

## 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 4 December 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 David Dobbie  
Councillor Ian Fleetwood  
Councillor Peter Morris  
Councillor Tom Smith

**In Attendance:**

Russell Clarkson	Development Management Team Manager
Ian Elliott	Development Management Team Leader
Richard Green	Development Management Officer
Joanne Sizer	Development Management Officer
Paul Weeks	Legal Advisor
Ele Snow	Senior Democratic and Civic Officer
Natalie Smalley	Democratic and Civic Officer
Molly Spencer	Democratic & Civic Officer

**Also in Attendance:** 8 Members of the Public  
Councillor T. Bridgwood

**Apologies:** Councillor Sabastian Hague  
Councillor Roger Patterson

### 166 PUBLIC PARTICIPATION PERIOD

Cllr North, Chairman of Burton-by-Lincoln Parish Council, addressed the Committee thanking them for their time and explained she was accompanied by Cllr Foster, Member of Riseholme Parish Council. Cllr North explained she was speaking on behalf of both parish councils to express disappointment at the length of time taken for an outstanding major planning application at the A46/A15 Junction to be processed. It was explained that the application remained undetermined, despite having been submitted on 14 December 2022. She outlined that the application was available to view online via the Council's public planning portal, and wished to highlight the length of time the application had remained live, stating there had been little to no communication with the parish councils or members of the public.

Cllr North explained that the application was subject to the standard 13-week determination period, due to be determined in March 2023, yet no conclusion had been made by December 2024; the Government's Planning Guarantee, she stated, outlined that major planning applications, such as the application in question, should be decided in no more than 26 weeks. She continued, explaining that the application had brought distress to the local communities after two years had passed with no updates. Cllr North concluded her statement by adding that the process had been unacceptable and highly irregular, reminding the Committee that the function of the planning authority was to operate in the public interest; she asked the Committee to provide the affected communities with assurances that the application procedure would be scrutinised and the application drawn to a swift conclusion.

The Development Management Team Manager responded, detailing that the application had been delayed as the Applicant had sought an extension in time due to highway safety matters. He highlighted that a large amount of new information had been submitted by the Applicant in November, which was being processed by the Council. It was added that after receiving the new information, the Council had recently written to the parish councils and residents for a re-consultation, and those invited to comment should do so by 10 January 2025; after the consultation period, the application was likely to be brought to the Planning Committee. In response to a question, the Manager confirmed that previous consultation comments would still be taken into consideration.

## **167 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING**

A Member of the Committee commented that the Democratic Services team had been working excellently. Having been proposed and seconded, it was

**RESOLVED** that the minutes of the Planning Committee meeting held on Wednesday, 6 November 2024, be confirmed and signed as an accurate record.

## **168 DECLARATIONS OF INTEREST**

Regarding application number 147131, Reepham BESS, Cllr M Boles declared that he would not vote on the item due to his absence at the 6 November 2024 meeting and the 21 November 2024 site visit, but that he would remain in the Chamber to chair the item.

Cllr Fleetwood made a non-pecuniary declaration of interest regarding application number 147131, Reepham BESS, in his capacity as County Councillor for the Reepham Ward. It was explained that he chaired the 21 November site visit with the support of the Committee, in the absence of the Chairman or Vice Chairman.

With regard to application number 00698, Moortown House Farm, Market Rasen, Cllr O Bierley explained that he was contacted via email by the Applicant who was seeking support for the application, but that Cllr Bierley had not responded. He explained that as a Member of the Planning Committee, he needed to see all the evidence in the report before making a decision.

Cllr D Dobbie explained that he was not able to attend 21 November site visit for application number 147131, Reepham BESS, therefore he would not vote on the item.

Cllr D Dobbie explained that he had previously seen application number 00839, Silver Street, Gainsborough, in his capacity on Gainsborough Town Council; he declared that he would approach the application with an open mind, and would make a determination based upon the information presented at the meeting.

Cllr T Smith declared that he would not vote on application number 147131, Reepham BESS; this was due to his absence at the first meeting when the application was deferred. He explained that despite attending the site visit, he had been advised to refrain from voting on the item but would comment during the discussion as he had read the documentation.

Cllr T Smith made a non-pecuniary declaration of interest regarding application number 00698, Moortown House Farm, Market Rasen, in his capacity as County Councillor for the area. He explained that he had not made any comment on the proposed development, nor had he been contacted by the Applicant, and was to approach the application with an open mind.

