

**AGENDA**

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

**Planning Committee**

**Wednesday, 4th December, 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 - 8)

Meeting of the Planning Committee held on 6 November 2024, previously circulated.

**4. Declarations of Interest**

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

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

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

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

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

- i) 147131 Reepham BESS (PAGES 9 - 50)
- ii) 00698 Moortown House Farm, Market Rasen (PAGES 51 - 72)
- iii) 148308 Oxford Street, Market Rasen (PAGES 73 - 94)
- iv) 00779 Washdyke Lane, Nettleham (PAGES 95 - 114)
- v) 00839 Silver Street, Gainsborough (PAGES 115 - 127)

## 7. **Determination of Appeals** (PAGES 128 - 134)

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

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

## 9. **Exempt Reports**

- i) Planning Enforcement - Formal Case Update (PAGES 135 - 144)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 26 November 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 6 November 2024 commencing at 6.30 pm.

**Present:**

- 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 Roger Patterson

**In Attendance:**

Russell Clarkson	Development Management Team Manager
Ele Snow	Senior Democratic and Civic Officer
Natalie Smalley	Democratic and Civic Officer
Danielle Peck	Senior Development Management Officer

**Also in Attendance:**

- 5 Members of the Public
- Councillor T Bridgwood

**Apologies:**

- Councillor Matthew Boles
- Councillor Sabastian Hague
- Councillor Tom Smith

### 160 PUBLIC PARTICIPATION PERIOD

There was no public participation.

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

Cllr I Fleetwood congratulated the Democratic Services Team; he noted that despite staffing changes, the team was forming well, and the previous Planning Committee minutes had been a pleasure to read.

**RESOLVED** that the minutes of the Planning Committee meeting held on Wednesday, 9 October 2024, be confirmed and signed as an accurate record.

### 162 DECLARATIONS OF INTEREST

Cllr Fleetwood made a non-pecuniary declaration of interest regarding application number 147131, land south of Barfield Lane, Reepham, in his capacity as County Councillor for the Reepham Ward, and Chairman of the County Planning Committee.

### **163 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. He explained some of the key planning headlines from the Chancellor of the Exchequer's Wednesday 30 October 2024 Autumn Budget. Firstly, the Government had confirmed its intention to respond to the National Planning Policy Framework (NPPF) consultation by the end of 2024. Secondly, that the Government had pledged £46 million to hire 300 graduates and apprentices for council planning teams and to unblock large sites. Thirdly, it had been revealed that the Planning and Infrastructure Bill was to be introduced early in 2025. He continued, explaining that an additional £5 million to deliver improvements to the planning regime for Nationally Significant Infrastructure Projects (NSIPs) had been pledged, alongside a £500 million contribution to the Affordable Homes Programme, to deliver up to 5,000 new social and affordable homes.

The Manager outlined that the Secretary of State for Energy Security and Net Zero had made a statement on 6 November 2024 extending the decision deadline for the West Burton Solar Project NSIP from 8 November 2024 to 24 January 2025, in order to allow time for necessary public consultation on potential variations to the application. He explained that the Applicant had recently submitted amendments to remove panels within the setting of a medieval deer park at the request of the Secretary of State.

In terms of Neighbourhood Plans, it was explained that the Reepham examination had finished, with the examiner having issued his report to the Parish Council and West Lindsey District Council for fact-checking purposes, as part of the final stage before the report was published. With the regard to the Dunholme Review, the Manager outlined that it had completed its public consultation stage, and the examination process had started. He continued, explaining that Sudbrooke's Regulation 14 consultation had begun, and would run until 17 November 2024. Similarly, Saxilby with Ingleby's Regulation 14 consultation had started, with a closing date of 9 December 2024.

Cllr D Dobbie asked whether any support would be provided from the Government to aid in the completion of Neighbourhood Plan Reviews, to which the Manager responded that he would raise the query with the Neighbourhood Planning Officer.

### **164 147131 - LAND SOUTH OF BARFIELD LANE, REEPHAM**

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

The Officer presented the Committee with updates to the recommended conditions outlined in the report; she clarified that condition two required the submission of a Battery Safety Management Plan and a Fire Strategy Management Plan. It was recommended to the

Committee to change the wording of the condition, to combine the two as part of one document titled 'Detailed Fire Safety and Battery Management Plan' to reduce the amount of content repeated across the two statements. She then explained that condition three would also be updated, suggesting that the wording be altered to make it clear it was one document that incorporated both a Construction Management Plan and a Method Statement, which needed to be submitted as part of a condition discharge application.

The Officer proceeded to give a presentation about the application, explaining that it was for the construction and operation of a 53MW Battery Energy Storage System (BESS), and outlining the route to the connection point which would be a pylon at North Greetwell. An overview was given of the location and key features of the proposed development, notably that it was currently an existing agricultural field, and that the sewage works sat west of the site, with the oil refinery to the east. She then brought attention to the contents of the report, reminding Members that it had been conditioned for the final details of the battery containers to be submitted and approved before they were brought to site. The Officer then went on to explain that the legal agreement, which had not yet been signed, would ensure that a secondary access point was in place for use by the fire service in the event of an emergency.

The Chairman thanked the Officer for her 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 explained that the Government target to decarbonise the power grid by 2030 remained a cornerstone policy to address climate change, energy security, and cost to the consumer. As a result of the policy, he outlined that a predicted increase in electricity capacity demand by 40-60% had been forecast, which would need to be met entirely by renewable energy sources. He then relayed the challenges of generating renewable energy through intermittent power sources, such as grid instability, frequency, and its ability to satisfy demand at times of high need. Battery Storage Systems, it was explained, would be able to solve these issues by storing renewable energy during periods of high generation and low demand, and provide power to the grid in periods of low generation and high demand. Mr Cook outlined other benefits of BESS, namely grid stability services such as frequency control and dynamic containment; these systems would help to maintain energy security in the local community and aid in the transition away from reliance on fossil fuels. He explained that access to the grid was a significant barrier to delivering infrastructure required to meet decarbonisation targets, with grid capacity and access points more limited than ever before.

The Agent then explained that the application site was chosen due to its distance from other settlements, with Sudbrooke approximately 600 metres away, and the nearest residential property at an approximate distance of 450 metres from the site. Mr Cook added that the proposed development site was on partially existing scrubland, situated between two industrial sites, and was well-screened by the surrounding topography. A Landscape Mitigation Plan had been prepared to support the application, and he added that there would be significant developments in biodiversity to support the site, including the creation of a landscape bund, amongst other measures; it was detailed that there would be an estimated 26% net gain in habitats and a 10% increase in hedgerow habitats on the proposed site.

Finally, Mr Cook emphasised that the Applicant had taken safety measures on site seriously,

and had undertaken consultation with Star Energy, the operators of the neighbouring facility, alongside consultation with Lincolnshire Fire and Rescue Service. As a result, an outline Battery Safety Management Plan had been submitted for review, with a more detailed plan to follow. A central feature of the former plan was an on-site water tank and secondary emergency access, as well as improvements to battery management technology that allowed greater temperature monitoring to enhance safety and efficiency. He concluded that the proposal would provide a range of social, economic, and environmental enhancements.

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

Cllr Bridgwood referred to the meeting of Council on 4 November 2024, indicating that he had no bias against Battery Energy Storage Systems, but had concerns about the lack of legislation in relation to how the sites were controlled. He explained that the application in question was of much concern to him, as he felt it was not the right location for the site. He highlighted that the proposed development would be adjacent to the Star Energy site, an upper-tier Control of Major Accident Hazards (COMAH) site; the site featured crude oil storage, gas pipelines, and gas networks. In the event of a fire on a BESS site, Cllr Bridgwood explained that lithium-ion fires produced dangerous smoke particles and chemicals, with evacuation of the surrounding area being the general procedure undertaken by the fire service. The Councillor outlined that in other cases, evacuation radius distances had been approximately within 500 metres, he explained that the Star Energy COMAH site was within 500 metres of the proposed development site. Upper-tier COMAH sites, he continued, were staffed for 24 hours a day, 7 days a week, and in the event of an evacuation, it would require two hours to shut the site down. Cllr Bridgwood accepted that consultation had taken place with Star Energy but reported that little consultation had been undertaken; he continued, explaining that the draft Battery Safety Management Plan had no mention of working with Star Energy. He concluded by suggesting a further amendment to the recommendation to ensure the Battery Safety Management Plan was COMAH-compliant and approved, due to the location of the proposed development site.

The Chairman thanked Cllr Bridgwood and asked for any Officer response. The Officer responded that consultation with Star Energy had been carried out, and that they had responded to the Applicant. Further consultation had been initiated via email and letter after the outline Battery Safety Management Plan had been received, to which no response from Star Energy had been received. She added that the final copy of the Battery Safety Management Plan would be issued to Star Energy as evidence of the risk reduction plan; however, the outline plan indicated that the sites could run safely adjacent to each other.

Cllr Fleetwood emphasised that despite the proposed development's remote appearance, the site was close to other developments such as the Star Energy site, and a railway network which had been used by tankers. He highlighted his concerns, noting that the secondary emergency entrance to the site appeared to lead into the village of Reephams, which may cause potential access issues.

Cllr Fleetwood then brought the Committee's attention to media discussion around the self-combustion of batteries, noting that with this in mind, there could be significant issues due to the proximity of the proposed BESS site and the Star Energy site. He emphasised that further issues may arise from nearby trains frequently transporting many carriages, the contents of which were unknown to the Committee, which could potentially be dangerous

nearby to a BESS site. He explained that if a serious fire occurred, these combined factors could lead to a major disaster. Cllr Fleetwood then questioned if the current BESS legislation was fully adequate to cover the proposed development and suggested a site visit may be an appropriate next step.

Cllr O Bierley remarked that the Central Lincolnshire Local Plan (CLLP) did support the development of BESS sites, particularly through policy S16 relating to renewable energy, although this was a general policy and not specific to individual applications. He then asked two questions, enquiring whether the remote monitoring of the BESS site would be ongoing 24-hours a day, and whether the finish of the structures would be specified by condition eight in the report. With the specific details in mind, Cllr Bierley reiterated Cllr Fleetwood's suggestion to visit the site for more information. The Officer then responded to the Councillor's questions, explaining that there would be 24-hour remote monitoring, and that the fence finish would be covered by condition eight of the planning conditions.

After examining the site map, Cllr Dobbie suggested an additional site access point to reduce disturbance to the village of Reepham. In relation to site access points, Cllr Fleetwood then added a point of information; he explained that there was a road in front of the Star Energy site leading up to the A158, which was in fact a gated grass track, emerging onto the A158 amidst of a row of houses.

Concluding his comments, Cllr Dobbie echoed the sentiments of other Members, that the proposed development site should be further away from the neighbouring Star Energy site; he then proposed a site visit citing personal unfamiliarity with the area and a need to gather more information.

Cllr E Bailey expressed safety concerns that the Government did not require the fire service as a statutory consultee on BESS planning applications but acknowledged the local fire service had been consulted on this application. Cllr Bailey then proceeded to ask the Officer a question regarding the site's noise potential noise levels. In terms of the noise levels, the Officer later clarified that a noise-related survey had concluded the site noise levels would be of an acceptable level. In addition to her first question, Cllr Bailey had enquired how much wastewater the landscape bund could hold in the event of a fire, referencing the Liverpool BESS fire in 2020. The Officer responded that the lower level bunding would most likely hold the capacity of the water tanks, until the water could be tested and later released. The Officer added that the local fire service had reviewed the plans and raised no concerns regarding the water capacity plans.

In terms of enforcement, Cllr Bailey then asked who was responsible for ensuring that the site's spacing was designed and enforced appropriately, to which the Officer explained that spacing would be considered a planning enforcement issue if the conditions had not been met.

Referencing S8 of the CLLP in relation to energy consumption reduction, Cllr Bailey enquired how much energy the development would require, and whether the site would contribute significantly to Co2 emissions, noting the absence of an energy statement. She felt the site would not enhance the rural economy, may conflict with a neighbouring site in the event of a fire, and was not in keeping with the rural character of the area. In response, the Officer explained that S8 of the CLLP was not relevant to the application, noting the application pertained to energy storage rather than consumption. Additionally, the

Development Management Team Manager added that planning policy was in support of BESS sites at a national and local level, and as the proposed development was classed as a renewable and low-carbon development, the focus of the Committee was whether the chosen location was appropriate.

Cllr J Barrett repeated many of Cllr Bailey's concerns, acknowledging the Committee's unfamiliarity with BESS technology, and seconded Cllr Dobbie's proposal for a site visit to ascertain further information regarding the safety of the proposed development location.

**RESOLVED** that the application be deferred for a site visit to be held, to afford Members a greater understanding of the potential development site including the safety of the location, and access to the site.

