue also requires a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 part B5.

Lincolnshire Fire and Rescue requires the installation of one fire hydrant conforming to BS750-2012 within 90m of the premises entrance in respect of this planning application to be provided at the developer's expense. Fire hydrant acceptance testing will be carried out by a Hydrant Inspector on completion and a standard hydrant marker "H" plate will be fitted nearby. Following adoption the Fire Service will be responsible for the ongoing maintenance and repairs for the lifetime of the fire hydrant.

Anglian Water: Comment

- Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- The foul drainage from this development is in the catchment of Market Rasen 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.

Tesco Stores Ltd: Objections

- Failure to provide an updated household survey
- Substantial ecological harm arising from the loss of biodiversity
- The poor accessibility of the application site
- Conflict with Policy S5 'Development in the Countryside' of the Development Plan

Relevant Planning Policies:

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

Development Plan

- ***Central Lincolnshire Local Plan 2023***

Relevant policies of the CLLP include:

- S1 The Spatial Strategy and Settlement Hierarchy
- S5 Development in the Countryside
- S6 Design Principles for Efficient Buildings
- S8 Reducing Energy Consumption – Non-Residential Buildings
- S12 Water Efficiency and Sustainable Water Management
- S14 Renewable Energy
- NS18 Electric Vehicle Charging
- S20 Resilient and Adaptable Design
- S21 Flood Risk and Water Resources
- S28 Spatial Strategy for Employment
- S34 Non-designated Employment Proposals in the Countryside

S35 Network and Hierarchy of Centres
S47 Accessibility and Transport
S49 Parking Provision
S53 Design and Amenity
S56 Development on Land Affected by Contamination
S57 The Historic Environment
S60 Protecting Biodiversity and Geodiversity
S61 Biodiversity Opportunity and Delivering Measurable Net Gains
S66 Trees, Woodland and Hedgerows

- **Neighbourhood Plan (NP)**

The site is not within a designated Neighbourhood Area and there is currently no applicable neighbourhood plan to consider

- **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)**

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

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.

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Paragraph 20 states:

“Strategic policies should set out an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and placemaking), and make sufficient provision for:

h) housing (including affordable housing), employment, retail, leisure and other commercial development;”

Paragraph 90 states:

“Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries,

allows a suitable mix of uses (including housing) and reflects their distinctive characters;”

Paragraph 91 states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

Paragraph 92 states:

“When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”

Paragraph 94 states:

“When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).*

Paragraph 95 states:

“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.

Paragraph 123 states:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”.

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).”

Annex 2 states:

“Edge of centre: For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.”

“Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).”

“Primary shopping area: Defined area where retail development is concentrated.”

“Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

- **National Planning Practice Guidance**

Town Centres and Retail

<https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres#planning-for-town-centre-vitality-and-viability>

- **National Design Guide (2019)**

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

Other:

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (UCO)

<https://www.legislation.gov.uk/ukxi/2020/757/made>

Main issues:

- Principle of the Development
Location
Development Plan Update
Central Lincolnshire Local Plan 2023
Assessment of Local Policy S35, of the CLLP
Town Centre Sequential Test
Town Centre Impact Test
Local Policy S5 Part E
Previously Developed Land
Community Engagement
Concluding Statement
- Community Engagement
- Visual Amenity
- Residential Amenity
- Highway Safety
- Archaeology
- Contamination
- Flood Risk
- Drainage
- Landscaping
- Biodiversity
Protected Species
Biodiversity Net Gain
- Climate Change
- Demolition
- Operational Hours
- Employment
- TESCO Stores Ltd Objection

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.

Location:

The site has previously benefitted from outline planning permission for a retail food store - this expired in July 2024, following the submission of this current application. Under planning permission 142302 the application was considered to be in the open countryside. The glossary section of the CLLP defines the developed footprint as:

“the continuous built form of the settlement and excludes:

- *individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;*

- *gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;*
- *agricultural buildings and associated land on the edge of the settlement; and*
- *outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.”*

Adjacent to the east of the site is housing allocation CL1358 which is currently under consideration as approved in planning application 141839 (80 dwellings). This housing development has advanced since the decision to approve 142302. If approved and constructed the application site would be immediately adjacent and opposite the developed footprint of Market Rasen in the form of Sunnymede and Gallamore Industrial Estate.

Therefore, in accordance with local policy S1 of the CLLP and the definition of the developed footprint the application site is considered as being in the countryside.

Development Plan Update:

Expired planning permission 142302 was assessed in accordance with the policies of the previous Central Lincolnshire Local Plan 2012-2036, now superseded.

The Central Lincolnshire Local Plan 2012-2036 was subject to a review by the planning inspectorate leading to the successful adoption of the Central Lincolnshire Local Plan 2023, in April 2023. This now forms the development plan and the policies of the Central Lincolnshire Local Plan 2023 will be considered in the assessment section of this report.

Central Lincolnshire Local Plan 2023:

Local policy S35 of the CLLP states:

“The following retail hierarchy will be used by the Central Lincolnshire authorities and their partners to guide investment and other activity to improve the vitality and viability of the identified centres, and in planning applications for retail and other town centre uses (as defined in the NPPF):

| Policy S35: Network and Hierarchy of Centres | |
|--|---|
| The following retail hierarchy will be used by the Central Lincolnshire authorities and their partners to guide investment and other activity to improve the vitality and viability of the identified centres, and in planning applications for retail and other town centre uses (as defined in the NPPF): | |
| Tier 1: Lincoln City Centre | |
| Lincoln City Centre | |
| Tier 2: Town Centres | |
| Gainsborough Sleaford | Caistor Market Rasen |
| Tier 3: District Centres | |
| Birchwood, Lincoln Nettleham Road, Lincoln Wragby Road/ The Carlton Centre, Lincoln | The Forum, North Hykeham Hykeham Green, North Hykeham |
| Tier 4: Local and Village Centres | |
| Local Centres in urban areas: Brant Road, Lincoln Burton Road, Lincoln Junction of Queen Elizabeth Road/ Trelawney Crescent, Lincoln Junction of Boultham Park Road and Skellingthorpe Road, Lincoln Junction of Lamb Gardens and Macauley Drive, Lincoln Junction of Rookery Lane and Newark Road, Lincoln Junction of Woodhall Drive and Sudbrooke Drive, Lincoln Manor Farm, North Hykeham Moorland Avenue, Lincoln Newark Road, Bracebridge, Lincoln Newark Road Crossroads, North Hykeham Newport, Lincoln Redwood Drive, Lincoln | Village Centres: Bardney village centre Billinghay village centre Bracebridge Heath village centre Branston Beech Road Branston Station Road Burton Waters village centre Cherry Willingham village centre Heckington village centre Keelby village centre Keelby, Yarborough Road/South Street Metheringham village centre Navenby village centre Nettleham village centre Rusington village centre Saxilby village centre Scotter village centre Sturton by Stow village centre Waddington village centre |
| Corringham Road, Gainsborough Heaptham Road, Gainsborough Queensway, Gainsborough Grantham Road, Sleaford Lincoln Road, Sleaford | Washingborough village centre Welton village centre Welton, Ryland Bridge Witham St Hughs village centre |

“The boundaries of Tier 1 to 4 centres referred to in this table, together with Primary Shopping Areas within Lincoln City Centre, and in Gainsborough, Sleaford and Market Rasen town centres are defined on the Policies Map and will be the focus for comparison shopping in Central Lincolnshire. For all other centres the Primary Shopping Areas are the same as the centre boundaries as shown on the Policies Map.”

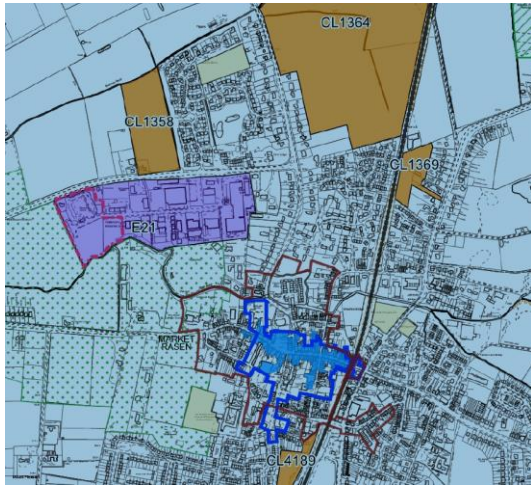
Development proposals for retail and/or other town centre uses will be directed to the Tier 1 to 4 centres identified in this policy, and will be appropriate in scale and nature to the size and function of the relevant centre and to the maintenance of the retail hierarchy as a whole. Within local and village centres in Tier 4 of the hierarchy, the scale of provision should be proportionate and strengthen their roles in providing mainly convenience shopping and local services to meet local needs.”

“Development proposals for main town centre uses in out-of-centre and edge-of-centre locations will be required to demonstrate their suitability through a sequential site test in line with the NPPF.

In addition, a robust assessment of impact on nearby centres will be required for any edge-of-centre or out-of-centre proposal for retail and leisure use that is located:

- a) within 1km of the Lincoln, Gainsborough or Sleaford primary shopping area and is greater than 2,500m²; or*
- b) within 500m of Market Rasen or Caistor Town Centre and is greater than 500m²; or*
- c) within 500m of the boundary of a District Centre and is greater than 300m² gross; or*

- d) *within 500m of the boundary of a Local Centre and is greater than 200m² gross; or*
- e) *in any other location not covered by a-c above and is greater than 500m².*



Key:

Site (Adj to west of CL1358 (coloured orange))

Town Centre (Dark Blue Boundary)

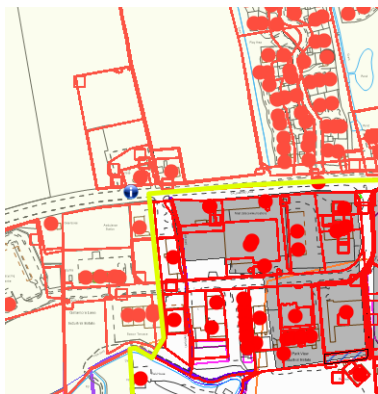
Primary Shopping Area (shaded light blue)

Extract from Policy Map 511 – Market Rasen

Assessment of Local Policy S35 of the CLLP:

Local policy S35 of the CLLP sets out a hierarchy (pg81-81 (see above)) “to guide investment and other activity to improve the vitality and viability of the identified centres, and in planning applications for retail and other town centre uses (as defined in the NPPF)”.

Although the site is in the parish of Middle Rasen it is located closer and has more of a physical connection/relationship with Market Rasen, than Middle Rasen village. For reasons of clarity the parish boundary (see highlighted yellow on plan below) of Middle Rasen and Market Rasen runs along the south side of Gallamore Lane from Caistor Road (B1202) and then re-directs south past the east elevation of the Ambulance Station. The application site is partly opposite the boundary.



The hierarchy allocates Market Rasen as a Town Centre and Middle Rasen as a Local Centre. The application site is located approximately 1327 metres (0.8 miles) from the Middle Rasen Local Centre and approximately 454

¹ <https://www.n-kesteven.gov.uk/central-lincolnshire/policies-map-and-interactive-map/>

metres (0.28 miles) from the Town Centre boundary of Market Rasen. The site is approximately 570 metres (0.35 miles) from the Primary Shopping Area of Market Rasen which is in and around the Market Place.

In accordance with the UCO the proposed development would introduce a class E (Commercial, Business and Service use) retail and drive through restaurant use onto the site. This application therefore proposes to install a main town centre use onto a site which is more than 300 metres from the Primary Shopping Area (see edge of settlement definition in the national policy section above) of Market Rasen. Therefore, the proposed site is considered as being an out of centre location and the application must demonstrate and justify through a full assessment how the application site would pass the main town centre sequential test.

The proposed development would have a total gross new internal floorspace of 1941m² (1802m² + 139m²). Therefore, in line with criteria d) of the Local policy 35 and paragraph 94 of the NPPF the application must in this case provide a robust impact assessment on the Town Centre of Market Rasen. The application has included a Planning and Retail Statement (PRS) by NEXUS Planning dated December 2023 which provides an assessment of the sequential test in section 5.0 (page 33-36) and the impact test in section 6.0 (page 37-49)

Town Centre Sequential Test:

In paragraph 5.19 the PRS clearly sets out the parameters which have informed the completion of the sequential test: These are:

- *at least 0.6 hectares in size, in order to accommodate a materially similar form of development;*
- *within the Market Rasen area, such that any sequential alternative site would serve the same broad catchment area; and*
- *in a visible location which benefits from good access to the transport network in order to meet the operators' needs.*

The sequential test focusses on Market Rasen and included a survey visit in August 2023 by the author. The concentration of the sequential test on Market Rasen is accepted as the site has a closer relationship to and would primarily serve the people of the town.

This survey found only one unit (10 Market Place) within the town centre measuring 280m² which offers no realistic potential to accommodate the proposed development. This is the same case for two properties on Union Street which if amalgamated would be too small.

The Market Rasen Leisure Centre as witnessed during the site visit is now fully constructed and operational. The Local planning Authority is unaware of any reasonably available alternative sites and it is agreed and accepted that there are no town centre (or edge of centre) locations large enough to accommodate the proposed development and the Market Rasen Leisure Centre site is occupied.

A 1.84 hectare site is for sale off Legsby Road. This is an allocated housing site (WL/MARK/001) which is also in an out of the centre location.

It is relevant at this point to acknowledge that the Market Rasen Leisure Centre (136807) recently passed the main town centre sequential test as an edge of centre site.

Considering local knowledge, and having interrogated the Authority's internal GIS mapping system and explored around the Market Rasen area the case officer is unaware of any other sites that would be appropriate to include within the town centre sequential test.

Therefore, none of the alternative sites assessed are considered to be sequentially preferable to the application site which lies in an out of centre location, opposite to Market Rasen's developed footprint and within easy walking or cycling distance of Market Rasen's residential form subject to highway and pedestrian footpath improvements (see later in report).

Town Centre Impact Test:

A robust impact assessment is required by virtue of criteria d. of policy S35 which places a local threshold of 500m².

To reiterate paragraph 94 of the NPPF provides the criteria to be met by the impact test. These are:

- a) *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."*

Paragraph 15 (Reference ID: 2b-015-20190722) and 18 (Reference ID: 2b-018-20190722) of the Town Centres and Retail section of the NPPG sets out what it is important to consider and a checklist for its application.

Consider:

- *"scale of proposals relative to town centres*
- *the existing viability and vitality of town centres*
- *cumulative effects of recent developments*
- *whether local town centres are vulnerable*
- *likely effects of development on any town centre strategy*
- *impact on any other planned investment"*

Checklist:

- *"establish the state of existing centres and the nature of current shopping patterns (base year)*
- *determine the appropriate time frame for assessing impact, focusing on impact in the first five years, as this is when most of the impact will occur*
- *examine the 'no development' scenario (which should not necessarily be based on the assumption that all centres are likely to benefit from*

expenditure growth in convenience and comparison goods and reflect both changes in the market or role of centres, as well as changes in the environment such as new infrastructure);

- *assess the proposal's turnover and trade draw* (drawing on information from comparable schemes, the operator's benchmark turnover of convenience and comparison goods, and carefully considering likely catchments and trade draw)*
- *consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities (which may require breaking the study area down into a series of zones to gain a finer-grain analysis of anticipated impact)*
- *set out the likely impact of the proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues*

any conclusions should be proportionate: for example, it may be sufficient to give a broad indication of the proportion of the proposal's trade draw likely to be derived from different centres and facilities in the catchment area and the likely consequences for the vitality and viability of existing town centres"

The PRS (paragraph 6.31) sets out the methodology used to assess the impact test with detailed tables in appendix A providing a "step-by-step retail impact assessment".

The Impact Assessment assesses the health of the Town Centre, taking into account previous assessments and their own surveying, finding "Market Rasen remains a pleasant centre to visit, with a strong community feel".

Paragraph 6.12, 6.13 and 6.14 of the PRS states that:

"The Town Centre Study reported that Market Rasen benefitted from a reasonably good town centre environment, albeit vacant units detract from its overall attractiveness."

"We believe that picture remains very similar eight years on. We revisited the centre in August 2023 and found that Market Rasen's vacancy rate remains the same, with 10 of its 85 commercial units (11.8%) being vacant or under alteration on the day of our visit This finding suggests that Market Rasen has been resilient, in the context of a rise in the national average unit vacancy rate over this period to 13.8%."

"Boots remains the highest profile national multiple present, and the centre remains focused on day-to-day and service uses. Our site visit suggests that Tesco remains a popular choice for main food shopping trips, but that the store supports very limited linked trips on foot in practice. Market Rasen remains a pleasant centre to visit, with a strong community feel."

It goes on to state in paragraph 6.16 to 6.19 that "it is also important to recognise that the foodstore proposed by this planning application would compete against comparable existing main food shopping destinations

elsewhere. This includes the Tesco at Linwood Road, and foodstores at Grimsby and Cleethorpes; there is no such comparable offer within Market Rasen town centre itself. There are two important consequences of this:

Firstly, it is highly unlikely that the implementation of the proposal would materially impact on the trading performance of any retailer located within the town centre. In simple terms, the proposal caters for a different market.

Secondly, we anticipate that the proposal will 'claw back' expenditure which currently originates within Market Rasen and its surrounding area, but which is spend further afield. We believe that this will have benefits for town centre operators. If greater a greater number of convenience shopping trips are undertaken in Market Rasen, this in turn increases the propensity for linked trips to support other facilities in the area..."

Table 8 of Appendix A is considered significant as it provides an estimated trade diversion from all the local supermarkets and convenience stores. Paragraph 6.75-6.78 of the PRS concludes that *"no significant adverse impacts arising from the application"* would occur in relation to the impact on trade diversion.

Paragraph 6.80 of the PRS states that the *"coffee shop drive-thru is not of a scale which would have any material impact on Market Rasen"*

This is further explained in paragraph 6.34 and 6.35 of the PRS which state:

"The location of the drive-thru operation is such that it responds to three principal markets: local residents; those that are driving past on or near to Gallamore Lane; and those that are visiting the proposed foodstore. The key attractor of a drive-thru facility is its convenience. The operation will not provide an experience which is comparable to that available in Market Rasen town centre, which allows visitors to relax in a café, pub, or restaurant before then going on to shop, socialise, and enjoy the wider offer. The drive-thru unit will be focused on meeting sustenance needs in a highly convenient manner."

"As such, the drive-thru will benefit from impulsive purchases from those who are already passing and from those using the foodstore. Visitors to Market Rasen town centre will use generally use nearby food and beverage operators in the centre rather than access a drive-thru operation located 900 metres away. The Council can be satisfied that the in-centre impacts arising from the drive-thru use will not be of a material nature in practice."

Local Policy S5 Part E:

S5 Part E states that "proposals for non-residential developments will be supported provided that:

- a) The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*
- b) The location of the enterprise is suitable in terms of accessibility;*

- c) *The location of the enterprise would not result in conflict with neighbouring uses; and*
- d) *The development is of a size and scale commensurate with the proposed use and with the rural character of the location.*

The proposed development would be located off the A46 (Gallamore Lane) and connects to the B1202 (Caistor Road) to the west. These roads provide connection to the Towns of Gainsborough and Market Rasen. The site is on the edge of the settlement opposite an established industrial estate and immediately adjacent to the main residential form and developed footprint of Market Rasen. The sequential and impact test (see earlier in the report) have justified the location of the site in the open countryside on the planned edge of Market Rasen’s developed footprint.

Previously Developed Land:

As identified by the photographs below part of the site includes some hardstanding and has included industrial buildings (now demolished). The submitted design and access statement (DAS) confirms that *“Whilst currently predominantly vacant, at least half the site is brownfield and until recently was occupied with concrete hardstanding and industrial sheds for a plant hire company”*.



Taken during officer site visit



Google Street View 2008

Whilst the site comprises previously developed land it is considered that the area of previously developed land is less than the half described in the DAS.

Concluding Statement

It is considered that the application has submitted an acceptable town centre sequential test and robust impact assessment to justify the location of the site and the minimal impact on comparative uses in the town centre of Market Rasen. The proposal would develop an area of previously developed land occupied by a former plant hire company. Weight is additionally afforded to expired outline planning permission 142302.

It is therefore considered that the principle of the development is acceptable and accords to local policy S5 and S35 of the CLLP and the provisions of the NPPF, in particular paragraph 20, 90, 91, 92, 94 and 95.

Community Engagement

The application has included a Statement of Community Involvement (SCI) dated December 2020 by Counter Context. This document was submitted with outline planning application 142302. The completion of a community consultation is not a requirement of policy but was never the less completed. The SCI sets out the consultation activities in section 2. These included:

- Letters to 265 addresses (Residential and Commercial)
- Email and individual briefing to Market Rasen Ward Members
- Email proposal introduction and briefing to Market Rasen Town Council
- Email proposal introduction to Middle Rasen Parish Council
- Press release including in Market Rasen Mail
- Consultation website (main source of information due to COVID)
- Facebook advertising campaign

Several methods of enabling the completion of representations was put in place via email, telephone and an online feedback form. The SCI then provides a breakdown of all the feedback received in section 3, although evidence of all the responses received and from which addresses is not provided.

Visual Amenity

Local policy S53 of the CLLP sets out 10 criteria based on design and amenity. It is considered that criteria 1 (Context), 2 (Identity), 3 (Built Form), 5 (Nature) and 8 (Homes and Buildings) of S53 are the most relevant to the development.

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

The submitted elevation plans indicates that the proposed retail store and drive thru building would be (approximate measurements taken from submitted plans):

| | Metres | | |
|---------------------|----------|-------|--------|
| | Height | Width | Length |
| Retail Store | 6.7-10.5 | 48 | 93.5 |
| Drive Thru Building | 3.2-4.1 | 21 | 13.3 |

The retail store would be constructed from:

- Kingspan metallic cladded walls in silver and anthracite grey
- Kingspan topdek composite roof panels in anthracite grey
- Polyester powder coated aluminium windows in anthracite

The drive-thru would be constructed from:

- Composite panel and timber clad walls
- Renolit alkorsmart single ply roof in light grey
- Aluminium framed windows in dark grey

The scale of the buildings is what would be expected from the uses proposed. The location of the buildings accepted through the sequential test would be adjacent the open countryside to the north and west.

The application included a Landscape and Visual Appraisal (LVAA) by DEP Landscape Architecture Ltd dated January 2021 (4th Issue) and an Addendum to the Landscape and Visual Appraisal (ALVAA) by DEP Landscape Architecture Ltd dated December 2023.

The LVAA provides a number of maps including a map identifying the position of viewpoint photographs taken and a montage of the photographs taken. Given the built form of Market Rasen a high number of the photographs were taken from the north of the site. All of the photographs helpfully identify the extent of the site.

The LVAA provides the assessment of the landscape and visual impact in line with the guidelines for Landscape and Visual Impact Assessment (GLVIA) 3rd Edition 2013. Appendix 1.0 of the LVAA sets out the methodology adopted including 9 tables providing the criteria's used. Table 9 displays the criteria used to assess the visual effect.

The conclusion (section 14 - Page 16) of the LVAA states that (key points):

- *“The site has a ‘Low’ landscape sensitivity to development”.*
- *“The nature and scale of landscape effects resulting from the development is not considered to be Significant”.*
- *“Sunnymede and two farmhouses on elevated land at Skinner’s Lane will experience a change in view. These changes will be discernible during construction and early operational phases but will not occupy an extensive portion of the view. Following establishment of boundary planting, views into the site will be filtered to the extent that new built and landscape elements will not appear out of character, when viewed against the urban fringe backdrop”.*
- *“Users of footpath Midd/99/2 will experience ‘Moderate-Substantial’ adverse visual effects, considered a ‘Significant’ Impact primarily due to the underlying sensitivity of this type of receptor, the proximity to the site and the open nature of existing views. Visual effects will only be experienced over a limited distance (c.300m) when walking in a southerly direction from elevated land, sinking towards Gallamore Lane. The footpath does not connect into a wider footpath at this point and the busy A46 and the Gallamore Lane Industrial Estate feature prominently in the backdrop to existing views. During construction and early operational phase the scale of the impacts primarily reflect the extent of change to the view and the strong contrast compared to the open, arable monoculture in the foreground. The scale of the building and palette of materials indicated*

in the illustrative proposals reflect those used in surrounding agricultural buildings, therefore if implemented as shown the building will not be out of character with the local landscape context. Once boundary planting has established this will screen car parking and lower-level activity within the site, allowing the built form to become integrated within the wider urban fringe setting”.

(It is acknowledged by the case officer that the application site includes Sunnymede and its land. This was not the case in planning application 142302)

Section 12 (page 15) of the LVAA provides “*mitigation measures to minimise any remaining landscape and visual effects*”. These include:

- Location of building footprints on the western half of the site to preserve the amenity of existing and future residential occupiers to the east.
- Location of entrances, glazing and signage on east and south facing facades in order to simplify the northern and western elevational treatments and minimise visual clutter, particularly where views are exposed to receptors within open Countryside settings.
- Landscaping.
- Omission of lighting from the northern and western boundaries.

As part of the officers site visit a number of viewpoints were visited including those put forward in LVAA. To enable some context the structures on Gallamore Lane Industrial Estates were used as focal points alongside the LVAA photos to gain an understanding of the visibility of the site.

The highways to the north of the site are primarily countryside lanes (Low Lane and Skinners Lane) which are positioned above the level of the site with high hedging and sporadic trees either side. The hedging does have some gaps including field access points but these are limited. The countryside lanes run east to west facing away from the application site.

The built form of Market Rasen and the vegetation to the east of the site would screen the site from Caistor Road. The scale of the development would become more noticeable the closer you get to the site along Gallamore Lane from both directions.

To the south of Gallamore Lane is Gainsborough Road which runs east through the centre of Market Rasen. Gainsborough Road has a long run of linear dwellings to its north side with gaps only appearing as you get closer to the town centre. Views from this point take in Gallamore Industrial Estate which sets a context.

Open views of the site would be expected from Public Rights of Way Midd/99/2 but mainly as you walk south along it. As you walk south along Midd/99/2 there are already views of the Industrial Estate on the other side of Gallamore Lane and to a lesser extent the housing development to the east of the site. Although the proximity of the site would intensify the view of a

commercial building it would still be viewed in context with existing commercial buildings.

Sunnymede is the closest residential dwelling to the site but this will be demolished as part of the development. The housing development adjacent to the east has commenced but a right to a view from these properties is not a material planning consideration.

It is acknowledged that the proposed development would be visible in differing degrees from local public highways and residential dwellings. It is expected that any visual harms caused by the development are expected to be mitigated by the layout and use of appropriate landscaping (see later in report).

Residential Amenity

It is relevant to re-state that all the land occupied by Sunnymede is part of the application site and the dwelling is to be demolished as part of the development.

As already stated the remaining land to the east of the site has permission for 80 dwellings and construction works have commenced. All measurements identified have been approximated from the submitted plans.

The site plan which includes the approved dwellings for the housing development to the east identifies that the:

- proposed retail store would be 29 metres from the east boundary
- proposed drive-thru building would be 13.5 metres from the north-east boundary and 32.2 metres from the east boundary

Therefore the built form would not have an unacceptable harmful overbearing impact, cause unacceptable loss of light or cause any unacceptable harmful overlooking impact the future occupants of the dwellings on the allocated housing site to the east.

It is important to additionally consider noise pollution, light pollution, odour and anti-social behaviour from the site.

Noise:

The application has included the submission of a Noise Impact Assessment (NIA) dated 12th February 2024 by Hepworth Acoustics.

Section 5.0 of the NIA sets out noise levels created by the different operations that are associated with a retail store, a drive thru's and their necessary infrastructure. These are

Customer Car Parking (page 10 Paragraph 5.7).

Table 5: Calculated Noise Levels from Customer Car Parking (dB)

| Location | L _{Aeq,1hr} |
|---|----------------------|
| Proposed Residential Development to east/north-east | 43 |
| Sunnymede Cottage, Gallamore Lane | 37 |

Paragraph 5.9 concludes that “car parking noise would not result in any unacceptable impact to residential amenity”.

Drive Thru Noise (page 11 Paragraph 5.13):

Table 6: Calculated Noise Levels from Starbucks ‘drive thru’ (dB)

| Location | L _{Aeq,1hr} |
|---------------------------------|----------------------|
| Garden area of nearest dwelling | 33 |

Paragraph 5.15 concludes that “noise associated with the ‘Drive Thru’ would not result in an unacceptable impact to residential amenity”.