## **169 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY**

The Committee heard from the Development Management Team Manager regarding updates to local and national planning policy. It was explained that the Battery Energy Storage Systems (Fire Safety) Bill, a Private Member's Bill, was presented to Parliament on Monday 21 October 2024; the Second Reading of the Bill was scheduled to take place on Friday 25 April 2025. The Bill's title read as 'a Bill to make fire and rescue authorities statutory consultees for planning applications relating to Battery Energy Storage Systems; and for connected purposes'. For more detail see: <https://bills.parliament.uk/bills/3806>

The Manager outlined updates to Neighbourhood Plans in the local area. It was explained that Reepham's Neighbourhood Plan examination had been successful, the examiner had issued his final report, and a decision statement was to be published shortly. With regard to the Saxilby with Ingelby Review, the Regulation 14 consultation on the review of the Neighbourhood Plan was underway, with a closing date of 9 December 2024.

## **170 147131 LAND SOUTH OF BARFIELD LANE, REEPHAM BESS**

The Committee gave consideration to the first application on the agenda, number 147131, seeking permission for the construction and operation of a Battery Energy Storage (BESS) including substations, inverters, transformer stations, cabling, fencing, internal service track and landscaping, on land south of Barfield Lane, Reepham.

The Manager presented the Committee with a presentation comprised of photographs and a site plan. It was stated that the item was returning to Committee after the 21 November 2024 site visit, where Members had sought to gain a greater understanding of the application site, including the safety of the location, and access to the site. The Manager highlighted that the report included further representations after its initial presentation at the 6 November Committee meeting. It was outlined that the proposed development would be a 53MW

Battery Energy Storage System (BESS) with 16 batteries and ancillary works running through battery containers; the Manager emphasised that the details surrounding the battery containers had not yet been finalised. Further key features of the proposed development were then described, including its location between the Star Energy gas site and the sewerage works.

The Chairman thanked the Officer for his presentation and stated that there were two registered speakers; the first speaker, Mr James Cook, as Agent to the Applicant, was invited to address the Committee.

Mr Cook described the location of the proposed development, he explained that the Star Energy site, which was an upper-tier Control of Major Accident Hazards (COMAH) site, according to guiding principles, must be able to manage risk within their site boundary, irrespective of nearby land uses. He added that the Health and Safety Executive (HSE) had overall responsibility for COMAH sites, and had been consulted as part of the application, to which no concerns were raised. With regard to consultation, he explained that Star Energy were also consulted, and no concerns or objections were raised. The Agent added that as well as fire prevention and mitigation measures incorporated into the BESS packages, distance was also used to prevent potential fire spread, with three metre gaps being the UK ruling taken from the National Fire Protection Association (NFPA) document 855; Standard 855 was used to mitigate associated hazards and to minimise the risk of thermal runaway. He emphasised that the site design took a more conservative position, with plans for six metre gaps between the sets of battery containers. The Agent noted that the boundary for Star Energy was 38 metres away from the nearest battery container, citing examples of BESS facilities on or adjacent to COMAH sites, this included the Star Energy site, which had a 4MW BESS facility, amongst others. Examples were given of planning application refusals that had been overturned on appeal; in such cases where health, safety, and fire risks had been identified, inspectors appeared to have been satisfied when fire and rescue services had not objected against the plans.

Location-related concerns from the 6 November 2024 Committee meeting and subsequent 21 November site visit were highlighted, with the Agent stating that a key aspect of any BESS site was access to the local distribution network; he explained that there must be sufficient network capacity to accommodate the development. Mr Cook explained that discussions with National Grid identified the connection point for the BESS at the 132 overhead line west of North Greetwell. Furthermore, he explained that other possible locations in the area were deemed less suitable than the proposed site due to a variety of reasons such as impact on residential areas, the open character of the area, and restrictions in the CLLP. The Agent outlined that the proposed site was selected due to its proximity to existing industrial developments, and the distance from nearby villages of Sudbrooke and Reepham. Finally, Mr Cook added that the proposal met the four tests of policy S5 of the CLLP, and summarised its merits, he stated that the scheme would enhance the rural economy; the site had suitable access points; the scheme would not conflict with neighbouring commercial uses, and it would be of a similar or smaller scale to those developments. He concluded by asking the Committee to support the application.

The Chairman thanked Mr Cook for his comments, and invited the second registered speaker, Cllr T Bridgwood, as Ward Member, to address the Committee.