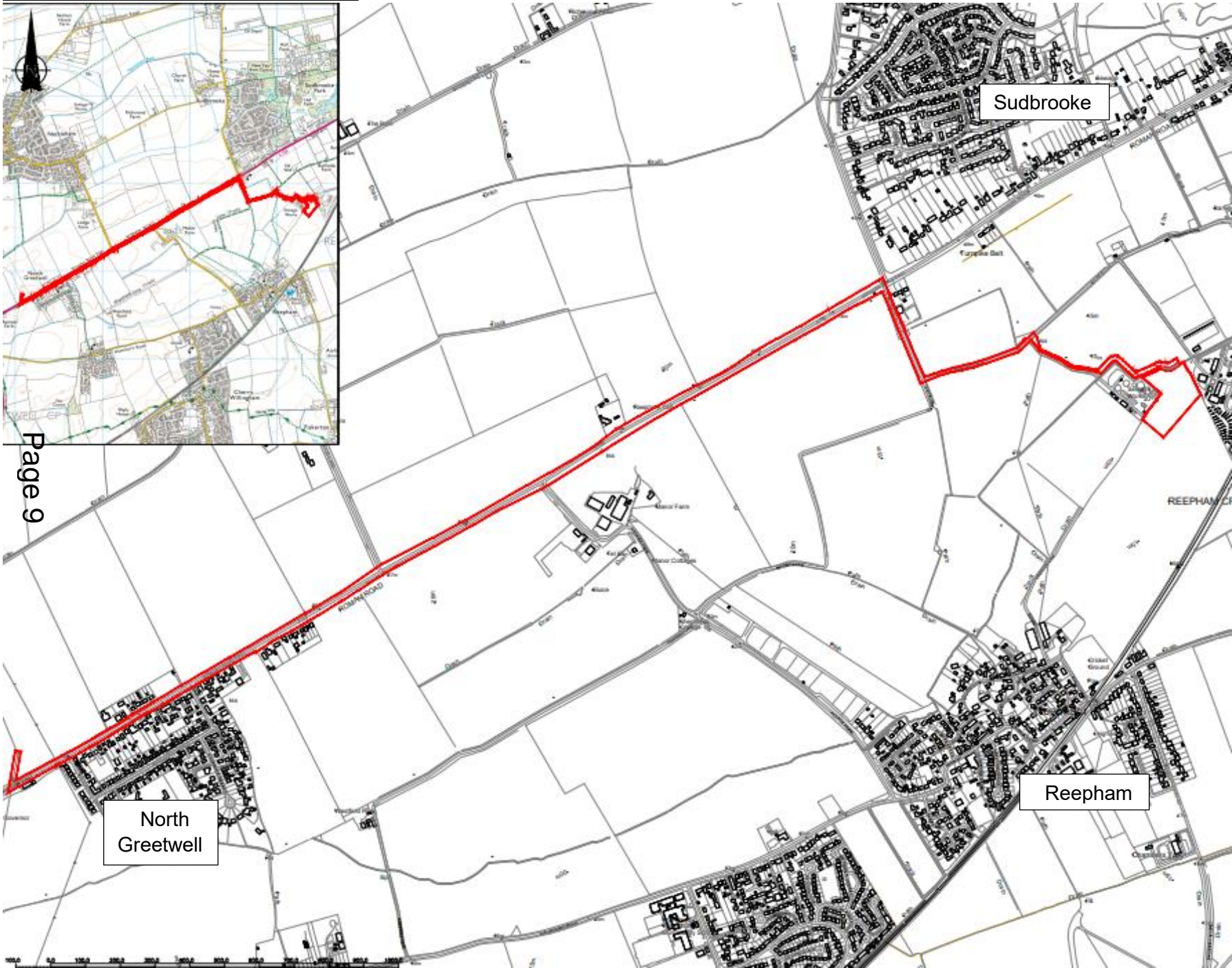
## **165 DETERMINATION OF APPEALS**

There were no Determination of Appeals to note.

The meeting concluded at 7.16 pm.

Chairman





## **Officers Report**

### **Planning Application No: 147131 / WL/2024/00036**

**PROPOSAL:** Planning application for the construction and operation of a Battery Energy Storage System (BESS) including substations, inverters, transformer stations, cabling, fencing, internal service track and landscaping.

**LOCATION:** Land south of Barfield Lane, Reepham, Lincoln  
**WARD:** CHERRY WILLINGHAM

**WARD MEMBER(S):** Cllr T Bridgwood, Cllr C Darcel, Cllr M Palmer.  
**APPLICANT NAME:** Mr Alex Dickenson- Fiskerton BESS Ltd.

**TARGET DECISION DATE:** 01/12/2023 (Extension of time agreed until 8th November 2024)

**CASE OFFICER:** Danielle Peck

**Recommended Decision:** Grant planning permission with conditions and delegate to officers to issue an approval once the Legal Agreement (Unilateral Undertaking) to secure a secondary access in the event of an emergency has been signed.

The application is referred to the planning committee for determination following the request of Ward Member Cllr T Bridgwood, stating material planning considerations.

**Site Description:** The application site covers an area of c. 1.3ha of agricultural land, it is located c. 650m to the north east of Reepham and to the south of Sudbrooke, it is located within the open countryside. The site is adjoined by a sewage water treatment works to the west and a gas/oil facility to the east. Part of the site which crosses over the Beck is located within Flood Zones 2 (medium probability) and 3 (high probability). There are a number of Public Rights of Way which run within close proximity to the site, namely;

- Reep/109/7 and Reep/109/8 (along Barfields Lane)  
Reep/129/1 (to the west) Reep/129/2 (to the north).

**The Proposal:** The application seeks full planning permission for the installation and operation of a Battery Energy Storage System (BESS) with the capacity to store and export up to 53MW of electricity to the local distribution network for up to two hours. It would be possible for the development to distribute lower levels of power for longer periods of time, this will be dependent on the network capacity and peak demand periods. The facility will provide balancing services to the network. The development will include the following:

- 16 No. battery units - Each battery container would measure 18.3m in length, 2.4m in width and 3m in total height, sited on concrete bases.

- 16 No. inverters and 8 No. transformers; Inverters will measure 4.7m by 3.5m with transformers measuring 4m by 4m.
- 132kV Developer and Distribution Network Operator (DNO) substation compound and associated cabins including a switchgear/meter room. The compound will measure 52.m by 25m and will be enclosed by a 2.4m high palisade fence;
- 2 No. welfare cabins;
- 4 No. spare and storage containers;  
All of which will measure 12.m by 2.4m.
- Underground cable to the point of connection with the local distribution network;
- Perimeter fencing 2.4m high and inward facing infra-red CCTV;
- Internal service road;
- 1.5metre high landscape screening bunds and native planting; and
- Fire Water Storage Tank and Surface Water Attenuation Pond.

The point of connection to the local distribution network is located on the existing 132kV overhead cables on land to the immediate north of Wragby Road East, North Greetwell, approximately 3.4km due west of the proposed battery compound.

Throughout the application process additional information has been received and re consulted on where necessary, as follows;

- Following a series of trial trenches a final Archaeological Report was received on 13/05/2024 - The Historic Environment Officer at Lincolnshire County Council was re consulted.
- A Battery Safety Management Plan- Fire Strategy by OWC, an amended Site Layout Plan and details of fire water tanks were received on 19/06/2024 - Lincolnshire Fire and Rescue Service re consulted and a response received on 02/10/2024. Further consultation was also carried out with Star Energy (owner of adjacent site) on this additional information however no further response has been received.
- Draft Legal Agreement (Unilateral Undertaking) received on 17/09/2024 to secure a secondary access in the event of an emergency.

**Town and Country Planning (Environmental Impact Assessment) Regulations 2017:** A screening opinion has been given by the LPA under reference 145794, which stated the following. The development is “Schedule 2 development” and has therefore been subject to screening to determine whether or not an Environmental Impact Assessment is necessary. After taking account of the criteria in Schedule 3 of the 2017 Regulations It has been

determined that the development IS NOT EIA development, i.e. it will not have significant environmental effects by virtue of its nature, size or location.

**Relevant Planning History:**

**145794-** EIA Screening Opinion for BESS - Not EIA development.

**Representations (In summary)- Full versions of the representations received can be viewed on the Councils Website using the following link:**  
[West-Lindsey | Public Portal \(statmap.co.uk\)](http://West-Lindsey | Public Portal (statmap.co.uk))

**Cllr Trevor Bridgwood:**

**13/11/2024-** Following the Planning Committee meeting on 6<sup>th</sup> November 2024 where the committee decided to defer the decision on this application until after a site visit. I would like to reiterate my concerns regarding the site.

The application is unique due to its location adjacent to the higher tier COMAH site Welton Gathering Centre owned by Star Energy. Star Energy have already requested that the applicant produces and has approved a COMAH compliant Safety report prior to commencing any works. This request has been repeated and amplified by Star Energy in their email submission dated 08 November 2024 11:37. This was in response to the production of the Outline Planning Phase Battery Safety Management Plan – Fire Strategy, that was submitted to the LPA on 19/06/2024. Their submission was delayed due to the WLDC consultation request being missed due to holidays and the volume of emails that the addressee receives on a daily basis.

I have reviewed the Outline Planning Phase Battery Safety Management Plan myself and would like to point out short comings and contradictions in the submitted plan.

1. The Safety Management Plan in section 2 Guidance list the minimum UK Statutory Instruments and a number of further relevant guidance documents that have been reviewed by the authors OWC in producing their document. At no point is the 3rd edition Guidance of The Control of Major Accident Hazards Regulations 2015 mentioned. This is the document that COMAH sites are required to work to and due to the proximity of the WGC should be the primary reference for the proposed development site.
- 2.
3. Type of BESS container. In section 3.3 paragraph 2 the report states that the container design will be “container-based battery systems which allow people to walk inside for maintenance purposes.” At section 3.4 it states “The BESS cabinets proposed for this development are not walk in units, as such there will be no need to access the cabinets in the event of a fire.” Then in section 4 paragraph 4.1.1 the report states “If BESS containers that can be entered (walk-in container) are used in the final design,” whilst it is appreciated that the final design is not decided this inconsistency brings into doubt the integrity of the document.

During the Planning Committee meeting on 6<sup>th</sup> November Cllr Emma Bailey asked a question about the water storage on the site. The application states: “A fire water storage container will be included in the developed design, to ensure a minimum flow rate of 1,900L/minute for 2 hours” the applicant has also

provided a drawing of the Fire Water Tank details. This is a container measuring 10.142m x 4.599m x 2.448m. This equates to 114m<sup>3</sup> or 114,000 litres. The requirement for water storage given in the proposal and guidance from the NFCC is for sufficient water for two hours at 1,900L/min. In one hour this equates to 1,900L x 60minutes or 114,000 litres. The application therefore requires two of the fire water storage containers on the site. There is no indication of such containers on the site plan provided by the applicant. Furthermore the NFCC guidance states that any water storage tanks should be located at least 10m away from any BESS container. Based on the site layout drawing provided by the applicant there is insufficient space on the site to locate the required two water storage tanks.

The NFCC Guidance at lines 440 to 442 states “should the BESS unit have a thermal event and progress to thermal runaway, the BESS unit should be allowed to consume itself i.e. burn itself out.” The Carnegie Road BESS, located in Liverpool, on 15 December 2020 incident (which was only a 20MWh site) took 11 hours to fully extinguish. On that basis there is an additional requirement for water supplies on site for far more than the existing provision. There are no fire hydrants incorporated in the submitted design and I understand from Star Energy that there are no water hydrants in the location. Added to this as also raised by Cllr Emma Bailey and answered by the case officer Danielle Peck during the committee meeting the proposed bunding for fire fighting water runoff is designed to hold the volume of water used in the initial two hours, as such it is insufficient to meet the probable requirement in the event of an incident at the site. Analysis of recent BESS fires would suggest that a fire incident would last much longer than two hours and involve significant volumes of water that can neither be provided on the proposed site or contained for future disposal. BESS incidents worldwide are recorded on EPRI's Battery Energy Storage System Failure Incident Database, [BESS Failure Incident Database - EPRI Storage Wiki](#)

Additionally, NPPF Paragraph 9 states “These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.” The location of the proposed site adjacent to the COMAH High Tier site WGC fails to take into consideration the local circumstances in regard to additional unnecessary risks to local safety.

Paragraph 11 The presumption in favour of sustainable development in regard to decision taking states that “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.” The risk to public safety and environmental harm to the area are not shown to have been mitigated in regard to the location and surroundings or the proposed development site. NPPF Planning for climate change paragraph 162. In determining planning applications, local planning authorities should expect new development to: b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. The proposed site is 3.4km away from the closest DNO. Electricity losses for underground cable is 8-15% as the proposed site is temporary electricity storage the cost in terms of losses will be 16 to 30% of the electricity. Therefore, the proposal represents a drain on the electricity network.