Delivery/Servicing Noise (page 12/13 Paragraph 5.21):

Table 8: BS 4142 Initial Assessment of delivery noise at the proposed dwellings to north east (dB)

| Description | Late Evening | Night-time |
|--|--------------|-----------------------|
| Calculated Specific Sound Level outside dwelling | 34 | 40 |
| Acoustic feature correction | 3 | 3 |
| Rating Level at dwelling | 37 | 43 |
| Representative Background Sound Level | 41 | 30 |
| Difference | -3 | +13 |
| Likely Noise Impact | ‘low’ | ‘significant adverse’ |

Table 9: BS 4142 Initial Assessment of delivery noise at Sunnymede Cottage (dB)

| Description | Late Evening | Night-time |
|--|--------------|-------------------|
| Calculated Specific Sound Level outside dwelling | 25 | 33 |
| Acoustic feature correction | 3 | 3 |
| Rating Level at dwelling | 28 | 36 |
| Representative Background Sound Level | 40 | 29 |
| Difference | -12 | +7 |
| Likely Noise Impact | ‘low’ | ‘adverse’ but not |

Paragraph 5.25 and 5.26 recommend deliveries are restricted between 5:00 and 23:00 hours and “subject to installation of the recommended acoustic fencing and restrictions to the delivery hours, there will be no unacceptable

noise impact from delivery activities”.

Noise limits for Mechanical Servicing Equipment (page 14 Paragraph 5.28):

Table 10: Cumulative Buildings Services Plant Rating Sound Levels (dB)

| Location | Daytime | Night |
|-----------------------------------|---------|-------|
| Proposed Residential Development | 41 | 29 |
| Sunnymede Cottage, Gallamore Lane | 40 | 30 |

The NIA concludes on page 14 that with the following mitigation measures the *“development would not result in any unacceptable harm to residential amenity by reason of noise disturbance”.*

- *“The proposed acoustic fencing must be imperforate (i.e. have no holes or gaps) with double-rebated boards or joint cover strips, have a surface mass no less than 10 kg/m², and be at least 20mm thick timber; and*
- *Restrict delivery hours to between 05:00 to 23:00 hours.*
- *Control noise from fixed plant associated with the development to the noise design limits stated above.”*

The Authority's Environmental Department (ED) have not to date commented on the application but in outline planning application 142302 the ED recommended that delivery hours should be restricted to 7:00 to 23:00 hours to avoid night time sleep disturbance. These hours were agreed with the applicant in outline planning application 142302. As this development has been submitted by the same applicant it is reasonable to presume that the same delivery times approved in 142302 would be acceptable in this application.

7536/74 Rev E dated 7th August 2024 - Hard Landscaping Plan
4672 02 Rev H dated 12th August 2024 - Landscape Boundary Sections,

Hard Landscaping Plan 7536/74 Rev E dated 7th August 2024 and Landscape Boundary Sections Plan 02 Rev H dated 12th August 2024 identifies the position of 2.5 metre high acoustic fencing to match the recommendation of the NIA.

Plant machinery can additionally create noise levels on the site. The plant room and external compound would be to the north west elevation of the supermarket building therefore a significant distance from the nearest residential dwellings.

The development would introduce noise to the area but subject to detailed mitigation measures, informed by the noise report, it is considered that the impact caused is capable of mitigation to avoid a significant harmful impact.

Light pollution:

The application has not included any details on lighting but the submitted design and access statement states that *“Adequate car park and street*

lighting. The detailed design for this will be carried out at the next stage, but design will emphasise the need to eliminate light overspill beyond site boundaries and in particular to the north and eastern boundaries”.

It is additionally important to consider harmful light spill occurring on the dwellings to be constructed to the east of the site.

All external lighting of the site would need to be conditioned on the permission including restrictions on times of operation.

Odour:

The proposed buildings as confirmed by the agent will use vent-less extraction ovens that do not extract fumes externally

It is therefore not considered necessary or relevant to condition odour assessments but it is considered necessary to attach a condition to the permission restricting any vents from being installed prior to planning permission being applied for and given.

Other:

The ED in approved outline planning application 142302 suggested given the ground conditions that foundations would have to be completed through a piling method. This method can cause a disturbance to the area given the techniques involved in installing a piling system.

Anti-social behaviour on the car parking areas has been raised as a concern. There is no evidence to support that anti-social behaviour is likely to arise from the proposed development. Anti-social behaviour is not a planning matter and is the responsibility of the sites operators to control themselves or through police enforcement. The applicant has responded in approved outline planning application 142302 that “*discount foodstore operators are experienced in managing their own car parks to avoid any anti-social behaviour without the need for barriers”.*

To further protect the living conditions of the nearest residential dwellings a condition will be attached to the permission for the submission of a comprehensive construction management plan.

The proposed development would only have neighbouring dwellings adjacent the east boundary. The siting of the retail store and drive thru in this location is likely to have some limited impact on the occupants in particularly in terms of noise and disturbance. However it is expected that mitigation measures and operational conditions are likely to reduce the impact to an acceptable level to not significantly harm the living conditions of future neighbouring dwellings and accord to local policy S53 of the CLLP and the provisions of the NPPF.

Highway Safety

The application has included a Transport Statement dated November 2023 by Turner Lowe Associates December which concludes in paragraph 7.9 that:

“It is concluded that the site is accessible by a choice of modes of transport and that there are no highways/traffic related reasons why the proposed development should not be approved”.

The Highways Authority at Lincolnshire County Council have not objected to the proposed access off Gallamore Lane. For the purposes of pedestrian access and safety the Highways Authority has additionally recommended the following conditions are added to provide:

- A 1.8 metre wide footpath to connect the development to the existing footway network on the north and south side of Gallamore Lane.
- Closure of existing vehicle access
- Provision of a pedestrian refuge island to allow safer crossing from the south side of Gallamore Lane (terminates at the entrance to Gallamore Industrial Estate) to the north side of Gallamore Lane.
- Travel Plan
- Construction Management Plan (see residential amenity section above)

These conditions are considered relevant and necessary to provide the appropriate infrastructure to afford future customers the option of walking to the site using a safe environment.

The Transport Assessment includes a plan (2005902/02 Rev C dated November 2023) demonstrating the extent of the highways and pedestrian safety works proposed including the re-positioning of the speed limit signs, the pedestrian footpath extension to the north and south of Gallamore Lane and the position of a refuge island to connect the footpaths on the either side of Gallamore Lane.

In addition to the conditions the Highways Authority has requested the following is secured through a Section 106 Legal Agreement:

- £5000 for the processing of the alteration to the traffic regulation order and relocation of the existing speed limit terminal signs.
- £5000 for the future monitoring of the required Travel Plan.

The agent has agreed to the submission of a draft Section 106 Agreement for our consideration or the submission of a Heads of Terms.

The Middle Rasen Parish Council has requested a pedestrian footpath is constructed to connect the site to Middle Rasen. The closest existing pedestrian footpath is to the north of the A46 and terminates at the junction of the A631. This footpath is approximately 1020 metres from the position of the proposed access. It would not be reasonable or necessary to expect the developer to install a footpath of such length.

The outline permission would include an advisory note to consult with Lincolnshire County Council Transportation with regards to the provision of two bus stops on Gallamore Lane.

Local policy S49 of the CLLP states that parking provision for non-residential development *"should incorporate a level of car parking that is suitable for the proposed development taking into account its location, its size and its proposed use, including the expected number of employees, customers or visitors"*.

The proposed development would include 147 parking spaces on the site including 8 disabled and 8 family parking spaces. This is more than adequate to serve the supermarket and the drive-thru business.

It is considered that the proposed development subject to conditions and legal obligations would not have a severe highway safety impact and would accord to local policy S47 and S49 of the CLLP and the provisions of the NPPF.

Archaeology

The Historic Environment Officer (HEO) at Lincolnshire County Council has no objections to the development. The proposal would not be expected to have an unacceptable harmful archaeological impact and accords to local policy S57 of the CLLP and the provisions of the NPPF.

Contamination

The application has included a Preliminary Risk Assessment (PRA) dated December 2020 by DTS Raeburn Ltd. The PRA recommends further investigations are required on page 19. The Authority's Environmental Protection Officer has not commented on this application but in outline planning permission 142302 recommended that a comprehensive contamination condition should be attached to any permission in light of the PRA.

Therefore subject to a condition and further intrusive investigation the development would be expected to accord with local policy S56 of the CLLP and the provisions of the National Planning Policy Framework.

Flood Risk

The application has included the submission of a Flood Risk Assessment and Drainage Strategy (FRADS) dated July 2023 by Waterco Ltd. The site is in flood zone 1 and the FRADS on page 8 concludes that *"the risk of flooding from all sources is low. Therefore, no site-specific mitigation measures are considered necessary. Finished floor levels should be set above surrounding ground levels as to minimise the risk of flooding from a drainage system exceedance event"*.

Drainage

The application has included the submission of a Flood Risk Assessment and Drainage Strategy (FRADS) dated July 2023 by Waterco Ltd.

Foul Water:

The FRADS on page 12 states that foul drainage would be connected to an existing foul sewer on the site (subject to a connection investigation survey) or to an existing foul sewer in Gallamore Lane or within Gallamore Lane

Industrial Site. The use of an existing foul sewer is acceptable, however further information is required to confirm how and where the development would connect to the local sewer system.

Anglian Water have stated that *“The foul drainage from this development is in the catchment of Market Rasen Water Recycling Centre that will have available capacity for these flows”*.

The developer would need to serve notice on Anglian Water under section 106 of the Water Industry Act 1991 to connect to an available existing foul water system.

Surface Water:

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

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

In summary page 9 to 12 of the FRADS assesses the ground conditions as unsuitable for infiltration methods (see appendix H - percolation tests) therefore surface water is proposed to be discharged to the watercourse to the east of the site at a rate of 2 litres per second. Attenuation would be provided within an attenuation tank recommended to be installed in the northern section of the site. The developer would need to gain consent from the appropriate Internal Drainage Board.

The Lead Local Flood Authority have not objected to the proposed subject to conditions.

Therefore, it is considered that foul and surface water is capable of being addressed by condition. Subject to the condition the development accords to local policy S21 of the CLLP and the provision 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;*

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 Bat Roost Survey Report (BRS) by Morbaine Ltd dated June 2024. Section 4.2 (mitigation) of the BRS provides mitigation advice for:

- No further bat surveys are required.
- Demolition works avoid bat hibernation season (November to March).
- Updated bat building inspection and/or nocturnal surveys may be needed to update site conditions.
- Likely to be adverse effects on bats during construction/operational phase.
- Minimum of 3 bat boxes required for mitigation.
- Inclusion of bat friendly plant species in landscaping plan.
- Lighting strategy during construction and operational phase.
- Works likely to harm birds should be outside bird breeding season (March to September) unless nest check is completed by professional ecologist.

In addition a Great Crested Newt Non-Licensed Method Statement by Morbaine Ltd dated May 2024 has been submitted. This statement in summary proposes the following:

- A project champion to be nominated (Section 3.2).
- General good practice measures (Section 4.2)
- Site clearance methods (Section 5.0)

The Authority's Principal Ecology and Wildlife Officer has recommended a number of conditions based on the conclusions of the Bat and Great Crested Newt Surveys.

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 and guidance contained within the NPPF.

Biodiversity Net Gain (BNG):

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”*.

Biodiversity Net Gain Assessment (BNGA) by Tetra Tech dated May 2024 and a Biodiversity Metric Spreadsheet (BMS). The BNGA concludes that the development would result in a habitat loss of -45.08% and a hedgerow gain of 84.18%.

On page 18 of the BNGA states that:

"The current layout plan is fixed therefore scope for avoidance or to reduce the loss in habitat units and increase hedgerow units is limited to enhancements of retained habitats where feasible to improve landscape connectivity. To offset any remaining biodiversity losses and secure a 10% net gain in biodiversity units, a S106 payment will be required to the LPA or a suitable 3rd party habitat bank."

The BNGA then provides the following suggested options for mitigation and compensation:

- Option 1 - Off site compensation
- Option 2 - Biodiversity unit offsetting scheme
- Option 3 - Statutory credit purchase

The Authority's Principal Ecology and Wildlife Officer (PEWO) has confirmed that the development would result is a *"significant loss of biodiversity"*.

It is acknowledged that the submitted BNGA and BMS would see an on-site deficit and would therefore not meet the policy requirement of 10% BNG unless they provide off-site credits to make up for the on-site BNG shortfall.

The PEWO has recommended conditions for future details to meet the 10% BNG policy requirement including details of required off-site credits, if the case officer is considering recommending approval of the development.

In line with the PEWO'S comment, it is considered relevant and necessary that the developer provides further details to evidence a 10% BNG through appropriate conditions as recommended by the PEWO.

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 and guidance contained within the NPPF.

Climate Change

Local policy S6 and S8 of the CLLP sets out design principles for efficient buildings and reducing energy consumption. Local policy S8 states that:

"All new non-residential development proposals must include an Energy Statement which confirms that all such non-residential development proposals:

- *Can generate at least the same amount of renewable electricity on-site (and preferably on-plot) as they demand over the course of a year, such*

demand including all energy use (regulated and unregulated), calculated using a methodology proven to accurately predict a building's actual energy performance; and

- To help achieve point 1 above, target achieving a site average space heating demand of around 15-20kWh/m²/yr and a site average total energy demand of 70 kWh/m²/yr. No unit to have a total energy demand in excess of 90 kWh/m²/yr, irrespective of amount of on-site renewable energy production. (For the avoidance of doubt, "total energy demand" means the amount of energy used as measured by the metering of that building, with no deduction for renewable energy generated on site)."

The application has included several documents including:

- An Energy and Sustainability Statement (Revision 1 (ref:Z61062)) dated 1st March 2024 (ESS).
- Roof Plan identifying solar panels

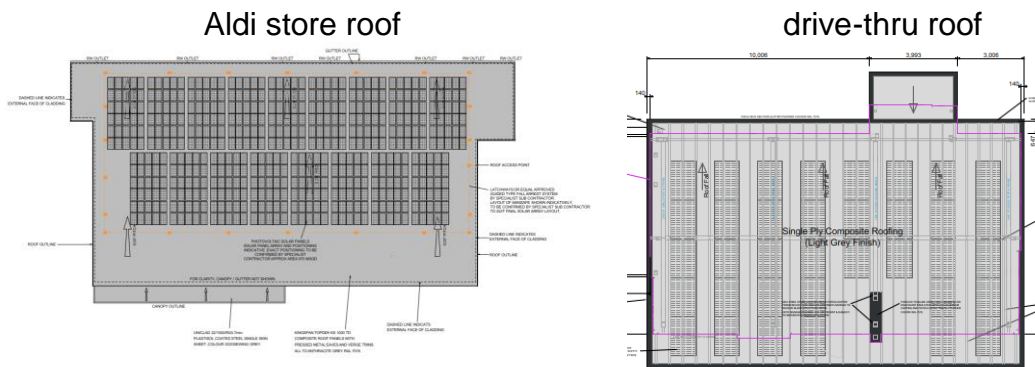


Table 2 of the ESS provides the following information:

Table 2 - Results of energy modelling against Policy 58 of Central Lincolnshire Local Plan (2023)

| Unit | Floor Area (m ²) | Space Heating Demand (kWh/m ² /yr) | Total Energy Demand (kWh/m ² /yr) |
|--------------------------|------------------------------|---|--|
| Market Rasen - Aldi | 1835.1 | 7.26 | 36.55 |
| Market Rasen - Starbucks | 146.8 | 14.17 | 83.08 |
| Site Average | 1981.9 | 7.77 | 39.99 |

The table identifies that the development would meet the site average space heating demand and site average total energy demand with no unit having a total energy demand over 90 kWh/m²/yr.

As identified by the roofs plans above the roofs will be heavily covered by solar panels to generate as much electricity as possible for the site. In email dated 14th August 2024 the applicant has confirmed that the ESS on page 5 states that the energy consumption of both buildings on average would be 39.99kWh/m²/yr. The email provides a calculation of the approximate energy generated by the solar panels on both buildings. This would total 87.49kWh/m²/yr. Therefore, dependant on whether the solar panels would be expected to generate more than double the annual energy consumption of the site

Therefore, it is considered that subject to conditions the development would be expected to accord to local policy S6 and S7 of the CLLP and the provision of the NPPF.

Demolition

The application includes the demolition of an existing dwelling (The Close and Sunnymede). The loss of two detached dwellings from the Central Lincolnshire housing supply is a very minor harm caused by the development. It is however acknowledged that the two dwellings could be demolished through a demolition notification application where only the method of demolition and restoration of the site can be considered.

The Close and Sunnymede are likely, without mitigation, to disturb and disrupt the living conditions of potential neighbouring dwellings through noise, dust and vibration. To ensure the demolition works are completed in an appropriate manner a condition will be attached to the permission for the submission of a detailed Demolition Method Statement.

Operational Hours

The agent in email date 31st March 2021 states that:

- Retail Store – Opening hours of 8:00 to 22:00 Monday-Saturday with 10:00 to 18:00 on a Sunday/Bank Holidays
- Coffee drive thru – Opening Hours of 6:00 to 22:00 with 9:00 to 18:00 on a Sunday/Bank Holidays

These hours are considered acceptable subject to appropriate noise mitigation. It is considered relevant and necessary to condition the opening hours.

Employment

The application form states that the proposed development would provide an equivalent of 40 full-time job opportunities to the local area. Paragraph 7.13 of the PRS states “*the creation of around 107 full time equivalent jobs*”. The creation of between 40 to 107 employment opportunities to the local area of Market Rasen would be a benefit to the economy of the area.

Tesco Stores Limited Objection

On the 8th July 2024 Martin Robeson Planning Practice submitted a late objection, beyond the statutory consultation period, on behalf of Tesco Stores Ltd. Tesco Stores Ltd operate a supermarket on Linwood Road, approximately 250-300 metres to the south of the Market Rasen Town Centre designation (an “Edge of Centre” site). In summary they object to the development on the following grounds:

- Failure to provide an updated household survey
- Substantial ecological harm arising from the loss of biodiversity
- The poor accessibility of the application site
- Conflict with Policy S5 ‘Development in the Countryside’ of the Development Plan

A response has been received from NEXUS Planning on behalf of the applicant. The following will assess the objections in turn:

- Failure to provide an updated household survey
Tesco Stores Ltd claim it uses out of date information by using the Council's own 2015 Assessment. However, the National Planning Practice Guidance states that such tests should be "*undertaken in a proportionate and locally appropriate way*" and should "*draw on existing information where possible*". It is clear within the Assessment that they have drawn upon existing published information before making their own assessments as to whether there has been any changes.

In summary the response from NEXUS considers that the "*MRPP letter does not identify any significant foodstore openings in or around Market Rasen that would cause us to alter any of these conclusions*" which are set out in paragraph 6.38, 6.39 and 6.40 of the submitted Planning and Retail Statement (PRS). The impact test within the PRS was drawn up using all existing information available so was in accordance with paragraph 17 (Reference ID: 2b-017-20190722) of the Town Centre and Retail section of the NPPG.

- Substantial ecological harm arising from the loss of biodiversity
The impact of the development on ecology is assessed earlier in the report and is considered to accord with the relevant policies of the development plan.
- The poor accessibility of the application site
The impact of the development on access and highway safety is assessed earlier in the report and is considered to accord with the relevant policies of the development plan.

However as it stands the site is not served by a pedestrian footpath and only a Call Connect bus service would currently be available to take people directly to the site.

The proposal would include the installation of a 1.8 metre wide footpath to extend the existing footpath which terminates along Gallamore Lane to connect the site to Market Rasen and a payment through a Section 106 Legal Agreement to move the 30mph speed limit signs to the west of the site.

This would provide a safer environment for the local people who want to walk to the site. Although not necessary or reasonable to make the development acceptable the permission advises that the developer should discuss the imposition of bus stops along Gallamore Lane with Lincolnshire County Council.

It has been demonstrated that the location of the development passes the Town Centre sequential test. Infrastructure has been put forward in the application to provide safe pedestrian access to the site and there is currently a CallConnect bus service which can be used to take residents to the site.

Whilst the comments from Tesco are acknowledged it is not considered that the development would not be accessible on foot, by bicycle or through the CallConnect public bus service

- Conflict with Policy S5 'Development in the Countryside' of the Development Plan

The impact of the development on the open countryside is assessed earlier in the report and is considered to accord with the relevant policies of the development plan.

Conclusion and reasons for decision:

The decision has been considered against local policy S1 The Spatial Strategy and Settlement Hierarchy, S5 Development in the Countryside, S6 Design Principles for Efficient Buildings, S8 Reducing Energy Consumption – Non-Residential Building, S12 Water Efficiency and Sustainable Water Management, S14 Renewable Energy, NS18 Electric Vehicle Charging, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources S28 Spatial Strategy for Employment, S34 Non-designated Employment Proposals in the Countryside, S35 Network and Hierarchy of Centres, S47 Accessibility and Transport, S49 Parking Provision, S53 Design and Amenity, S56 Development on Land Affected by Contamination, S57 The Historic Environment, S60 Protecting Biodiversity and Geodiversity, S61 Biodiversity Opportunity and Delivering Measurable Net Gains and S66 Trees, Woodland and Hedgerows of the Central Lincolnshire Local plan 2023 and consideration is additionally given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Model Code.

In light of this assessment and expired outline planning permission 142302 it is considered that the principle of the proposal is acceptable and the location of the site on the edge of Market Rasen has been justified through passing the main town centre sequential test and impact test. The development would benefit the local economy by creating a number of employment opportunities. The position of the proposed access is acceptable and would not have an unacceptable harmful highway safety impact subject to conditions and final details submitted at reserved matters. Furthermore the proposal is not expected to have an unacceptable harmful impact on visual amenity, biodiversity, contamination and drainage subject further details submitted via conditions or through a reserved matters application. There will be an impact on the future adjacent properties although subject to the conditions recommended it is considered that this should be capable of being addressed

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

Decision Level (tick as appropriate)

RECOMMENDED CONDITIONS:

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

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

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

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

2. No development must take place until, a contaminated land assessment and associated remedial strategy by a suitably qualified person with non-technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. (Outcomes must 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:
 - e) 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.
 - f) 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.
 - g) 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.

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

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration to accord with the National Planning Policy Framework and local policy and S56 of the Central Lincolnshire Local Plan 2023.

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

- (i) the routing and management of traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt;
- (viii) protection of existing boundary hedging and trees
- (ix) details of noise reduction measures;
- (x) a scheme for recycling/disposing of waste;
- (xi) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xii) A piling strategy, including measures for mitigation, where piling is proposed

Reason: To restrict disruption to the highway and the living conditions of the neighbouring dwellings and surrounding area from noise, dust and

vibration to accord with the National Planning Policy Framework and local policy S47 and S53 of the Central Lincolnshire Local Plan 2023.

4. No development must take place until construction details and position of a 1.8 metre wide footway, to connect the development to the existing footway network on the north and south side of Gallamore Lane has been submitted and agreed in writing by the Local Planning Authority. The works must include appropriate arrangements for the management of surface water run-off from the highway. No operation of the site must take place unless the footpath has been fully completed, in strict accordance with the approved scheme.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property to accord with the National Planning Policy Framework and local policy S21 and S47 of the Central Lincolnshire Local Plan 2023.

5. No development must take place unless details including the position to improve the public highway by means of a pedestrian refuge island have been submitted and approved in writing by the Local Planning Authority. No operation of the site must take place until the refuge island has been completed in strict accordance with the approved details and 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 and local policy S47 of the Central Lincolnshire Local Plan 2012-2036.

6. No development must take place unless evidence to demonstrate that the biodiversity value attributable to the development must exceed the pre-development biodiversity value of the onsite habitat by at least 10% (in compliance with metric trading rules), has been submitted to and agreed in writing with the Local Planning Authority.

*The biodiversity value attributable to the development is the total of -
(a) the proposed post-development biodiversity value of the onsite habitat,
(b) the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and
(c) the biodiversity value of any biodiversity credits purchased for the development.*

Where criteria (b) or (c) apply, the evidence will need to demonstrate that registered offsite biodiversity gain and/or biodiversity credits has been secured, as appropriate. Development may only proceed in accordance with the agreed details.

Reason: To evidence meeting the 10% Biodiversity Net Gain policy requirement and to increase the Biodiversity Value of the site or by

providing off site enhancements to accord with the National Planning Policy Framework and local policy S61 of the CLLP

7. No development hereby permitted until a written Habitat Management and Maintenance Plan [HMMP] in accordance with the evidence approved in condition 7 of this permission is submitted to and approved in writing by the Local Planning Authority. The HMMP must relate to all proposed habitats on site and must be strictly adhered to and implemented in full for a minimum of 30 years following an initial completion period. The HMMP must contain the following:
 - a) a non-technical summary;
 - b) the roles and responsibilities of the people or organisation(s) delivering/monitoring the [HMMP];
 - c) the details of funding, resources and mechanisms for long term delivery of the [HMMP].
 - d) the planned habitat creation and enhancement works for the initial completion period to create or improve habitat.
 - i. Explanation as to how climate change models (RCP 8.5) have impacted management, species selection and/or provenance.
 - ii. Explanation as to how soil sampling has impacted creation/enhancement of grassland habitats or any habitat creation on previous arable/contaminated land.
 - iii. Explanation as to any legal requirements associated with protected and or invasive species on site.
 - e) the management measures to maintain habitat for a period of 30 years from the completion of development;
 - f) the monitoring methodology and frequency in respect of the retained, created and/or enhanced habitat
 - g) the mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

Reason: To ensure an appropriate management and maintenance plan is approved to accord with the National Planning Policy Framework and local policy S61 of the CLLP

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

8. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:
 - 7536/67 Rev G dated 7th August 2024 – Site Plan
 - 7536/68 Rev G dated 7th August 2024 - Site Plan with Landscaping
 - 7536/69 Rev J dated 7th August 2024 - Site Plan with Landscaping
 - 7536/70 Rev A dated 1st May 2024 - Supermarket Floor and Roof Plan
 - 7536/71 Rev A dated 9th November 2023 - Supermarket Elevation Plans

- 7536/72 Rev A dated 1st May 2024 - Drive-Thru Elevation, Floor and Roof Plans
- 7536/73 Rev C dated 7th August 2024 - Site Section Plans
- 7536/74 Rev E dated 7th August 2024 - Hard Landscaping Plan
- 7536/77 dated October 2023 - Location Plan
- 4672 01 Rev M dated December 2020 - Landscape Masterplan
- 4672 02 Rev H dated 12th August 2024 - Landscape Boundary Sections

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 S5, S47, S49 and S53 of the Central Lincolnshire Local Plan 2023.

9. No operation of the development hereby approved must take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall 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 and local policy S47 of the Central Lincolnshire Local Plan 2012-2036.

10. No development 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.

The scheme must:

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

- provide attenuation details and discharge rates which shall be restricted to 2 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 shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No operation of the site must occur until the surface water drainage has been fully completed in strict accordance with approved scheme. The approved scheme must be retained and maintained in full, in accordance with the approved details.

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

11. No development above ground level must take place until details of a scheme for the disposal of foul water from the site and a plan identifying connectivity has been submitted to and approved in writing by the local planning authority. No operation of the site must occur until the foul water drainage has been fully completed in strict accordance with approved scheme. The approved scheme must be retained and maintained in full, in accordance with the approved details.

Reason: To ensure adequate foul water drainage facilities are provided to serve the buildings on the site 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.

12. The proposed development must at all times be operated in strict accordance with the noise mitigation measures identified on page 14 of the Noise Impact Assessment (NIA) dated 12th February 2024 by Hepworth Acoustics and the acoustic fencing identified on hard landscaping plan 7536/74 Rev E dated 7th August 2024.

Reason: To protect the amenity of the adjacent neighbour from undue noise to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023.

13. The proposed development must be completed in strict accordance with the recommendations listed in Section 3.2 (Project Champion), Section 4.2 (General Good Practice Measures) and Section 5.0 (Site Clearance Methods) of the Great Crested Newt Non-Licensed Method Statement by Morbaine Ltd dated May 2024.

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

14. No development must take place until details of the position of 3 bat boxes as per the recommendations of the Bat Roost Survey Report (BRS) by Morbaine Ltd dated June 2024 has been submitted to and approved by the Local Planning Authority. The approved boxes must be retained as such thereafter.

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

15. Apart from the bat boxes approved in condition 13 above, the development hereby approved must be completed in strict accordance with the mitigation measures in section 4.2 of the Bat Roost Survey Report (BRS) by Morbaine Ltd dated June 2024. All mitigation measures relating to the operational phase of the development must be retained as such thereafter following the completion of the construction phase.