Cllr Bridgwood began by explaining that as well as being a Ward Member he worked as an

experienced Estimator in the passive fire protection industry. Additionally, he was a member of the Association for Specialist Fire Protection and helped to maintain the compliance of related technical documentation. He recalled the 4 November Council meeting, where he had submitted a motion regarding BESS sites, he highlighted their importance, but stressed his concerns about the lack of responsibility and accountability regarding design, location, and safety.

Cllr Bridgwood quoted the HSE's response on page 20-21 of the report pack, noting the need for the Applicant to consult with the operator of the COMAH establishment. The distinction between consultation and contact was emphasised by the Ward Member, and he explained that Star Energy had been contacted, rather than fully consulted. According to the report, Star Energy had not responded to the second attempt for contact; Cllr Bridgwood explained the reason for the delay in response, adding that they responded eventually. Furthermore, it was highlighted that on 29 November 2024, the Estate Manager of the Star Energy site had reiterated their objections to the planning Officer and had stressed the need for a pre-commencement risk reduction strategy and/or COMAH safety report. Regarding consultation, the Councillor explained that the Estate Manager was unaware of any detailed consultation with the Agent regarding the proposed development, but cited a conversation with the Agent where Star Energy had emphasised the need for further consultation to sufficiently demonstrate the proposed development would not have a detrimental effect on the safety of the COMAH site.

The Chairman thanked Cllr Bridgwood for his comments and asked for any Officer response.

In response to comments regarding consultation, the Manager explained that COMAH sites were administered by the HSE and subject to a separate area of legislation from land-use planning. It was clarified that the COMAH-competent authority would be a statutory consultee in the case of various new developments where the siting or development may be the source of or increase the risk or consequences of a major accident. It was explained that the planning requirement was to consult the COMAH-competent authority, which was the HSE and the Environment Agency (EA); the Manager noted that the HSE had not advised against the development. However, the HSE had advised that the adjacent operator, Star Energy, should be consulted, and thus the report had been updated to include Star Energy's comments. The Manager added that Star Energy had requested further consultation should the application be approved. It was highlighted that an outline Fire Management Strategy had been submitted by the Applicant, with further detail and consultation with the Council and Star Energy conditioned as part of the Officer's recommendation.

In response to a question, the Manager summarised that a risk reduction strategy had been requested by Star Energy but emphasised that the Council was not required under planning regulation to request a COMAH safety report.

Members raised concerns regarding energy efficiency; it was highlighted that 30% of electricity would be lost due to the length of the cables and the resistance within. Other questions were raised about the longevity and disposal of the batteries, and overall emissions, with Members questioning the long-term environmental impact of the development. In addition to this, Members highlighted inconsistencies in the figures listed on the Applicant's website in comparison with those included in the application and questioned whether nearby residents would benefit from cheaper electricity as a result of the application.

In response, the Manager added that the permanence of the application combined with any future technological advancements may mean that the waste level would potentially reduce over time, however, national planning policy indicated that BESS sites were a positive overall contribution to achieving net zero. Members of the Committee later reiterated this, supporting the Officer's recommendation and adding that although BESS technology was an emerging technology, it was in-keeping with policy S16 of the CLLP, and specific design details were appropriate for the local area. As a result of this, a proposal was moved to accept the Officer's recommendation of approval.

Responding to a question regarding grid connection, the Manager reminded the Committee that the Agent had explained in their statement that other sites in the area were deemed unsuitable.

Questions were asked about the site's safety features, with the Manager clarifying that the plans included a safety system, although yet to be determined, which included 24/7 remote control supervision and automatic notifications to the fire service when needed.

Members of the Committee expressed concern regarding the limited access to the site, with particular regard to the secondary emergency access arrangements. The Manager had previously explained that the proposal included secondary emergency access for vehicles in the event of Barfield Lane being inaccessible, and right of access had been secured via Reepham, which had appeased the fire service. Limited accessibility was repeatedly referenced by Members, with the Committee highlighting safety concerns around the significant volume and nature of traffic on the surrounding roads. As a result of concerns regarding inconsistencies in the figures provided; issues relating to secondary access; and concerns about the length of the connecting cables, a Member of the Committee moved to refuse planning permission.

The Committee expressed concerns regarding battery-related fires and explosions leading to loss of life and property. It was highlighted by Members that fire services were advised to leave fires on similar sites to burn for up to 11-hours, leading to concerns about possible explosions. Repeated concern was expressed throughout the meeting regarding the application site's proximity to other developments such as the Star Energy site, the sewerage works, and the garden centre. In the event of an emergency on site, issues were raised about the sewerage works and water contamination, alongside concerns about flammable materials at the garden centre which could exacerbate an incident. The Committee highlighted that such BESS applications were unprecedented in the local area, and therefore there were many questions that were unable to be answered sufficiently to reassure Members of the safety of the proposed development.