**26/06/2024-** Thank you for providing a copy of the applicants Fire Safety Statement. I am concerned that the **Page 13** document does not provide any detail of what precautions and safety systems will actually be installed in the proposed

system. It makes reference to numerous bodies, guidance and standards but makes no attempt to confirm that any of them have been applied. Two of the Guidance documents that they refer to relate specifically to Fire, these are:

- The Fire Protection Association “RE1: Battery Energy Storage Systems – Commercial Lithium-Ion Battery Installations” (December 2022)
- The Fire Protection Association “RE2: Lithium-Ion Battery Use and Storage” January 2023.

RE2 is about the storage of batteries rather than the use of batteries as storage. It's guidance relates to the storage of unused batteries i.e. batteries being stored for distribution. Paragraph 3.3 of this document states “There are currently no specific UK or European guidelines for fire protection of lithium-ion batteries storage.” It goes on to refer to FM global documents and provides summaries from them. In regard to BESS sites the FM Global extract refers back to The Fire Protection Association publication RE1. I suggest that RE2 itself is not relevant to this application.

RE1 is therefore the appropriate publication referred to by the applicant in regard to the fire protection for the proposed site. I attach a copy of this document for your reference. I would like to highlight some points in the publication as follows: Section 3: “All BESS installations should be subject to a suitable fire risk assessment. I recommend that this is completed by a Fire Engineer who is a member of the Institute of Fire Engineers (IFE) and has experience in the specific field of BESS installations.

Section 3 paragraph 2: Locate BESS systems in non-combustible containers or enclosures at least 3 metres from other equipment, buildings, structures and storage. The application is for 16 battery storage containers all of which appear to have less than this distance between the adjacent storage container.

Section 3 paragraph 3: Walk-in containers and other enclosures used to house BESS equipment should not exceed the dimensions of long “high cube” shipping containers, i.e. maximum dimensions 16.2m long, 2.6m wide, 2.9m high. The application drawing WB1001/14/07 Revision 0 gives the battery container dimensions as: 18.575m long, 2.438m wide and 3.096m high. Two of the proposed storage container dimensions are greater than the maximum given in the document that the client refers to in their Fire Safety Statement. The applicants fire safety statement far from easing my concerns regarding this application makes more concerned regarding the suitability of this planning application.

**03/11/2023-** I would like to call the planning application detailed below into committee for determination on the grounds detailed in my emails below. Planning application: 147131 Land south of Barfield Lane, Reepham, Lincoln, Reason: The application is for a development that is beyond the existing knowledge of the Planning Department in regard to Fire Safety issues and potential environmental contamination in the event of a fire. Furthermore the potential hazards of BESS sites are not sufficiently covered by existing planning legislation in the form of Approved Documents.

**Sudbrooke Parish Council:**

**03/11/2023-** Sudbrooke Parish Council object to the above application on grounds that safety precautions do not appear to have been taken into account. It is also requested that determination of the application should be made at full Planning Committee. It is understood that Councillor Trevor Bridgwood has already made this request.

**Reepham Parish Council:**

**12/12/2023-** Having now read the response submitted by the Fire Service in respect of this planning application, Reepham Parish Council is in full support of the Fire Services comments.

**06/11/2023-** Further to our original response dated 29th Sept 2023, additional information has since been provided to Reepham Parish Council. Following consideration of this additional information (provided below), and also information from D/Cllr T Bridgwood, my Council now wishes to make the following comments/objections to make on the proposal: o Reepham Parish Council strongly urges WLDC heed the additional comments and information and engage the appropriate authority to provide verification, or otherwise, of the concerns raised.

**29/09/2023-**

- The Council is happy with the overall prospect
- Suggest inclusion of trees to preserve the rural aspect
- Suggest an acknowledged archaeological watching brief during construction
- Access to the site via Meadows Lane (both during, and after, the construction phase) should be controlled; with a view to preventing permanent access.

**Langworth Parish Council:** This application has been brought to the attention of Parish Councillors by District Cllr Trevor Bridgwood. Concerns and disappointment have been raised that Langworth Group Parish Council was not directly consulted by West Lindsey District Council, even though the parish lies close to the site in question, and it is understood that at least one other parish council further afield has been consulted. Having considered matters, Langworth Group Parish Council formally resolved that it fully supports both the comments and concerns raised by District Cllr Trevor Bridgwood; as well as those submitted by neighbouring parish councils as seen on your website.

**Greetwell Parish Council:** No comments to make on the application.

**Nettleham Parish Council:** No comments to make on the application.

**Local residents/Third Party Representations:**

**Objections and general observations have been received from the following 11 West Drive Sudbrooke and Rowsley, Station Road, Langworth**

**Comments summarised as follows;**

- This application represents planning creep of an existing energy enterprise (Welton Oil Fields) and will lead to the further industrialisation of the area. This piecemeal planning approach does not afford the council or the community the opportunity to examine the long-term ambitions of the enterprise, or consider the impact that will have on the whole area;
- Safety concerns with the siting next to the gathering centre
- Concerns with fire safety and lack of water storage;
- Concerns that there is a high risk of explosion;
- Concerns that toxic fumes in the event of a fire/explosion will cause harm to livestock;
- Contamination risks to nearby water courses;
- Flooding concerns and chemical run off;

- Combined sewers could overflow;
- Welfare cabins- is there no sewage facilities on site for maintenance workers;
- Inaccuracies within the Archaeological report;
- How is the electricity to be produced that will be passed through these storage batteries. Will this be wind, solar, gas or oil generated electricity, and where/when will these facilities be sited.

**A general observation has been received from 28 Wragby Road, Sudbrooke-** I live directly opposite this proposed site. I do not object as long as it is painted dark green and blends into the landscape. Ample screening needs to be planted and should include some taller trees as the land slopes up considerably behind the Anglian water site and building here would be more visible. I currently look out onto arable farm land and I would like that to continue. I do object if this is a gateway for any wind turbines or further development.

**A letter of support has been received from 3 Fiskerton Road, Reepham-** The site proposed is ideal for embracing a future focused energy solution, well away from the general view for any residents of the parish sat amongst other utility stations. Furthermore, the site would not be taking prime agricultural land out of use yet still retains sensible access routes for public right of way and the aforementioned utilities.

#### **Star Energy (adjacent site operator)-**

**08/11/2024-** I would like to reiterate as per my letter to the agent James Cook on the 11 March 2024 that the development must give regard to the below.

1. WGC is actually a “Upper Tier” COMAH site not a “Lower Tier”;
2. Star Energy would respectfully suggest that it is for the developer of a scheme in close proximity to a Upper Tier COMAH installation to produce a Risk Reduction Strategy and/or COMAH Safety Report prepared in accordance with Schedule 3 of the 3rd edition Guidance of The Control of Major Accident Hazards Regulations 2015.
3. Such report should address how the construction, operational and decommissioning phases of the given project has been designed with the presence of the given COMAH installation (in this case WGC) in mind, and how the same has the scope to interact with safe operation of the WGC;
4. Such a report can be used to understand the scope for a “domino effect” under Regulation 24 of The Control of Major Accident Hazards Regulations 2015.

Taking account of the above I would suggest that if you are mindful to grant planning permission for the aforementioned development as a prerequisite before implementation of the planning permission a COMAH Safety Report should be prepared in accordance with Schedule 3 of the 3rd edition Guidance of The Control of Major Accident Hazards Regulations 2015 and submitted as a prior approval condition to ensure the development takes account fully of the points and concerns we have raised above and in the attached.

It also worth noting as I have mentioned to Councillor Bridgwood that our site at Barfield Lane is a 24/7 operation with members of staff always on site and in the event of an emergency there is procedure to follow to isolate and shut down the site.

**11/03/2024-** Whilst Star Energy benefit from planning consent for battery storage at Welton Gathering Centre (“WGC”) this is for a very small scale facility (3MW) relative to the 52MW envisaged in your clients application.



Consistent with the view of the LFR, Star Energy would like to see more information to be content that the activities undertaken at the WGC have been adequately considered when designing the BESS scheme at your client's site. It is noted that LFR have raised five specific comments, as follows:

Battery systems have the potential for thermal runaway with possible explosive results, so to have such a hazard immediately adjacent Welton Gathering Centre, a Lower Tier COMAH site, which holds large quantities of crude oil and hydrocarbons as well as piped natural gas throughout the site, from an LFR perspective is an unnecessary risk.

This site would sit within the 500m Public Information Zone (PIZ) set by HSE, which sets boundaries for those people/businesses that would be affected by a major accident occurring at the site.

With two such hazards adjacent to each other, any fire service operations in one area will be made more complicated by the presence of the other. For example hydrocarbon fires produce large quantities of thick black smoke, which if it were to enter the BESS containers could potentially lead to carbon arcing and possible thermal runaway.

Access to the site is very limited, with only one road from a certain point. Whilst recognising this is the current situation with the established COMAH site, LFR would expect this to be rectified with a new build, taking into account prevailing winds. LFR would require alternative access and egress routes to allow safe firefighting operations.

We would expect, Star Energy, site owner of Welton Gathering Centre, to have been consulted as per the HSE guidance relating to building adjacent to COMAH sites.

**Star Energy would have a number of observations on these points as set out below:**

1. WGC is actually a "Upper Tier" COMAH site not a "Lower Tier";
2. Star Energy would respectfully suggest that it is for the developer of a scheme in close proximity to a Upper Tier COMAH installation to produce a Risk Reduction Strategy and/or COMAH Safety Report prepared in accordance with Schedule 3 of the 3rd edition Guidance of The Control of Major Accident Hazards Regulations 2015.
3. Such report should address how the construction, operational and decommissioning phases of the given project has been designed with the presence of the given COMAH installation (in this case WGC) in mind, and how the same has the scope to interact with safe operation of the WGC;
4. Such a report can be used to understand the scope for a "domino effect" under Regulation 24 of The Control of Major Accident Hazards Regulations 2015.
5. Notwithstanding Table 4.1 of the Supporting Statement, Star Energy requires more information on HGV activity in the construction, operational and decommissioning phases of the project, to understand how this may impact on the operation of WGC. How would the higher intensity periods of HGV activity be managed in liaison with Star Energy;
6. Does your client have any concerns for cumulative effects or risks when

considering the recently approved battery storage at WGC and their own proposals;

7. If your client is minded to engage services, Star Energy uses a company called Haztech who have already completed the relevant assessments for the WGC; 8. In the event your clients secure consent, Star Energy will need to trigger a review of their own Safety reports and external emergency planning procedures, and any other documents to ensure full compliance with the COMAH regulations.

### **LCC Highways and Lead Local Flood Authority:**

Comments: Installation of the cable connection will be subject to:

- If the cable is to be installed by a third party (i.e. not a statutory utility company), then we would need to consider a Section 50 licence. We are not required to grant licences for longitudinal cabling, however, we have in similar circumstances
- To consider approval of a Section 50, we would have to see a design which kept the cable out of the carriageway as far as possible. There are footways and wide verges here to utilise There is a Section 58 restriction on parts of the A158 on this route which prevents works in the carriageway until August 2024
- The A158 is a high traffic sensitive street, installation would need to avoid the coastal tourism season (April to end September)
- There is a 3km level crossing protection zone on this section of the A158, so Network Rail consultation would be required and TM costs taking this and the traffic sensitive nature of street could be significant.

Introduction/Site Location-Application for a Battery Energy Storage System on land at Barfield Lane, Reepham.

Existing Conditions -Greenfield site

Highway safety -Application does not affect highway safety

Highway capacity- Application does not have an unacceptable affect on highway capacity

Travel Plan- Not required

Site Layout- Substations, inverters, transformer stations, hard standing and fencing

Flood Risk and Drainage- Proposal has a suitable drainage system submitted as part of the application.

Off-Site Improvements None required.

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

Recommends a condition and an informative in the event permission is granted.

## **Lincolnshire Fire and Rescue:**

**02/10/2024-** Naturally we offered initial concerns about the BESS being so close to the Welton Gathering Centre, this will continue to form part of our risk gathering and pre incident considerations due to the processes, access etc., but from the evidence provided we accept the controls that will be put in place, so would welcome a visit once work is complete to factor in our emergency response.

We also appreciate the explanation about modern designs aiming to reduce the risk of thermal runaway, due to cell monitoring, cut offs and insurance mitigation due to the spacing between containers.

Again, being able to see these units first hand will allow us better planning, when we have the possibility to visit.

The alternative access via an emergency exit appeases the point around being able to get a fire vehicle in if there were an incident, allowing for the possibility if one exit was blocked/restricted and affording us an attack from either direction depending on water provision and prevailing winds for smoke, access and egress etc.