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

16. The development hereby permitted must be carried out in strict accordance with the details set out in the submitted Energy and Sustainability Statement (Revision 1 (ref:Z61062)) dated 1st March 2024.

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of policies S6 and S8 of the Central Lincolnshire Local Plan 2023.

17. Prior to occupation of the development hereby approved, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy and Sustainability Statement (Revision 1 (ref:Z61062)) dated 1st March 2024 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 S8 of the Central Lincolnshire Local Plan 2023.

18. No external lighting must be installed on the site outlined in red on location plan 7536/77 dated October 2023 unless lighting details have been submitted to and agreed in writing with the Local Planning Authority. Such details are a lighting report with an illustrated light spill diagram and operational hours of all lighting. The development must adhere to the agreed lighting plan thereafter.

Reason: To restrict disruption from light spill on the living conditions of the neighbouring dwelling and the open countryside to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

19. No operation of the site must take place until details to permanently close the existing accesses off Gallamore Lane have been submitted to and agreed in writing by the Local Planning Authority. The closure of the two accesses must be completed within seven days of the new access being brought into use and in strict accordance with the approved scheme.

Reason: To reduce to a minimum, the number of individual access points to the site, in the interests of road safety to accord with the National Planning Policy Framework and local policy S47 and S53 of the Central Lincolnshire Local Plan 2023.

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

20. No deliveries must take place on the site between the hours of 23:00 and 7:00.

Reason: To restrict sleep disturbance from vehicle, human and delivery noises on the neighbouring dwelling during the hours stated to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023.

21. The retail store must not operate outside of the following hours:

- 8:00 and 22:00 on a Monday, Tuesday, Wednesday, Thursday, Friday and Saturday
- 9:00 and 18:00 on a Sunday

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023.

22. The coffee drive thru building must not operate outside of the following hours:

- 6:00 and 22:00 on a Monday, Tuesday, Wednesday, Thursday, Friday and Saturday
- 9:00 and 18:00 on a Sunday

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023.

23. No flues, vents or fans used for the extraction of food/cooking smells must be installed on the site outlined in red on location plan 7536/77 dated October 2023.

Reason: To protect the amenities of nearby properties and the locality from unacceptable odour nuisance to accord with the National Planning Policy Framework and local policies S53 of the Central Lincolnshire Local Plan 2023.

24. The proposed site outlined in red on location plan 7536/77 dated October 2023 must only be used for the purposes of retail and for a coffee drive thru (Use Class E(a) and E(b)). Any other uses including those within Class E (c, d, e, f and g) of the Town & Country Planning (Use Classes) Order 1987 as amended, are prohibited without the express planning permission of the Local Planning Authority.

Reason: To protect the amenities of nearby properties and to restrict the site from inappropriate uses in accordance with the National Planning Policy Framework, local policies S5 and S53 of the Central Lincolnshire Local Plan 2012-2036.

25. The gross internal floorspace of the foodstore hereby permitted must not exceed 1,802 square metres. The net sales area of the foodstore hereby permitted must not exceed 1,315 square metres. Whilst the combination of the net sales area devoted to the sale of convenience and comparison goods must not exceed 1,315 square metres, no more than 85% (or 1,118 square metres) must be used for the sale of convenience goods and no more than 25% (or 329 square metres) must be used for the sale of comparison goods.

Reason: To protect the vitality and viability of established centres in accordance with the National Planning Policy Framework and local policy S35 of the Central Lincolnshire Local Plan 2023.

26. 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 oil tanks or gas tanks must be placed within the curtilage of the building(s) hereby approved without the express planning permission of the Local Planning Authority.

Reason: In the interests of energy efficiency to accord with policies S6 and S8 of the Central Lincolnshire Local Plan 2023.

Appendix A

Supports

Middle and Market Rasen Addresses:

1, 14 Braemar Close, Middle Rasen
109 Caistor Road, Middle Rasen
3 Charlotte Lane, Middle Rasen
4, 8, 9 Corner Farm Close, Middle Rasen
6, 19, 20, 22, 41 Dovecote, Middle Rasen
8, 9, 12 Drax Court, Middle Rasen
1, 2, 5, 8, 10, 27, 35, 43 Fern Drive, Middle Rasen
1, 9 Gainsborough Road, Middle Rasen
1 Gallamore Court, Middle Rasen
4 George Road, Middle Rasen
8 Heath Court, Middle Rasen
6, 11 Hoe Drive, Middle Rasen
4 Homeleigh Court, Middle Rasen
1 Lawrence Lane, Middle Rasen
3 Jacksons Field, Middle Rasen
18, 24 Low Church Road, Middle Rasen
6, 8 Manor Drive, Middle Rasen
1, 3, 22 Meadowfield, Middle Rasen
1 Mill Lane, Middle Rasen
1 Naylor's Drive, Middle Rasen
5, 32 North Street, Middle Rasen
2 Parker Lane, Middle Rasen
2 St Peters Close, Middle Rasen
3 The Row, Church Street, Middle Rasen
7 Wilkinson Drive, Middle Rasen

Ash Tree Cottage, Church Street, Middle Rasen
Birch Lodge, Mill Lane, Middle Rasen
Braemar House, Middle Rasen
Bramble Bank, Low Church Road, Middle Rasen
Briarwood House, Lammas Leas Road, Market Rasen
Cahill, Middle Rasen
Cedar Farm Cottage, Lincoln Lane, Middle Rasen
Croyde Villa, Church Street, Middle Rasen
East View, Church Street, Middle Rasen
Elm Croft, Caistor Road, Middle Rasen
Fieldview, Gainsborough Road, Middle Rasen
Foxglove House, Middle Rasen
Grasmere, Gainsborough Road, Middle Rasen

Grove House, Gainsborough Road, Middle Rasen
Harrington House, Church Street, Middle Rasen
Hartsholme, Gainsborough Road, Middle Rasen
High Harbour Farm, Sand Lane, Middle Rasen
Honeysuckle Cottage, Old Gallamore Lane, Middle Rasen
Jesmond Dene, Church Street, Middle Rasen
Lake View, Middle Rasen
Landarase, North Street, Middle Rasen
Liathach, Church Street, Middle Rasen
Lingmell, Gainsborough Road, Middle Rasen
Little Eden, Low Lane, Middle Rasen
Manor Farm, North Street, Middle Rasen
May Cottage, 1 Mill Lane, Middle Rasen
Millark, North Street, Middle Rasen
Nakelo House, North Street, Middle Rasen
Newman Villa, Church Street, Middle Rasen
Park House, 69 Caistor Road, Middle Rasen
Pasture View, North Street, Middle Rasen
Peel House, Gainsborough Road, Middle Rasen
Penny Cottage, Serpentine Street, Market Rasen
Poplar Farm, Middle Rasen
Roseville, Church Street, Middle Rasen
Springbeck Cottage, North Street, Middle Rasen
Stepping Stones, Low Church Road, Middle Rasen
The Bungalow, Church Street, Middle Rasen
The Farmhouse, Church Street, Middle Rasen
The Grange, Stockmoor Lane, Middle Rasen
The Hawthorns, Church Street, Middle Rasen
The Willows, Gainsborough Road, Market Rasen
Wicken Tree Farm, Caistor Road, Middle Rasen
Willow Smythe, Gainsborough Road, Middle Rasen

10 Acre Close, Market Rasen
7, 33 Aintree Drive, Market Rasen
2, 16, 32, 39, 45, 62 Anglian Way, Market Rasen
1, 15 Ash Tree Close, Market Rasen
9 Bain Rise, Market Rasen
3 Beechers Way, Market Rasen
3 Bluebell Close, Market Rasen
2 Buzzard Close, Market Rasen
3, 10, 43, 49, 109 Caistor Road, Market Rasen
2 Cedar Close, Market Rasen
1 Chapel Mews, Chapel Street, Market Rasen
2b, 4b, 12, 14 Chapel Street, Market Rasen
3, 5 Chapman Street, Market Rasen
1, 6 Church Street, Market Rasen
7, 14, 16, 17, 27, 35, 43, 55, 71 Churchill Avenue, Market Rasen
1, 5, 16 Coronation Road, Market Rasen
13 De Aston Fields, Market Rasen
1, 5, 11, 25, 31 Dear Street, Market Rasen

25 Derby Close, Market Rasen
3 Eastville Court, Legsby Road, Market Rasen
6 Elizabeths Gardens, Market Rasen
9, 25 Elm Tree Close, Market Rasen
3, 5 Farriers Way, Market Rasen
9 Fitzwilliam Court, Union Street, Market Rasen
8, 15, 17, 19, 25, 31, 33 Foxglove Road, Market Rasen
3 George Street, Market Rasen
3, 9, 17, 23, 27, 28, 30, 42, 44, 56, 58, 77, 79, 80, 90, 92, 96, 111, 113, 117,
123, 143 Gordon Field, Market Rasen
1 Grebe Walk, Market Rasen
3 Hancock Court, Willingham Road, Market Rasen
8, 9, 12 Haydock Way, Market Rasen
4, 12 Heron Way, Market Rasen
17 Horseshoe Way, Market Rasen
1 James Court, Market Rasen
1, 3, 4 John Street, Market Rasen
6 Kerman Court, Market Rasen
31, 42, 45 King Street, Market Rasen
1, 4, 7, 17, 20, 21, 27, 31, 37, 53, 73 Kingfisher Drive, Market Rasen
13, 15, 27, 30, 35, 38 Lady Francis Drive, Market Rasen
4, 10, 19, 20, 23, 27, 33, 35, 38, 60, 61, 82 Lammas Leas Road, Market
Rasen
18, 19, 25 Lancaster Drive, Market Rasen
2, 5, 7, 8 Lapwing Close, Market Rasen
4, 7, 9, 14, 20, 24, 26, 27, 30, 33, 36, 45, 48 Lime Walk, Market Rasen
8 Lyall Close, Market Rasen
9, 15, 16, 18, 20, 21, 22, 26, 29, 34, 40 Mallard Way, Market Rasen
5 Maltings Court, Market Rasen
1, 2, 4 Maple Drive, Market Rasen
11 Market Place, Market Rasen
First Floor Flat 1 Market Place, Market Rasen
17, 21, 24, 25 Mill Road, Market Rasen
8 Mill Street, Market Rasen
8, 25 Moorhen Close, Market Rasen
10, 11 Nursery Street, Market Rasen
3 Old Barn Court, Market Rasen
3, 6 Old Dairy Road, Market Rasen
16-18, 32 Oxford Street, Market Rasen
1, 4 Paddock Mews, Market Rasen
1, 14 Pasture Lane, Market Rasen
1 Peatfields Row, Waterloo Street, Market Rasen
1, 2, 5 Plough Drive, Market Rasen
9 Plover Walk, Market Rasen
2 Primrose Close, Market Rasen
6, 23, 27, 30 Prospect Place, Market Rasen
18 (Flat B), 34a Queen Street, Market Rasen
1, 3, 8, 14, 16, 31 Roman Fields, Market Rasen
2 Ruby Villas, Chapel Street, Market Rasen
14, 35 Serpentine Street, Market Rasen

3, 10 Southwold Road, Market Rasen
11, 15, 19, 24, 27, 40, 43, 44, 47, 51, 53, 57 The Brambles, Market Rasen
4, 5, 6, 16, 21, 22, 32, 40, 46 The Furlongs, Market Rasen
4 The Old Dairy, Lammas Leas Road, Market Rasen
50, 57, 73 The Ridings, Market Rasen
2 Riverside, Market Rasen
9 Syfer Close, Market Rasen
1, 4, 8, 19, 26 Thirsk Close, Market Rasen
30, 39 Union Street, Market Rasen
7, 14, 24, 26 Velden Way, Market Rasen
30, 32 Victoria Road, Market Rasen
8 Walnut Court, Market Rasen
24e, 42, 51, 74 Waterloo Street, Market Rasen
7 Waverley Court, Market Rasen
2, 6, 12, 16 Wellesley Close, Market Rasen
2, 5 Whitworth Way, Market Rasen
8 Willingham Court, Market Rasen
15, 19, 25, 28, 42, 43, 45, 82 Willingham Road, Market Rasen
5, 6 Wold View, Mill Road, Market Rasen
3 Woodpecker Close, Market Rasen

April Lodge, Mill Lane, Middle Rasen
Ambleside, Gallamore Lane, Middle Rasen
Ascot, Market Rasen
Aysgarth House, Lammas Leas Road, Market Rasen
Brooklyn, Walesby Road, Market Rasen
Bryn Ash, Willingham Road, Market Rasen
Burnham, Waterloo Street, Market Rasen
Danesfield, Market Rasen
De Aston View, Legsby Road, Market Rasen
Deva, Legsby Road, Market Rasen
Dog Kennel Lodge, Legsby Road, Market Rasen
Drayton Cottage, Chapman Street, Market Rasen
Fox Covert Farm, Low Lane, Middle Rasen
Gallamore House, 53 Caistor Road, Market Rasen
Gilvana, 1 Mill Road, Market Rasen
Glenfiddich, Legsby Road, Market Rasen
Gunby, Walesby Road, Market Rasen
Hawthorn House, Lammas Leas Road, Market Rasen
Ling O Dell, Gallamore Lane, Market Rasen
Lonsdale House, Willingham Road, Market Rasen
Manor Bungalow, Jameson Bridge Street, Market Rasen
Manor Cottage, Church Street, Market Rasen
Manora, Linwood Road, Market Rasen
Mosman, Walesby Road, Market Rasen
Nash Dom, Legsby Road, Market Rasen
Orchard Cottage, Queen Street, Market Rasen
1 Pebbles Cottages, Willingham Road, Market Rasen
2 Pebbles Cottages, Willingham Road, Market Rasen
Raymor, Market Rasen

Rydal Mount, Legsby Road, Market Rasen
Shalom, Chapman Street, Market Rasen
Shenleigh, Market Rasen
Somerford House, Market Rasen
South Gables, Willingham Road, Market Rasen
The Bumbles, Legsby Road, Market Rasen
The Chase, Legsby Road, Market Rasen
The Cottage, 59 Lammas Leas Road, Market Rasen
The Manor Bungalow, Market Rasen
The Mount, Legsby Road, Market Rasen
The Vicarage, 13 Lady Francis Drive, Market Rasen
The Waltons, Casterton Close, Market Rasen
The Willows, Mill Road, Market Rasen
Ventnor, Walesby Road, Market Rasen
Wickentree Farm, Caistor Road, Market Rasen
Willow House, Legsby Road, Market Rasen
Woodlands Cottage, Walesby Road, Market Rasen

Other West Lindsey Addresses:

29 High Street, Binbrook
Kirmond Road, Binbrook
Rectory Close, Binbrook
4 Archer Street, Bishop Norton
Bleasby Cottage Corner Cottage, Torrington Lane, Bleasby Moor
Oak Leaves House, Main Road, Bleasby Moor
Springfield, Main Road, Bleasby Moor
12 Canberra Crescent, Brookenby
10 Hunter Road, Brookenby
30 Kent Road, Brookenby
15 Lancaster Road, Brookenby
2 Merlin Road, Brookenby
1 Orford Close, Brookenby
17 Windsmoor Road, Brookenby
Corner House, 1 Faldingworth Road, Buslingthorpe
Gatehouse, Faldingworth Road, Buslingthorpe
Hazel Meadows, Friesthorpe Road, Buslingthorpe
Musgraves Farm, Friesthorpe Road, Buslingthorpe
7 Brigg Road, Caistor
6 Hadrian Way, Caistor
15, 19, 29 Kelsway, Caistor
7 Keyworth Drive, Caistor
12 Newbolt Close, Caistor
11 Rawlinson Avenue, Caistor
52 South Street, Caistor
12 Whitegate Hill, Caistor
Rest Haven, North Kelsey Road, Caistor
Roselea, North Kelsey Road, Caistor
West Moor Farm Fishery, Caistor
Flat at Millbrook House, 175 Newport, Caistor

The Orchard, Boggle Lane, Claxby
The Shire, St Mary's Lane, Claxby
3, 4 Woodland View, Normanby Rise, Claxby
Collow Cottage, Main Road, East Torrington
1 Boundary Walk, Faldingworth
1, 34, 50 Hutton Way, Faldingworth
2 Jubilee Avenue, Faldingworth
1 Truman Close, Faldingworth
3 Wesley View, High Street, Faldingworth
Brownlow House, High Street, Faldingworth
Dendor, High Street, Faldingworth
The Grange, Spridlington Road, Faldingworth
13 Hickman Crescent, Gainsborough
3 Glentham Court, Glentham
5, 6 High Street, Glentham
2 Riverside Cottages, Glentham
Barn Cottage, Washdyke Lane, Glentham
Bluebell Cottage, Highfield Terrace, Glentham
Brickyard Barn, Bishopbridge Road, Glentham
Chartwell, Gainsborough Road, Glentham
Clematis Cottage, Highfield Terrace, Glentham
Laburnum Cottagem Middlefield Lane, Glentham
Meadowsweet Cottage, Highfield Terrace, Glentham
17 Brook Street, Hemswell
14 Anderson Road, Hemswell Cliff
9 Creampoke Crescent, Hemswell Cliff
42 Minden Place, Hemswell Cliff
Holton Grange Farm, Holton Grange Lane, Holton cum Beckering
The Workshop, Lissington Road, Holton Cum Beckering
Wheelwrights Cottage, Lincoln Road, Holton cum Beckering
2 Wold View Cottages, Caistor Road, Holton le Moor
1 Woodmans Cottages, Gatehouse Road, Holton le Moor
Bestoe Cottage, Market Rasen Road, Holton le Moor
Brickyard Cottage, Brickyard Lane, Holton le Moor
Morcar House, Gatehouse Road, Holton le Moor
2 Jesmond Farm Cottages, Gulham Lane, Kingerby
Brierfield, Owersby Bridge Road, Kirkby cum Osgodby
Hillbury, Main Street, Kirkby cum Osgodby
Monsol Corner, Main Street, Kirkby cum Osgodby
Clinton Villa, Owersby Bridge Road, Kirkby cum Osgodby
South Top House, Kirkmond Road, Kirmond le Mire
East Cottage, Main Road, Legsby
Rosaven, Legsby
3 Park View, Legsby
1 South Cottage Wood, Langham Lane, Legsby
Briarwood, Main Road, Legsby
The Blacksmiths Cottage, Main Road, Legsby
2 Manor Farm Cottages, Main Road, Linwood
Fine Times Cottage, Linwood
5 The Terrace, Grundy Lane, Lissington

Manor Farm Cottage East, Linwood Road, Lissington
Rose House, 2 Rose House, Lissington
The Old Police House, 4 Church Cottages, Linwood Road, Lissington
Top Farm, Bleasby Moor Road, Lissington
Paddock View, 1 Mansgate Hill, Nettleton
12 Draycot, Nettleton
Viking Cottage, Normanby Road, Nettleton
Holton Road, Nettleton
Towngate, Church Street, Nettleton
30 Wood Farm Close, Nettleton
9 Alexandria Road, Newtoft
15 Arlington Road, Newtoft
2 Masovian Lane, Newtoft
1, 10 Prince William Road, Newtoft
6, 13, 18 Tudor Close, Newtoft
20, 21, 38, 53 Washington Drive, Newtoft
Church Farm, Toft Lane, Newton by Toft
Church Farm, High Street, Newton by Toft
Cliff Farmhouse, Normanby Cliff Road, Normanby by Spital
1 Grange Cottage, Normanby le Wold
2 Hillcrest, Top Road, Normanby le Wold
3 Barrick Close, North Kelsey
12 Folly Hill, North Owersby
Fairfax Cottage, Cater Lane, North Owersby
Kingfisher Lodge, Moor Road, North Owersby
1 North Vale, North Willingham
Boucherette Lodge, Willingham Hill, North Willingham
Crossroads Cottage, North Willingham
Rookery Cottage, North Willingham
The Old Barn, High Street, North Willingham
Almondbury, Low Road, Osgodby
Barley House, Mill Lane, Osgodby
Beckside Farm, Caistor Road, Osgodby
Chapel House, Main Street, Osgodby
Cote Hill Cottage, Lincoln Lane, Osgodby
D'nalyar, Main Street, Osgodby
Field Farm, Osgodby
Oddabode, Low Road, Osgodby
Shandelle, Main Street, Osgodby
Trevithian, Washdyke Lane, Osgodby
West Haven, Main Street, Osgodby
3, 4 Main Street, Osgodby
Glebe Farm House, Owmbly Cliff Road, Owmbly by Spital
13 Cliff Farm Cottages, Owmbly Cliff Road, Owmbly by Spital
9, 10 Fen Road, Owmbly by Spital
The Stables, Gulham Lane, North Gulham
Smugglers, Rest Moor Road, North Owersby
2 Rutland Way, Scampton
Ivy Cottage, Ludford Road, Sixhills
2 Hainton Road, Sixhills

2 Manor Farm Cottages, Snelland Road, Snarford
1 Bungalow, South Gulham
West Orchard, Waddingham Road, South Kelsey
1 Skipworth Ridge, Waddingham Road, South Kelsey
Lake Side Cottage, South Lane, Stainton Le Vale
Pebbles, 7 Pebbles, Stainton Le Vale
34 Cow Lane, Tealby
Chestnut View, Thornton Road, Thornton le Moor
6 Kingsway, Tealby
8 The Smooting, Tealby
Walesby Grange, Walesby Lane, Tealby
Clay Barn, Clay Lane, Toft Next Newton
Glebe Cottage, Clay Lane, Toft Next Newton
Westfield House, East Lane, Toft Next Newton
Grooms Cottage, Church Lane, Usselby
Sunnybrook, Fir Park, Usselby
4 Millstone Way, Waddingham
Clock House Farm, Brandy Wharf Road, Waddingham
Manor Farm Cottage, Manor Farm Cottage, West Lissington
Cliff House, Catskin Lane, Walesby
Walesby Top Farm, Walesby Hill, Walesby
29 Hazel Grove, Welton
2 Manor Court, Welton
1 Bridge View, West Rasen
Brooklyn, Snelland Road, Wickenby

Other districts addresses:

Post Office Cottage, Lincoln Road, East Barkwith
Runswick, Louth Road, East Barkwith
The Bungalow, Torrington Lane, East Barkwith
26 Rowallan Avenue, Gosport
1 Horse Pasture Cottage, Louth Road, Hainton
1 Midge Inn Cottages, Hatton
11 Salters Cottages, Chapel Lane, Ludford
Shiregreen Cottage, Fanny Hands Lane, Ludford
The Old Rectory, Magna Mile, Ludford
White Hart Inn, Magna Mile, Ludford
23 Bain Rise, Ludford
2 Acorn Way, Scunthorpe
3 Blackcairn House, Spean Bridge
39 Carpenters Close, Wragby
11 Mill View Road, Wragby
Kilmister Court, Wragby
Prince Charles Avenue, Wragby

Objections received from:
Rochford Farm, North Kelsey

Fern House, 35 Willingham Road, Market Rasen
23 Derby Close, Market Rasen
Market Rasen Cricket and Football Club

General Observations received from:
38 The Ridings, Market Rasen
4 Acre Close, Market Rasen



OFFICERS REPORT

PLANNING APPLICATION NO: WL/2024/00420

PROPOSAL: Planning application for the construction of a specialist 65-bedroom dementia care home (Use Class C2) together with associated car and cycle parking, structural landscaping and amenity space provision being variation of conditions 3 & 6 of planning permission 145433 granted 10 February 2023 to allow shorter footpath link to serve the approved care home.

LOCATION:

Land to the North of 40 Lodge Lane
Nettleham
Lincoln
LN2 2RS

WARD: Nettleham

WARD MEMBER(S): Cllr F J Brown and Cllr J S Bennett

APPLICANT NAME: Mr David Hicks

TARGET DECISION DATE: 21st August 2024 (Extension agreed until 13th September 2024)

CASE OFFICER: Ian Elliott

Recommended Decision: Grant Permission plus conditions

Planning Committee:

This application has been referred to the Planning Committee following objections from the Nettleham Parish Council, the Local Highways Authority and residents on highway and pedestrian safety grounds.

Site Description and Proposal:

The application site is located at the southern boundary of Nettleham. It is situated on Lodge Lane, about 4 km north-east of Lincoln. The site is approximately 0.7ha in size. It contains a number of trees along the boundaries. It is not within a Conservation Area and there are no listed buildings nearby. To the north, the site neighbours the residential area of Weldon Drive. This area comprises mainly two storey residential buildings. To the West the site is bounded by another line of trees. Beyond this is the main fields of the Lincoln Rugby Club. The access to Lincoln Rugby Club lies south of no. 40 Lodge Lane. The East is bounded by Lodge Lane and a wide green verge along the road. There is currently no footpath connecting Nettleham with the Rugby Club to the south of no 40 Lodge Lane. The site drops in levels from West to East by around 1m.

The application seeks permission to vary conditions to enable the removal of a section of previously approved pedestrian footpath, following the grant of planning permission for the construction of a specialist 65-bedroom dementia care home (Use Class C2) together with associated car and cycle parking, structural landscaping and amenity space provision in 2023.

The amendment would remove 220 metres of previously proposed pedestrian footpath which would have connected the vehicle access of the approved development in 145433 to the vehicle access of the Nettleham Rugby Club to the south-east. A new pedestrian footpath, connecting the site to the north would be retained.

Relevant Planning History:

145433 - Planning application for the construction of a specialist 65-bedroom dementia care home (Use Class C2) together with associated car and cycle parking, structural landscaping and amenity space provision - 10/02/23 - Granted time limit plus conditions

137531 – Planning application for proposed development of 7 dwellings. Refused 31/05/18. Appeal dismissed.

132116 – Outline planning application for the erection of 10 residential dwellings with access and layout to be considered. Refused 24/04/15. Appeal dismissed.

130890 – Planning application for residential development of 26 dwellings. Refused 30/04/14

Other relevant Planning History:

Land off Lodge Lane, Nettleham:

This site shares the north/north west boundary of the application site.

132063 - Outline planning application for erection of up to 40no. dwellings and commercial development to include Class B1-Offices and D1-Non- residential institutions-access to be considered and not reserved for subsequent applications - 29/05/15 - Refused - Appeal Allowed 17/12/15 (APP/N2535/W/15/3129061)

135896 - Application for approval of reserved matters for erection of up to 40no dwellings following outline planning permission 132063 granted at appeal 17 December 2015 - 12/05/17 - Granted time limit plus conditions

Approved site plan:



137381 - Application for removal of condition 10 of planning permission 132063 granted on appeal 17 December 2015-re: footpath - 25/05/18 - Granted time limit plus conditions.

Condition 10:

"No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 1.8m wide footway across the whole frontage of the site. The agreed works shall be fully implemented before first occupation of any of the buildings on the site hereby approved"

Conclusion of officer report stated:

"In light of this assessment and evidence submitted it is considered that the imposed footpath condition is not necessary to make the development acceptable in planning terms as the site is already connected to the village by two other footpaths and there is no public infrastructure directly to the south of the site and so is not a reasonable requirement which therefore fails the "6 tests" and so the condition can be removed".

In summary this application to remove a footpath condition was assessed against the six planning tests and concluded that it was not necessary or reasonable (The six condition tests are outlined later in this report).

Representations:

Nettleham Parish Council: Objections

Nettleham Parish Council has the following "material considerations" and comments to make on the proposal:

Nettleham Parish Council objects to the requested amendment and refers you to the Parish Council's response to the original application dated 20/10/2022. In our previous response, we emphasised the importance of formalising the provision of the footpath within a s106 agreement.

The rationale behind the Parish Council's objection is:

1. Safety for Pedestrians: A formalised footpath would allow safe access to the site for pedestrians, which is particularly important given the high traffic and lack of lighting on Lodge Lane. This footpath would not only serve the residents of the proposed Care Home but also benefit the wider community by connecting to the Rugby Club and a much-used bridleway. This would significantly reduce the risk of pedestrians having to walk along the busy and unlit Lodge Lane.
2. Benefits to Care Home Residents: The future residents of the Care Home would greatly benefit from the footpath. It would provide an additional route for walking with family members and/or staff, thereby promoting gentle exercise, which is proven to be beneficial for people with dementia. The Alzheimer's Association highlights that "During a walk, a person with dementia may leave the home." While required safety standards would be in place, having a footpath would arguably increase safety if a resident were to wander onto Lodge Lane.