Regarding the risk of fire, Members felt that the water bunding capacity was insufficient, leading to further concerns regarding water contamination in the event of an emergency. In response to these concerns, the Manager reminded the Committee that the Council had fulfilled their legislative planning duties, and that the HSE, as the COMAH-competent authority, had not raised any objections regarding the bunding at that stage. In response to a question regarding water contamination, the Manager explained that the raised height of the battery containers, as well as use of a pin-stop valve, would help to prevent contaminated water spreading to a wider network in the event of a fire. According to the Manager, the outline document submitted by the Applicant had confirmed that water would be retained on

site until testing could determine how the water was to be disposed. This was reiterated by the Chair, who referenced his job as an Environmental Auditor; he stated that companies who had gained accreditation to carry out such processes were rigorously audited and fully compliant with the relevant policies and regulations.

In response to a question regarding the gaps between battery containers, the Manager clarified that the guidance stated six metres were advised, although that could be reduced to three metres subject to various mitigation requirements; he added that the Applicant was providing the minimum, a distance of three metres, which the fire service had not objected to.

The discussion was brought to a conclusion, with reasons for refusing the application summarised. Firstly, Committee Members were concerned that the proposed development would be likely to result in a conflict with neighbouring uses, which would include increasing the probability, extent and magnitude of an accident at a major hazard installation (top-tier COMAH operator) and disruption to the adjacent wastewater treatment centre. Secondly, the development would be contrary to policies S5 (Part E) and policy S53 of the Central Lincolnshire Local Plan 2023, and would also conflict with paragraph 163 of the National Planning Policy Framework, as its impacts had not been made acceptable. Lastly, it had not been demonstrated that the impacts of the development in the event of a fire or accident had been adequately mitigated. It was considered that a satisfactory secondary access for emergency vehicles had not been provided; or that there were adequate measures to prevent land and water contamination in such an event. This was contrary to policy S56 of the Central Lincolnshire Local Plan 2023, and would also conflict with paragraph 163 of the National Planning Policy Framework, as its impacts had not been made acceptable.

A Member made a request for a recorded vote, which was duly seconded.

Councillors Boles, Dobbie, Smith, and Snee highlighted their reasons for abstention; it was noted that the Members were abiding by legal advice, and thus were abstaining due to their absences at either the 6 November 2024 Planning Committee meeting, and/or the 21 November site visit.

On being put to the vote, votes were cast in the following manner:

**For:** Councillors Bailey, Barrett, Carless, Fleetwood, Morris.

**Against:** Councillor Bierley.

**Abstain:** Councillors Boles, Dobbie, Smith, Snee J.

With a total of five votes cast in favour, one vote against and four abstentions, it was agreed that planning permission be **REFUSED** on the basis that the site could potentially conflict with neighbouring uses, contrary to policies S5 and S53 of CLLP 2023, and the site would potentially increase the risk of contamination, contrary to S56 of the CLLP.

## **171 00698 MOORTOWN HOUSE FARM, MARKET RASEN**

The Committee gave consideration to the second application on the agenda, number 00698,

seeking to erect a single storey 6-bedroom holiday let within the existing walled garden, at Moortown House Farm, Market Rasen. The Officer introduced the application, explaining that it was within a curtilage listed walled garden, with a stoned-up access track taken from an existing track north-east of the site. Along the northern boundary of the walled garden, there was to be eight stoned-up car parking spaces. It was explained that the application proposed to use the existing openings in the northern boundary to access the dwelling. He proceeded to present the Committee with the site plan and photographs of the proposed development highlighting the footprint, elevation, terraces and garden area, as well as the location surrounding the proposed development.

The Chairman thanked the Officer for his presentation and stated that there were two registered speakers; the first speaker, Mr Flanagan, as Agent to the Applicant, was invited to address the Committee.

Mr Flanagan explained that he agreed with the Officer's report that S43 of the CLLP relating to sustainable rural tourism was the main policy consideration with the application, however, he strongly disagreed with the assessment that the scale, form, and design of the holiday let was not considered appropriate for the location. According to the Agent, the Officer stated no evidence had been provided for the need for a large holiday let. It was confirmed that when parties booked Moortown House, as the existing holiday let in the main house, they often needed additional bedrooms and had to book alternative off-site accommodation; therefore, the new holiday let would satisfy that demand.