Lastly recognising we are still non statutory consultee, we appreciate the plans and being involved, so our questions have been answered explaining the mitigation at this stage

**07/11/2023-** I refer to the planning application reference 147131 – Land south of Barfield Lane Reepham Lincoln. Whilst recognising that Lincolnshire Fire & Rescue(LFR) are not statutory consultees as this is not a Nationally Significant Infrastructure Project, (NSIP), we are always willing to engage with all such projects within Lincolnshire. LFR recognises the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry the Service would like to work with the developers to better understand any risks that may be posed and develop strategies and procedures to mitigate these risks.

The developer should produce a risk reduction strategy (Regulation 38 of the Building Regulations) as the 'responsible person' for the scheme, as stated in the Regulatory Reform (Fire Safety) Order 2005. We would also expect that safety measures and risk mitigation plans are developed in collaboration with LFR.

The strategy should cover the construction, operational and decommissioning phases of the project. During the construction phase the number of daily vehicle movements in the local area will significantly increase. The Service will want to view the transport strategy to minimise this impact and prevent an increase in the number of potential road traffic incidents. Any development should not negatively impact on the Service's ability to respond to an incident in the local area.

LFR works within the guidance of the National Fire Chief's Council (NFCC) who have been working with several government departments to ensure that fire and rescue services are made aware of any new proposals. NFCC have created a guidance document (link below) that constitutes LFR's requirements for new BESS development proposals

Following the work of NFCC, the Department for Levelling Up, Housing and Communities (DLUHC) has revised its Planning Policy Guidance to include reference to BESS. The guidance is available here: Renewable and low carbon energy - GOV.UK ([www.gov.uk](http://www.gov.uk))

LFR are aware that large scale BESS incorporates new technology, and as such risks may or may not be captured in current guidance in pursuance of the Building Regulations (as amended) and the Regulatory Reform (Fire Safety) Order 2005. This will highlight challenges the FRS have when responding to Building Regulations consultations. For this reason, we strongly recommend applying the National Fire Protection Association (NFPA) 855 Standard for the Installation of Stationary Energy Storage Systems.

Whilst above I have laid out LFR's general response to any BESS applications the proposed location of this application does raise some specific concerns.

- Battery systems have the potential for thermal runaway with possible explosive results, so to have such a hazard immediately adjacent Welton Gathering Centre, a Lower Tier COMAH site, which holds large quantities of crude oil and hydrocarbons as well as piped natural gas throughout the site, from an LFR perspective is an unnecessary risk.
- This site would sit within the 500m Public Information Zone (PIZ) set by HSE, which sets boundaries for those people/businesses that would be affected by a major accident occurring at the site.
- With two such hazards adjacent to each other, any fire service operations in one area will be made more complicated by the presence of the other. For example hydrocarbon fires produce large quantities of thick black smoke, which if it were to enter the BESS containers could potentially lead to carbon arcing and possible thermal runaway.
- Access to the site is very limited, with only one road from a certain point. Whilst recognising this is the current situation with the established COMAH site, LFR would expect this to be rectified with a new build, taking into account prevailing winds. LFR would require alternative access and egress routes to allow safe firefighting operations.
- We would expect, Island Gas, site owner of Welton Gathering Centre, to have been consulted as per the HSE guidance relating to building adjacent to COMAH sites.

**National Grid:** There are no National Gas Transmission gas assets affected in this area.

**Fisher German- Government Pipelines-** No representations received to date.

**Health and Safety Executive (COMAH Competent Authority):**

PADHI Web App- Does not advise against. Contact pipeline operators. If the proposed development is located within a safeguarding zone for a HSE licensed explosives site then please contact HSE's Explosives Inspectorate. Their contact email is [Explosives.planning@hse.gov.uk](mailto:Explosives.planning@hse.gov.uk).

The HSE Land Use Planning Web App can be used to find out if a site is within an explosives site zone (as well as in zones for major hazard sites and major accident hazard pipelines). If you require access to the HSE Web App then please contact the Land Use Planning Team ([lupenquiries@hse.gov.uk](mailto:lupenquiries@hse.gov.uk))

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If the development is over a major accident hazard pipeline or in the easement around a major accident hazard pipeline, please consult the pipeline operator. **If**

**the development involves a new substation or the storage of electrical energy such as in a large battery storage unit and the development is proposed adjacent to a COMAH (Control of Major Accident Hazards) establishment then please consult the operator of the COMAH establishment.**

If the development involves a substation or the storage of electrical energy such as in a large battery storage unit and is proposed in the vicinity of a nuclear site the Office for Nuclear Regulation (ONR) does wish to be consulted over such proposals. They can be contacted on [ONRLand.Use-Planning@onr.gov.uk](mailto:ONRLand.Use-Planning@onr.gov.uk)

**Environment Agency:** Environment Agency position The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the recommended planning conditions (2) are included. Also recommends informatives in the event permission is granted.

**Lincolnshire Wildlife Trust:** From an ecology perspective the proposal seems perfectly reasonable with the PEA and BNG assessment conducted appropriately. Providing the recommendations for habitat and species mitigation are followed in Table 2 then the development should progress without any undue damage to the natural environment in the immediate vicinity.

**LCC Minerals and Waste Team:** W8: Safeguarding of Waste Management Sites, of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies document 2016). This policy safeguards existing and allocated waste management facilities from development which may prevent or prejudice the effective operation of such facilities. The proposed site is located immediately adjacent to a Sewage Works which is safeguarded against incompatible development by policy W8. Sewage works are odorous in their nature therefore sufficient separation from sensitive uses, dwellings or places of work is required to ensure that additional constraints are not placed upon the operation of the sewage works. The proposal also immediately abuts the IGas gathering station. This facility is not specifically identified/safeguarded in the minerals and waste plan, but this is a strategic facility for the supply of hydrocarbons from the Welton Oil Field therefore the agent of change principle set out in the NPPF should be taken fully into account. It is noted that once operational, employees of the BESS will only be on site sporadically and not on a permanent basis, therefore an odour assessment which would be required under Policy W8 to assess the impact of the Sewage Works on the proposed development is not considered necessary in this instance. However, sufficient information should be requested from the applicant to demonstrate that the proposed development would not prejudice or detrimentally impact upon the operation of these neighbouring land uses or cause any other issues/hazards due to proximity. Relevant issues to consider may include access, health and safety (including fire safety/risk), screening/boundary treatments, site buffers, and the need to protect any associated utilities and infrastructure/pipelines. Subject to the District Council taking these matters into account and no objections being raised by the appropriate technical experts consulted, as Minerals and Waste Planning Authority we would have no objections to the proposed development.

**LCC Archaeology:**

**09/05/2024-** A programme of pre-determination archaeological evaluation trial trenching was carried out in the proposed site of Battery Energy Storage

System (WLDC planning application 147131). Romano-British archaeological features were recorded to the south of the site indicating that this area was probably on the edge of settlement activity which likely extends further south up the hill. Given the presence of these archaeological remains and the potential for further remains in the southern area outside of the excavated trenches, I recommend that an archaeological strip map and sample (SMS) is carried out in the southern area previously discussed with the applicant's agent and archaeological contractor. This is to record any further archaeology prior to it being impacted by the proposed development.

The proposed cable route running from the main Battery Energy Storage System site to North Greetwell runs through an area of high archaeological potential. The proposed cable route runs past areas where cropmarks of archaeological origin are recorded, as well as alongside a known Roman Road from Lincoln to Burgh le Marsh, in an area where archaeological remains have previously been recorded. I recommend that archaeological monitoring and recording is carried out for the proposed cable route during groundworks to record any surviving archaeological remains prior to their destruction.

These recommendations can be secured through the standard condition wording we recommend for archaeological schemes of works. Please see below the three-part condition wording. Part 1 should be a pre-commencement condition, ensuring that an archaeological Written Scheme of Investigation (WSI)/Specification is approved by the LPA which ensures compliance with the above recommendations. A single WSI addressing both the SMS and archaeological monitoring and recording can be submitted or two separate WSIs. Either way is valid as long as the archaeological mitigation work for the southern area of the main site and the cable route are addressed. The WSI should also link to any relevant construction management plans and ensure that the area designated for SMS is not disturbed until all archaeological works have taken place and a report has been produced. The two remaining parts of the condition wording can be post-commencement conditions which need to adhere to what is set out in the WSI approved in part 1, once this condition is discharged.

#### **WLDC Trees and Landscape Officer:**

Potential effect on any trees or hedges on or near the site: There are no protected trees (TPO or conservation area) within the site boundaries. Non-protected trees within or adjacent to the site have been identified within the submitted arboricultural report as 6 individual trees, one group, and three hedgerows.

Individual trees – most of the 6 individual trees are assessed as Category C trees. These are trees of low quality that should not pose a constraint to development proposals. Just two of the trees have been assessed as Category B, which are trees of moderate quality that should be retained if possible. These are T1 field maple and T5 ash which are part of a line of trees adjacent the cable route at the junction of Barfields Lane and the track to the sewage works and site. T1 maple is the tree closest to the proposed cable route and is

proposed to be removed. T5 is at the opposite end of the line of 5 trees and is the furthest way from the proposals so should not be affected, and it is shown on the plans as to be retained.

Tree Groups – One group has been identified, and is a small group of goat willow within the ditch adjacent to the track between Barfields Land and the sewage works/and site. These have been assessed as category C and have been cut back in the past. These are identified for removal.

Hedges – Three hedgerows are listed in the arb survey but the plans only show H2 and H3, both of which are to be retained. The report text informs that H1 is to be removed, but the plan does not clarify where it is located. H1 is of low quality and contains just elder and hawthorn. Hedgerows are ‘priority’ habitats that should be retained where possible. They provide important wildlife corridors, especially when connected to others. Landscape proposals include a new mixed species native hedgerow near trees T1 to T5, and there is a good variety of species in the proposed native mix bund planting, including 115 field maples. The types of tree protection fencing as shown in the arboricultural report are suitable, and should be used where needed.

Conclusion I have no objections to the proposals in terms of impact to trees and hedges. Landscape proposals will provide compensation for the intended loss of the vegetation identified in the arboriculture report. The proposed planting would provide a more varied species mix and would increase the landscaping at the site.

**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:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development in the Countryside

Policy S16: Wider Energy Infrastructure

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S53: Design and Amenity

Policy S54: Health and Wellbeing

Policy S57: The Historic Environment

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Policy S66: Trees, Woodland and Hedgerows

Policy S67: Best and Most Versatile Agricultural Land

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

• **Draft Reepham Neighbourhood Plan;**

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

The Reepham Neighbourhood Plan is currently at examination stage (Regulation 17). The examiner is currently considering all representations received from consultation on the final plan submitted and scrutinise the plan against relevant legislation. An examination hearing has recently been held (25/09/2024), however this was only in relation to the specific matters around the proposed housing allocations and does not affect this application.

The policies within the plan can now be afforded **increasing weight**, the most relevant policies are as follows;

Policy 1: Historic Environment

Policy 2: Design of New Development

Policy 11: Important Views and Vistas Reepham Character Area Assessment

<https://reepham.parish.lincolnshire.gov.uk/parish-information/neighbouring-planning/1>

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

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

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

Policy W8- Safeguarding of Waste Management Sites also applies here.

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF)

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



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

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

- National Planning Practice Guidance (NPPG)

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

[In particular, NPPG: Renewable and Low Carbon energy provides planning guidance specific to Battery Energy Storage Systems:](#)

<https://www.gov.uk/guidance/renewable-and-low-carbon-energy#battery-energy-storage-systems>

[https://www.gov.uk/guidance/hazardous-substances#Handling-development-proposals-around-hazardous-installations\\_](https://www.gov.uk/guidance/hazardous-substances#Handling-development-proposals-around-hazardous-installations_)

- 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 Relevant Guidance:**

**National Fire Chiefs Council- Grid Scale Battery Energy Storage System Planning - Guidance for FRS (version 1, 2023):**

[Document text here \(nfcc.org.uk\)](#)

**Draft NFCC Grid Scale Energy Storage System Planning – Guidance for Fire and Rescue Services (July 2024)  
(Consultation closed August 2024)**

[Draft Grid Scale Energy Storage System Planning Guidance - NFCC](#)

**Health and Safety in grid scale electrical energy storage systems:**

[Health and safety in grid scale electrical energy storage systems \(accessible webpage\) - GOV.UK \(www.gov.uk\)](#)

#### **Main Considerations:**

- Principle of Development;
- Best and Most Versatile Land / Loss of Agricultural Land;
- Health, Battery Safety, Pollution and Fire Risk;
- Flood Risk and Drainage;
- Visual Amenity inc. Trees and Landscaping;
- Highway Safety/Access;
- Archaeology;

- Residential Amenity;
- Ecology and Biodiversity Net Gain:
- Minerals and Waste:
- 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.