In summary, the Parish Council believes that the inclusion of a formalised footpath is crucial for the safety and well being of both the Care Home residents and the broader community. We urge that this amendment be refused

Local residents: Objections received from:

36 Lodge Lane, Nettleham
4 Squires Place, Nettleham
26 Baker Drive, Nettleham
7 Poachers Meadow, Nettleham

Highway Safety

- Lodge Lane is a dangerous road with no lighting. Cars regularly speed on the lane reaching speeds in excess of 100mph. Making this section of the Lane safer is paramount and the removal of this section of the proposed footpath should not be allowed.
- Since Lincoln Rugby Club moved to the site, it has become a real asset to the village. Apart from the numerous rugby teams, the club house hosts fitness classes and many social events. However, getting to the club house on foot is fraught with danger because the road is dangerous. Hence, villagers tend to use cars to get there, which increases traffic and pollution. Providing a footpath would enable villagers, including residents of the care home, to take advantage of the facilities at the Rugby Club without using cars. Apart from the health benefits of walking, this would also reduce traffic and pollution in the vicinity of the care home.
- Removing the requirement for the developer to build a section of the footpath increases the risk to pedestrians walking from the bridleway and rugby club. Since the opening of the eastern bypass Nettleham has seen a large increase in traffic cutting through the village via Lodge Lane (due to congestion on the bypass). Many of these vehicles are travelling far in the excess of the speed limit and this poses a serious risk to pedestrians if they are forced to walk in the road. I would urge that this application is refused.
- Lodge Lane is a very busy road and the village has seen an increase in traffic since the eastern by pass has opened. A footpath to link the village to the Footpath and Rugby club is essential for the safety of pedestrians. I personally know of one person who has been clipped by a car. With councils trying to promote the benefits of exercise this would go directly against this if you allow the change to go through. Therefore i ask you to not allow this change in planning conditions to happen for the safety and well being of the residents of Nettleham.
- The inclusion of this footpath was to appease local resident concerns relating to the application. It comes as no surprise the applicant is now applying to save the cost of installing this section of footpath, however this request/application should be resisted. Lodge Lane is a dangerous road with no lighting. Cars regularly speed on the lane reaching speeds in excess of 100mph. Making this section of the Lane safer is paramount and the removal of this section of the proposed footpath should not be allowed.

LCC Highways and Lead Local Flood Authority: Objections

It is the Highway Authorities recommendation that the application to amend the length of the footway provided as part of the planning permission granted for the specialist 65-bedroom dementia care home is refused. The originally shown footway provision, submitted as part of the application at the time, was assessed, agreed and approved as part of the permission granted. Removing part of the pedestrian connectivity to the development is a fundamental change to the proposal. Proposed developments are required to provide safe access for all, in line with NPPF guidance, including to adjacent development where appropriate. The rugby club serves as a community asset, with function rooms for hire and events outside its primary function as a rugby club. It is therefore considered by the highway authority that pedestrian trips are likely between the two developments, and due to the proximity of the proposed care home, the absence of a footway link to the rugby club will pose a highway safety issue.

Environment Agency: Comment

We did not recommend the conditions referred to on application 145433 and therefore we have no comments to make on this application (WL/2024/00420).

Anglian Water: Comment

Thank you for your consultation. Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

Relevant Planning Policies and Legislation:

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 Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and the Nettleham Neighbourhood Plan (Made 3rd March 2016).

Development Plan

- **Central Lincolnshire Local Plan 2023**

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy

S21 Flood Risk and Water Resources

S23 Meeting Accommodation Needs

S47 Accessibility and Transport

S53 Design and Amenity

S57 The Historic Environment

S61 Biodiversity Opportunity and Delivering Measurable Net Gains

S66 Trees, Woodland and Hedgerows

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

- **Nettleham Neighbourhood Plan (NP)**

Relevant policies of the NP include:

D-1 Access

D-2 Pedestrian and Cycle Access

D-6 Design of New Development

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

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

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

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

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 Governments 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:

However, existing 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 Guidan**

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

- **National Design Guide (2019)**

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

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

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

Nettleham Neighbourhood Plan Review

Nettleham Neighbourhood Plan Review has reached the referendum stage. The examination of the plan review was carried out by an independent examiner in early 2024. Subject to a series of recommended modifications (Regulation 18 and 19) set out in their report the examiner concluded that the examination of the Nettleham Neighbourhood Plan Review had been successful, and the plan should proceed to referendum.

Nettleham Parish Council and West Lindsey District Council have agreed that the examiners recommended modifications be accepted and included in the Neighbourhood Plan Review for it to proceed to a public referendum. The referendum is to be held in the parish of Nettleham on 26th September 2024.

National planning guidance advises that where a Decision Statement has been made detailing the intention to send a neighbourhood plan to referendum, such as for the Nettleham Neighbourhood Plan Review, that plan can be given significant weight in planning decision-making, so far as the plan is material to the application.

The most relevant policies are considered to be:

Policy D3 – Water Resources, Quality and Flood Risk

Policy D4 – Design of New Development and Parish Design Code Principles

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

Main Considerations:

This application is made under Section 73 of the Town & Country Planning Act 1990, in order to develop land not in compliance with conditions previously attached.

In accordance with planning law (Section 73(2)), “consider only the question of the conditions subject to which planning permission should be granted.” It is not a re-visitation or reassessment of the original decision to grant planning permission.

In this respect therefore, this application considers only the implications of the removal of the proposed footpath, and is not a reconsideration of the decision to grant planning permission to the care home and associated development.

- Principle of the Development
- Assessment in planning permission 145433
- Footpath Removal
 - Necessary*
 - Relevant to Planning*
 - Relevant to the development to be permitted*
 - Enforceable*
 - Precise*
 - Reasonable in all other aspects*
 - Concluding Statement*
- Landscape Character
- Assessment of condition 1, 2, 4, 5 and 7-13 of planning permission 145433

Assessment:

Principle of the Development:

The principle of the development has already been established and benefits from full planning permission 145433 dated 10th February 2023. The permission requires development to commence within 3 years.

The previous full application was considered against the policies of the now revoked and superseded Central Lincolnshire Local Plan 2012-2036. On 13th April 2023 the Central Lincolnshire Local Plan 2023 and its policies was adopted and is the development plan that this application will be determined against.

This section 73 planning application has been submitted to amend the plans (condition 3 and 6) as described earlier in the report.

Condition 3:

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

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property."

Condition 6:

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

2124/PA/03

2124/PA/04

2124/PA/10

2124/PA/20

2124/PA/30

2124/PA/40

2124/PA/50

2124/PA/51

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

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

The application has included a letter from the planning hub dated 22nd May 2024. The letter sets out that *"the request for the provision of such an elongated footpath is not 'necessary', 'relevant to the development permitted' or 'reasonable' as it currently stands"*.

In summary the letter provides the following justification for this opinion:

- There is no tangible link between the care home and the rugby club
- It would be unfair of the Highways Authority to ask the developer to provide the footpath link to the rugby club when a footpath was not sought when the rugby club development was considered.
- There was no request for the footpath by the Highways Authority at pre-application.
- There is no real justification put forward for the footpath to link the care home to the rugby club.

To conclude the the letter states *"it is not essential in order to facilitate the development, is not a requirement in order to make the development safe and accessible and is not, therefore, considered to be 'necessary', 'relevant to the development permitted' or 'reasonable' under the 'tests' set out in paragraph 56 of the NPPF."*

Footpath Removal

The proposed amendment to remove a section of the footpath has been objected to by the Nettleham Parish Council, the Local Highways Authority at Lincolnshire County Council and local residents based on highway safety grounds, the health of the residents of the proposed care home and that the section of the footpath was fundamental to the acceptability of the development.

Paragraph 3 (Reference ID: 21a-003-20190723) of the Use of Planning Conditions (<https://www.gov.uk/guidance/use-of-planning-conditions>) of the NPPG states that:

"[Paragraph 55](#) of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. *necessary;*
2. *relevant to planning;*
3. *relevant to the development to be permitted;*
4. *enforceable;*
5. *precise; and*
6. *reasonable in all other respects.*

These are referred to in this guidance as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply."

– Circular 11/95: Use of conditions in planning permission (<https://www.gov.uk/government/publications/the-use-of-conditions-in-planning-permissions-circular-11-1995>) provides additional guidance on the accurate use of planning conditions.

The reason for condition 3, as stated on the decision notice is as follows:

– *Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.*

– However, the applicant, whilst acknowledging that connection to the north is "necessary", now questions whether it is "necessary" for the development to connect to the Rugby Club to the south.

– It is therefore important that this report completes a thorough assessment of the six conditions test of the NPPF/NPPG for condition 3, in particular if it is necessary, relevant to the development to be permitted and reasonable. This is not required for condition 6 which lists the approved plan and is a standard condition which meets the six conditions test. The contents of condition 6 will be formed by the outcome of the condition 3 assessment below:

Necessary:

Paragraph 15 of circular 11/95 states that:

"In considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification."

The proposed specialist 65-bedroom dementia care home approved on the edge of the settlement had no existing public footpath provision to the north/north west to Nettleham or to the south/south east away from Nettleham. The frontage of the site is grass verge which extends all the way to the pedestrian footpath which terminates to the south/south east of Lodge Lane and north/north west of Weldon Drive.

The approved development included the introduction of a pedestrian footpath:

- to the north/north west to connect the approved development to the existing footpath to the west side of Lodge Lane which terminates to the north of Weldon Drive (modern residential development) **and**
- to the south/south east to connect the development to the vehicle access to Nettleham Rugby Club.

Given the use of the development having safe pedestrian access to the settlement is a fundamental material planning consideration for the occupants, employees and visitors and is not for consideration in this application. The applicant agrees that this section is "necessary".

It is the proposed footpath (approximately 220 metres in length) going south to the Lincoln Rugby Club which is proposed to be removed from the condition. It is acknowledged that the provision of a pedestrian footpath to the Lincoln Rugby Club would provide some benefit to the occupants of Nettleham and to the occupants of the care home, however it needs to be determined whether this is necessary to make the development acceptable.

The road verge currently does not have a footpath and lighting. If residents of the care home did wish to visit the Rugby Club to the south by foot, it is acknowledged that it would not be safe and pedestrian accessibility would be compromised. However, it is questionable as to the extent that there would be demand for users of the proposed care home to visit the rugby club to the south.

The applicant argues:

"However, there is no way that the care home development in this location will result in either its residents, or its staff members, needing to walk from the care home to the rugby club, or that users of the rugby club would want to walk from there to the care home, as these uses are not aligned, nor do they feed-off each other in terms of pedestrian movements."

Having reviewed the transport assessment and travel plan that were submitted with the original application, it is clear that walking is encouraged. However, it has a clear focus on ensuring accessibility to services in the village - it doesn't identify a specific need to access the rugby club to the south, or set out any expected trip generation.

In view of limited evidence of a clear link and desire line between the two sites, it is considered that the pedestrian footpath would be desirable and improve pedestrian safety - however, it is not considered necessary for the proposed care home

It is considered that the proposed development would not have been refused if the pedestrian footpath to the Nettleham Rugby Club had not been included in the development. There is additionally no special or precise justification to expect the developer of the care home to go to the expense of providing the footpath to the Rugby Club, in addition to the proposed footpath which would connect to facilities and services within the settlement of

Nettleham. It is therefore considered that the pedestrian footpath to the Nettleham Rugby Club is not considered as necessary to make the development acceptable.

Relevant to Planning:

Highway safety and pedestrian access are matters considered relevant to planning.

Local policy S47 of the CLLP, policy D-2 Pedestrian and Cycle Access of the Nettleham Neighbourhood Plan and Policy D1 Parking Standards for New Residential Development of the Nettleham Neighbourhood Plan Review include criteria on pedestrian access.

These policies include the following criteria:

- S47 b) Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, car clubs, walking and cycling links and integration with existing infrastructure;

- D-2 c) Address existing physical impediments to safe and easy pedestrian and cycle access; and
 d) Safeguard any wider strategic opportunities for cycling and walking facilities in the immediate locality.

- D1 1. Where appropriate, all development proposals will need to demonstrate that they can provide suitable access, clear visibility, and pedestrian safety to and from the site.

These three policies set out that developments must demonstrate suitable pedestrian safety to and from the development applied for.

Relevant to the Development to be Permitted:

As stated above, whilst desirable for the future occupants, there is no evidence within the transport statement and Travel plan that there is a clear and sufficient access demand for pedestrian connectivity between users of the proposed care home and the Rugby Club.

It is considered that the desire to connect the Rugby club to the settlement of Nettleham with pedestrian access exceeds the requirements of the proposed care home alone.

It is therefore considered that the pedestrian footpath to the Nettleham Rugby Club is not considered as relevant to the development to be permitted.

Enforceable:

It is considered that the condition has been worded suitably enough to be enforceable.

Precise:

It is considered that the wording of the condition is precise.

Reasonable in all other respects:

The condition requires the installation of a circa 220m pedestrian footpath at the expense of the care home developer.

In the view that pedestrian connection to the rugby club to the south is not necessary for the care home to be acceptable in planning terms, it is considered that this is not reasonable.

As stated in the necessary section above it is considered that providing a pedestrian footpath north to Nettleham itself would be the only reasonable responsibility of the developer to allow safe access to the site from the application site.

It is therefore considered that the pedestrian footpath to the Lincoln Rugby Club is no longer considered as reasonable.

Concluding Statement:

Following the assessment of the six conditions test it is considered that the proposed pedestrian footpath to connect to the Lincoln Rugby Club in condition 3 of planning permission is considered as not necessary, not relevant to the development to be permitted and would be unreasonable. Condition 3 would therefore not meet the six conditions test and is recommended to be amended to:

"The development hereby permitted must not be occupied before a 1.8m metre wide footway, to connect the development to the existing footway network which terminates to the west of Lodge Lane, Nettleham, has been provided in accordance with details that must first have been submitted to, and approved in writing by, the Local Planning Authority. The works must also include appropriate arrangements for the management of surface water run-off from the highway. The footway scheme must be fully completed in strict accordance with the approved details.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property to accord with the National Planning Policy Framework and local policy S21 Flood Risk and Water Resources and S47 Accessibility and Transport of the Central Lincolnshire Local Plan 2023 and D-1 and D-2 of the Nettleham Neighbourhood Plan and Policy D3 of the Nettleham Neighbourhood Plan Review."

Subsequently it is considered that condition 6 can be amended to reflect the new plan(s) submitted in the application.

Landscape Character

As you travel south/south east along Lodge Lane away from the settlement the character of Lodge Lane changes from an Urban character to a much more greener open countryside character with hedging, trees and grass verges dominating either side of the road. The introduction of hard landscaping in the form of a pedestrian footpath is not ideal in this location so only needs to be installed where it is absolutely necessary to serve the care home development with access into the settlement where all the day to day community facilities and shops are situated.

The lengthening of the pedestrian footpath an approximate further 220 metres tot the south/south east would further harm the pleasant green open countryside character of Lodge Lane. The removal of the requirement to construct a footpath to the Lincoln Rugby Club would therefore have an enhancing impact on the character and appearance along Lodge Lane.

Assessment of condition 1, 2, 4, 5 and 7-13 of planning permission 145433

As a Section 73 application will create a new permission in itself a review of all the remaining conditions originally imposed on planning permission 145433 needs to be reviewed.

Condition 1 – Time Limit

This condition is still relevant and necessary but needs to be altered to state that the development must commence by the end of 10th February 2026, to reflect the original grant of permission (time conditions cannot be extended through a s73 application)..

Condition 2 – Construction Management Plan

This condition is considered to still be relevant and necessary therefore should still be retained.

Condition 4 - Surface Water

This condition is considered to still be relevant and necessary therefore should still be retained.

Condition 5 – Surface Water (Highway)

This condition is considered to still be relevant and necessary therefore should still be retained.

Condition 7 – Materials

This condition is considered to still be relevant and necessary therefore should still be retained.

Condition 8 – Ecology

This condition is considered to still be relevant and necessary therefore should still be retained.

Condition 9 – Landscaping

This condition is considered to still be relevant and necessary therefore should still be retained.

Condition 10 – Screening

This condition is considered to still be relevant and necessary therefore should still be retained.

Condition 11 – Boundary Treatments

This condition is considered to still be relevant and necessary therefore should still be retained.

Condition 12 – Travel Plan

This condition is considered to still be relevant and necessary therefore should still be retained.

Condition 13 – Planting

This condition is considered to still be relevant and necessary therefore should still be retained.

Other Considerations:

Response to Objections

Pedestrian Safety:

A number of objections have been received from residents and objection from the Highways Authority in relation to the safety of this section of Lodge Lane which is used for exercising and visitors to the Rugby Club. The existing footpath terminates to the north of the vehicular access of 38 Lodge Lane but would be extended to the care home if the development was to be completed. It would be at these current and potential future points where walking further south/south east becomes unsafe alongside a highway where it is initially a 30mph speed limit and then a 60mph speed limit.

It is acknowledged that there is a benefit in providing pedestrian footpath connection between the settlement of Nettleham and the Rugby Club. However, this application considers only those matters pertaining to the proposed development of the care home itself.

This is an existing situation that is not considered to be greatly exacerbated by the proposed care home (which would still extend the pedestrian footpath further south than it does currently). The use of this area for continuing to walk on is the responsibility and at the risk of the individual person(s).

Health Benefit to the Occupiers of the Proposed Care Home:

The proposed care home would be connected to Nettleham's existing pedestrian footpath infrastructure which would provide exercise to the occupants without the need for the pedestrian footpath to Lincoln Rugby Club. The walk travelling towards Nettleham would also be far safer for the occupants of the care home as it directs people towards a 30mph speed limit area instead of along a road which a continued speed limit of 60mph.

Having reviewed the transport assessment and travel plan that were submitted with the original application, it is clear that walking is encouraged. However, it has a clear focus on ensuring accessibility to services in the village - it doesn't identify a specific need to access the rugby club to the south, or set out any expected trip generation.

Conclusion and reason for decision:

The proposed development has been assessed against policies S1 The Spatial Strategy and Settlement Hierarchy, S21 Flood Risk and Water Resources, S23 Meeting Accommodation Needs, S47 Accessibility and Transport, S53 Design and Amenity, S57 The Historic Environment, S61 Biodiversity Opportunity and Delivering Measurable Net Gains and S66 Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan 2023, Policy D-1 Access, D-2 Pedestrian and Cycle Access and D-6 Design of New Development of the Nettleham Neighbourhood Plan and policy D3 Water Resources, Quality and Flood Risk and policy D4 Design of New Development and Parish Design Code Principles of the Nettleham Neighbourhood Plan Review.

Furthermore, consideration has been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Code, as well as all other material considerations and representations received.

In light of this assessment and evidence submitted it is considered that the requirement to provide a section of pedestrian footpath to connect to Lincoln Rugby Club in condition 3 of planning permission 145433 does not meet with the "six tests" on the grounds that it is not necessary, not relevant to the development being permitted and is unreasonable to expect the developer to install given they are providing pedestrian footpath provision to connect to the nearest terminating footpath on the edge of Nettleham.

Whilst providing pedestrian connection to the rugby club from the settlement of Nettleham is desirable, this requirement does not arise as a result of the proposed care home development.

The proposed footpath in question would be likely to place an unreasonable cost on the developer when it is not relevant or necessary to enable the development to be granted permission. Therefore the wording of condition 3 of 145433 to include the pedestrian footpath connection to Lincoln Rugby Club is not considered to meet the six conditions tests and should be amended to only require a footpath to connect the proposed care home development to the settlement of Nettleham. The removal of the section of the pedestrian footpath would additionally retain the green landscape open countryside character of Lodge Lane. Therefore amendments to condition 3 and condition 6 are acceptable.

Recommended Conditions:

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

1. The development hereby permitted must be begun before the end of the 10th February 2026.

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 Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the routing and management of construction traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xi) Measures for the protection of any existing trees and hedgerows;

Reason: In the interests of amenity to accord with the National Planning Policy Framework, policy S47 of the Central Lincolnshire Local Plan 2023 and D-1 of the Nettleham Neighbourhood Plan.

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

3. The development hereby permitted must not be occupied before a 1.8m metre wide footway, to connect the development to the existing footway network which terminates to the west of Lodge Lane, Nettleham, has been provided in accordance with details that must first have been submitted to, and approved in writing by, the Local Planning Authority. The works must also include appropriate arrangements for the management of surface water run-off from the highway. The footway scheme must be fully completed in strict accordance with the approved details.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property to accord with the National Planning Policy Framework and local policy S21 Flood Risk and Water Resources and S47 Accessibility and Transport of the Central Lincolnshire Local Plan 2023 and D-1 and D-2 of the Nettleham Neighbourhood Plan and Policy D3 of the Nettleham Neighbourhood Plan Review.

4. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority. The scheme shall:

- 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 shall be restricted to 1.3 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 shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No part of the development shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development to accord with the National Planning Policy Framework, policy S21 of the Central Lincolnshire Local Plan 2023 and D3 of the Nettleham Neighbourhood Plan Review.

5. No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of the provision of a surface water drainage improvement scheme for Lodge Lane have been certified complete by the Local Planning Authority.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development to accord with the National Planning Policy Framework, policy S21 of the Central Lincolnshire Local Plan 2023 and D3 of the Nettleham Neighbourhood Plan Review.

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

Approved in Planning Permission 145433:

- 2124/PS/05 dated August 2022 - Boundary Treatments Plan
- 2124/PA/10 dated August 2022 - Ground Floor Plan
- 2124/PA/20 dated August 2022 - First Floor Plan
- 2124/PA/30 dated August 2022 - Second Floor Plan
- 2124/PA/40 dated August 2022 - Roof Plan
- 2124/PA/50 dated July 2022 - Elevation Plans
- 2124/PA/51 dated August 2022 - Elevation Plans

Approved in application WL/2024/0420:

- 002 Rev 3A dated 20th May 2024 - Site Plan

The works shall be in accordance with the details shown on the approved unless otherwise agreed in writing by the Local Planning Authority, the materials for the development shall be carried out in accordance with the details on plan 2124/PA/50.

Reason: To ensure the use of appropriate materials in the interests of visual and residential amenity to accord with the National Planning Policy Framework, local policy S53 of the Central Lincolnshire Local Plan 2023, policy D-6 of the Nettleham Neighbourhood Plan and D4 of the Design of New Development and Parish Design Code Principles.

7. Unless otherwise agreed in writing by the Local Planning Authority, the materials for the development shall be carried out in accordance with the details on plan 2124/PA/50.

Reason: To ensure the use of appropriate materials in the interests of visual and residential amenity to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan and policy D-6 of the Nettleham Neighbourhood Plan.

8. The development shall be carried out in strict accordance with the recommendations and mitigation measures contained within the Ecological Impact Assessment ref 402.064279.00001 Version No.1 dated August 2022.

Reason: To safeguard wildlife in the interests of nature conservation to accord with the National Planning Policy Framework and local policy S60 of the Central Lincolnshire Local Plan 2023.

9. Prior to occupation, the landscaping for the development shall be completed in accordance with the details (excluding the footpaths to the front of the site) submitted on plans 102C dated 30th August 2022 and 103.

Reason: In the interests of amenity to accord with the National Planning Policy Framework, local policy S53 of the Central Lincolnshire Local Plan 2023, policy D-6 of the Nettleham Neighbourhood Plan and policy D4 of the Nettleham Neighbourhood Plan Review.

10. Unless otherwise agreed in writing by the Local Planning Authority, the screening of the balconies shall be in accordance with the details submitted on plans 2124/PA/20 dated August 2022 and 2124/PA/30 dated August 2022 and retained in perpetuity.

Reason: In the interests of amenity to accord with the National Planning Policy Framework, local policy S53 of the Central Lincolnshire Local Plan 2023, policy D-6 of the Nettleham Neighbourhood Plan and policy D4 of the Nettleham Neighbourhood Plan Review.

11. Unless otherwise agreed in writing by the Local Planning Authority, the boundary treatments shall be carried out in accordance with the details shown on plan 2124/PA/05 dated August 2023 and retained as such thereafter.

Reason: In the interests of amenity to accord with the National Planning Policy Framework, local policy S53 of the Central Lincolnshire Local Plan 2023, policy D-6 of the Nettleham Neighbourhood Plan and policy D4 of the Nettleham Neighbourhood Plan Review.

12. The development shall be implemented in accordance with the Workplace Travel Plan ref: 402.064279.00001 Version No. Final V2 dated October 2022.

Reason: In order to maximise the sustainability of the development to accord with the National Planning Policy Framework and local policy S47 of the Central Lincolnshire Local Plan 2023.

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

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

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality to accord with the National Planning Policy Framework, local policy S53 of the Central Lincolnshire Local Plan 2023, policy D-6 of the Nettleham Neighbourhood Plan and policy D4 of the Nettleham Neighbourhood Plan Review.

Decision Level: Planning Committee

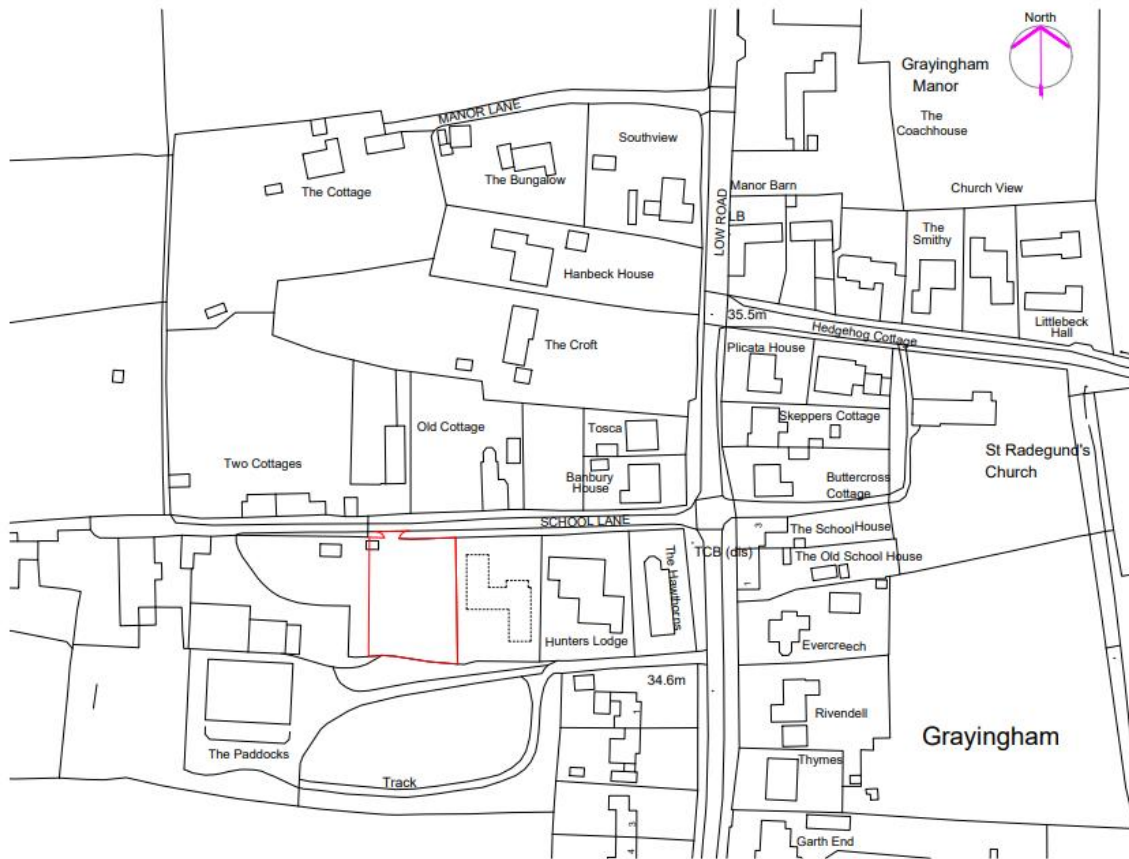
Human Rights Implications:

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 applicants and/or objectors 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

00360- Grayingham- Site Location Plan



Officers Report

Planning Application No: WL/2024/00360

PROPOSAL: Planning application for the erection of 1 no. dwelling with associated access.

LOCATION:

LAND AT
2 SCHOOL LANE
GRAYINGHAM
GAINSBOROUGH

WARD: HEMSWELL

WARD MEMBER(S): Cllr P Howitt- Cowan

APPLICANT NAME: Mr & Mrs Dawes

TARGET DECISION DATE: 23/07/2024 (Extension of time agreed until 13th September 2024)

CASE OFFICER: Danielle Peck

Recommended Decision: Grant planning permission with conditions.