Mr Flanagan summarised that the existing business had been successful and had seen an increase in bookings since opening, with feedback indicating that 95% of guests chose the property for large capacity reasons, therefore a large capacity was the key to business success. It was stated that the proposed development would allow the business to develop in its current niche to combine both properties in a single large booking, or increase the capacity to simultaneously have two separate bookings. It was expressed that farming communities were experiencing difficulties, therefore, in line with national guidelines, diversification was essential to ensure the long-term success of farms.

Referencing previous planning permission for the site, he explained that lapsed permission for the coach house was not relevant. Mr Flanagan added that permission for the coach house had been implemented following condition discharge and remained extant, however, that was for the creation of a Class C3 family dwelling, rather than a holiday let, and therefore was incomparable.

Regarding heritage matters, the Agent continued, all parties agreed that the proposal would cause 'less than substantial harm' to the significance of the walled garden, with factors such as design changes and the integration of the building in the historic footprint on the site contributing to the overall assessment. However, he maintained that the minor harm would be outweighed by the public benefits. The Agent stated that the maintenance and repair of the listed building was the owner's responsibility, and that its role as an enabling development should be considered.

Lastly, Mr Flanagan explained that the walled garden would screen the proposed development from the main house, therefore it would not visually compete with the farmhouse. He concluded that the public benefits of the proposed development, which included securing a sustainable use for the walled garden, significantly outweighed the

assessed harm, with other additional benefits to the local area.

The Chairman thanked Mr Cook for his comments, and invited the second registered speaker, Cllr P Morris, who would be speaking to the Committee as Ward Member, rather than a Member of the Planning Committee. It was explained that after speaking, Cllr Morris would leave the meeting for the duration of the discussion and vote.

Cllr Morris expressed support for the application; he explained that his ward was largely a rural area which required tourism to boost the local economy. The Councillor continued, explaining that the report highlighted a potential link between Sir Joseph Paxton and the existing walled garden on the site; however, he stated that the link could not be fully proven and recognised that the report did not give weight to the matter. The Ward Member then questioned the significance of the walled garden in the absence of a proven connection, stating that there were many similar walled gardens around the country.

The Councillor explained that he enjoyed visiting historic architecture sites, especially those with additional facilities. He cited examples of those locations, emphasising their popularity in part due to newly built cafes nearby or on site. Cllr Morris added that the application had a well thought out and sympathetically designed extension for the walled garden. He emphasised the value of families staying in the walled garden setting and enjoying the Lincolnshire countryside. The Ward Member concluded by asking the Planning Committee to reject the Officer's recommendation and approve the application.

**Note:** Cllr Morris left the Chamber at 8.05pm

The Officer responded to the comments from the speakers, explaining that both the Council and the Applicant agreed that the proposed development would cause 'less than substantial harm'; he outlined that in the National Planning Policy Framework (NPPF) and in policy S57 of the CLLP, the harm needed to be balanced against any positive public benefits. The Officer continued, explaining that the report stated the public benefits had not been sufficiently quantified in the submitted planning statement, nor in subsequent email correspondence with the Agent.

In response to a question regarding the listing associated with the site's walled garden, the Officer explained that the coach house and the walled garden had been deemed as curtilage listed structures, with no listing in their own right. In response, Members suggested that the planning application be approved, contrary to the report recommendation, due to the absence of the walled garden's architectural listing merit.

Responding to comments from the Committee, the Manager clarified that the walled garden and the coach house were curtilage listed as part of Moortown House, which was a Grade II listed building. The Council agreed that the wall was considered to be of medium to high value, with 'less than substantial harm' attributed to the proposed development. It was explained that the categories of harm in this case were either 'substantial harm', or 'less than substantial harm', and the Applicant had not sufficiently demonstrated, as required by policy and law, how the public benefits would outweigh the harm caused. The Manager added that there had been no figures provided from the Applicant substantiating how tourism would be indirectly or directly affected by the proposed development; nor had there been figures regarding an enabling development.

A Member of the Committee proposed a site visit in order to address doubts relating to the application.