The application site is clearly within the open countryside being separated from nearby settlements by large distances. The proposal would therefore fall under Tier 8 of Policy S1.

With reference to tier 8 (Countryside) Policy S1 of the Central Lincolnshire Local Plan 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.*

It is noted that under criteria b) of the above there is reference to utility services being one of the restrictions allowed within an open countryside location. However, the policy also states that such proposals must be 'demonstrably essential' to its effective operation. Part E of Policy S5 relates to Non-residential development in the countryside and states that proposals for non-residential development 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.*

Policy S16 is also applicable here and relates to wider energy infrastructure of the CLLP states that; *Where planning permission is needed from a Central*

*Lincolnshire authority, support will be given to proposals which are necessary for, or form part of, the transition to a net zero carbon sub-region, which could include: **energy storage facilities (such as battery storage or thermal storage)**; and upgraded or new electricity facilities (such as transmission facilities, sub-stations or other electricity infrastructure.*

*However, any such proposals should take all reasonable opportunities to mitigate any harm arising from such proposals, and take care to select not only appropriate locations for such facilities, but also design solutions (see Policy S53) which minimises harm arising.*

The application seeks permission for the installation and operation of a battery energy storage system. The proposal will provide a balancing service for electricity. The electricity will be taken from an existing pylon at North Greetwell (c. 3.4km to the west) at low demand times, it will then be stored within the containers and released back into the grid at high demand times.

The key determining factor to identifying the location of a BESS is proximity to available grid capacity. The Distribution Network Operator (DNO) determines where energy generation projects can connect on the network as this is based on complex technical and operational criteria. In this case the DNO identified the point of connection is a pylon located 3.4km to the west of the application site, located in a field to the north of Wragby Road East, as being suitable for such a connection. It is acknowledged that usually a closer distance between the proposed development and the point of connection is preferred. It is considered that the proposal by virtue of its proximity to the existing pylon is acceptable. Also, by virtue of its proposed use, it is considered that an open countryside location, away from residential areas/ sensitive receptors is the most appropriate. Overall, it is considered that the proposal would meet with criteria a of Policy S5. Criteria b, c and d are assessed in the relevant sections within this report.

The NPPF also recognises that the planning system should support the transition to a low carbon future. Paragraph 157 states that;

*The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*

Paragraph 032 of the NPPG states that; *Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.*

There is support at local and national level to ensure low carbon infrastructure is supported. The proposal would help to deliver a sustainable energy supply and provide an important balancing service for the national grid. In principle the proposal is supported, subject to an assessment of other material considerations.

#### Best and Most Versatile Land / Loss of Agricultural Land

Policy S67 states that; *Proposals should protect the best and most versatile agricultural land so as to protect opportunities for food production and the continuance of the agricultural economy.* Development resulting in significant loss of the best and most versatile (BMV) agricultural land will only be supported if:

- a) The need for the proposed development has been clearly established and there is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations); and*
- b) The benefits and/or sustainability considerations outweigh the need to protect such land, when taking into account the economic and other benefits of the best and most versatile agricultural land; and*
- c) The impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions; and*
- d) Where feasible, once any development which is supported has ceased its useful life the land will be restored to its former use (this condition will be secured by planning condition where appropriate).*

Footnote 62 of the NPPF states that; *Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.*

Consideration is also given to Natural England advice which states that “*You should take account of smaller losses (under 20ha) if they’re significant when making your decision.*”

The application has been submitted with an agricultural land quality report which details the results of soil testing on the land. The results of the testing show that the area where the site (built form) will be in an area of 3a Grade Land, which qualifies as BMV. It should also be noted that c. 25% of the site is not currently in agricultural use and is covered in scrub vegetation. The land remaining around the site would still be available for agriculture use. Given that the amount of land to be used for the development would be relatively minor and does not comprise of significant loss of Grade 1 or 2 land, it is not considered that the loss would be significant and would accord with Policy S67 and the provisions of the NPPF.

## Health, Battery Safety, Pollution and Fire Risk

For BESS sites applicants are encouraged to consider guidance produced by the National Fire Chiefs Council. The location of such sites are of particular interest to fire and rescue services who will seek to obtain details of the design, and firefighting access and facilities at these sites in their register of site specific risks that they maintain for the purposes of Section 7 of the Fire and Rescue Services Act 2004.

Whilst they are not a statutory consultee, National Planning Practice Guidance (NPPG) encourages local planning authorities *"to consult with their local fire and rescue service as part of the [formal period of public consultation](#) prior to deciding the planning application"*. In accordance with the guidance, Lincolnshire Fire and Rescue have been consulted throughout consideration of this application.

Initial comments from Lincolnshire Fire and Rescue raised concerns in relation to thermal runaway, compatibility with the Star Energy site, the absence of a secondary access for emergency vehicles, and other fire risk matters.

Since the consultation response was received the applicant has submitted an outline Battery Safety Management Plan- Fire Strategy by OWC, which was received by the LPA in June 2024.

The report sets out, in significant detail how the site will be operated with safety management. It includes details on mitigation by design, quality control, monitoring, emergency management, fire strategy, fire incident response and fire safety management.

The NPPG encourages local planning authorities *"to consider [guidance produced by the National Fire Chiefs Council](#) when determining the application."* Whilst this is not part of the statutory development plan against which planning decisions must be made, it is a material consideration that may be given weight in the determination of the application.

The National Fire Chief Councils Guidance advises *"A standard minimum spacing between units of 6 metres is suggested unless suitable design features can be introduced to reduce that spacing. If reducing distances a clear, evidence based, case for the reduction should be shown."* The proposed site plan shows that there will be a 3 metre separation distance. Within table 6-1 of the battery safety management plan there is significant detail on relevant design safety features which are considered to justify the 3m separation distances in this case, as follows:

- *Design of the BESS to the UL9540A requirements*
- *Provision of fire fighting water supplies and fire water storage.*
- *Monitoring systems to measure cell voltage, currents and temperatures, where detection of potentially hazardous temperatures or other conditions shall*

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<sup>1</sup> [Document text here \(nfcc.org.uk\)](#)

*result in the electrical disconnection of the affected BESS container to prevent, detect and minimize the risk of thermal runaway.*

- Inclusion of automatic thermal, gas, smoke and fire detection systems that have been certified to meet NFPA 72*
- Inclusion of suitable fire suppression system.*
- Inclusion of explosion control / deflagration venting in accordance with relevant standards.*
- Designing the layout to ensure that firefighting personnel could tackle a fire in any block of units from the internal access track*

The proposed design and spacing is considered to be justified from a fire safety perspective. The battery containers are also 10m away from any surrounding proposed vegetation, this is in accordance with the guidance. Given that the battery containers/types are constantly evolving the final battery designs/specifications will be secured by condition prior to their installation.

In relation to water supplies the proposal shows a 228kL water storage tanks, the tank will be located a minimum of 10m from the nearest battery cabinet, which complies with the guidance. The guidance recommends that there is a firefighting supply of 1,900L/minute for a duration of 2 hours. The water storage tank that is incorporated into the design will be sufficient to provide 2 hours' supply of water at the recommended flow rate.

The guidance states that the *'Fire and rescue services may wish to increase this requirement dependent on location and their ability to bring supplementary supplies to site in a timely fashion.'* The fire service has not asked for this in their responses.

The National Fire Chief Council's guidance also states that BESS Sites should have two access points. This is due to the differing directions of winds in the event of a fire and that smoke may stop fire fighters being able to access the site from only one specific point. The applicant has submitted a Unilateral Undertaking (Legal Agreement) to secure that a secondary access point can be made available through the agricultural fields, where the existing tracks are used by farm machinery, in the event of an emergency.

Since the amended information and battery safety plan was provided a re consultation was carried out with Lincolnshire Fire and Rescue service. In summary they state the following;

- Naturally we offered initial concerns about the BESS being so close to the Welton Gathering Centre, this will continue to form part of our risk gathering and pre incident considerations due to the processes, access etc., but from the evidence provided we accept the controls that will be put in place, so would welcome a visit once work is complete to factor in our emergency response;*
- We also appreciate the explanation about modern designs aiming to reduce the risk of thermal runaway, due to cell monitoring, cut offs and insurance mitigation due to the spacing between containers.*
- The alternative access via an emergency exit appeases the point around being able to get a fire vehicle in if there were an incident, allowing for the possibility if one exit was blocked/restricted and*

*affording us an attack from either direction depending on water provision and prevailing winds for smoke, access and egress etc.*

*Neighbouring land use-* Concerns have been raised by consultees, including Star Energy, regarding the neighbouring oil refinery (Welton Gathering Site) and how the development will run alongside this existing operation.

The adjacent Star Energy, is understood to be subject to the Control of Major Accident Hazard Regulations 1999 (COMAH) and is a Top-tier COMAH operator. These businesses must consider the potential for a major accident arising from their work activities and describe their approach to controlling the risks in a major accident prevention policy (MAPP).

In considering the land-use implications of the proposed development in proximity to an upper-tier COMAH site, the Local Planning Authority has used the web-based application (PADHI) used by the Health and Safety Executive, who are the COMAH competent authority. This approach follows National planning Practice Guidance<sup>1</sup>.

The advise from the COMAH Competent Authority is that they do not advise against the proposed development.

The HSE did advise to consult the COMAH operator.

Star Energy were consulted on the application when the application was first registered in September 2023 they were also consulted on the additional information received in June 2024. Within their comments they have requested that the applicant provides a suite of documents to address the COMAH regulations.

*Star Energy “respectfully suggest that it is for the developer of a scheme in close proximity to a Upper Tier COMAH installation to produce a Risk Reduction Strategy and/or COMAH Safety Report prepared in accordance with Schedule 3 of the 3rd edition Guidance of The Control of Major Accident Hazards Regulations 2015.”*

However, the proposed BESS is a non-COMAH site – it is not subject to the COMAH regulations. The submitted Battery Safety Management plan fully details risk reduction measures, taking into account this neighbouring land use. A copy of the final version of the report would also be issued to Star Energy as evidence of a risk reduction plan. With the plan and risk reduction measures in place, it is considered that the sites could run adjacent to each other, safely, for land-use planning purposes.

The COMAH competent body, being the Health & Safety Executive, have been consulted and have responded to say they do not advise against the proposed development being developed here, despite the proximity of the top-tier COMAH operator in proximity.

*BESS Fire Incidents-* It is understood that best practice for managing a fire event is for the Fire Services to let the container burn from a safe inaccessible distance. In relation to the smoke plume from burning lithium-ion batteries, the toxicity of the fumes from a burning BESS are generally accepted as being

comparable to those from burning diesel or petrol vehicles. There would be more hydrofluoric gas, but this is highly reactive, and residues have not been found in the analysis of fire incidents at BESS sites. There is no evidence of contamination or high concentrations of toxic gases from either the limited number of BESS fires that have taken place or in laboratory assessments, including large-scale tests by a leading expert in the field. The only recorded BESS incident in the UK at Carnegie Road, Liverpool in 2020 which led to no damage to the environment or any personal injury. The Hazardous Materials Environmental Protection Officers undertook a comprehensive assessment following the event and did not record any high concentrations of toxic gases. The key lessons learned detailed within the significant incident report is that information should be on site and accessible to emergency responders in the event of an incident. Clear warnings, Boxes containing site information, emergency contact numbers, and installation identification numbers are all recommended in order to help emergency responders.

*Water contamination-* Concerns have been raised in relation to contamination of nearby water courses in the event of a battery fire. The battery containers will have a low earth bund around edge of the compound, which will contain any water used in the event of a fire. Once extinguished, the water remains on site until it can be tested. If no contaminants are found within the water then it can be released into the surface water system via a valve. If the water is found to be contaminated it is taken away from the site and disposed of appropriately.

*Safety of batteries-* Factory Acceptance Testing (FAT) will be conducted prior to the transport of the energy storage system to site to aid the detection of any faults in the system and reduce the likelihood of defective materials entering the Site. Following the installation of the energy storage system, the installation will only be accepted via Site Acceptance Testing (SAT) and commissioning testing. The purpose of this testing is to identify any damage that may have been sustained during transportation, ensure that the system is installed properly, and that the battery management and protection systems are operating properly. Any system installed on-site will be compliant with the UL certifications and large scale fire testing requirements (safety standards). This will ensure the installed BESS cabinets contain cells and modules that have been tested against thermal runaway propagation or fire spread between cabinets

Subject to condition that a final Battery Safety Management Plan/ Fire Strategy is submitted and approved in writing prior to the operation of the site, the proposal is considered to be acceptable in terms of fire safety and would accord to the guidance produced by the National Fire Chiefs council. It is considered to meet with the best practice proposed by the National Planning Practice Guidance and policy S16 which requires that proposals should take all reasonable opportunities to mitigate any harm arising from such proposals.