The application is presented to the planning committee for determination as Grayingham Parish Meeting have raised matters that are considered to be finely balanced in relation to compliance with Policy S1 of the Central Lincolnshire Local Plan.

Site Description: The application site comprises of existing garden area afforded to 2 School Lane within Grayingham. The site is adjoined by other residential properties to the west and east and north beyond the highway. The site is bounded by a high hedge along its north boundary adjoining School Lane, fencing and trees form the south boundary, with low fencing to the shared eastern boundary. A Public Right of Way runs along School Lane (ref Gray/10/1).

The Proposal: The application seeks full planning permission for the erection of 1 no. single storey, three bedroom dwelling, works also include the installation of a new vehicular access off School Lane to the north. The bungalow would have the following approximate measurements: 19.2m in max width, 26.5m in max length, 2.6m to the eaves and 4.3m in total height.

Proposed materials to be used in the development are indicated to consist of:

- Facing Brickwork – TBS Old Town Red Multi
- Roof Covering – to be Marley modern concrete interlocking roof tiles – colour: smooth grey
- Windows and External Doors – cream coloured PCVu frames
- Rainwater Goods – black plastic half round gutters with circular section downpipes

Relevant Planning History:

Site directly to the east:

147469- Planning application for the erection of 1no. dwelling. Granted February 2024.

Representations (In summary)

Full versions of the representations received can be viewed on the Councils website using the following link: [West-Lindsey | Public Portal \(statmap.co.uk\)](https://www.west-lindsey.gov.uk/public-portal)

Grayingham Parish Meeting- Objects- Summarised as follows:

- **Sustainability-** There is very little work within the Parish & a lack of facilities to meet the day-to-day needs of residents. Apart from the Church, Grayingham has no social, educational, retail, healthcare services. Although it does have a limited bus service, that only runs Monday to Friday; however the reality is the use of a car remains an essential mode of transport for those that live here, going about their daily lives, including travelling to & from a place of work, or using other facilities & services elsewhere. CLLP Policy S2 2.2.10 states 'development needs to be located where it can minimise the need to travel especially by private car to ensure that Central Lincolnshire minimises the carbon being produced by activities within the area'. This proposal DOES NOT achieve that.
- **Character-** This proposal when considered in conjunction with the dwelling currently under construction, will constitute effectively 'multiple' infill dwellings along School Lane, resulting in a 'cramming effect' NOT in keeping with the surroundings. It will significantly change the rural open feel of the settlement of Grayingham creating what is now becoming a ribbon development along School Lane. This is creating a character like URBAN development in what is a RURAL settlement in the open countryside. concerns with the removal of the hedgerow along the front of the site. The hedgerow attracts wildlife and should be protected and enhanced.
- **Access and Issues with School Lane-**In particular, Highways Safety, & risks involved when a larger vehicle turns into school lane only to find no suitable turning area up the lane, so have to reverse back down the lane & out on to Low Road 'BLIND'. This occurs often, particularly with delivery vehicles & drivers unfamiliar with the Grayingham. Previously this has resulted in one resident nearly being knocked down, having to jump out of the way of the reversing vehicle. Note that Grayingham has NO actual footpaths just verges of varying widths throughout the settlement. Another resident who lives on Low Road near the junction with School Lane had their parked car damaged by a vehicle reversing out 'BLIND' on to Low Road. Although the proposed dwelling will have a private turning space for their own smaller vehicles, these spaces will not help larger vehicles turn, due in part to the narrow width of School Lane as they may not be able to turn in them. We question how highways have come to their conclusion. Grayingham Parish suggests that yet another dwelling will inevitably increase the traffic volume & hence the number of near misses & risk to public safety. We CAN NOT understand why Highways DO NOT consider this to be a serious hazard to both traffic & any pedestrians on Low Road. It MUST also be remembered the Lane is designated a Public Footpath (identified as such on OS Maps) and therefore can have the public walking it.

- **Foul and Surface Water Infrastructure-** Grayingham Parish residents are very concerned about the effect more growth will have on the existing capacity of our utility services; particularly with reference to the sewerage infrastructure. Resident living close to the Grayingham sewerage pumping station, at the south end of Grayingham see road tankers visiting to remove excess volume when the pumping station is unable to cope, as it often is in winter & during periods of heavy rainfall. Grayingham Parish suggests the sewerage infrastructure may be already over its design capacity... We understand that Grayingham had only a total of 20 dwellings in 1971 when the Mains Sewerage System was installed, we don't know what the actual designed capacity is in terms of number of dwellings, we do know that it now has over 130% more properties connected to the system today.

School Lane has no provision for drainage of surface water, this is a problem when very heavy rain occurs, it flows down hill to Low Road like a river, made worse by run-off from other properties. This has been known to cause flash flooding along Low Road, also in part resembling a river, because the drains just can't cope with this excess volume. Any additional new driveways created by development would just compound the problem, even permeable surfaces, suggested for this proposal only work to an extent with moderate rates of rainfall, heavier rainfall will just run off down School Lane.

- **Archaeology-** Grayingham Parish understands that part of this land has remained undeveloped for over 150 years & may be of significant archaeological importance. This site lies near an area which has the remains of the once much larger and now shrunken medieval settlements of Great and Little Grayingham. We fully support the comments of LCC Archaeology section.
- **Conclusion-** The current 2023 'Central Lincolnshire Local Plan' (CLLP) Policy refers to Grayingham as a Hamlet & is not in a hierarchy & therefore has NO minimum growth requirement. Policy S1: 7. Hamlets, states ...a hamlet is defined as a settlement not listed elsewhere in this policy... & goes on to state ...of such hamlets, development will be limited to single dwelling infill developments... Within the last five months a 'single infill Dwelling' on Land (Plot 1) associated with No.2 School Lane has been granted permission & is currently under construction. This application proposal (Plot 2) is also associated with Land at No.2 School Lane. Grayingham Parish Meeting considers this land is no longer being used as a 'Single' infill, but rather become 'Multiple' infill developments. The Rural Settlement of Grayingham relies on the NPPF & Central Lincolnshire Local Plan 2023 Policies to provide the controls on development in these settlements; These policies should ensure the character of small rural settlement are retained. That character being the very reason many residents came & wished to continue living here. The Parish believe it has demonstrated that the adverse impacts of this development would outweigh any benefits it could provide; it would have an adverse impact in many respects on the quality of the lives of those currently living here; these comments demonstrate this development in Grayingham is NOT SUSTAINABLE.

Based on, but not restricted to, the points made in these comments, & the number of Grayingham residents against this proposal, we urge that planning permission be REFUSED.

Local residents/Third Party Representations:

Letters of objection have been received from the following addresses within Grayingham:

- **Two Cottages, School Lane x 2;**
- **Evercreech, Low Road x 2;**
- **Plicata House, Low Road x 2;**
- **The Old Cottage, School Lane x 2;**
- **Thymes, Low Road x 2;**
- **2-3 Old School House, Low Road;**
- **Littlebeck Hall, Church Lane x 2;**
- **The Stone House, Low Road x 3;**
- **The Cottage, Manor Lane;**

Comments summarised as follows;

- Concerns with highway safety. School Lane is a single track road, vehicles have to reverse out as there is no turning provision, further development will only add to this issue. No footpaths along School Lane which causes concerns with pedestrian safety. The road is not suitable for HGV's. There has been damage to the existing road, verges and peoples properties. There should be delivery timeslots for large vehicles;
 - Grayingham is not a sustainable place. There are no local services or jobs, people have to rely on private cars for transport;
 - Issues with character- cramming effect, ribbon development, harming the openness of the village. The proposed materials are not in keeping with other properties within the area;
 - Concerns with foul and surface water drainage disposal. There is not sufficient capacity within the networks to deal with the existing drainage situation, therefore how can the systems cope with additional development;
 - Concerns with damage to wildlife/habitats.
-
- **A letter of support has been received from 1 Low Road;**

I support this application. The land is a derelict garden and makes no positive contribution to the community. The addition of another property and family will have no negative impact on Grayingham and may well in fact improve the appeal of our community. Any disruption caused by the construction will be very short term and arguments about the effect of traffic on the highway ignore the lack of issues caused by the regular hgv traffic when the area was used as a car breakers business. The concern expressed about sewage capacity was adequately addressed by the planning officer when the previous planning application was granted.

LCC Highways and Lead Local Flood Authority: The Highways and Lead Local Flood Authority response is in relation to the impact the proposed development would be expected to have on the operation of the Public Highway. School Lane is an unadopted road, and the highway authority has no jurisdiction over the use of this road. With regard to this application, we have considered the safety and impact of these proposals on adopted Low Road and its junction with School Lane. It is for the Local Planning Authority

to determine whether the access provided by the private road is safe and suitable for all users. 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. Recommends an informative in the event permission is granted.

LCC Archaeology:

30/07/2024- Given the results of the evaluation I can confirm that no further archaeological input will be required for the application.

20/06/2024- The site is located in the shrunken medieval settlement of Grayingham. There is high archaeological potential associated with medieval settlement activity. Archaeological evaluation results in the adjacent site, associated with planning permission 147469, did not reveal any archaeological remains. This does not mean however that there is not archaeological potential in the wider area of medieval settlement, including the proposed site. As well as the on-site development, there needs to be consideration for any potential impact on the historic environment of proposed off-site provisions for Biodiversity Net Gain. Depending on the location and details of the off-site BNG proposal this may need to be subject to evaluation or mitigation measures also if potential heritage assets are to be affected. 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. Given the known 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 200 and 211 and the Central Lincolnshire Local Plan policy S57. This will also help inform an appropriate mitigation strategy for the proposed impact if necessary and should permission be subsequently granted.

WLDC Conservation Officer: No representations received to date.

Relevant Planning Policies and Legislation:

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

Development Plan

- **Central Lincolnshire Local Plan 2023**

Relevant policies of the CLLP include:

- S1 The Spatial Strategy and Settlement Hierarchy
- S4 Housing Development in or Adjacent to Villages
- S6 Design Principles for Efficient Buildings
- S7 Reducing Energy Consumption –Residential Development
- S20 Resilient and Adaptable Design
- S21 Flood Risk and Water Resources
- S23 Meeting Accommodation Needs
- S47 Accessibility and Transport
- S49 Parking Provision
- S53 Design and Amenity
- S57 The Historic Environment
- S59 Green and Blue Infrastructure Network
- S60 Protecting Biodiversity and Geodiversity
- S61 Biodiversity Opportunity and Delivering Measurable Net Gains
- S66 Trees, Woodland and Hedgerows

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

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

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

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 December 2023.. Paragraph 225 states:

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

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

- National Planning Practice Guidance

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

- National Design Guide (2019)

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

- National Model Design Code (2021)

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

Other- Listed Building Statutory Duty

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

Main Considerations:

- Principle of development;
- Visual Amenity and Impact on Listed Building;
- Residential Amenity;
- Highways and Public Right of Way;
- Energy Efficiency;
- Ecology and Biodiversity;
- Archaeology;
- Drainage;
- Other Matters.

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.

Policy S1 of the Central Lincolnshire Local Plan sets out a spatial hierarchy for the central Lincolnshire authorities. The spatial strategy will focus on delivering sustainable growth for Central Lincolnshire that meets the needs for homes and jobs, regenerates places and communities, and supports necessary improvements to facilities, services and infrastructure.

Grayingham is not explicitly listed in Policy S1; however, it is considered that Grayingham is a 'hamlet' (tier 7) as the village has a dwelling base of at least 15 dwellings which are clearly clustered together to form a single developed footprint. Policy S1 does acknowledge that hamlets can support single dwelling infill developments, within the 'developed footprint' of such hamlets. Within the glossary of the CLLP, infill is defined as; *Development of a site between existing buildings.*

It is noted that the Parish Meeting refer to the site not being within a sustainable location and that the proposal, in cumulation with the dwelling (147469) previously approved to

the east, would now constitute a 'multiple' infill development and would not meet with Policy S1.

As stated above it is recognised that Grayingham is a hamlet, taking into consideration the definition within Policy S1. The application site is existing garden area currently associated with no. 2 School Lane (host dwelling). It is sited in between this property (west) and a partially constructed dwelling recently granted planning permission under reference 147469 to the east. The development of 1no. dwelling in this location is considered to meet with the definition of 'infill' as defined within the glossary, given its siting in between existing buildings, and would be a single dwelling infill in accordance with the wording of Policy S1. It is also considered to be within the 'developed footprint' of the village, being surrounded by existing residential development.

Comments around the applicant needing to assess local housing needs prior to submitting an application have been received, such an assessment of wider housing needs within the district are not required for single dwelling proposals.

The proposal would therefore, in principle, accord to Policy S1 within the Development Plan subject to an assessment of all other relevant material considerations.

Visual Amenity and Impact on Listed Building Setting

Policy S53 states that development proposals will; *Contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness; and Reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style.*

The application proposes the erection of a bungalow with the following measurements: 19.2m in max width, 26.5m in max length, 2.6m to the eaves and 4.3m in total height.

Proposed materials to be used in the development are indicated to consist of:

- Facing Brickwork – TBS Old Town Red Multi
- Roof Covering – to be Marley modern concrete interlocking roof tiles – colour: smooth grey
- Windows and External Doors – cream coloured PCVu frames
- Rainwater Goods – black plastic half round gutters with circular section downpipes

Within this area of Grayingham there are varying styles of dwellings and a range of differing materials. As well as this, there are single and two storey dwellings directly adjoining the site to all boundaries, all of which are in differing plot sizes. The proposed materials are the same as those approved for use in the new bungalow to the east, they are considered to be appropriate within the context of the area.

Many of the objections received sight issues with a cramming effect and ribbon development with this site and the adjacent site under construction to the east. The effects of ribbon development are only usually relevant where there are sites on the edge of settlements, as stated in the above principle section the site is considered to be within the developed footprint of Grayingham. With regards to 'cramming', it is acknowledged

that the dwelling occupies a modest footprint within the site, however this is not considered to be harmful to the character of the wider area, the proposed site plan shows that there is ample room for the dwelling and outdoor amenity space, it mirrors the site under construction to the east.

Overall, the bungalow by virtue of its design, scale and siting is not considered to have a harmful impact upon the character of the area or street scene and would accord to the aims of Policy S53.

Views of the Grade II* Listed St Radegund's Church (north east) are visible from the within the site. Section 66 of the 'Act' states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is also reflected within the provisions of policy S57 of the CLLP. The application has been accompanied with a comprehensive Heritage Statement which describes the site, the designated heritage asset and its surroundings. The significance of the setting of St Radegund's Church lies mainly in its slightly elevated open church yard, with the church sitting tight to its western boundary. The rural setting to its eastern side also makes a positive aesthetic and narrative contribution to its immediate setting, as do the former farm buildings to the northwest of the church and The Old School House.

The proposal for a single storey bungalow would be set back from the front boundary, in line with the dwelling under construction to the east. It is considered that the proposal would preserve the setting of the Church and views to and from would not be harmed. Overall, the proposal would preserve the setting of the Church in accordance with the statutory duty contained within the 'Act' as well as the provisions of Policy S57.

Residential Amenity

Part 8, criteria d of Policy S53 of the CLLP states that development proposals will: *d) Not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare;*

The dwelling would be adjoined by no. 2 School Lane to the west and the dwelling approved under 147469, currently under construction to the east. The proposed dwelling will be bounded by 1.8m close boarded fencing to the east and west, with the new hedging to the rear (south). The proposed boundary treatments will screen any views in and out of the site, given that openings are at ground floor level only.

In terms of the properties located opposite the site, and adjacent to the highway to the north, there is an adequate separation distance of c. 14m between principal elevations.

Due to the overall height of the bungalow there are no concerns in relation to dominating or overbearing impacts on either of the adjacent properties. The dwelling itself meets with the Nationally Described Space Standards and has an adequate amount of outdoor amenity space for future occupiers. Overall, the proposal would not have any

unacceptable impacts upon residential amenity and accords to the aims of Policy S53 and the provisions of the NPPF.

Highways and Public Right of Way

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 and Appendix 2 of the CLLP set out parking standards for new dwellings within the District. For new dwellings in Hamlets Appendix 2 of the CLLP states that for three-bedroom dwellings, three parking spaces should be provided. The proposed site plan demonstrates off road parking for four cars as well as turning provision within the site. Part of the hedge at the front of the site will be removed to allow for access

Many of the public comments received state concerns with highway safety and the width of the existing road. They also state that at present some vehicles have to reverse back down School Lane and back out onto Low Road, it has to be acknowledged that this situation would remain the same if the development were to be granted or not. This has been reviewed by the Highways Authority whom have no objections.

The development would increase vehicles using School Lane once the dwelling is completed, however it is not considered that the level of vehicles associated with a single dwelling, as well as the dwelling granted under 147469 would be at such a severe level to warrant a refusal on these grounds. In regards to severe highway safety impacts, Paragraph 115 of the NPPF states:

115. 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.

With regards to the comments about large vehicles using School Lane, it is accepted that there may be some larger vehicles using the road during construction, however it is not anticipated that construction periods (in particular for single dwellings) are for prolonged periods of time and therefore the use of School Lane for construction traffic would not be at a detriment to highway safety. Any damage caused to property through the construction process would be a private matter to resolve between the relevant parties involved.

Overall, the proposal would accord to Policies S47 and S49 of the Central Lincolnshire Local Plan.

Energy Efficiency

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

In addition to this Policy S7 of the CLLP requires that all new residential development proposals must include an Energy Statement which confirms that in addition to the requirements of Policy S6 that all such residential development proposals, *can generate*

at least the same amount of renewable electricity on-site and to help achieve this point, target achieving a site average space heating demand of around 15-20kWh/m2/yr and a site average total energy demand of 35 kWh/m2/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m2/yr, irrespective of amount of on-site renewable energy production.

The application has been accompanied with an Energy Statement by GC reports dated 10/05/2024. In terms of the design principles. The dwelling has been designed with a 'fabric first' approach, with acceptable u-values. The location of the main habitable rooms are spread across the Southern, Eastern and Western aspects of the building, to make full use of the natural daylight and the warmth of the sun.

The submission has been accompanied with 'pre built' estimates of energy performance. Full SAP calculations have been included as an appendix to the statement as well as estimates of unregulated energy usage, detailed in Appendix C along with a summary of compliance table. The dwelling also has a predicted EPC rating of B.

Using SAP modelling, the proposed dwelling is calculated to have a space heating demand of 16.70 kwh/m2 /yr and a total energy demand of 30.6 kwh/m2 /yr. To meet the total energy demand (30.6) of the dwelling 8no. Solar PV panels are required to meet this demand as detailed within Appendix D of the statement. The solar panels are shown on the elevations and roof plan of the proposed dwelling. This would meet Policy S7.

Overall, the proposals would accord to Policies S6 and S7 of the Central Lincolnshire Local Plan, subject to conditions.

Ecology and Biodiversity

In England, BNG is mandatory under [Schedule 7A of the Town and Country Planning Act 1990 \(as inserted by Schedule 14 of the Environment Act 2021\)](#). Developers must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development.

The application has been submitted with a suite of documents in relation to BNG and Ecology, as follows;

- Ecological and Biodiversity Net Gain Statement by ESL ecological services dated August 2024;
- Statutory Metric Condition Assessment;
- The Statutory Biodiversity Metric.

Through the application process an amended metric and BNG report have been received. 7.5.1 The Site Block Plan delivers 0.09BU for habitats and 0.06BU for hedgerows, which results in a 60.93% and 33.97% net loss respectively. This means that an additional 0.16BU will be required through off-Site habitat and enhancement measures to achieve the 10% BNG target for habitats, and 0.04BU for hedgerows.

It is recognised that the 10% on site gain is more difficult to achieve for minor development proposals, given that tree and hedge planting within private gardens cannot be counted toward the 10% gain as it is not possible to secure its maintenance for the period of 30

years. The red line of the application site is drawn so tight to the site boundary that there is no opportunity for an on site gain. Therefore following the hierarchy the developer will need to purchase off site units to provide the 10% Gain.

The application is subject to the biodiversity gain condition which is a pre-commencement condition: once planning permission has been granted. The condition will require the submission of a Biodiversity Gain Plan which will be approved by the planning authority before commencement of the development.

In terms of ecology the report states the following in relation to protected species;

Birds- A typical assemblage of birds was recorded both on the Site and along the boundary features, although no priority bird species were recorded during the survey. The Site is unlikely to support nesting Schedule-1 species. Boundary hedgerows provide opportunities for a range of common and widespread birds and future use can be expected in the nesting season, which for most species typically runs from March to August inclusive. No further bird surveys are required and standard measures to protect active nests during any vegetation removal will be put in place. As a result, no adverse effect on birds is predicted.

Bats- The Site has no suitability of use by roosting bats and the potential for flight paths and foraging habitat is low. As such, no adverse effects on bats are predicted.

No further survey work has been recommended in the report. A condition will be added which states that the development shall proceed in accordance with the recommendations within the report.

The removal of the section of hedgerow to provide access is acknowledged, there will however still be large sections of the hedge remaining, it will be brought to the applicants attention that hedgerow removal should not be carried out within the bird nesting season.

Archaeology

With regard to Archaeology Policy S57 of the Central Lincolnshire Local Plan states that; *Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance. 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 applicant has under taken pre-determination trial trenching in accordance with the Historic Environment Officers initial consultation response. The results of the trial trenching are detailed in the Archaeological Evaluation Report by Contour Archaeology dated July 2024. The trenching showed that there were no finds within the trench, the report has since been reviewed by the Historic Environment Officer at Lincolnshire County Council who has advised that no further archaeological works or conditions are required as part of this development. The proposal therefore accords to Policy S57 and the provisions of the NPPF.

Drainage

Policy S21 of the Central Lincolnshire Local Plan states that development proposals 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.

In terms of surface water management, percolation testing has been carried out at the adjacent site in three locations, ground conditions will be the same at this site. WLDC Building control were previously consulted on the testing and have confirmed soakaways would work in principle, subject to a detailed design which would be agreed with them as part of the Building Regulations process. The location of soakaways are shown on the proposed block plan.

The application site is located within Flood Zone 1 and is not at risk of surface water flooding as shown on the Environment Agency's flood risk maps. The site is therefore within a sequentially preferable location for development.

Many of the comments received from residents make reference to the existing foul water disposal issues at a nearby treatment works. Foul water service providers have to provide appropriate capacity within the network for new development, such matters would be agreed with the service provider to ensure that there is capacity prior to any connection being made. It is not for a single infill development to provide solutions to wider foul water disposal issues that may be happening within the area or at nearby treatment works. Overall, the proposal would accord to Policy S21 of the Central Lincolnshire Local Plan.

Conclusion and reason for decision: The application has been assessed against Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S4: Housing Development in or Adjacent to Villages, Policy S6: Design Principles for Efficient Buildings, Policy S7: Reducing Energy Consumption- Residential Development, Policy S20: Resilient and Adaptable Design, Policy S21: Flood Risk and Water Resources, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, Policy S57: The Historic Environment, Policy S60: Protecting Biodiversity and Geodiversity, Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains and Policy S66: Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan 2023 and the Statutory Duty under Section 66 of the 'Act' in the first instance as well as guidance within the NPPG and the provisions of the NPPF.

In light of this assessment the principle of a dwelling in this location is considered to be acceptable and would meet with the provisions of Policy S1 in that the site is considered to be an infill development within a Hamlet. The proposal would not have an unacceptable visual impact on the character of the area and is considered to be acceptable in terms of the impact upon residential amenity. The proposal would not cause harm to highway safety. The proposal would meet with the energy efficiency aspirations of S6 and S7 as well as providing biodiversity enhancements, subject to conditions. It is recommended that planning permission is granted subject to conditions.

Decision Level: COMMITTEE

RECOMMENDED CONDITIONS

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

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

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

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

None.

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

2. 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:

- Location Plan 708. 01 Rev B;
- Scheme Floor Plans and Elevations 708.04 Rev C;
- Scheme Block Plan 708.03 Rev B;
- External Materials Sheet;
- All received 11th May 2024.

The work, including proposed materials shall be carried out in accordance with the details shown on the approved plans.

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

3. The Biodiversity Gain Plan shall be prepared in accordance with the Ecological and Biodiversity Net Gain Statement dated August 2024 and prepared by ESL Ecological Services.

Reason: To ensure the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990.

4. The development hereby approved shall proceed in accordance with the surface water and foul drainage details submitted as part of the application, as shown on plan reference 708.03 Rev B. The development shall only proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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.

5. The development hereby permitted shall be carried out in full accordance with the details set out in the submitted Energy Statement by G Reports received 08/02/2024 unless otherwise agreed in writing by the Local Planning Authority.

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

6. Prior to the occupation of the dwelling hereby approved 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 by G Reports received 08/02/2024 and approved in writing by the Local Planning Authority.

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

7. The proposed landscaping hereby approved as shown on drawing no.708.03 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.

8. The development hereby permitted shall proceed in strict accordance with the recommendations contained within Section 6 of the Ecological Appraisal by ESL dated August 2024.

Reason: In the interests of protected species in accordance with Policies S60 and S61 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

9. 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.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order with or without modification) no domestic oil tanks or domestic gas tanks shall be placed within the curtilage of the dwelling hereby approved. Without express planning permission from the Local Planning Authority.

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

Notes to the Applicant

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

Highways

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

Biodiversity Net Gain

Hedge Removal- The removal of the section of the boundary hedge required for access purposes should take place outside of bird nesting season (March to August inclusive).

Please see below informative note regarding Biodiversity Net Gain and the Statutory Condition.

Unless an exception or a transitional arrangement applies¹, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan² has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be [insert name of the planning authority].

Biodiversity Gain Plan

The biodiversity gain plan must include/accompanied by³:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;

- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat⁴ present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state⁵.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

¹ listed exemptions from Statutory BNG and transitional arrangements can be found at [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/biodiversity-net-gain-exempt-developments). The LPA advises that all perceived exempt applications complete a Statutory Metric Baseline Assessment prior to commencement. Should the relevant exemption cease to apply following commencement, a higher value precautionary assessment will be required if an appropriate pre-commencement baseline was not conducted.

² The Statutory Biodiversity Gain Plan template can be found at <https://www.gov.uk/government/publications/biodiversity-gain-plan>

³ Minimum legal requirements for the Biodiversity Gain plan can be found at [https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015\).-,Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015).-,Biodiversity%20gain%20plan,-14)

⁴ Irreplaceable habitats for the purposes of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>

⁵Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure)

(England) Order 2015 and may be subject to the nature of your application <https://www.legislation.gov.uk/ukSI/2015/595#:~:text=Additional%20content%20of%20plan>

Human Rights Implications:

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

Legal Implications:

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

Agenda Item 6d



Officers Report

Planning Application No: 148165 (WL/2024/00270)

PROPOSAL: Planning application to erect 2no. dwellings.

LOCATION: Land adjacent to Grange Farm, Sandy Lane, Tealby

WARD: Market Rasen

WARD MEMBERS: Cllr S Bunney, Cllr E L Bennett & Cllr M K Westley

APPLICANT NAME: Mr Rick Woodall

TARGET DECISION DATE: 13/09/2024

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

This application has been referred to the Planning Committee as it would represent a departure from Policy S1 (The Spatial Strategy and Settlement Hierarchy) and Policy S5 (Development in the Countryside) of the Central Lincolnshire Local Plan. There is also an objection from Tealby Parish Council.

Description:

The application site is located in the open countryside approximately 1.1 km to the south west of Tealby. The site is accessed off Sandy Lane and comprises a large steel portal framed agricultural building and concrete hardstanding. To the north and south of the site are open fields, to the south west is a dwelling converted from a former stable block (M05/P/1040) and to the east is another steel portal framed which was storing grain when a site visit was undertaken on the 14/06/2024 (the agent has confirmed that there is no grain dryer in this building). The nearest neighbouring dwelling is Grange Barn located approximately 10.7 metres from the south west corner of the site. The site is located within an Area of Great Landscape Value (AGLV) and there is a Public Right of Way (Teal/149/1) located approximately 26 metres to the south of the site.

The application seeks to remove the existing building on the site and erect 2 attached 2 storey (with single storey elements) dwellings utilising a traditional design and materials in the form of a traditional agricultural barn 'courtyard'. Plot 1 the northernmost dwelling is a 2 bed dwelling with an integral single garage in its single storey wing (off the west elevation of the 2 storey part of the proposed dwelling) and Plot 2 is a 3 bed dwelling which also has an integral single garage in its single storey wing (off the west elevation of the 2 storey part of the proposed dwelling).