Members of the Committee reiterated the Manager's comments, quoting from report that 'the Courts have interpreted "preserving" means to do no harm,'. A previous application was recalled, where curtilage listing was used as justification for refusal. The importance of the curtilage listing was stressed in protecting the main building and the need for a quantified public benefit, rather than private benefit, was emphasised. It was added by Members that the application failed in the required duties under section 66 of the Listed Buildings Act (1990), as well as in planning policy, therefore, it was proposed to approve the Officer recommendation of refusal.

Regarding listed buildings, the Committee expressed that owners were not simply owners, but stewards for future generations.

With no further comments or questions, and having been proposed, seconded and voted upon, planning permission was **REFUSED** in line with the Officer recommendation.

**Note:** Cllr Morris returned to the Chamber at 8.18pm

**Note:** Cllr Fleetwood left the Chamber at 8.18pm and returned at 8.19pm

## **172 148308 OXFORD STREET, MARKET RASEN**

The Committee then gave consideration to the third application on the agenda, number 148308, seeking permission to change the use and convert the existing workshop/storage building into one dwelling and one apartment, Oxford Street, Market Rasen. The Officer introduced the application, she gave a short presentation comprising of photographs and a site location plan; she highlighted the surrounding properties and courtyard location relative to the proposed development. In terms of parking, it was explained that daytime parking was restricted on Oxford Street, with no parking in the immediate surrounding area.

With no registered speakers, the Chair invited comments from Members of the Committee.

The Committee expressed concern regarding the volume of traffic and lack of parking availability on Oxford Street and in the nearby area.

Regarding the proposed conversion, Members expressed a preference for a residential dwelling, rather than a workshop or storage building, which was more in keeping with the surrounding area. Therefore, the Committee moved to accept the Officer's recommendation.

Having been moved, seconded and voted upon, it was agreed that planning permission be **GRANTED** subject to the following conditions:

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

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

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

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

2. No development shall take place until a written scheme of archaeological Investigation including monitoring and recording of any groundworks has been submitted to and approved by the Local Planning Authority.

This scheme should include the following:

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

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with Policy S57 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

3. No development (including removal of or dismantling of any kind) must take place until a comprehensive Historic Building Record has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure a complete written and photographic record of the building is submitted prior to works commencing to accord with the National Planning Policy Framework and local policy S57 of the Central Lincolnshire Local Plan 2023.

4. No development shall take place until a scheme for noise and vibration mitigation, including soundproofing measures in relation to the occupation of the proposed dwelling and apartment hereby approved, has been submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented prior to the occupation of the dwelling and thereafter maintained.

Reason: To protect the occupants from noise associated with the adjacent operational rail use and to ensure a reasonable standard of amenities in accordance with Policy S53 of the Central Lincolnshire Local Plan 2023.

5. No development shall take place until full details of the proposed foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full before the building is first occupied and retained thereafter.

Reason: To ensure that an adequate scheme serves the development and protects the Water environment in accordance with the provisions of Policy S21 of the Central Lincolnshire Local Plan.

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

6. The development shall proceed wholly in accordance with the approved scheme of archaeological works approved by condition 2 of this permission. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Policy S57 of the CLLP and the National Planning Policy Framework.

7. Following the archaeological site work referred to in conditions 2 and 3 a written report of the archaeologist's findings and building record shall be submitted to the Local Planning Authority within 3 months of the works hereby given consent being commenced and the archive of all archaeological work undertaken has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Policy S57 of the Central Lincolnshire Local Plan and the National Planning Policy Framework

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

- RDS 11780/08D – Proposed ground floor plan
- RDS 11780/10D – Proposed elevations
- RDS 11780/11D – Proposed elevations
- RDS 11780/13D – Proposed site plan
- RDS 11780/14B – Site location plan
- RDS 11780/09B – Proposed first floor plan

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with Policy S53 of the 2023 Central Lincolnshire Local Plan.

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

Reason: In order to safeguard human health and the water environment as recommended by Environmental Protection in accordance with Policy S60 of the 2023 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 Classes A, AA, B, C and E of Schedule 2, Part 1, Class A and Part 2, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, and no buildings or structures shall be erected within the curtilage of the dwelling, and no boundary treatments erected unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the residential amenity of the occupiers of the existing and proposed dwellings and operational railway land in accordance with Policy S53 of the Central Lincolnshire Local Plan 2023 and guidance in the NPPF.

11. The courtyard area shall not be used for the parking of vehicles.

Reason: To safeguard the residential amenity of the occupiers of the existing and proposed dwellings and operational railway land in accordance with Policy S53 of the Central Lincolnshire Local Plan 2023 and guidance in the NPPF.