In Summer 2024, the National Fire Chief's Council undertook consultation on a draft update to their Guidance. As this has yet to be formally adopted by the NFCC, having taken into account the consultation responses, it has not yet superseded version 1 at the time of writing and should only carry limited weight as a material consideration. Nonetheless, it continues to advise achieving suitable access and adequate water supplies. In terms of spacing between BESS, it no longer prescribes a distance but advises "*Adequate separation between the BESS enclosures to ensure that the radiant heat from a thermal event in one BESS will not trigger a secondary event.*"



The comments and concerns from Cllr Bridgwood are noted. Reference is made to guidance documents on BESS installations, the need for a fire risk assessment by an appropriate person, and the dimensions of the containers exceeding those recommended.

As discussed above, the applicant has submitted an outline Battery Safety Management Plan- Fire Strategy, a final version of this statement is recommended to be secured by condition. It is considered that the statement has been completed by a competent person and the LPA has consulted with the Lincs Fire & Rescue who have reviewed and commented. Also detailed in the above section are the reasons for why the battery container sizes and separation distances are considered to be appropriate, taking into account the National Fire Chiefs Council guidance.

### Flood Risk and Drainage

Part of the site lies in flood zones 2 (medium probability) and 3 (high probability). In relation to flood risk Policy S21 of the CLLP states that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.

The application has been submitted with a Flood Risk Assessment and Drainage Strategy by KRS Enviro dated June 2023.

Part of the access route to the site, where the drainage ditch lies is within Flood Zones 2 and 3 as defined by the Environment Agency's Flood Risk Maps for planning.

The battery containers and associated ancillary development is outside of the flood zone areas. In terms of the sequential approach to development this has been applied by locating the more vulnerable elements of the development in the lowest risk areas. There will also be a 'no build zone' which will provide a 9m ditch maintenance zone. It, therefore, should be noted that the risk of fluvial flooding to the Site is shown to not occur on the operational area of the Site and there will be no bund or fence in the higher risk flood zones. The operational area of the site will be located within Flood Zone 1 with only the access track on the north bank of the drainage ditch being located within Flood Zones 2 and 3. The majority of the site and the site access is shown to be located within Flood Zone 1. This approach is considered to be appropriate.

The proposed surface water drainage scheme (based on SUDS principles) will comprise of the following;

- Permeable surfaces to be used consisting of crushed stone and grassed areas;
- A surface water attenuation storage pond in the form of a detention basing;
- Runoff rates will be restricted to 5.00 l/s before discharge off to the application site into the adjacent Beck.

The adoption of a SuDS Strategy for the site represents an enhancement from the current conditions as the current surface water runoff from the Site is uncontrolled. The submitted FRA/drainage strategy demonstrates that a scheme can be developed that does not increase the risk of flooding to any nearby properties and development further downstream. Lincolnshire County Council as the Lead Local Flood authority for major applications have reviewed

the drainage scheme and have confirmed that the scheme is sustainable and suitable for the proposals.

*Flood Resilient layout and design-* Even though the battery containers are to be located outside of the flood zones they will be raised on concrete pads c.300mm above ground level. All buildings / structures (are of hard-wearing materials and will be sealed against water ingress. The floor of the buildings will be constructed from concrete hardstanding which will be resilient to floodwater.

Concerns have been raised in relation to the absence of foul water disposal facilities within the welfare cabins. It has been confirmed with the agent for the application that there will be no foul drainage connection required, given the short periods of time that maintenance workers would be at the site.

Overall, the proposal is considered to be acceptable in terms of flood risk and drainage, subject to conditions to secure a detailed drainage design, and would accord to the aims of Policy S21 and the provisions of the NPPF.

### Visual Amenity

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

Criteria d, Part E of Policy S5 states; *d) The development is of a size and scale commensurate with the proposed use and with the rural character of the location.*

Policy S16 of the CLLP states that; *wider energy infrastructure should take all reasonable opportunities to mitigate any harm arising from such proposals and take care to select not only appropriate locations for such facilities, but also design solutions which minimises harm arising.*

Policy 2- Design of New Development of the Draft Reepham NP gives a set of criteria that new development should adhere to. The policy details that the NP area is characterised into different areas, each of which have their own Design Codes. The application site falls within the 'Open Countryside' character area. The Design Code recognises that within these areas the following is applicable: *Development proposals for this character area would be of either an agricultural or energy production nature.*

Policy 11- Important Views and Vistas of the Draft Reepham NP details views in, out of and around Reepham. There are no notable views that overlook this application site, view 4.4 is the closest to the site, this is detailed as 'views over the Beck'.

In terms of built form, the structures are relatively low lying in their scale. The battery containers themselves are set out in two adjacent rows and measure c. 18.3m in length, 2.4m in width with an overall height of c.3m. The tallest element at the site will be the substation at c. 5.8m in overall height. All of the structures on site will be finished in a dark green colour and will be constructed from either galvanised steel or corrugated corten steel. The applicant has advised that

battery technology is constantly evolving and changing, further incorporating safety features. Therefore, there may be some slight design changes to the battery containers prior to their installation, this will not change the energy capacity of the site which will not exceed 53MVA. It is considered necessary to condition the final designs to be agreed in writing prior to installation on site. There are no visual concerns with the cabling route to the connection point given that it will be located underground.

The site is located between two industrial land uses (Welton Gathering Centre/Igas site and the Sewerage Treatment Works), the site is not within any local or national designations.

The application has been submitted with a full and comprehensive Landscape Visual Impact Assessment (LVIA) to Level 3- Guidelines for Landscape and Visual Assessment. Within the LVIA a range of viewpoints informed by a Zone of Theoretical Visibility (ZTV) have been included. The ZTV illustrates that the limited visibility on the landscape of the surrounding arable fields between Sudbrooke to the immediate north (c. 600m) and Reepham to the southwest (> 600m+). The key visual receptors within the area would mainly consist of the users of the nearby public rights of way and road network. Residential properties are also considered to have a high sensitivity to visual change, there are six properties within 700m of the site.

The LVIA details that the visual assessment considered the residential receptors within 750m of the site, they were assessed to not have anything more than glimpsed and partial views which would not be directly overlooking the site and therefore not give rise to substantial visual effects.

Direct views in towards the site are limited to the location of Viewpoint 4, representative of the nearest point from Barfields Lane a public bridleway within the local PRow network. This existing route also forms part of the access route from which it is proposed to provide an additional access track for the site compound adjacent to the existing Sewage Works. 8.1.8 Of the other viewpoints assessed none were found to experience anything above a minor level of visual effect. In general when set beyond the site's immediate setting (>500m+) these effects then reduce to negligible.

The main visual impacts arising from the proposal would be during the construction period which would take approximately 6 months, the LVIA considers these impacts to be of a medium magnitude of change. Upon completion of the BESS the impacts are considered to be of a low magnitude. In considering the site and its immediate setting this would result in minor level of impacts upon the landscape.

With reference to the evaluation of the landscape effects a Low landscape sensitivity and a Medium magnitude of change during the construction phase, reducing to Low magnitude at Completion. When considering the site and its immediate setting this would result in a Minor level of landscape effect, which would remain the case throughout the project's lifecycle (from completion to Year 10 and up to decommissioning), which are overall 'Not Substantial' effects.

The two existing sites that lie adjacent to the application site already provide some additional screening from the surrounding open countryside. The proposed physical development is low lying and within the landscape and would not be unduly prominent. The conclusions within the LVIA are agreed with and

overall, it is not considered that there would be any substantial visual effects on the character of the area that would warrant refusal of the application on visual impact grounds.

#### *Proposed Landscaping*

In terms of proposed landscaping a 1.5m high landscape bund (at a 1:3 gradient) will be constructed from the site's stripped back soils following the creation of development platform to the south, east and west sides of the compound. The bunding will provide additional screening from the north, west and southern edges of the proposal site, will help to retain the aesthetic aspect of the baseline landscape. Only direct views from the north within the site's immediate setting on the track will get views of the development as a whole. The outer side of the bund will be planted with a tall planting mix comprising of native shrubs and small tree species.

It is considered that the landscape proposals will provide further screening of the development from views within the surrounding countryside. The bund will also provide compensation for the intended loss of the vegetation identified in the arboriculture report. The proposed planting would also provide a more varied species mix and would also help to enhance biodiversity at the site. A suitable landscaping condition will ensure that the planting is done in a timely manner and is replaced if any planting were to die.

Overall, it is considered that the proposal would not cause visual harm to the surrounding countryside and would accord to the aims of policies S5, S16 and S53 of the CLLP and the Draft Reepham NP policies.

#### *Trees*

The application has been submitted with an Arboricultural Assessment by fpcr dated June 2023.

There are no protected trees (TPO or conservation area) within the site boundaries. Non-protected trees within or adjacent to the site have been identified within the submitted arboricultural report as 6 individual trees, one group, and three hedgerows

Most of the 6 individual trees are assessed as Category C trees. These are trees of low quality that should not pose a constraint to development proposals. Just two of the trees have been assessed as Category B, which are trees of moderate quality that should be retained if possible. These are T1 field maple and T5 ash which are part of a line of trees adjacent the cable route at the junction of Barfields Lane and the track to the sewage works and site. T1 maple is the tree closest to the proposed cable route and is proposed to be removed.

The application has been reviewed by the Councils Tree and Landscape Officer who has no objections to the proposals in terms of impacts to trees and hedges.

#### Highway Safety/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.*

Criteria b, Part E of Policy S5 states: *b) The location of the enterprise is suitable in terms of accessibility;*

The site is currently accessed from Barfields Lane to the north west by a private track that serves the sewerage treatment plant, through a field and an existing bridge over the Beck. The application proposes a new crushed stone access track, directly adjacent (east) to the one that serves the sewerage works. There will be access improvements where the track meets with Barfields Lane and a temporary bridge will be constructed over the drainage ditch crossing to allow for HGV's to access the site during the construction period, this will be removed once construction is complete.

During the construction period there will of course be numerous additional comings and goings to and from the site. The construction period is estimated to last approximately 6 months, the below table has been submitted to show the estimated number of vehicle movements per week.

**Table 4.1: Indicative Vehicle Deliveries during Construction Phase**

	Activity	Phase	Estimated Number of Vehicles Associated with Activity
1	Site Prep (vegetation strip, levelling and bund/pond creation)	Weeks 1 – 2	40
2	Construction of parking compounds, turning areas, tracks and bases for containers	Weeks 3 – 6	60
3	Excavation of trenches for electric cabling, erection of fencing	Weeks 7 – 9	15
4	Installation of transformer equipment, substation	Weeks 10 – 12	20
5	Installation of electricity cabling, substation	Weeks 13– 15	15
6	Installation of batteries, substation	Weeks 16 – 18	60
7	Installation of remaining ancillary equipment, landscaping	Weeks 19 – 24	30
8	Commissioning	Weeks 25 - 26	5
<b>Total</b>			<b>245</b>

The application has been submitted with a transport assessment which gives baseline survey results on traffic movements at two points close to where the

proposed site access will be located. Baseline survey results show that there are relatively low levels of vehicle movements along Barfields Lane.

It is recognised that the construction phase of the development will increase the total number of vehicles on the local highway network and in particular the number of HGVs, however, the increase in relative number terms is minimal and when viewed against the light background traffic on Barfields Lane, which recorded an average of 132 two-way movements, it is not considered that the modest increase during the construction period will have a detrimental impact upon the operation of the highway network in the vicinity of the site. All staff (approx. 20 during construction) parking during construction works will be within the site compound with no need to park on the public highway. Once in operation the BESS is unmanned (operated remotely) and traffic movements to and from the site will be minimal. Visits to site will be for maintenance and inspections only.

With regard to the cabling route, much of this would be buried underneath highway verges/land mainly along the A158 to the connection point at the Pylon in North Greetwell. Again, this element has been reviewed by the Highways Authority and has been found to be acceptable in principle, separate consent will need to be sought for works on the highway and along the highway verge.

The application has also included a legal agreement to ensure that a secondary emergency access can be utilised in the event of an emergency.

Overall, the proposal would not be expected to cause detrimental highway safety issues, subject to conditions and further approvals outside the control of this application and would accord to Policy S47 of the CLLP as well as the provisions of the NPPF.

### Archaeology

In relation to archaeology Policy S57 of the CLLP 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.*

Point 3 of Policy 1 of the Draft Reepham Neighbourhood Plan states that development proposals must respect archaeological, historical and natural assets within the Parish.