The existing access off Sandy Lane will be used with one of the dwellings (Plot 1) accessed from the north off the existing track and the other dwelling (Plot 2) accessed off a new access track located to the north east of the dwelling. Each of the proposed dwellings will have garden areas to the west and there will be parking and turning areas to the north of Plot1 and to the south of Plot 2.

An amended Site Location Plan (red line) and Proposed Site Layout/Block Plan (includes LCC Highways Specifications) and have been re-consulted upon.

Departure Procedure: The application has been advertised as a departure from the local plan in line with Section 15 (2) of the TCPA Development Management Procedure Order 2015¹ a site notice was displayed on 14/06/2024 and a notice has been placed in the local newspaper on 19/06/24. The advertisement of the departure therefore meets the provisions of Section 15 of the DMPO.

Relevant history:

145974 - Prior approval for proposed change of use from agricultural building to 2no. dwellings. Granted 23/01/2023.

Representations

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

Tealby Parish Council: The parish council object to this application on the grounds of its size and because the development extends beyond its curtilage.

Local residents: No representations received to date

LCC Highways/Lead Local Flood Authority: Requests that the Local Planning Authority request the applicants to provide additional information as set out below:

Please request the applicant demonstrate access improvements in line with current LCC specifications.

An amended Site Location Plan (red line) and Proposed Site Layout/Block Plan (includes LCC Highways Specifications) and have been re-consulted upon. LCC Highways have stated that the amended plans are now satisfactory.

LCC Archaeology: The site is just south of the medieval settlement of Tealby Thorpe. It is likely that the site area was agricultural in nature as the settlement core does not seem to extend this far south. No archaeological input is required for this application

Health and Safety Executive: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case. The site is located within the buffer zone of the following pipelines:

- 7039_1310 National Grid Gas PLC
- 4455752_ Cadent Gas Ltd Hemswell Cliff Biomethane Pipeline

The Ramblers Association: No representations received to date.

National Grid Plan Protection: No representations received to date.

Relevant Planning Policies:

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

otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023).

Development Plan:

The following policies are particularly relevant:

Central Lincolnshire Local Plan adopted 2023 (CLLP):

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution

Policy S5: Development in the Countryside

Policy S6: Design Principles for Efficient Buildings

Policy S7: Reducing Energy Consumption – Residential Development

Policy S11: Embodied Carbon

Policy S12: Water Efficiency and Sustainable Water Management

Policy S14: Renewable Energy

Policy S20: Resilient and Adaptable Design

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S56: Development on Land Affected by Contamination

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

Policy S66: Trees, Woodland and Hedgerows

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

Neighbourhood Plan

No plan currently being prepared.

National policy & guidance (Material Consideration)

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

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

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

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

- **National Design Code (2021)**

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Case Law

Court of Appeal (Mansell v Tonbridge and Malling Borough Council 2017) judgement:

This case upheld a judgement of the High Court which considered the issue of “was the council entitled to accept that there was a real prospect of the fallback development being implemented?”

– The case was “should the judge in the court below have quashed a local planning authority’s grant of planning permission for the redevelopment of the site of a large barn and a bungalow to provide four dwellings?. That is what we must decide in this appeal. It is contended that the authority misdirected itself in considering a “fallback position” available to the landowner, and also that it misapplied the “presumption in favour of sustainable development” in the National Planning Policy Framework (“the NPPF”)

– Paragraph 28 states that “In this case, in the circumstances as they were when the application for planning permission went before the committee, it was plainly appropriate, indeed necessary, for the members to take into account the fallback available to the East Malling Trust as the owner of the land, including the permitted development rights arising under Class Q in the GPDO and the relevant provisions of the development plan, in particular policy CP14 of the core strategy. Not to have done so would have been a failure to have regard to a material consideration, and thus an error of law.”

– Paragraph 28 (3) considers the “real prospect of the fallback position: “Therefore, when the court is considering whether a decision-maker has properly identified a “real prospect” of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the “real prospect” will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker’s planning judgment in the particular circumstances of the case in hand.”

Paragraph 29 states “that the East Malling Trust was intent upon achieving the greatest possible value from the redevelopment of the site for housing had by then been made quite plain. The “Planning Statement” of December 2013 had referred to two alternative proposals for the redevelopment of the site (paragraph 26), pointing out that both “[the] redevelopment and replacement of [the] bungalow” and “[the] conversion of the existing storage and packing shed” were “permissible in principle”

(paragraph 35). The firm intention of the East Malling Trust to go ahead with a residential development was entirely clear at that stage.”

Paragraph 37 concludes that *“In my view, therefore, the council was entitled to accept that there was a “real prospect” of the fallback development being implemented, and to give the weight it evidently did to that fallback as a material consideration. In doing so, it made no error of law.”*

Main issues:

- Principle of the Development
- *Fallback Position*
- *Does the Fallback Position Exist?*
- *Planning Harm?*
- *Energy Efficiency/Embodied Carbon*
- *Ecology & Biodiversity*
- *Conclusion*
- Visual Impact (AGLV)
- Residential Amenity
- Highway Safety and Car Parking
- Foul and Surface Water Drainage
- Landscaping and Boundary Treatments
- Other Matters

Assessment:

Principle of Development

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

The proposed development is located within the open countryside and therefore falls within Tier 8 of the settlement hierarchy established by Policy S1 which is only supportive in principle of the following types of development:

Unless allowed by:

- a. *policy in any of the levels 1-7 above; or*
- b. *any other policy in the Local Plan (such as Policies S4, S5, S34, or S43) or a relevant policy in a neighbourhood plan, development will be regarded as being in the countryside and as such restricted to:*
 - *that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
 - *delivery of infrastructure;*
 - *renewable energy generation; and*
 - *minerals or waste development in accordance with separate Minerals and Waste Local Development Documents*

Part D of Policy S5 is only supportive in principle of the erection of new dwellings in the countryside when the following can be demonstrated:

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

Any such development will be subject to a restrictive occupancy condition.

The proposed development is for the erection of two dwelling to be sold on the open market and it is not considered that this would accord with any of the criteria in S5 Part D outlined above. As such, it is considered that the proposed development would be contrary to both Policies S1 and S5 of the CLLP. . The main consideration is therefore whether there are any material planning considerations which indicate that a departure from the Local Plan can be justified..

Fallback Position

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the relevant policies in the development plan unless material considerations indicate otherwise. The main consideration is whether the relevant site-specific material considerations which will be assessed below would outweigh a departure from the Policies S1 and S5.

The argument in favour of the proposed development hinges on whether there is a 'real prospect' of a permitted development fallback position and whether this fallback position should be afforded sufficient weight to outweigh the conflict with Part D of Policy S5 that has been outlined above. *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314¹ (see earlier in report) is the most relevant piece of case law which discusses this matter. A real prospect does not have to be likely, a possibility is enough to justify a real prospect.

However, this is often argued as a blank cheque for granting planning permission in the face of policy conflict where a fallback position exists. Like any planning application, it should be determined in accordance, first and foremost with the Development Plan. In addition, a fallback position is not the only material consideration in an application; in all applications, the NPPF and Planning Practice Guidance (PPG) are also material planning considerations which should be afforded due weight depending upon the individual circumstances of each application. This matter can be clarified by citing an appeal decision at Roundabout Farm Roughton, Shropshire¹ which explicitly states that in order for significant weight to be afforded to a fallback position, there has to both be a real prospect of a fallback position and this fallback position has to be **equal to or more harmful** than the development being

proposed. Therefore, the remainder of this section will establish whether a real prospect exists and whether this is sufficient to outweigh the policy conflict outlined above.

Does the Fallback Position Exist?

Prior approval on the application site was been granted (145974 - see plans Figures 1-3 below) on the 23/01/2023 for a Class Q development for the proposed change of use from an agricultural building (an existing large modern steel portal framed building) to 2no. dwellings.

Having regard for the Class Q fallback position, it is considered that a real prospect of a fallback position does exist and were planning permission to be refused, this fallback position has a real prospect of being implemented.

Figure 1 - Class Q (145974) Proposed Site Layout/Block Plan



Figure 2 – Class Q (145974) Proposed Elevations

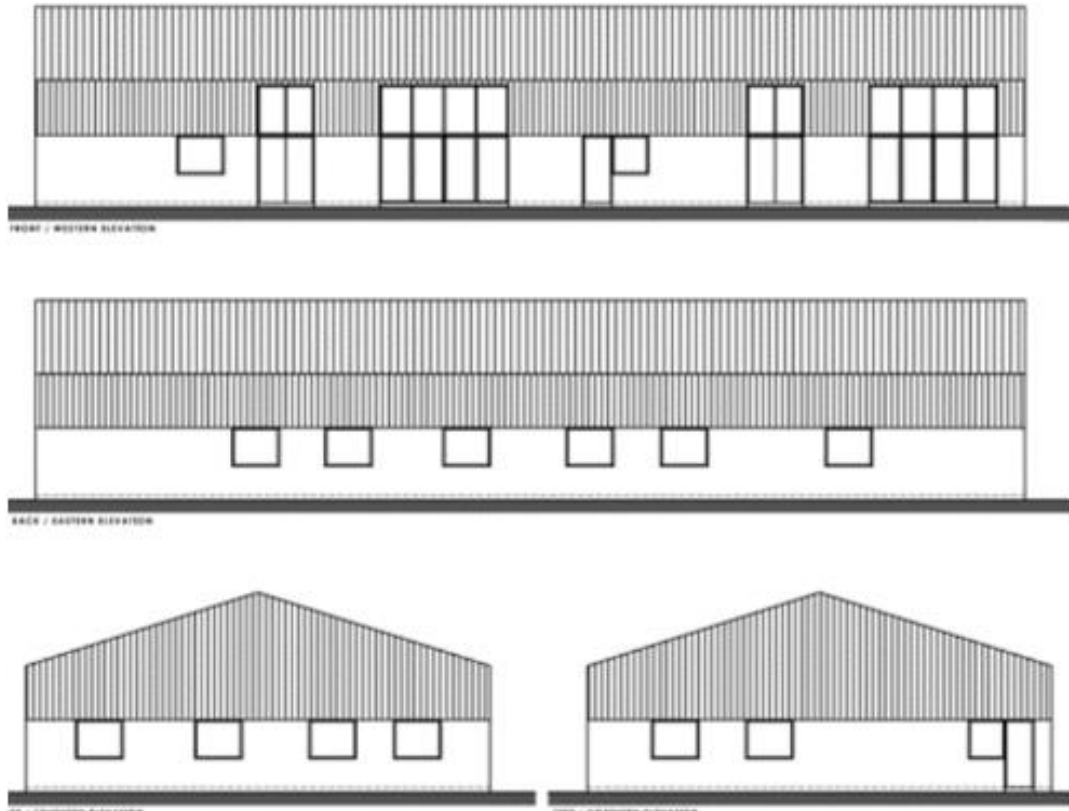


Figure 3 - Class Q (145974) Proposed Floor Plans



Planning Harm?

The main focus of this section will be whether the Class Q fallback position established by 145974 is equal to, or more harmful than, the current proposal.

The current development has earlier in the report been demonstrated as being in conflict with Policies S1 and S5 of the CLLP. Class Q applications are not subject to consideration against Development Plan policies.

In terms of location, It is considered that both proposals are equally harmful within the Settlement Hierarchy established by Policy S1 and the fallback position allowing for the conversion of an agricultural building in the countryside with no architectural or historic merit (Policy S5).

The level of harm resulting from the current development on the character and appearance of the area relative to the fallback position afforded by Class Q is considered to be less harmful. The current scheme has a similar curtilage to the Class Q approval and will remove the large modern steel portal framed agricultural building on the site and replace it with a traditional one and two storey courtyard style development in the form of traditional agricultural buildings with traditional materials which will be conditioned if it is minded to grant planning permission.

The proposed dwellings two storey elements have a ridge height of approximately 7.5 metres and an eaves height of 4.9 metres. The single storey elements have a ridge height of approximately 5 metres and an eaves height of 2.7 metres. The proposed building will be double fronted in effect with a eastern frontage and a frontage to the west facing out onto the courtyard gardens. Car parking will be provided for Plot 1 to the north and Plot 2 to the south. The proposal is particularly beneficial when compared to the Class Q (145974) fall back to convert the existing large steel portal framed building on this site to dwellings as the site is located in an Area of Great Landscape Value (AGLV). and the current proposal will be much more in keeping with its surroundings and the converted barns to the west.

Therefore, it is considered the current scheme is less harmful than the scheme approved under the Class Q (145974) and will offer a real enhancement to the site in terms of visual amenity and design quality which will also have the added benefit of improving the outlook of nearby residential dwellings (see visual impact and residential amenity sections of this report below).

There is also two other considerations in favour of the current scheme which relates to the overall energy efficiency of the proposed development and Bio-diversity net gain:

Energy Efficiency/Embodied Carbon

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

- 1. the building proposed for demolition is in a state of such disrepair that it is not practical or viable to be repaired, refurbished, re-used, or re-purposed;*
- 2. repairing, refurbishing, re-using, or re-purposing the building would likely result in similar or higher newly generated embodied carbon than if the building is demolished and a new building is constructed; or*
- 3. repairing, refurbishing, re-using, or re-purposing the building would create a building with such poor thermal efficiency that on a whole life cycle basis (i.e.*

- embodied carbon and in-use carbon emissions) would mean a lower net carbon solution would arise from demolition and re-build; or*
- 4. demolition of the building and construction of a new building would, on an exceptional basis, deliver other significant public benefits that outweigh the carbon savings which would arise from the building being repaired, refurbished, re-used, or re-purposed.*

The proposed development will have an average space heating demand of **34.165 kWh/m²/year**, and a total average energy demand of **17.14 kWh/m²/year**, achieved through a 'fabric first' approach to construction.

In conjunction with the installation of air source heat pumps, it is also suggested that Solar Panels be installed to generate additional renewable electricity, to match at least the energy demands of the development as a whole.

The total energy demand for the site would be **9040.16kWh/year**, with a plot average of **4520.08kWh/year**. In comparison, the combined provision of PV panels across the 2no plots is due to generate **9317.08kWh/year**, with a plot average of **4658.54kWh/year**. As such, the renewable energy generated by the solar panels would exceed the energy demand for the year and would generate an extra **276.92kWh/year** of renewable energy for the site, which is a plot average of **138.46kWh/year**.

The applicant has also provided the following supporting information:
'The existing agricultural building on the site has extant prior approval permission for the construction of 2no dwellings under Class Q (ref: 145974). The existing agricultural building comprises a steel frame, along with metal profile and timber cladding, and concrete fibre sheets to the roof. Therefore, the existing building is uninsulated and thermally inefficient. As such, to construct the 2no dwellings approved under the Class Q, the existing building would require significant work to ensure that a suitable thermal efficiency is achieved. This would result in extensive works to be undertaken, including the construction of a wall incorporating insulation within the existing frame, the removal of the existing floor and construction of a new insulated floor.

The proposed scheme looks to demolish the thermally inefficient existing building, as the amount of work required to convert the steel frame into 2no dwellings which are thermally efficient is unviable due to cost and labour implications. As such, the scheme will provide 2no highly energy efficient dwellings to current energy efficiency standards, each of which have an anticipated energy efficiency A rating. It is also proposed that each dwelling will have an ASHP along with solar PV installed on the roof. Due to the nature of the works to construct 2no new dwellings, it is assumed that the air tightness of such dwellings would be better / higher than that if the existing building was to be converted, therefore assuming that the energy efficiency of the new dwellings would surpass that of the approved scheme.

Replacing the building completely with new energy efficient dwellings will not only be much simpler in buildability and financial terms, but it will also be far more efficient than a large number of superfluous alterations could provide and will more adequately accord with the requirements of Policy S11.'

There is no mechanism for the Local Planning Authority to guarantee or enforce that the fallback scheme achieves the same standard of energy efficiency. A full planning permission also allows for conditions to be imposed to completely restrict the use of piped natural gas or other fossil fuel systems such as diesel generators (the Energy Statement itself can be conditioned).

The high standard of thermal efficiency and low overall energy demand of the proposed development which is met through the installation of Air Source Heat Pumps and Solar Panels is considered to exceed the requirements of Policy S7 and would accord with both criteria 2 and 4 of Policy S11 over the lifetime of the development through lower lifetime carbon emissions. The Energy Statement will be conditioned accordingly as well as a verification condition if it is minded to grant permission

For these reasons, it is considered that the proposed development would.

accord with Policies S6, S7 and S11 of the CLLP. The proposed development will achieve an average space heating demand and total energy demand below the optimal standard outlined within Policy S7 which the fallback scheme will not achieve.

Ecology & Biodiversity

Policies S60 and S61 of the CLLP requires that development proposals do not have an unacceptable impact on ecology or biodiversity and should take opportunities to provide at least 10% net gain in biodiversity wherever possible. These requirements are also contained within paragraph 180 of the NPPF. Given that the requirements of Policies S60 and S61 are consistent with the NPPF, they are afforded full weight. Paragraph 186 states further that some harm to biodiversity is permitted but where there is significant harm, planning permission should be refused.

The proposed development has been accompanied by a Preliminary Ecological Appraisal (PEA) and a Biodiversity Net Gain calculation which has concluded that a net gain of 14.57% could be achieved as the proposed site is mainly given over to concrete hardstanding and a large steel portal framed building with a concrete floor and the proposed plans show the removal of the concrete and garden areas to the west of the proposed dwellings.

The proposed Site Layout/Block Plan (Drawing No. LDC4041-201B dated 09/08/2024) will be conditioned accordingly if it is minded to grant permission, alongside a landscaping condition and a condition in regards to the recommendations contained within the PEA.

It is therefore considered that the proposed development would be in accordance with Policies S60 and S61 of the CLLP and paragraph 180 of the NPPF. There is no mechanism for the Local Planning Authority to guarantee or enforce that the fallback scheme achieves the same level of bio-diversity net gain.

Conclusion

Although the proposed development would be contrary to Policy S1 and S5 of the CLLP, it is considered that there is a real prospect of a fallback position afforded by Schedule 2 Part 3 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Having regard to the case law and appeal decision referenced above, it is considered that for the reasons explained in this report, the proposed scheme would be an enhancement to the Class Q fallback development.

It is considered that the enhancement of the site compared with the scheme proposed under the Class Q fallback, the standard of design, bio-diversity net gain and a high standard of thermal efficiency combined with the real prospect of a fallback position, would outweigh the harm of the development conflicting with Policies S1 and S5 of the CLLP. The development can therefore be supported.

Visual Impact (AGLV)

The site is located within the countryside and is within an Area of Great Landscape Value (AGLV).

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

Local Policy S62 states that development proposals within, or within the setting of, AGLV shall:

- e) conserve and enhance the qualities, character and distinctiveness of locally important landscapes; and
- f) protect, and where possible enhance, specific landscape, wildlife and historic features which contribute to local character and landscape quality; and
- g) maintain landscape quality and minimise adverse visual impacts through high quality building and landscape design; and
- h) demonstrate how proposals have responded positively to the landscape character in relation to siting, design, scale and massing and where appropriate have retained or enhanced important views, and natural, historic and cultural features of the landscape; and
- i) where appropriate, restore positive landscape character and quality.

The proposed dwellings will replace an existing large steel portal framed agricultural building and concrete hardstanding with two semi-detached two storey and single

storey dwellings which have been sensitively designed to look like traditional agricultural barns in a 'courtyard' arrangement.

It is considered that the overall nature, scale and external appearance of the development will improve the visual impact of the site and create a noticeable betterment with the proposed dwellings complementing the existing traditional buildings to the west of the site which include converted agricultural barns. This betterment will also lead to this part of the Area of Great Landscape Value (AGLV) being visually enhanced.

No specific details have been provided in regards to the proposed external materials and boundary treatments which be conditioned if it is minded to grant permission.

It is therefore considered that the proposal as a whole subject to conditions will not be expected to unacceptably harm the character and appearance of the locality including the street-scene and countryside which is within an AGLV. The proposed 2 dwellings in the form of a traditional agricultural barns in a courtyard arrangement would be an improvement in terms of visual impact of the dwellings approved in the fall back position (145974) to convert the existing steel portal framed building. The proposal complies with the NPPF and Policy S53 and S62 of the Central Lincolnshire Local Plan.

Residential Amenity

Local Plan Policy S53 states that all development must 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. It further states that development must provide homes with good quality internal environments with adequate space for users and good access to private, shared or public spaces.

The proposed dwellings two storey elements have a ridge height of approximately 7.5 metres and an eaves height of 4.9 metres. The single storey elements have a ridge height of approximately 5 metres and an eaves height of 2.7 metres.

The nearest part of the two storey elements of the proposed dwellings is located approximately 31.5 metres to the north east of the closest neighbouring dwelling (Grange Barn, Sandy Lane) and the single storey elements are located approximately 19.5 metres away from this neighbouring dwelling. Therefore, there are no issues of overlooking or loss of light.

The proposed west elevation will have a door, two sets of French doors with flanking windows and a window at ground floor level and 5 windows (to corridors and bedrooms) at first floor which will overlook the gardens afforded the proposed dwellings. The north elevation will have three windows and a door with a flanking window and a garage door at ground floor level which will overlook the access and car parking afforded Plot 1 with countryside beyond. The south elevation will have two ground floor windows and a door which will overlook the car parking afforded Plot 2 with trees and the access to neighbouring dwellings beyond.

The proposed east elevation is located approximately 4 metres away from a steel portal framed grain store (the agent has confirmed that there is no grain dryer in this building) which runs alongside approximately 17.5 metres of the 27.5 metre length of this elevation. This elevation will have four windows at ground floor level and an external staircase leading to a first floor door and there are also five other windows proposed on the first floor. This elevation will overlook the aforementioned grain store and hardstanding to the north of this building with the staircase also affording views of the countryside to the north.

There are also ground floor openings in the single storey wings looking into the courtyard/gardens afforded the proposed dwellings. There are no overlooking issues.

It is therefore considered that the proposal as a whole will not unacceptably harm the residential amenity of neighbouring occupiers or the future occupants of the proposed dwellings in compliance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

Highway Safety and Car Parking

Local Plan Policy S47 and S49 requires well designed, safe and convenient access for all, and that appropriate vehicle parking provision is made for development users. Policy S49 states that all development apart from residential should incorporate a level of car parking that is suitable for the proposed development taking into account its location, its size and its proposed use, including the expected number of employees, customers or visitors.

The application seeks to remove the existing building on the site and erect 2 attached 2 storey dwellings (with single storey elements) Plot 1 to the north is a two bed dwelling and will be accessed from the existing access off Sandy Lane which will lead to an area of hardstanding to the north of the proposed dwelling for car parking and turning areas. The dwelling also benefits from an integral single garage.

Plot 2 to the south is a 3 bed dwelling and will also utilise the existing access off Sandy Lane but a new access track will be created off the existing access to the north east of the dwelling which will lead to an area of hardstanding for car parking and a turning areas to the south of the dwelling. The dwelling also benefits from an integral single garage.

Paragraph 114 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Lincolnshire County Council Highways have raised no concerns in relation to highway safety.

Overall, the proposed access, parking and turning arrangements are acceptable and the proposal is considered to accord with Policy S47 and S49 of the Central Lincolnshire Local Plan and the NPPF.

Foul and Surface Water Drainage

The site is in flood zone 1 which is sequentially preferable and therefore meets the test within Policy S21. This policy (S21) also contains drainage guidance.

Foul sewerage will be dealt with by way of a package treatment plant and surface water by way of a soakaway. The appropriateness of the intended method(s) cannot be assessed at this stage. If permission was to be granted a planning condition to secure full foul and surface water drainage details would be recommended.

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

It is considered that Policy S21 is consistent with the drainage guidance of the NPPF and can be attached full weight

Landscaping and Boundary Treatments

The comprises a large steel portal framed agricultural building and concrete hardstanding.

It is proposed to have landscaping/gardens to west of the proposed dwellings and boundary treatments to separate the plots although no exact details have been provided for the proposed landscaping or boundary treatments. Therefore, if it is minded to grant permission appropriate conditions will be attached to the decision notice to secure full landscaping and boundary treatment details.

Subject to conditions the landscaping and boundary treatments of the site are therefore acceptable and accords to local policy S53 of the CLLP and the provisions of the NPPF.

Other Matters:

Contamination

The previous agricultural use on the site could have led to contamination of the ground. A precautionary contamination condition is considered reasonable and necessary to accord to Policy S56 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

It is considered that policy S56 is consistent with the contamination guidance of the NPPF and can be attached full weight.

Gas Pipeline Buffer Zones:

The proposal sits within the following gas pipeline buffer zones:

- 7039_1310 National Grid Gas PLC
- 4455752_ Cadent Gas Ltd Hemswell Cliff Biomethane Pipeline

If it is minded to grant permission an advisory note will be attached to the decision notice advising the applicant to contact the owner of the pipeline prior to development commencing.

Public Right of Way:

Public Right of Way (Teal/149/1) is located approximately 26 metres to the south of the site. The proposal would not be detrimental to existing users and potential future users of the nearby Public Right of Way. In fact the assessed enhancement of the proposed development in this application would enhance the experience when using the Public Rights of Way.

Permitted Development Rights

The following permitted development rights will be removed if it is minded to grant permission. The buildings shall not be altered or extended (including the installation of solar panels), no new windows shall be inserted, no porches, no outbuildings, no hard surfaces, no chimneys and flues, no microwave antenna and no new gates, walls or fences shall be erected.

This will enable such proposals to be assessed in terms of their impact on the host dwelling/the resulting amount of space around the host dwelling and to safeguard the character and appearance of the building and its surroundings in this countryside location in accordance with Policies S1 and S5 and S53 of the Central Lincolnshire Local Plan.

Conclusion:

The proposal has been considered in light of relevant development plan policies namely Policy S1: The Spatial Strategy and Settlement Hierarchy, S2: Growth Levels and Distribution, S5: Development in the Countryside, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S11: Embodied Carbon, S12: Water Efficiency and Sustainable Water Management, S14: Renewable Energy, S20: Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S56: Development on Land Affected by Contamination, S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains, S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value and S66: Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan and guidance contained in the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Model Design Code has also been taken into consideration.

In light of this assessment it is considered that the enhancement of the site compared with the scheme proposed under the Class Q fallback, the standard of design, bio-diversity net gain and a high standard of thermal efficiency combined

with the real prospect of a fallback position, outweigh the conflict with Policies S1 and S5 of the CLLP and that development can be supported.

The proposed development will also not unacceptably harm the character and appearance of the street-scene or countryside, nor the living conditions of neighbouring occupiers. The proposal will also not unacceptably harm the local highway and would not be unacceptably harmful to existing users and potential future users of the nearby Public Right of Way.

RECOMMENDATION- Grant planning permission with the following conditions:

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

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

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

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

2. Prior to the commencement of the development, a 30-year Biodiversity Net Gain Management and Maintenance Plan & Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details:

- Details of the size, species, planting arrangement and position of all trees, hedgerows and other vegetation to be planted in accordance with the details in the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for 'Land off Sandy Lane, Tealby' (KJ Ecology Ltd June 2024) and Drawing No. LDC4041-201B dated 09/08/2024)
- Details of boundary treatments (including boundaries within the site) and hardstanding.

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

Reason: To ensure that the biodiversity net gain measures are maintained for a 30-year period and a landscaping scheme is implemented to enhance the development in accordance with the NPPF and Policies S53, S60 and S61 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: Drawing No. LDC4041-201B dated 09/08/2024, LDC40923-202 Rev B dated February 2024 and LDC40923-200 Rev B dated 08/08/2024. 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 in the interests of proper planning.

4. No development, other than to foundations level shall take place until the following external materials (including the colour finish, type and manufacturer details) have been submitted to and approved in writing by the local planning authority:

- Roofing Material's.
- Details of Window and Doors including sectiond drawings at 1:20 scale.
- Rainwater Goods.
- A 1 metre square sample panel of the proposed new stonework/brickwork, showing the coursing of the stonework/brickwork, colour, style and texture of the mortar and bond of the stonework/brickwork shall be erected on site for inspection and shall be retained on site until the new development is completed.
- A metre square panel of pointing with the specification identified.

The development shall thereafter be constructed in accordance with the approved details and retained as such thereafter.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the locality in accordance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

5. No development, other than to foundations level shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and shall be fully completed prior to occupation of the dwellings and retained as such thereafter.

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

6. New hardstanding shall be constructed from a porous material and shall be retained as such thereafter.

Reason: To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan

7. The development hereby permitted shall be undertaken in accordance with the details set out in the submitted Energy Statement (Lincs Design Consultancy dated 03/05/2024) unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt this includes the standards set for the performance of the fabric of the building, the utilisation of air source heat pumps, solar panels and mechanical ventilation with heat recovery.