**173 00779 WASHDYKE LANE, NETTLEHAM**

The Committee gave consideration to the fourth application of the evening, number 00779, seeking approval of reserved matters considering access, appearance, landscaping, layout and scale, Washdyke Lane, Nettleham; this followed outline planning permission for the erection of three dwellings, application number 146424, which was granted 6 October 2023. The Officer introduced the application, explaining that although the initial application was approved, it was requested that any reserved matters applications would return to the Committee. He proceeded to give a short presentation, outlining the key features of the site, its location, and access. The Officer explained that the outline permission specified a condition that no development should be within flood zones two or three; it was highlighted that the dwellings were to the west of the flood zone, which had been accepted by the Environment Agency.

The Chairman thanked the Officer for his presentation and stated that there was one registered speaker; Mr Orridge, as Agent to the Applicant, was invited to address the Committee.

Mr Orridge explained that the Agent and Architect had continued to work closely with the Officers for the reserved matters application. It was explained that the design of the dwellings was in keeping with the local area in Nettleham, whilst maintaining a high architectural standard, and energy efficiency, in line with policies S6 and S7 of the CLLP. The Agent highlighted that the scheme would not cause any privacy concerns and had been designed in accordance with policy S54 of the CLLP, and D4 of the revised Nettleham Neighbourhood Plan. The proposed landscaping, the Agent continued, was designed to work with the existing landscaping on site, which the Tree Officer had raised no concerns about. Mr Orridge outlined various plans, including the private driveway plans, which he highlighted were in accordance with the relevant policies, alongside plans for passing areas. It was emphasised that Lincolnshire County Council Highway's department had not objected

to the proposed scheme due to compliance with their specifications; in addition, two neighbours had responded positively during consultation. The Agent added that the garages and parking areas of all three houses were in flood zone one, as per the conditions in the outline permission; it was stressed that the application would not increase flood risk on site or elsewhere in the surrounding area. He confirmed that to alleviate concerns, adequate information had been provided in accordance with condition eight relating to surface and foul water. He concluded by asking the Committee to treat the proposed development favourably, stating that the plans were fully compliant with the NPPF, the CLLP, and the Nettleham Neighbourhood Plan.

The Chairman thanked Mr Orridge for his statement and invited comments from the Committee in the absence of an Officer response.

Cllr J Barrett apologised to the Committee and declared a non-pecuniary interest in application 00779, Washdyke Lane, Nettleham, as the Ward Member for the area. He proceeded to thank the Agent and Case Officer for their work in addressing concerns with the outline application, before declaring that he would not participate in the surrounding discussion or vote.

In relation to a question regarding drainage, the Officer assured the Committee that the Applicant had submitted a Preliminary Drainage Scheme; the Officer's report outlined that whilst the site was fit for soakaways, indicating that the water would not run into the Nettleham Beck or the surrounding area, the Applicant had demonstrated that they could get a drainage scheme with the specified layout, however they would be required to submit further details of that at a later date.

Cllr Fleetwood declared his membership of the Witham Third Drainage Board via the Council, as well as the Anglian Northern Regional Flood and Coastal Committee for the Environment Agency.

Members of the Committee expressed contentment with the application, noting areas such as the drainage, biodiversity net gain, and hedgehog fencing; therefore, it was proposed that the Officer's recommendation be accepted.

Having been moved, seconded and voted upon, it was unanimously agreed that planning permission be **GRANTED** subject to the following conditions:

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

NONE (See time limits on outline permission 146424)

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

NONE

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

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

proposed drawings:

- J1852-PL-03 Rev P02 dated 21st October 2024 – Site Plan
- J1852-PL-04 Rev P03 dated 28th October 2024 – Landscape Plan
- J1852-PL-05 Rev P02 dated 21st October 2024 – Access Plans
- J1852-PL-10 Rev P01 dated 14th June 2024 – Plot 1 Floor Plans
- J1852-PL-11 Rev P02 dated 21st October 2024 – Plot 1 Elevation Plans
- J1852-PL-20 Rev P01 dated 14th June 2024 – Plot 2 Floor Plans
- J1852-PL-21 Rev P02 dated 21st October 2024 – Plot 2 Elevation Plans
- J1852-PL-30 Rev P01 dated 14th June 2024 – Plot 3 Floor Plans
- J1852-PL-31 Rev P02 dated 21st October 2024 – Plot 3 Elevation Plans
- J1852-PL-40 Rev P02 dated 21st October 2024 – Plot 1 Garage Elevation and Floor Plans
- 5031 dated 3rd September 2024 – Tree Protection Plan

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy S47, S53 and S66 of the Central Lincolnshire Local Plan 2023 and D1, D4 and D6 of the Nettleham Neighbourhood Plan.