The initial application submission was submitted with an Archaeological desk based assessment by

Following initial comments from the Historic Environment Officer at Lincolnshire County Council a series of predetermination trial trenches have been carried out. During the trial trenching exercise some Romano-British archaeological features were recorded to the south of the site indicating that this area was

probably on the edge of settlement activity which likely extends further south up the hill.

Following on from the results of the trial trench exercise/final report (April 2024) and given that some archaeological features were found, the Historic Environment Officer has recommended that there is a SMS (strip map and sample) carried out in the main southern section of the site. This is to record any further archaeology prior to it being impacted by the proposed development. This will be secured by pre commencement condition which will request that a WSI and specification is agreed in writing to ensure any further archaeological features found during construction are adequately recorded.

The applicant has confirmed their agreement to this pre commencement condition. The Historic Environment Officer also requested that a full WSI is submitted for the cabling route from the main part of the site to the pylon. The cable route, where possible will be laid within the highway verge, and in most instances will be laid where there are existing utility services. Much of the siting of the cables along the highway will be down to agreement from Lincolnshire County Council. It is not considered reasonable to request that the applicant submits a WSI or archaeological monitoring for this part of the site. Overall, subject to conditions, the proposal is considered to be acceptable in terms of archaeology and would accord to Policy S57 and the provisions of the NPPF.

#### Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things.

Criteria c, Part E of Policy S5 states *c) The location of the enterprise would not result in conflict with neighbouring uses; and*

Firstly, in relation to fire safety risks, this has been addressed in the relevant section of this report. In terms of nearby residential settlements these are as follows:

- Reepham- c. 640 to the south west of the application site.
- Sudbrooke- c.600m to the north the application site.
- Langworth- c. 1.8km to the north east of the application site.
- Nettleham- c.2.4km to the north west of the application site.

The nearest residential receptor to the application site are located on Barfields Lane, c. 450m to the north east of the application site. Given the separation distances it is not considered that the proposal would cause any unacceptable amenity concerns in relation to dominating impacts.

#### Noise

The application has been submitted with a noise assessment by Noise Assess-Acoustics, Noise and Vibration Consultants dated July 2023. There were three residential receptors used in the assessment as shown on the plan below (taken from the submitted report):



The normal criteria for indoor sound levels in residential developments (BS8233) is 35dB during the day and 30dB at night, with short duration levels not exceeding 45dB at night in bedrooms. The report includes survey results from existing (baseline) noise levels, the readings were taken during the day and night. The noise-generating items on the BESS containers will be the HVAC units used for cooling. There will be two HVAC units on each end of each BESS container making 4 per container. There will therefore be 64 BESS HVAC units. Each pair of BESS containers will be served by an inverter unit and a transformer. The predicted noise levels have been assessed in accordance with BS4142, the assessment concludes that there will be a low noise impact arising from the BESS and thus no additional noise mitigation measures are proposed.

The modelling dB level results are as follows;

**Modelling Results**

4.9 The calculated noise levels are given below.

**Table 5. Calculated noise levels.**

Receptor	dBL <sub>Aeq</sub> Day	dBL <sub>Aeq</sub> Night
R1	16.4	20.9
R2	14.8	19.3
R3	19.9	23.1

The BS4142 assessment dB levels are as follows;



4.12 The BS4142 assessment is given below.

**Table 6. Daytime BS4142 assessment.**

Receptor	R1	R2	R3
Specific noise level, dBL <sub>A90</sub>	16	15	20
Tonal Penalty, dB	0	0	0
Impulsive/Intermittency penalty, dB	0	0	0
Rating, dB	16	15	20
Background noise level, dBL <sub>A90</sub>	41	41	41
<b>Rating - background, dB</b>	<b>-25</b>	<b>-26</b>	<b>-21</b>

**Table 7. Night-time BS4142 assessment.**

Receptor	R1	R2	R3
Specific noise level, dBL <sub>A90</sub>	21	19	23
Tonal Penalty, dB	0	0	0
Impulsive/Intermittency penalty, dB	0	0	0
Rating, dB	21	19	23
Background noise level, dBL <sub>A90</sub>	27	27	27
<b>Rating - background, dB</b>	<b>-6</b>	<b>-8</b>	<b>-4</b>

4.13 The above assessment results normally indicate a low noise impact. BS4142 recommends that the noise should also be judged in context as discussed below.

The development is therefore considered to be acceptable in terms of noise impacts on nearby sensitive receptors.

The submitted Design and Access statement details that hours of construction will be between 0800 to 1800 hours Monday to Friday and 0800 to 1600 hours on Sundays. Deliveries will also be done during these times. The times of construction are considered to be acceptable given the siting away from residential properties.

Overall, it is considered that the proposal would not cause harm to residential amenity and would accord to the aims of the policies within the Development Plan.

### Ecology and Biodiversity Net Gain

The application has been submitted with a Preliminary Ecological Appraisal by fpcr dated July 2023. The appraisal details the following in relation to species at or nearby the site.

*Amphibians*- No suitable aquatic breeding habitat was present within the site or within 250m of the site boundary. Suitable terrestrial habitat is limited to the small area of other neutral grassland to the south of the wet ditch. This would offer some opportunities for foraging and shelter but is unlikely to be used due to its isolation away from suitable aquatic habitat.

*Birds*- The habitats at the site likely provides some foraging and nesting opportunities for species associated with farmland habitats including ground nesting species. The habitats on the site are common and widespread in the surrounding landscape and the site is unlikely to support an ecologically important population of a single species or an important assemblage of bird species. The proposed works at the site, which will involve vegetation clearance and some tree loss which could impact individual nesting birds. To reduce the likelihood of causing damage or destruction of active nests, vegetation clearance should be avoided between March and August.

*Reptiles-* Grass snake records were returned within the data search results with the nearest record 350m north-west of the site on the opposite side of Wragby Road. Habitat suitability for this, and other reptile species, is limited to the small area of neutral grassland to the south of the wet ditch. Habitat clearance that includes removal of potential hibernation features, such as earth mounds, should avoid the hibernation period where individual animals would at their most vulnerable (October-March). Clearance should be preceded by a walkover by a suitably qualified ecologist and followed by multiple progressively shorter cuts with a walkover between each cut to search for individual animals.

*Bats-* Several bat records were returned within the search within 1km of the Site. Two trees with low suitability to support roosting bats were present in the northern hedgerow and are proposed for removal. The site is therefore unlikely to support an ecologically important population or assemblage of bat species. The ditches that are adjacent to the site form part of a larger network of linear water features extending 4.5km west to the edge of Lincoln and 1.8km east where it branches and forms connections into the wider landscape. This ditch is likely to be used by commuting and foraging bats. This foraging and commuting could be impacted by artificial lighting. Lighting will only be present during the construction phase. Any artificial lighting should avoid light spill into any of the adjacent habitats including the ditches and also any of the retained and newly created habitats.

*Water Vole-* Water vole records were returned in the data search with the nearest record being 770m north of the site. No suitable habitat we present within the site boundary, however, towards the south of the site, the wet ditch, provides suitable habitat for water vole to burrow, forage and shelter and is connected to a wider ditch network. For the purpose of this assessment, water vole is considered to be potentially present in this ditch and mitigation in the form of avoidance has been provided. The site proposals have been designed to avoid impacts on this species.

*Mammals- Other-* Records for both hedgehog and brown hare were returned in the data search. These species both can be present in arable landscapes and therefore could be present onsite. The site is unlikely to support important populations of either species.

The report concludes various mitigation measures to ensure that the ecological features of the site and protected species are protected during construction and operation (Pages 16- 17 of the report). The report does not recommend that any further survey work needs to be carried out. A condition will ensure that the works are carried out in accordance with the mitigation measures.

*Biodiversity Net Gain-* The application was submitted prior (October 2023) to the implementation of the legislative requirement to provide the 10% BNG and therefore falls to be considered against Policies S60 and S61 of the Central Lincolnshire Local Plan.

Policies S60 and S61 of the CLLP state 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;*
- c) *deliver measurable and proportionate net gains in biodiversity in accordance with Policy S61; and*
- d) *protect and enhance the aquatic environment within or adjoining the site,*

*including water quality and habitat.*

*Following application of the mitigation hierarchy, 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.*

*All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric.*

The application has been submitted with a completed Metric and Ecological Appraisal. The Site has a current biodiversity value of 6.27 habitat units and 0.10 hedgerow units. Post development the biodiversity value of the site will be 7.88 (25.79% gain) habitat units and 0 (100% loss) hedgerow units. A net gain of above 10% can be achieved for habitats onsite with the current site design. Hedgerow creation has been proposed by planting 33m of hedgerow adjacent to the site connected to an existing hedgerow. This will result in an increase of 0.11 hedgerow units and an overall hedgerow gain of 10.46%. Including both onsite and offsite areas, the proposed development will result in a 25.79% gain in habitat units and a 10.46% gain in hedgerow units. The loss of the modified grassland and cereal crops is offset by the creation of other neutral grassland and mixed scrub.

An appropriately worded condition will require the submission of a 30-year Habitat Management Plan to be approved in writing prior to the commencement of development. Overall, the proposal would accord to the aims of Policies S60 and S61 of the CLLP.

#### Minerals and Waste

The site lies to the south east of an existing sewage treatment works. Policy W8: Safeguarding of Waste Management Sites of the Lincolnshire Minerals and Waste Local Plan relates to the safeguarding of existing waste management facilities from development which may prevent or prejudice the effective operation of such facilities.

As detailed in the relevant section of this report it is considered that the submitted outline Battery Safety Management Plan adequately addresses how the site will operate safely and not prejudice the running of the neighbouring facilities in principle subject to a final version being submitted prior to commencement of development.

#### Other Matters

**Length of Consent-** There is no government-imposed limit on the lifetime of BESS set out in any national guidance. The applicant has advised that they are not seeking a temporary consent, it will be in permanent operation. It is considered necessary to condition a decommissioning and restoration plan to be submitted when the site ceases storing energy for a period of 6 months or more.

**Battery Lifetime-** Given the permanent consent sought, it is recognised that the batteries themselves will need to be replaced during the lifetime of the proposal. Most up to date technology allows batteries for run for approximately between 13-15 years, depending on how many cycles per day are carried out. Batteries would be recycled in accordance with European Directives and in most cases between 50-60% of the materials can be recycled and re used.

The Environment Agency's informatives also provide guidance on battery disposal.

**Conclusion and reason for decision:** The application has been considered against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S5: Development in the Countryside, Policy S16: Wider Energy Infrastructure, Policy S21: Flood Risk and Water Resources, Policy S47: Accessibility and Transport, Policy S53: Design and Amenity, Policy S54: Health and Wellbeing, Policy S57: The Historic Environment, Policy S60: Protecting Biodiversity and Geodiversity, Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains, Policy S66: Trees, Woodland and Hedgerows, Policy S67: Best and Most Versatile Agricultural Land of the Central Lincolnshire Local Plan 2023, policies M8 and M11 of the Lincolnshire Minerals and Waste Core Strategy in the first instance as well as the guidance within the NPPG and provisions of the NPPF. Increasing weight has also been given to the policies within the Draft Reepham Neighbourhood Plan. Consideration has also been given to the National Fire Chiefs Council guidance as is encouraged by NPPG: Renewable and Low Carbon Energy.

In light of this assessment the proposal is considered to be supported by local and national planning policy and would help contribute toward a low carbon future. The impacts on the landscape and residential amenity have been found to be acceptable. There would be no adverse impact on highway safety matters are considered to be acceptable. Matters of fire risk and safety have been adequately addressed within the application submission. Archaeology and drainage matters are also considered to be acceptable subject to conditions. The application is therefore recommended for approval, subject to conditions and a legal agreement to secure the use of a secondary access in the event of emergencies.

**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:**

2.No development shall take place until a Detailed Fire Safety and Battery Management Plan based on the principles within the Outline Plan that has been submitted with the application have been submitted to and approved in writing by the Local Planning Authority. The Plan must prescribe measures to facilitate safety during the construction, operation and decommissioning of the battery storage system. The Detailed Fire Safety and Battery Management Plan shall be implemented in accordance with the approved details.

**Reason:** In the interests of fire and public safety and the impacts on the environment.

3.No development shall take place until a Construction Management and Method Statement has first been approved in writing by the Local Planning Authority. The Statement shall indicate measures to mitigate the adverse impacts of vehicle

activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

- the phasing of the development to include access construction;
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.
- Details of the temporary bridge to be installed during the construction period and at what point it will be removed.
- Details of temporary lighting to be used.

The development shall only proceed in accordance with the approved statement.

**Reason:** In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or Downstream of, the permitted development during construction.

4.No development shall take place until a written scheme of archaeological investigation for the SMS (strip map and sample) for the southern part of the application site has been submitted to and approved by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

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 provision for archive deposition
5. Nomination of a competent person/organisation to undertake the work
6. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

**Reason:** to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible.

5.Prior to the commencement of the development, a 30-year Biodiversity Net Gain Management and Monitoring 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, hedgerow and other vegetation to be planted in accordance with the details in the submitted Ecological Appraisal

by fpcr dated July 2023.