Reason: In order to ensure efficient buildings and reduce energy consumption, in accordance with Policies S6 and S7 of the Central Lincolnshire Local Plan.

8. Prior to occupation of the dwellings hereby permitted, 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 (Lincs Design Consultancy dated 03/05/2024) and approved in writing by the Local Planning Authority.

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

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

- Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for 'Land off Sandy Lane, Tealby' (KJ Ecology Ltd June 2024)

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

10. No development, other than to foundations level shall take place until details of the position of the bat bricks and bird boxes, as per the recommendations of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for 'Land off Sandy Lane, Tealby' (KJ Ecology Ltd June 2024) has been submitted to and approved by the Local Planning Authority. The approved bat bricks and bird boxes must be installed prior to occupation of the site and retained as such thereafter.

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

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

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

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-

enacting that Order with or without modification) no domestic oil tanks or domestic gas tanks shall be placed within the curtilage of the dwelling(s) hereby approved. Without express planning permission from the Local Planning Authority.

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

13. All planting and turfing approved in the Biodiversity and Landscape Management Plan under condition 2 shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or hedging 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. The landscaping should be retained thereafter.

Reason: To ensure the site is visually softened by appropriate methods in accordance with the National Planning Policy Framework and Policies S53 and S57 of the Central Lincolnshire Local Plan.

14. Notwithstanding the provisions of Classes A, AA, B, C, D, E, F, G, H of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the buildings hereby permitted shall not be altered or extended (including the installation of solar panels), no new windows shall be inserted, no porches, no outbuildings, no hard surfaces, no chimneys and flues, no microwave antenna and no new gates, walls or fences shall be erected unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of the proposed dwelling/the resulting amount of space around the proposed dwelling and to safeguard the character and appearance of the host dwelling(s) and its surroundings in accordance with the NPPF and Policy S1, S5 and S53 of the Central Lincolnshire Local Plan.

Notes to the Applicant

Condition No.2

Please refer to the guidance provided under the following link:

<https://www.gov.uk/guidance/biodiversity-net-gain#determination-of-the-planning-application>

Gas Pipeline Buffer Zones:

The proposal sits within the following gas pipeline buffer zones:

- 7039_1310 National Grid Gas PLC
- 4455752_ Cadent Gas Ltd Hemswell Cliff Biomethane Pipeline

It is advised that the applicant contact the owner of the pipelines prior to development commencing.

Human Rights Implications:

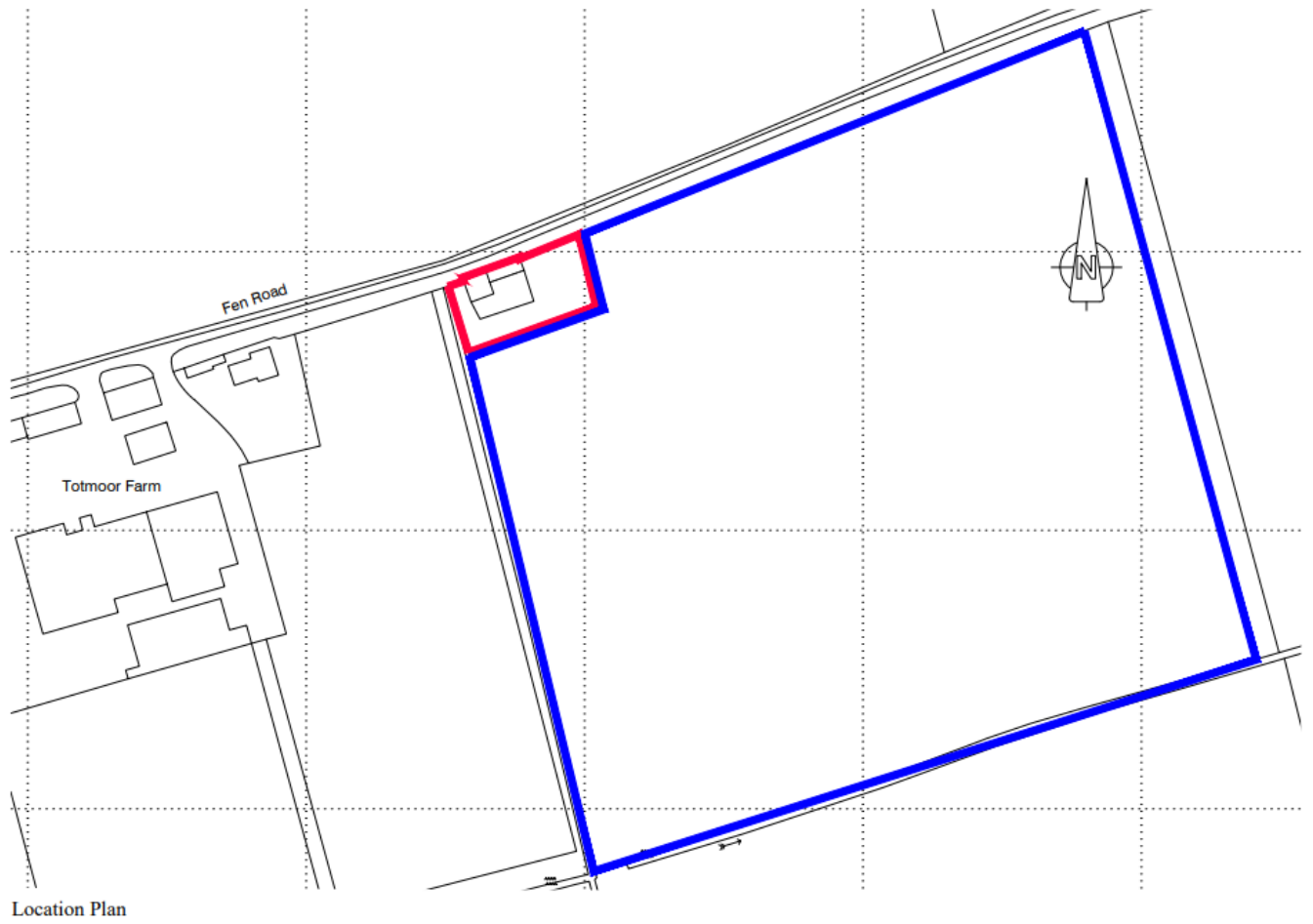
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for their private and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

Legal Implications:

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

Agenda Item 6e

Site Location Plan 148001



Officers Report

Planning Application No: 148001

PROPOSAL: Planning application for conversion of existing barn building to 1 no. dwelling including erection of extension and new garage, boundary features and access gates

LOCATION: Glebe Farm Barn Fen Road Owmbly by Spital Market Rasen LN8 2DR
WARD: Waddingham and Spital

APPLICANT NAME: Mrs Rebecca Archer- Chestnut Homes
WARD MEMBERS: Cllr A M Duguid

TARGET DECISION DATE: 19/04/2024 (Extension of time agreed until 13/09/2024)
DEVELOPMENT TYPE: Change of Use
CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission with conditions

The application is referred to the planning committee for determination in line with the Councils constitution as the proposal is considered to be a departure from Part A of Policy S5 of the Central Lincolnshire Local Plan.

Site Description: The application site consists of a detached redundant barn located in the open countryside approximately 0.9km to the east of Owmbly by Spital. The site is accessed down a long single track access road which connects to Saxby Road.

The existing barn contains a two-storey element with a catslide roof together with a single-storey open sided element to the east. The barn is a mix of limestone, render and blockwork finish. The barn is adjoined by the access to the north with open countryside beyond a farm, known as "Totmoor Farm" located to the west and open countryside adjoins the eastern and southern boundary.

The Proposal: The application seeks full planning permission for the conversion and extension of the existing barn, known as Glebe Farm Barn. New entrance gates, boundary wall, a detached garage to the southeast of the barn is also proposed.

The existing barn building will be converted into a dwelling, it would then have a glazed link off its south elevation, to a cladded single storey extension which has the following approximate measurements: 15.7m in max length (including glazed link), 15m in max width, 2.6m max eaves height, 4.7m in max height.

The detached double garage has the following approximate measurements; 6.2m in length, 6m in width, 2.4m to eaves and 4.3m in total height.

Concerns were raised with the originally submitted plans, mainly due to the size and scale of the large, detached outbuilding and the scale of the proposed rear extension. Following an in-person meeting with the case officer, Conservation Officer and the applicant amended plans were received on 20/06/2024 and 12/07/2024.

The changes to the originally submitted plans comprise of the following:

- Removal of first floor of proposed extension and reduction in scale to single storey.
- Reduction and re positioning of the large, detached outbuilding/workshop to a detached double garage.
- Removal of rooflight on front elevation of barn.

Relevant Planning History:

141838- Planning application for conversion of redundant farm barn buildings to 1 no. dwelling, to include extension, courtyard parking and garage facilities. Application Withdrawn.

119862 - Planning application for the conversion of redundant farm building to form a single dwelling incorporating home office and holiday let. Granted 30/03/2007.

125425 - Planning application for the conversion of redundant farm building to form a single dwelling incorporating home office and holiday let - to replace extant planning permission 119862, in order to extend the time limit for implementation. Granted 23/03/2010.

Representations- In Summary:

Full versions of the comments received can be viewed on the Councils website using the following link: [West-Lindsey | Public Portal \(statmap.co.uk\)](https://www.westlindsey.gov.uk/public-portal)

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

Owby By Spital Parish Council: The parish council has no objection to this planning application.

Local residents/Third Parties:

23 Riseholme Rd, Lincoln- Objects to the Proposal- In Summary:

10/04/2024- These additional comments should be read in association with my previous comments on this application dated 05/04/2024.

In considering the application further I have noted a matter which requires the LPA's attention. It relates to the consideration of Policy S5, Part A, Criteria a).

Criteria a) requires: "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".

There is no question that the building was originally built for agriculture, and there is no documented lawful intervening use. The lawful use of the building therefore remains as agriculture (Sui Generis).

It is therefore a requirement of criteria a) for the applicant to provide relevant evidence to determine that the building cannot be used for agriculture or has been appropriately marketed. No such evidence has been submitted by the applicant.

I would draw the LPA's attention to drawing 'OMB / 02' which depicts the proposed floor plans for the development. The oversized, rather industrial looking, outbuilding is subdivided into 'Garage & Workshop' and 'Farm Equipment Store / Workshop'. There is also a 'Farm Access' shown directly adjacent to the 'Farm Equipment Store / Workshop'.

The plans helpfully indicate the scale of the building by depicting various vehicles within the building. A very large farm vehicle and additional farm equipment are shown within the 'Farm Equipment Store / Workshop'. An agricultural machine of this scale is not required for maintenance of the dwelling or its curtilage, so it calls into question what agricultural operation the equipment will be required for.

The site is surrounded to the south and east by agricultural land and given the location of the field access it is reasonable to assume that the adjacent land to the south will be farmed by the equipment housed within the building. A land registry search has also indicated that the land directly to the south is within the same Title as the application site (LL289617).

With agricultural operations still required on site, evidenced by virtue of the need for a 'Farm Equipment Store / Workshop', this calls into question whether Criteria a) can actually be met. Because there is no justification why the farm equipment cannot be stored within the building to continue the agricultural use on site and to support the active arable production of adjacent land, i.e. its lawful use.

The applicant simply cannot demonstrate there is no demand for agricultural uses, because they themselves have provided evidence, by virtue of the 'Farm Equipment Store / Workshop' and 'Farm Access' that the need for agriculture remains on site. This need can continue without the building being converted to a dwelling, which would represent a continuation of the lawful use of the site and supporting the continued cultivation of best and most versatile agricultural land.

At the very least the applicant should be required to clarify this relationship, it is not usual for domestic dwellings to have agricultural scale buildings attached to them and clearly show large agricultural vehicles that are far in excess of vehicles associated with a domestic setting.

Overall, the application is contrary to Policy S5 as well as S12, S13, S53 and S57 (for the reasons set out in my previous comments on this application dated 05/04/2024).

05/04/2024- In summary I object to the application on the following grounds:

1) The application fails to provide any evidence as to why the building can no longer be used for the purpose for which it was originally built, or last used. Nor has any marketing taken place to demonstrate there is no demand for the building for business purposes.

2) The previous approval (129223) demonstrates it is possible to convert the barn to a residential use without extending it. The current application proposes inappropriate new

openings, additional features and new buildings within the curtilage that would totally overwhelm and dominate the existing building which is of intrinsic architectural merit.

3) As a result of the excessively large extensions and additional new buildings, the proposal would fail to preserve the significance of the non-designated heritage asset. Consequently, the array of unacceptable alterations clearly demonstrates that the proposed use is not compatible with the existing building when considering the lasting harm that would be caused to its significance.

4) The proposal fails to achieve high quality sustainable design that contributes positively to local character by virtue of the unacceptable excessive extensions and new buildings. The design approach has no regard to understanding the context of the existing building or providing a development which would reflect and enhancing the existing character and distinctiveness of the existing building.

5) The proposal is silent in relation to water efficiency and sustainable water management that will be employed on site and provides no consideration of the measures to improve the energy efficiency of the existing building. Overall, the proposal is contrary to policies S5, S12, S13, S53 and S57 and should be refused without delay.

Glebe Farm- Supports the Proposal- As the proposal contains a "home office", not unreasonable in today post pandemic society, what provision is being made for broadband as there is no Fibre to the Premises broadband to any of the existing 3 residential dwellings and 1 business premises currently on Fen Road. We, the residents of Fen Road have been informed by the village (Owmy-by-Spital) FTTP provider that FTTP will not be provided to any of the 3 existing residential properties on Fen Road as it is not economically viable. Does this planning enable this to be revisited as current Broadband speeds available to the current 3 residential properties does not support current business practices such as virtual meetings with live video feeds.

LCC Highways/Lead Local Flood Authority: No objections. The proposal is for conversion of existing barn building to 1no. dwelling including erection of extension and new garage/workshop including boundary features and access gates and it does not have an impact on the Public Highway or Surface Water Flood Risk.

Lincs Wildlife Trust:

09/05/2024- The ecology report provides a good update on the state of the site since previous survey visits. I am just wondering if the site is too small to require a BNG assessment since its converting an existing structure.

18/03/2024- 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 three ecology reports submitted with this application detail surveys that they were undertaken during 2020. The Barn Owl and Bat surveys were conducted in October 2020 with the Fox Den closure taking place in November of the same year. A full Preliminary

Ecological Appraisal will need to be undertaken to provide an update on the current status of the site in regards to its ecology and whether there are any protected and/or priority species present. The ecological conditions of the site and surrounding area are thus unknown, as are the impacts of the development on the environment (e.g., designated sites, priority habitats and legal protected species).

In February of this year Biodiversity Net Gain became mandatory for all new developments through the Environment Act. We would therefore wish to see a Preliminary Ecological Assessment (PEA), or equivalent document, with a BNG feasibility study incorporated into the Environmental Statement that would establish clearly how a minimum of 10% BNG would be delivered on-site (Policy S61). We would expect to see a UK Habitat Assessment survey with an accompanying Biodiversity Metric calculation for baseline setting and a plan to meet the mandatory 10% net gain. Given the nature of the proposed development we believe the applicant will be able to reach this requirement onsite without needing to explore offsite measures.

Lincolnshire Bat Group:

08/05/2024- I've now had time to have a proper look at this. It's clearly a low level site, and the report's results are consistent with previous findings, but things can change – hence the need for updates. See page 5 for recommendations.

01/04/2024- Thank you for referring this application to Lincolnshire Bat Group. Given that the last survey appears to have been in 2020 we would agree with the Lincolnshire Wildlife Trust's observations that an updated survey is necessary. See their response.

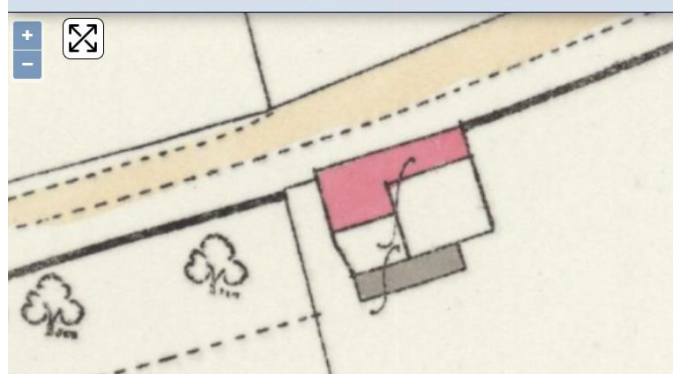
WLDC Conservation Officer:

No written comments received on amended plans. Verbal response- Now more supportive of the amended proposals.

17/05/2024- The proposal seeks to convert the existing farm building of which I am supportive of. I would seek some alterations if other areas are resolved.

Lincolnshire XLIV.16
Surveyed: 1885, Published: 1886
Size: map 64.4 cm x 96.6 cm (25.344 x 38.016 inches), on sheet ca. 76 x 41 inches

[Maps home](#) > [Ordnance Survey](#) > [OS 25 inch England and Wales, 1841](#)



— The proposal seeks to create a large extension to the rear for a kitchen/dining/lounge space.

The historic maps show the linear building providing a precedent of a small built structure. The grey shading states that this was a wood or metal clad building, most likely a small animal outbuilding. Although this cannot be confirmed, it is most likely that it was not a large or permanent structure of any substantial scale due to its construction.

The proposal seeks a foot print similar to that of the historic precedent, if a little larger. The introduction of a new building here would be supported for a structure that is small in scale and subservient to the historic building.

The proposal shows that the new build to the rear is similar in height to the small section of the two-storey historic building and is visibly intrusive to the visual impact of the principle elevation. This would need to be reduced to a single storey extension to remove the views of the development from above the single storey section. This building was historically subservient in design and scale, as shown in the historic plans, and any new design here should adopt that approach.

The use of the glazed link is a contemporary design that would have minimal impact and retain the historic form and layout.

The introduction of a garage/workshop is large and excessive for a domestic dwelling. The footprint of the garage is similar to, if not larger, than the proposed new rear building which is already considered excessive in scale.

The introduction of a new garage would be a harm to the historic linear form but this harm would be mitigated if a small garage was introduced that did not break the linear form. Any garage would be required to be subservient to the main dwelling and the new rear building to provide a clear hierarchy of importance.

However, the mitigation to allow the garage would be finely balanced therefore a strong design with a smaller garage would be required that retains the linear layout.

In this current form the proposal would be contrary to Policy S57 of the CLLP.

LCC Archaeology: The barn building in question has already undergone an historic building recording which was approved by this department. No further archaeological input is required.

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 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)**

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)."

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>

Main issues

- Principle of Development
- Heritage and Design
- Ecology
- Highways and Access
- Residential Amenity
- Energy Efficiency
- Other matters

Assessment:

Principle of Development

The site is detached considerably from the nearby settlement of Owmbly by Spital and in an isolated countryside location, therefore, for the purposes of S1, the site would be categorised within tier 8 as 'Countryside'.

With reference to tier 8, Policy S1 states that: *Unless allowed by: a) policy in any of the levels 1-7 above; or b) any other policy in the Local Plan (such as Policies S4, S5, S34, or S43) or a relevant policy in a neighbourhood plan, development will be regarded as being in the countryside and as such restricted to:*

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

The proposal to convert the barn falls to be assessed under Policy S5: Development in the Countryside Part A Re-use and Conversion of non-residential buildings for residential use. This states that proposals will be supported providing 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 existing barn is not suited to the size and scale of modern agricultural machinery. The buildings have been left unused for some time and are now in a state of disrepair. It is thought that a commercial/business use may likely require significant alterations to meet modern farming standards. The existing building is considered to be of notable architectural and historic merit and intrinsically worthy of retention in its setting. The building is considered to be a non-designated heritage asset (NDHA) being noted on the Lincolnshire HER (Ref: MLI116040), dating back to mid 19th century, originally being used as field barn. It is considered that criteria 'a.' and 'c.' are met.

Criteria b) of S5 states that the building shall be capable of conversion without the need for inappropriate new openings or additions. The proposals include the conversion of the

barn, with a glazed link to a single storey extension as well as a detached garage. The existing building is in a poor state of disrepair.

It is acknowledged that the scale of the extension, detached garage and alterations go beyond the provisions of criteria b) of Part A, in that they go beyond 'minimal alterations'. However, the proposals have been designed, through discussion, appropriately and relate well to the host building. They now provide interest to the barn and would enhance its historic interest as well as providing an appropriate level of living accommodation for future occupiers.

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 the Councils Conservation Officer.

The amended alterations, extension and detached garage are now considered to be acceptable and would bring back into use a non-designated heritage asset. The impacts on NDHA and the wider character of the area 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.

Heritage and design

Policy S53- Design and Amenity of the CLLP 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;

Policy S57- The Historic Environment of the CLLP states that '*Development proposals should protect and seek opportunities to enhance the historic environment of Central Lincolnshire.*'

Policy S57 advises that change of use of heritage assets will be supported provided that;

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.

Paragraph 209 of the NPPF advises that: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

The application seeks full planning permission for the conversion and extension of the existing barn, known as Glebe Farm Barn. New entrance gates and a large, detached garage to the south east of the barn is also proposed. Historic maps show that the site layout had a rear range to the south, this is reflected in the proposed site layout plan.

The existing barn along to the north of the site would be converted into a dwelling, it would have a glazed link to a cladded extension which has the following approximate measurements: 15.7m in max length (including glazed link), 15m in max width, 2.6m max eaves height, 4.7m in max height.

The detached double garage has the following approximate measurements; 6.2m in length, 6m in width, 2.4m to eaves and 4.3m in total height. The new location of the garage will now sit in line with the extension and will therefore respect the historic form of the site.

Proposed materials will mainly consist of the following;

- Facing materials- Black Corrugated metal roof & Cladding;
- Pantiles to barn roof;
- Powder coated aluminium windows and doors;
- Black stained louvre fence screen and gates;
- Reclaimed brickwork in new boundary wall.

In the event permission is granted a condition will ensure that the proposed materials will be of a high quality with samples and specifications being requested prior to use in the development.

Concerns with the 2m high boundary brick wall and gates to the east and north boundaries were raised with the applicant during the application process, amendments to this wall have not been forthcoming. It is however acknowledged that the wall could be erected at any time without the requirement for planning permission and therefore does not warrant refusal on this element alone. The use of post and rail fence along the south boundary of the site is welcomed and would provide a less harsh transition into the open fields and countryside.

The proposed development, following the receipt of the amended plans, will better respect the host building and historic layout of the site due to the reduction in the scale of the garage and extension.

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 extension respect the host building. The proposals accord to the aims of Policies S53 and S57.

Ecology and Biodiversity Net Gain

Policy S60 states that; *All development should: 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;*

The application has been accompanied with the surveys from (2020) submitted in the previously withdrawn application (141838) as well as an updated bat roost and nesting bird survey by Delta- Simons carried out in 2024.

No barn owls were present during the survey, however, the northern section of the barn featured extensive evidence of barn owl in the form of pellets on both the ground floor and within the first-floor granary space (Figure 2 TN1 and TN2). This indicated long-term use of the barn, with both a large collection of debris containing small mammal bones and fully formed pellets, although none appeared to be very fresh at the time of the survey. It is likely the barn owls were gaining access through a broken clear plastic roofing panel on the southern pitch, or via the open doorway on the southern elevation. It is considered the barn is used as a barn owl roost, since no evidence of previous nesting activity was recorded. This was consistent with the findings of the survey in 2015 and 2020.

Many of the holes inspected within the barn structure led to relatively superficial crevices, which are unlikely to be suitable to support a significant number of bats or were cobwebbed indicating no recent use by bats. No evidence such as droppings or staining was recorded to be associated with any of the features.

Whilst the building on-Site offers potential roost features, most likely for individual or small numbers of bats, and offers suitable conditions for hibernation, no evidence of bat activity was recorded during the inspection. The findings of the survey are consistent with those reported in 2006 and 2020.

In the event that permission were to be granted a condition would ensure that the development is carried out in accordance with the recommendations contained within Section 5 of the Bat Roost and Nesting Bird Potential Survey by Delta- Simons.

The application was submitted prior to the introduction of the mandatory 10% BNG required by legislation, the proposal falls to be considered against the policies within the CLLP. Local policy S61 of the CLLP requires that *“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.*

As the application is for the change of use of an existing building is considered that this would fall within one of the exemptions from the mandatory and policy BNG net gain. In any case it is considered that the proposal could provide biodiversity enhancements through a landscaping scheme, which would be conditioned in the event permission were

to be granted. Subject to conditions, the proposal would accord to the aims of policies S60 and S61 of the CLLP.

Highways and Access

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 Central Lincolnshire Authorities.

LCC Highways have been consulted on the proposal and have no objections to the development. Overall, the development is acceptable in terms of accessibility, highway safety and there is ample parking provision around the site in accordance with the parking standards and would accord to Policies S47 and S49.

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.

Given the isolated nature of the site it is not anticipated there would be any impacts in relation to the above amenity considerations. The proposal offers an adequate amount of outdoor amenity space for modern standards of living, as well as meeting with the Nationally Described Space Standards. The proposal would accord to the aims of S53 of the CLLP and the provisions of the NPPF.

Energy Efficiency and Water Sustainability

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)*.*

A number of solar panels are shown on the proposed south roof slope of the single storey extension, their inclusion would accord to Policy S13 of the CLLP.

With regard to water sustainability Policy S12 states that;
In addition to the wider flood and water related policy requirements (Policy S21), all residential development or other development comprising new buildings:

- *with outside hard surfacing, must ensure such surfacing is permeable (unless there are technical and unavoidable reasons for not doing so in certain areas) thereby reducing energy demand on the water recycling network;*
- *should consider the potential to incorporate a green roof and/or walls in accordance with Policy S20; and*
- *which is residential and which includes a garden area, must include a rain harvesting water butt(s) of minimum 100l capacity.*

In the event permission were to be granted a condition will ensure that a water butt is provided within the development.

Other matters

Public right of way

The nearby public right of way will not be altered or impacted by this development.

Archaeology

LCC Archaeology have been consulted on the application advising that no further input is required.

Drainage

The application form states that foul water is to be disposed of to a package treatment plan and surface water is proposed to be dealt with via SuDS and an existing watercourse. It is considered that foul and surface water is capable of being addressed by condition and subject to further details would accord with S21 of the CLLP and the provisions of the NPPF.

Removal of Permitted Development Rights

In the event permission were to be granted it is considered reasonable and necessary in this case, due to the site's sensitive location, to remove permitted development rights for any further alterations to the building as well as the erection of any outbuildings. This would allow the Local Planning Authority to properly assess any alterations or outbuildings and their impact on the character of the area and host non designated heritage asset.

Comments from Neighbour- The comments from a neighbour regarding internet connection is noted, this is not a material planning consideration.

Planning Balance and Conclusion

The proposal has been considered in light of relevant development plan policies namely, 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 in the first instance as well as guidance 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 impacts upon the character of the area residential amenity, highway safety, drainage and ecology and biodiversity are all considered to be acceptable subject to conditions. It is considered that the amended plans have addressed the LPA's initial concerns and the application can now be supported. It is therefore recommended that planning permission is granted subject to the conditions listed 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:

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:

- OMS/01 Site Location Plan
- OMB_02 Rev B Proposed Floor Plans
- OMB_03 Rev A Proposed Block Plan
- OMB_04 Rev B Proposed Elevations

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.

- Details of the reclaimed Brickwork, fencing and gates to be used in the boundary treatments;

- Specifications of Roof Tiles;
- All new external cladding– Samples to be made available on site for inspection;
- Specifications of all new windows (including roof lights), doors (including garage door), 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.

4. 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.

5. The development hereby approved must only be carried out in accordance with the recommendations set out in the Bat Roost and Nesting Bird Potential Survey by Delta Simons dated April 2024.

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

6. 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.

7. 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.

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.

8. 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.

9. 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.

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

10. 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 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge.