2. No occupation of each individual dwelling must take place until the individual dwellings driveway identified on site plan J1852-PL-03 Rev P02 dated 21st October 2024 has been fully completed and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework, local policy S47 of the Central Lincolnshire Local Plan 2023 and policy D1, D4 and D6 of the Nettleham Neighbourhood Plan.

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

3. All planting or turfing comprised in the approved details of landscaping (J1852-PL-04 Rev P03 dated 28th October 2024) must be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure that appropriate soft landscaping including new and infill planting are provided within the site to mitigate for the trees which are to be removed to accord with the National Planning Policy Framework, local policies S53 and S66 of the Central Lincolnshire Local Plan 2023 and policy D4 and D6 of the Nettleham Neighbourhood Plan.

## **174 00839 SILVER STREET, GAINSBOROUGH**

The Committee gave consideration to the final application on the agenda, number 00839, Silver Street, Gainsborough, seeking to convert the first floor to form two flats, alongside associated changes to the building, including the installation of an awning to the front elevation. The application was introduced by the Officer, who gave a short presentation with reference to photographs and a site plan. It was explained that the application did not include the conversion of the ground floor of the building into a medical centre, unlike application number 147958, which was considered at Planning Committee on 14 August 2024. Members were informed of an update, it was explained that Gainsborough Town Council was in support of the application, though raised concern over a lack of parking.

The Chairman confirmed that there were no speakers and welcomed comments from the Committee.

Members discussed the application and recalled reviewing it previously. The Committee was pleased to see the building being repurposed in the interests of regenerating the town centre.

A question was raised over allocated parking spaces in relation to the property; the Officer responded that there would be no dedicated parking, though the site was well located for public transport services and council car parks.

Having been moved, seconded, and voted upon, it was unanimously agreed that planning permission be **GRANTED**, subject to the following conditions:

### **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 must be carried out in accordance with the following proposed drawings:

- 2503-OS01 dated 30th August 2024 – Site Plan
- 2503-PP02 dated 30th October 2024 – First Floor Plan
- 2503-PP03 dated 30th August 2024 – Front and Rear Elevation Plan
- 2503-PP04 dated 30th August 2024 – Shop Front Section and Windows Details

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy S37, NS41, S53 and S57 of the Central Lincolnshire Local Plan, NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990.

3. The proposed development must be completed in strict accordance with document 1-HE-240702-082312-303 (Kingspan U-Value Calculation and Condensation Risk Assessment. The development must retained as such thereafter.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the Gainsborough Conservation Area. To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework, local policy S37, NS41, S53 and S57 of the Central Lincolnshire Local Plan, NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990.

4. The proposed development must be completed in strict accordance with the following window, door, floor and wall plans and retained as such thereafter.

- 2503-W-01 rev C dated 02/07/2024 – Window 01 details
- 2503-W-02 rev C dated 02/07/2024 – Window 02 details
- 2503-W-03 rev C dated 02/07/2024 – Window 03 details
- 2503-W-04 rev C dated 02/07/2024 – Window 04 details
- 2503-W-05 rev B dated 02/07/2024 – Window 05 details
- 2503-W-06 rev B dated 02/07/2024 – Window 06 details
- 2503-W-07 rev B dated 02/07/2024– Window 07 details
- 2503-D.01 dated 14/06/2024 – Proposed Doors and Sections
- 2503-BC-02 dated 14/06/2024 – Proposed First Floor Plan

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the Gainsborough Conservation Area. To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework, local policy S37, NS41, S53 and S57 of the Central Lincolnshire Local Plan, NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990.

5. No installation of the shop front awning hereby approved must take place until details of its colour including the RAL number have been submitted to and approved in writing by the local planning authority. The awning must be installed in accordance with the approved colour and retained as such thereafter.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the Gainsborough Conservation Area. To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework, local policy S37, NS41, S53 and S57 of the Central Lincolnshire Local Plan, NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990.

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

NONE

**175 DETERMINATION OF APPEALS**

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

**176 PLANNING ENFORCEMENT - FORMAL CASE UPDATE**

With no comments, questions or requirement for a vote, the Planning Enforcement Report was **NOTED**.

The meeting concluded at 8.46 pm.

Chairman