The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

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

Human Rights Implications:

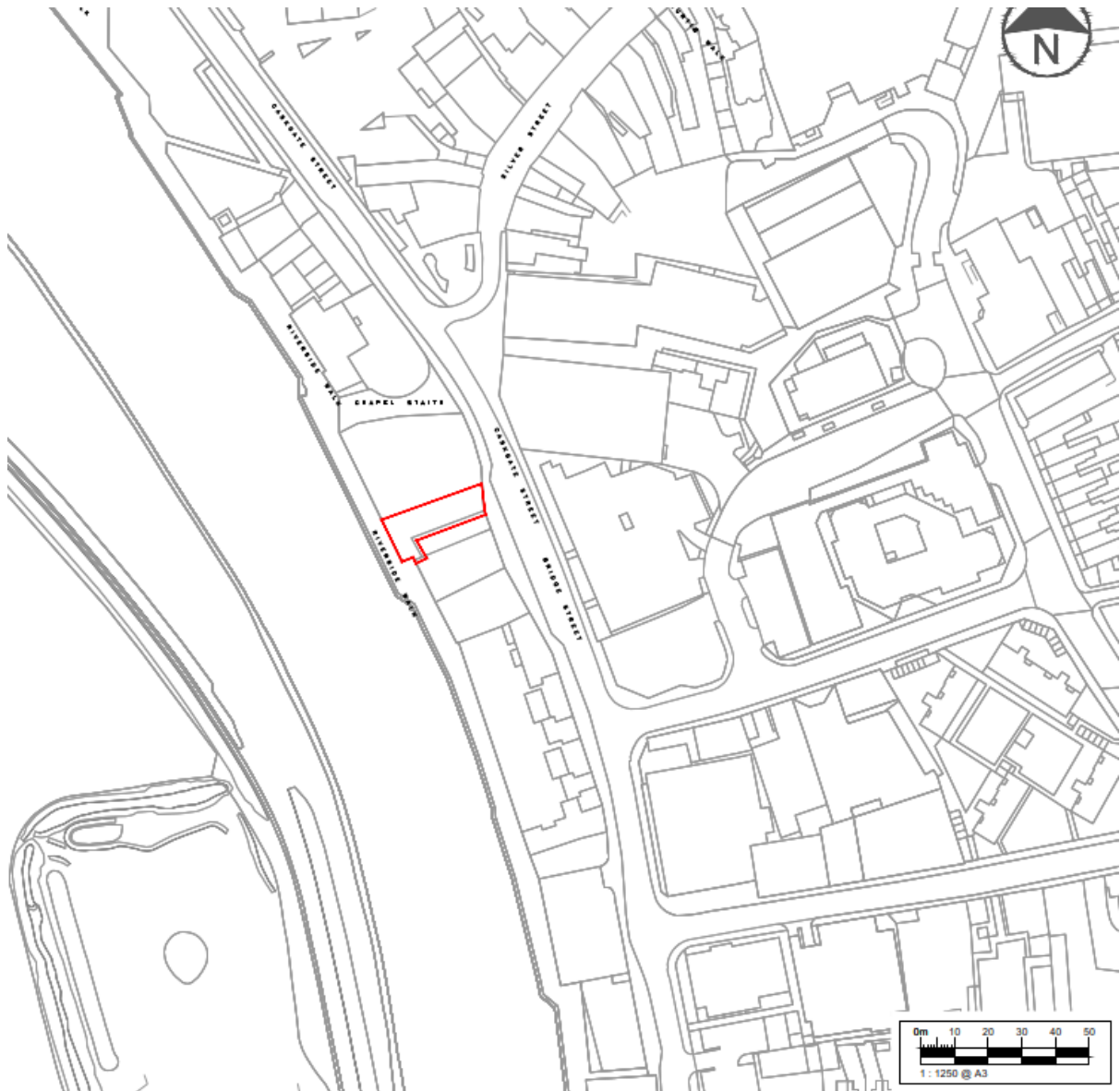
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Legal Implications:

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

Agenda Item 6f

WL/2024/00585- Baltic Mill



OFFICERS REPORT

PLANNING APPLICATION NO: WL/2024/00585

PROPOSAL: Planning application for the demolition of the remaining Baltic Mill wall.

LOCATION: BALTIC MILL LAND
BRIDGE STREET
GAINSBOROUGH
DN21 1LP

WARD: GAINSBOROUGH SOUTH WEST

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

APPLICANT NAME: West Lindsey District Council

TARGET DECISION DATE: 24/09/2024

CASE OFFICER: Danielle Peck

Recommended Decision: Grant planning permission with conditions

The application is presented to the planning committee for determination in line within the Councils constitution as West Lindsey District Council is the applicant.

The application is recommended for approval subject to the conditions at the end of this report. If the Planning Committee resolve to approve the application it is recommended to delegate back to officers to issue a decision once the re consultation period has expired on changes to the site location/ red line ownership plan.

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, leaving the south flank wall in place 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 Zone 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: Planning permission is sought for the demolition of the remaining old Baltic Mill south flank wall, as shown on the photograph below. The wall is approximately 7.5m in height and 23.1m in length.



1. Relevant Planning History

| Reference | Proposal | Decision |
|---------------|--|--|
| 147536 | Planning application for change of use of vacant Baltic Mill site into a landscaped area. | Granted time limit plus conditions 28/03/2024 |
| WL/2024/00562 | Request for confirmation of compliance with condition 7(artwork location) of planning permission 147536 granted 28 March 2024 | Condition discharged 07/08/2024 |
| 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 time limit plus conditions 29/09/2009 |

Representations (In Summary)- Full versions of the comments received can be viewed using the following link: [West-Lindsey | Public Portal \(statmap.co.uk\)](https://www.statmap.co.uk)

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

Gainsborough Town Council: No representations received to date.

Local residents: No representations received to date.

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

Comments: Should it be deemed that the adjacent public footway on Bridge Street will be affected by the demolition works then please contact Lincolnshire County Council to arrange a temporary closure to protect pedestrians. Recommends an informative.

Environment Agency: No representations received to date.

LCC Archaeology: No archaeological input is required for the above application.

Historic England: No representations received to date.

WLDC Conservation Officer: The proposal is to remove the freestanding brick wall from the previously demolished building. The site is within the CA and in the setting of LBs. The removal of the brick wall would not alter the setting as it would leave the exposed brick wall of the neighbouring property. This would have a neutral impact. I have no objections to this application subject to the following condition:

1) Upon the demolition of the free standing wall, the exposed brickwork shall be assessed and a methodology providing repairs for making good with a time line for the works to be completed shall be submitted to and approved in writing by the Local Planning Authority.

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 Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and Gainsborough Town Neighbourhood Plan

Development Plan:

- **Central Lincolnshire Local Plan 2023**

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S11: Embodied Carbon

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

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 NS73: Gainsborough Riverside Regeneration Area

[Homepage | Central Lincolnshire Local Plan \(n-kesteven.gov.uk\)](https://www.n-kesteven.gov.uk)

- ***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 28th February 2018

Character Area TCA 06: Gainsborough Town Centre

[Gainsborough Town Neighbourhood Plan | West Lindsey District Council \(west-lindsey.gov.uk\)](https://www.west-lindsey.gov.uk)

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

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

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF)

[National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

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:

However, existing 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

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

[Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(legislation.gov.uk\)](#)

- Gainsborough Town Centre Conservation Appraisal
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 Considerations:

- Principle of Development;
*Policy S11 Assessment
Flood Risk.*
- Visual Amenity including the Historic Environment:
- Highway Safety;
- Demolition Safety;
- Residential Amenity.

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 existing 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.

This application to demolish the wall arises from structural reports that have been carried out at the site following the grant of planning permission for the landscaping scheme (147536). Investigations have shown that the works required for the landscaping scheme could cause the wall to collapse if not removed.

In principle the demolition of the wall is considered to be acceptable, the main consideration in this application is the impact upon the surrounding heritage assets.

Policy S11- Presumption against Demolition

Policy S11 of the CLLP states that; Proposals that result in the demolition of a building (in whole or a significant part) should be accompanied by a full justification for the demolition.

The policy requires submissions for demolition to satisfy one of the following criteria;

- 1. the building proposed for demolition is in a state of such disrepair that it is not practical or viable to be repaired, refurbished, re-used, or re-purposed; or***
- 2. repairing, refurbishing, re-using, or re-purposing the building would likely result in similar or higher newly generated embodied carbon than if the building is demolished and a new building is constructed; or*
- 3. repairing, refurbishing, re-using, or re-purposing the building would create a building with such poor thermal efficiency that on a whole life cycle basis (i.e. embodied carbon*

and in-use carbon emissions) would mean a lower net carbon solution would arise from demolition and re-build; or

4. demolition of the building and construction of a new building would, on an exceptional basis, deliver other significant public benefits that outweigh the carbon savings which would arise from the building being repaired, refurbished, re-used, or re-purposed

The application has been accompanied with justification for the demolition of the wall and states the following;

"The main area of concern for the flank wall is at the western end adjacent to the projecting wall stub. Here, there is cracking to the upper section of wall and a large crack that extends across the intermediate concrete floor. There is no evidence that these cracks have occurred recently or that there is relative movement occurring across the cracks, although no specific monitoring has been undertaken. It is possible that demolition of the Baltic Mill structure and removal of the cellar arches and infilling could have led to ground movements and the cracking exhibited in the flank wall.

As part of the site works to create a new green space the site will be excavated to allow for a build up of soils for planting. There is a potential that the excavations may impact the stability of the wall and increase the likelihood of collapse."

The impact of leaving the wall as it is would cause serious safety concerns in delivering the previously approved public landscaping scheme. Alternatives to the demolition of the wall have also been explored, however there were concerns with the visual impact propping would have (discussed in the following section of this report). To conclude the demolition would meet point 1 of Policy S11.

Flood Risk

The site lies within flood zone 3. The proposed works would not cause any additional flood risk and would not increase in vulnerability. The removal of the wall would not increase the risk of flooding in the area and would not put the occupants of adjoining properties at additional risk from flood water. The proposal would accord with S21 of the CLLP and the provisions of the NPPF.

Visual Amenity including the Historic Environment

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.

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;'*

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 existing remaining flank wall of Baltic Mill, measuring c. 23.1m in length with a height of c. 7.5m is not considered to be of any historic merit nor does it positively contribute to the street scene or the Gainsborough Riverside Conservation Area.

Alternatives to demolition have been investigated by the Applicant and discussed with the Councils Conservation Officer prior to submission. However the amount of steel structural propping that would be required to make the wall stable through the landscaping works is unlikely to preserve or enhance the character of the Conservation Area or the setting of the nearby listed buildings.

The Councils Conservation Officer has no objections to the proposals subject to a condition to ensure the wall behind is repointed and repaired appropriately where necessary, the amount of repair work will not be known until the wall is removed. It is considered that there would be a neutral impact upon the street scene through the removal of the wall.

Overall, the proposal, subject to a condition, would preserve the Riverside Conservation Area and the setting of the nearby Listed Buildings, in accordance with the Statutory duties and the policies within the Development Plan.

Highway Safety

Policy S47 of the Central Lincolnshire Local Plan 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.*

The proposals have been reviewed by the Highways Authority who have confirmed they have no objections to the proposals. The site is enclosed by high fencing, it is not considered that the proposal, due to its nature, would impact upon highway safety. Pedestrian safety through the demolition process is discussed further in the following demolition section of this report.

Demolition Safety

The statement submitted with the application details the proposed demolition methodology. In summary, it states the following;

The structure will be demolished using hand demolition techniques to ensure structural stability and eliminate the risk of damage.

The brickwork will be removed via hand demolition techniques, where operatives using handheld mechanical tools will physically remove the brickwork. The brickwork will be removed into manageable section and will then be released into a designated drop zone allocated by the Site Supervisor. Drop zones are to be fenced off and secured with no access until authorised by Site Supervisor. As works progress the drop zone will move accordingly.

Appended to the statement (Appendix 1) is a full Method Statement and Risk Assessment by a demolition contractor.

The site is not publicly accessible, the wall is however located adjacent to the footpath along Bridge Street to the east. Within the comments received from the Highways department they have advised that the applicant needs to contact them to organise any potential closure of the Bridge Street footpath, this will be added as a note to the applicant in the event permission is granted.

In the event permission is granted a condition will be added to ensure the works are carried out in accordance with the method statement.

Residential Amenity

The site is adjoined by commercial premises directly to the south. Due to the nature of the proposals there would be no unacceptable impacts upon residential amenity.

Biodiversity Net Gain

The 10% BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10% This means a development will result in more or better quality natural habitat that there was before development.

There are some exemptions to this requirement, one of which is development proposals meeting with the de- minimis exemption (ticked on the application form), the NPPG details this as follows¹;

- *the development must not impact on any onsite priority habitat; and*
- *if there is an impact on other onsite habitat, that impact must be on less than 25 square metres (e.g. less than a 5m by 5m square) of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat (such as a hedgerow)*

¹ [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

As the proposal does not impact any onsite priority habitat, it is considered that this proposal meets with the de-minimis definition and is exempt from being subject to the biodiversity net gain condition.

Conclusion and reason for decision: The application has been assessed against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S47: Accessibility and Transport, Policy S48: Walking and Cycling Infrastructure, Policy S53: Design and Amenity, 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 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 proposal would have a neutral impact upon the street scene, Riverside Conservation Area and the setting of nearby Listed Buildings. Matters of safety have been addressed and the repair works to the exposed wall will be secured by condition. The application is recommended for approval subject to the following conditions.

RECOMMENDED CONDITIONS:

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

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

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

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

None.

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

2. 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-BM-01 Rev 01;
- Demolition of Existing Brickwork Flank Wall- Site Plan 1000008345-4-BM-02 Rev 1;
- Existing and Proposed Elevation- 1000008345-4-BM-03 Rev 0.

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

3. The development hereby permitted shall proceed in accordance with the Method Statement and Risk Assessment produced by GBM Demolition dated July 2024.

Reason: In the interests of public safety and to ensure the damage to the walls behind remains minimal through using hand demolition techniques.

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

4. Following the demolition of the southern wall of the former Baltic Mill, the exposed brickwork shall be assessed and a methodology providing repairs for making good, together with a time line for the works to be completed, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and preserving the setting of nearby listed buildings and Conservation Area in accordance with Policies S53 and S57 of the Central Lincolnshire Local Plan.

Notes to Applicant

You are advised to contact Lincolnshire County Council to arrange a temporary closure to protect pedestrians, if the adjacent public footway on Bridge Street will be affected by the demolition works.

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

Human Rights Implications:

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

Legal Implications:

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

Agenda Item 7



Planning Committee

11 September 2024

Subject: Determination of Planning Appeals

Report by:

Director – Planning, Regeneration & Communities

Contact Officer:

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

Purpose / Summary:

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

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

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

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

Risk Assessment: None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal by Mr R Miller of Hemswell Antiques Centres against the decision of West Lindsey District Council to refuse planning permission for a proposed two storey extension to the Guardroom building at The Guardroom, Hemswell Antiques Centres, Caenby Corner Estate, Hemswell Cliff, Gainsborough, DN21 5TX

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse

- ii) Appeal by T, R & N Bradford against the decision of West Lindsey District Council to refuse outline planning permission to erect 1no. dwelling with access to be considered and not reserved for subsequent applications resub of 144905, on land to the rear of The Grove, 12 Caistor Road, Market Rasen, LN8 3HX

Appeal Dismissed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse



Appeal Decision

Site visit made on 30 April 2024

by **S Pearce BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th August 2024

Appeal Ref: APP/N2535/W/23/3330567

**The Guardroom, Hemswell Antiques Centres, Caenby Corner Estate,
Hemswell Cliff, Gainsborough DN21 5TX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr R Miller of Hemswell Antiques Centres against the decision of West Lindsey District Council.
 - The application Ref is 146089.
 - The development proposed is described as a “proposed two storey extension to the Guardroom building”.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended.
3. In addition, on 30 July 2024 the Government published a consultation on proposed reforms to the Framework and a written ministerial statement. While these proposed changes can only be given limited weight at this stage, the development does not propose the provision of housing and, while amendments are proposed to, among other things, section 12 of the Framework, the overall emphasis remains on providing well-designed places.
4. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party’s interests would be prejudiced by my taking this approach.
5. The planning application was refused by the Council with reference to policies in the Central Lincolnshire Local Plan Adopted 24 April 2017. The Council subsequently adopted a new Central Lincolnshire Local Plan in April 2023 (LP) which resulted in the former Local Plan policies being superseded. In addition, the Hemswell Cliff Neighbourhood Plan 2023 (NP) has also since been adopted. I have determined the appeal on that basis.

Main Issue

6. The main issue is the effect of the proposed development on the host building and character and appearance of the area.

Reasons

7. The appeal site lies within a former RAF base and comprises a large, two storey, detached building (the appeal building), occupied by Hemswell Antiques Centre, sited in a relatively large plot. The appeal building is located at the entrance to the former RAF base and is a prominent building within the area. Although the appeal building has been previously extended, its original and unique form is still evident. With the exception of the nearby residential properties, this area is predominately characterised by large buildings, sited in spacious, verdant grounds, which the appeal building, by reason of its size, design, orientation and associated grounds, contributes towards.
8. The proposed development seeks to increase the size of the appeal building, through the creation of a large two storey side extension, with a front single storey section. The appeal scheme would provide additional floorspace, including sales area, photography area and café extension. Irrespective of whether the appeal scheme is almost the same size as the host building or not, these works would significantly increase the scale and bulk of the appeal building.
9. The appeal scheme would be located on the side elevation of the host building closest to the entrance of the former RAF base. This is the most prominent elevation of the appeal building when approaching the appeal site from the A631. Although the proposed extension would have a relatively narrow width, it would have a substantial depth. Due to its proposed siting and orientation, it would be the widest section of the proposed extension that would be most visible.
10. In addition, while it was not considered practicable to adopt and extend the existing hipped roof across the proposed extension, the appellant highlights that the overall height of the appeal scheme would be lower than the host building. However, while noting this, the proposed extension would be higher than the eaves of the host building. Therefore, having regard to its height and depth, the appeal scheme would not appear subservient to the host building and would result in an overly dominant addition.
11. Moreover, the layout and size of the appeal scheme would erode the unique design and original form of the host building. This would be most evident on the approach to the former RAF base and from wider views, including from the A631.
12. Therefore, by reason of its height, depth, orientation and siting, the appeal scheme would result in a dominant, incongruous and visually prominent form of development, that would be at odds with, and detrimental to, the host building and prevailing character of the area.
13. The appellant states that they are committed to making a positive contribution towards the district's economy and highlights that the Hemswell Antiques Centre is the largest antiques centre in Europe. Moreover, they assert that the amount of floorspace proposed is necessary to meet the demands and accommodate the success of the business, including addressing the future needs of the local business, without necessitating a need to move or purchase alternative facilities.

14. While these matters are noted, since the appeal was submitted, the Council have granted planning permission¹ for an extension to the appeal building (the approved scheme). The evidence submitted shows that the approved scheme is of a comparable size to the appeal scheme and located in a less visually prominent area of the appeal site. Therefore, the approved scheme demonstrates that the needs of the business could be met by a less harmful scheme. Therefore, these matters carry limited weight.
15. While the appellant contends the appeal scheme would screen views of existing commercial buildings from the nearby residential properties, nevertheless, it would harm the host building and character and appearance of the area.
16. The appellant has highlighted that the Council has raised no issues in respect of the principle of the development, its design or proposed materials and, subject to conditions where necessary, the appeal scheme raises no issues in respect of minerals safeguarding, flood risk and drainage, biodiversity net gain, land contamination, highways, energy efficiency and living conditions. An absence of harm or compliance in respect of these matters carries neutral weight which weighs neither for nor against the proposed development.
17. For these reasons, the proposed development would result in unacceptable harm to the host building and the character and appearance of the area, contrary to LP Policies S33 and S53 and NP Policy 2. Collectively, these seek, among other things, to ensure development proposals do not have a significant adverse impact on the character and appearance of the area, are visually attractive and sympathetic to Hemswell Cliff's character.

Conclusion

18. For the reasons given, the proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Consequently, I conclude the appeal should be dismissed.

S Pearce

INSPECTOR

¹ Planning application reference 147708



Appeal Decision

Site visit made on 12 August 2024

by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/N2535/W/24/3342758

**Land to the rear of The Grove, 12 Caistor Road, Market Rasen,
Lincolnshire, LN8 3HX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by T, R & N Bradford against the decision of West Lindsey District Council.
 - The application Ref is 147654.
 - The development proposed is Outline planning application to erect 1no. dwelling with access to be considered and not reserved for subsequent applications resub of 144905.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for later approval apart from the means of access and I have determined the appeal on that basis. A proposed site plan accompanied the application (Drawing No RDS/11654/03B) showing an indicative layout, the position of the access and the location of trees on the site. Whilst not definitive, I have treated that plan as a guide to how the site might be developed, were the appeal to succeed.
3. A previous appeal for a dwelling on the site was dismissed in July 2023¹. The Inspector concluded that it had not been demonstrated that there were no reasonably available sites appropriate for the proposal in areas with a lower risk of flooding, and as such it did not pass the sequential test. I have had regard to that decision in so far as it is relevant to my assessment of this appeal, but I have determined the appeal based on the evidence before me and the circumstances of the appeal site.

Main Issue

4. The main issue is whether a dwelling on the site would be acceptable in relation to flood risk to people and property.

Reasons

5. The appeal site comprises part of the large garden to the rear of No 12 Caistor Road (No 12), which would be sub-divided to create a separate dwelling plot accessed from a new entrance off Caistor Road. A tributary of the River Rase, the Mill Stream, runs along the southern boundary of the appeal site, with the main river channel being approximately 100 metres to the south.

¹ Appeal Ref APP/N2535/W/22/3313629

6. The site is within Flood Zone 3 (FZ3) on the Environment Agency's Flood Risk Map. It has a 0.5% or 1 in 200 year risk of flooding in any year from the sea and a 1% chance of river flooding, without defences in place. No further information is provided in relation to whether the site falls within FZ3a and 3b, but the appellants' Flood Risk Assessment (FRA) confirms that the site is within the fluvial flood plain without defences in place. As shown on the Historic Flood Map in the FRA, the south-east edge was subject to flooding in 1981, along the line of the Mill Stream.
7. The National Planning Policy Framework (the Framework) at paragraph 165 requires inappropriate development in areas at risk of flooding to be avoided by directing development away from the areas at highest risk. Annex 3 of the Framework confirms that dwelling houses are a 'more vulnerable' use, and the Planning Practice Guidance (PPG) Table 2 makes clear that both the sequential and exception tests are required to be satisfied in FZ3.
8. The sequential test is applied to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Policy S21 of the Central Lincolnshire Local Plan (2017) (CLP) follows the same approach.
9. The PPG indicates that for planning applications, the area to which the test should be applied will be defined by local circumstances relating to the catchment area for the type of development proposed. The applicant will need to identify whether there are any other 'reasonably available' sites within the area of search, that have not already been identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments, such as sites currently available on the open market.
10. To be considered as 'reasonably available', the PPG states that alternative sites should be in a suitable location for the type of development proposed, with a reasonable prospect that the site is available to be developed at the point in time envisaged. Part of a larger site may be suitable. Lower risk sites do not need to be owned by the applicant to be considered as 'reasonably available'.
11. The area of search in the appellants' sequential test and exception report (the STE report) has been widened compared with the area considered as part of the previous appeal. It encompasses the whole District, but is restricted to properties listed on Rightmove.co.uk and also sites included in the brownfield register.
12. The STE report lists 32 sites that have been investigated and an update on these is provided in the appellants' statement. The appellants' position is that none of the sites can be considered as a reasonable alternative to the application site in terms of their needs in relation to location and costings. The Design Statement indicates that the proposed dwelling would enable the appellants to downsize and sell No 12, however no further details of the appellants' specific requirements have been given. In this context, the explanations given in the STE and the appellants' update do not add any further clarity as to why these sites would not be a reasonable alternative to the appeal site.
13. The appellants' update identifies seven multi dwelling sites, with the reason given for them being unsuitable that it would be unfeasible to undertake a

multi-dwelling development and sell the 'surplus' properties. However, no further investigation has been outlined, for example whether the relevant landowners/site promoters have been approached to establish whether the sale or development of one plot would be an option. Neither is there anything to suggest that sites with planning permission on the Council's land availability records have been investigated.

14. Overall, there is insufficient evidence to demonstrate that there are no other sites at lower risk of flooding from all sources for the appeal dwelling. I am, however, mindful that there appears to be no supplementary guidance produced by the Council to guide applicants in relation to the evidence needed to inform a sequential test, for example an appropriate search area and what would constitute a 'reasonably available' site under the terms of the PPG. There is nothing to suggest that the Council keeps a register of reasonably available sites ranked in flood risk preference, as part of its housing land availability assessment and as advocated in the PPG.
15. In this context, and notwithstanding my concerns about the adequacy of the sequential test undertaken, I have considered whether the exception test would be likely to be met, having regard to the appellants STE report and FRA.
16. The FRA states that taking into account the effect of flood defences, the site is in a mixture of Very Low Risk (less than 0.1% chance of flooding each year) and Low Risk (between 0.1% and 1% chance each year) from fluvial and groundwater sources.
17. The FRA proposes various flood resilience measures to address this risk, including raising the floor level of the dwelling to 170 mm above the average ground level if there would be no ground floor sleeping, and to 0.95 metres above ground level if there would be ground floor sleeping. This incorporates a 33% increase for the climate change flood level which is applied to residential development in the Ancholme Management Catchment.
18. The FRA indicates that the site is at low risk from surface water flooding and that the raised floor level would be sufficient to deal with possible surface water flooding from any intense rainfall events. Sewer flooding is limited to minor isolated cases and not of strategic significance. Construction techniques would incorporate flood resilient design and construction.
19. However, the FRA does not consider what impact the combination of the footprint of the dwelling on the site and the raised floor level could have on water flows in the event of a flood, and whether there would be any impact on other properties. It merely states that flood risk would not be increased elsewhere, but that has not been demonstrated in the evidence.
20. Roof water is proposed to be harvested to a water butt and drained to soakaways, with water from driveway and parking areas to be infiltrated to the ground. There are no calculations of existing greenfield surface water run-off or information about ground conditions to confirm whether soakaways would be suitable.
21. The appellants state that the proposal would have a number of benefits to the community which would outweigh any residual flood risk. These include increasing the provision of new market housing in a sustainable location to meet an identified need. The appellants also point to the contribution that the

proposal would make to the local economy by creating spin-off jobs and the benefits that are normally attributable to new housing.

22. I acknowledge that the appellants may have specific reasons for seeking a dwelling on the appeal site, but the benefits arising would essentially be private. The contribution to the supply of housing and associated economic benefits would be very modest and would not represent the wider sustainability benefits to the community in the terms set out in the exception test.
23. Drawing matters together, there is insufficient evidence to demonstrate that the sequential test has been undertaken in line with the Framework and the PPG, and that there are no reasonably available sites in areas with a lower risk of flooding. Notwithstanding that, the two parts of the exception test have also not been met. For these reasons, there would be conflict with CLP Policy S21 and with the provisions of the Framework and the PPG which seek to ensure that development avoids areas at risk of current or future flooding, and does not increase the risk of flooding elsewhere.
24. I have taken into account that the Environment Agency and the Lead Local Flood Authority have not objected, subject to the imposition of conditions, but I have come to my decision based on the circumstances of the case and the evidence before me.

Other Matters

25. The site is within the Market Rasen Conservation Area (CA). In coming to my decision, I have had regard to the statutory test set out at Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
26. The dwelling is proposed to be one and a half storeys and would be seen within the context of the development to the east of Caistor Road. Sufficient separation distance between No 12 and the new dwelling would be retained so that it would not harm the setting of that property and its significance as a non-designated heritage asset would be preserved. The dwelling would also be a sufficient distance from the listed Almshouses on the opposite side of Caistor Road so that their setting would also be preserved.
27. Overall, the proposal would preserve the character and appearance of the CA and there would be no harm to the significance of No 12 as a non designated heritage asset. The special architectural and historic interest of the Almshouses and their setting would be preserved.
28. The site includes one tree protected by a Tree Preservation Order, with the remaining trees protected by their location within the CA. The removal of all but one of the five trees is acceptable to the Council, but the retention of Tree 11 would need to be incorporated into the final layout at the reserved matters stage. Had the appeal been allowed, this is a matter that could have been secured by means of a planning condition.
29. I am satisfied that at the reserved matters stage, a layout and design could be secured which would safeguard the living conditions of adjoining occupiers.
30. Other matters in relation to highway safety, ecology and tree protection are also noted to be acceptable.

31. However, none of these matters are of sufficient weight to alter my conclusion in relation to the main issue in this case.

Conclusion

32. The proposal would conflict with the development plan, read as a whole and with the provisions of the Framework and PPG in relation to flood risk. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. For the reasons outlined above and having had regard to all other matters raised, the appeal is dismissed.

Sarah Housden

INSPECTOR