- 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.

6.No development shall take place until a detailed scheme for the disposal of surface waters 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.

**Reason:** To ensure adequate drainage facilities are provided to serve the development in accordance with Policy S21 of the Central Lincolnshire Local Plan.

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

7.The archaeological site work referred to in condition 4 shall be undertaken only in full accordance with the approved written scheme. The applicant will notify the planning authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the local planning authority.

**Reason:** to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible.

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:

- Proposed Site Layout WB1001/14/03 1
- Fire Water Tank Details WB1001 14 18 R0
- Welfare Cabins WB1001/14/09 0 - Welfare
- Cabin Details WB1001/14/09 1
- Switchgear cabin details WB1001/14/10 0
- Switchgear cabin details WB1001/14/10 1
- Landscaping bund and planting plan WB1001/09/05 0
- Transformer and inverter details WB1001/14/08 0
- DNO Substation Details WB1001/14/12 0
- DNO Substation Details WB1001/14/12 1
- Paladin Mesh Fencing Details WB1001/14/14 0
- CCTV Details WB1001/14/06 0
- Battery Container Details WB1001/14/07 0

- Proposed Cable Route WB1001/14/15 0
- Sectional View WB1001/14/05 0
- 132kV Substation Details WB 1001/14/13 0
- Planning application boundary sheet 1 of 2 WB1001/14/2A 0
- Planning application boundary sheet 1 of 2 WB1001/14/2B 0
- Site Location Plan WB1001/14/01 0
- Spares and Storage Container Details WB1001/14/11 0
- Spares and Storage Container Details WB1001/14/11 1
- Proposed Pond Details WB1001/14/16 0

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

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

9. Notwithstanding the battery container plans referred to in condition 8 of this consent, if an alternative battery design is to be installed on site, prior to their installation, full details, including scaled plans shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans.

**Reason:** In the interests of visual amenity to accord with Policy S53 of the Central Lincolnshire Local Plan.

10. The development hereby permitted shall proceed in strict accordance with the Mitigation measures set out within Section 5 (Pages 16-17) of the Ecological Appraisal by fpcr dated July 2023.

**Reason:** To protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and policy S66 of the Central Lincolnshire Local Plan.

11. The development hereby permitted shall be carried out in accordance with the tree protection measures as detailed within the Arboricultural Report by fpcr dated June 2023. The protection measures shall remain in place during the construction period.

**Reason:** In the interests of protecting the trees to be retained on the site in accordance with policy S66 of the Central Lincolnshire Local Plan 2023.

12. The development shall be carried out in accordance with the submitted flood risk assessment ref: 'KRS.0297.048.R.001.C', dated June 2023, prepared by 'KRS Envrio' and the mitigation measures details in section 5.0 'Risk Management'.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To reduce the risk of flooding to the proposed development in accordance with Policy S21 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. A copy of the final report referred to in condition 4 will be submitted within three months of the work to the Local Planning Authority for approval (or according to an agreed programme). The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

**Reason:** to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible.

14. All planting, seeding or turfing comprised in the approved details of landscaping as required by condition 5 shall be carried out in the first planting and seeding season following the occupation of the building(s) 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 and occupiers of adjacent buildings and in accordance with Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

15. The constructed roads hereby approved shall be no higher than 200mm above existing ground levels.

**Reason:** To reduce the risk of flooding to the proposed development and to ensure that there are no detrimental impacts to flood storage or flood flow routes in accordance with Policy S21 of the Central Lincolnshire Local Plan 2023.

16. Within 12 months of the cessation of electricity storage in the site, a decommissioning and restoration scheme shall be submitted to and approved by the Local Planning Authority in writing. The decommissioning scheme shall include a programme and a scheme of works for the removal and shall be implemented in accordance with the approved details.

The operator shall notify the Local Planning Authority in writing within five working days following the cessation of electricity storage. All buildings, structures and associated infrastructure shall be removed within 12 months of the approval of the decommissioning scheme, and the land restored, in accordance with the approved details.

**Reason:** In the interests of highway safety, visual and residential amenity, landscape character and environmental protection.

**Notes to the Applicant**

**Lincolnshire Fire Service**

The applicant is advised to make contact with Lincolnshire Fire Service once the site is complete to ensure they can assess and factor in their emergency



response procedures.

### **Environment Agency**

**Proposed temporary bridge-** Please note the proposed temporary bridge and works close to the watercourse may need consent from the Internal Drainage Board (IDB), in this case, it is Witham Third IDB.

**Energy storage-** Energy storage will play a significant role in the future of the UK energy sector. Effective storage solutions will benefit renewables generation, helping to ensure a more stable supply and give operators access to the Grid ancillary services market. The National Grid's Enhanced Frequency Response programme will provide a welcome catalyst for a significant level of battery storage deployment in the UK. Currently, DEFRA does not consider the need to regulate the operation of battery energy storage systems (BESS) facilities under the Environmental Permitting Regulations regime.

Although these are a source of energy to the National Grid they do not result in the direct impact to the environment during normal operations. We do not generally object to battery storage proposals, however, the potential to pollute in abnormal and emergency situations should not be overlooked. Applicants should consider the impact to groundwater from the escape of firewater/foam and any metal leachate that it may contain. Where possible the applicant should ensure that there are multiple 'layers of protection' to prevent the source-pathway-receptor pollution route occurring. In particular, proposals should avoid being situated near to rivers and sensitive drinking water sources.

However, an important factor that can be overlooked by parties involved in new battery storage projects or investing in existing projects is that battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates additional lifecycle liabilities which must be understood and factored into project costs, but on the positive side, the regime also creates opportunities for battery recyclers and related businesses. Operators' of battery storage facilities should be aware of the Producer Responsibility Regulations. Under the Regulations, industrial battery producers are obliged to:

- take back waste industrial batteries from end users or waste disposal authorities free of charge and provide certain information for end users;
- ensure all batteries taken back are delivered and accepted by an approved treatment and recycling operator;
- keep a record of the amount of tonnes of batteries placed on the market and taken back;
- register as a producer with the Secretary of State;
- report to the Secretary of State on the weight of batteries placed on the market and collected in each compliance period (each 12 months starting from 1 January).

Putting aside the take back obligations under the producer responsibility regime, batteries have the potential to cause harm to the environment if the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place. The Waste Batteries and Accumulators

Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only. Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport.

Any run-off from the use of de-icer would not be classed as surface water and would need to be appropriately bunded to ensure that it does not enter ground water or surface water bodies.

### **Highways**

In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

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.

### **Human Rights Implications:**

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

### **Legal Implications:**

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



## **Officers Report**

### **Planning Application No: WL/2024/00698**

**PROPOSAL: Planning application for the erection of a single storey 6-bedroom holiday let within existing walled garden**

**LOCATION: MOORTOWN HOUSE FARM BRIGG ROAD MOORTOWN  
MARKET RASEN LN7 6JA**

**WARD: Kelsey Wold**

**WARD MEMBERS: Cllr P Morris**

**APPLICANT NAME: Mr Kerr**

**TARGET DECISION DATE: 06/12/2024**

**DEVELOPMENT TYPE: Minor – Other**

**CASE OFFICER: Richard Green**

**RECOMMENDED DECISION: Refuse planning permission.**

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This application has been referred to the Planning Committee at the request of the Ward Member (Cllr P Morris).

#### **Description:**

The application site is located in the countryside and is part of the grounds of Moortown House which is a Grade II listed building with a series of curtilage listed outbuildings. The wider site includes woodland, large pond, walled garden, formal parkland and farm buildings. The application site is located within the walled garden to the north west of Moortown House. There is a Public Right of Way (SoKe/85/1) located approximately 23 metres to the north of the site.

Moortown House is currently let for holiday accommodation for up to 12 guests with the owners believed to live in the rear (northern) wing of the building. A former curtilage listed coach house close to Moortown House was given planning permission in 2021 (142186) to be converted to 1no. 6 bed dwelling (at the time of the case officers site visit, this conversion did not appear to have taken place).

The application seeks permission to erect a single storey flat sedum roofed 6-bedroom holiday let within the existing walled garden of Moortown House of which two walls remain to the north and to the east). The holiday let will be accessed off the B1434 (Brigg Road) to the north east with a metalled track leading past neighbouring dwellings (Paddock View & Erin Cottage, Brigg Road located approximately 148 metres to the north east of the Walled Garden) which becomes a gravelled track leading past agricultural buildings and onto a grass pathway (which is proposed to be stoned up) leading past the northern wall of the walled garden. 8 car parking spaces on an area of grass/scrub (which are also proposed to be stoned up) are proposed to the north of the walled garden and the building will be accessed through existing

openings in the northern wall of the walled garden. The proposed building is located close to the northern wall of the walled garden and is made up of two sections linked by an entrance building. The western section will house 6 bedrooms and en-suites and bathrooms and the eastern section will house the kitchen, living room and dining room. It is also proposed to have a kitchen garden and a terraced seating area to the east of the building with rest of the walled garden given over to a wildflower area and lawns (it is currently given over to grass). Apart from the sedum roof (zinc roof to the entrance link), the building will be timber clad or have aluminium framed glazing.

### **Relevant history:**

**146640** - Pre-application enquiry for a detached single storey holiday let Accommodation [within walled garden]. Following advice given to the current applicant on the 26/05/2023:

*'It is considered that the proposal will harm the setting of the walled garden which is a curtilage listed structure and that of Moortown House itself which is Grade II Listed with no public benefits which would outweigh the harm caused to the significance of the Listed Buildings. The proposal is considered contrary to the NPPF, Policy S57 of the Central Lincolnshire Local Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.'*

**140097** - Pre-application enquiry for conversion of 3 barns to 3 dwellings and erection of 2. dwellings. Following advice given to the current applicant on the 18/02/2020:

*'It is proposed to convert three existing outbuildings to three dwellings and erect two new build dwellings within a walled garden.'*

*'Developing the walled garden: New houses in this location would be a concern. The walled garden clearly did have other structures attached, possibly hot houses. Given that Joseph Paxton, who designed the Crystal Palace and the hothouses at Chatsworth House, I would need to know much more about the significance of the walled garden before offering any further advice.'*

*I would strongly advise that a historic buildings appraisal is compiled by someone who has an appropriate qualification and experience in this type of work if we are to hold any meaningful discussions about this site. The appraisal should include:*

- 1. A history and development of the site;*
- 2. A plan, phased showing the ages and dates of each building or structure*
- 3. A brief description of each, noting any alterations / losses*
- 4. The original use of each building or structure,*
- 5. Any information relating to buildings or structures associated with the parkland and Joseph Paxton.*
- 6. An assessment of the significance of each building, including the exterior of Moortown House.*

Once we have this, it may be possible to consider further the request for advice.”

*I would ask that these comments are addressed.*

*There seems to be some potential for the conversions subject to principle and heritage considerations above. The new build dwellings seem less acceptable. Further details are required regarding the principle and heritage matters. Other matters noted above should be given full consideration in any formal application.’*

Moortown House to the south east:

**147074** - Planning application for change of use of dwelling to create holiday let. Granted 17/11/2023.

**147075** - Listed building consent for change of use of dwelling to create holiday let. Granted 17/11/2023.

**147172** - Planning application for proposed alterations and extension to swimming pool enclosure and changing block. Granted 21/11/2023.

**146992** - Listed building consent for proposed alterations and extension to swimming pool enclosure and changing block. Granted 21/11/2023.

Former Coach House to south east:

**142186** - Planning application for the conversion of existing coach house to 1no. dwelling **[6 bed]**. Granted 22/04/2021.

*‘The building can no longer be used for its original purpose as a coach house because transportation methods have changed over time. The proposal entails conversion with minimal alteration and additional openings. The building is of architectural and historic merit as a listed building. LP2 and LP55 are consistent with NPPF paragraph 170 in that they seek to protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland and are given full weight.*

*The principle of development is acceptable.’*

**142187** - Listed building consent for the conversion of existing coach house to 1no. dwelling. Granted 22/04/2021.

**144647** - Request for confirmation of compliance with conditions 3, 4 & 5 of listed building consent 142187 granted 22 April 2021. Granted 03/11/2022.

**144658** - Request for confirmation of compliance with conditions 2,4,6,7 and 8 of planning permission 142186 granted 22 April 2021. Granted 03/11/2022.

Modern agricultural building approximately 36 metre to the north east:

**147848** - Planning application to install pv panels on the west-facing roof elevations only of a steel portal framed agricultural building. Granted 28/03/2024.

### **Representations:**

**Cllr Morris (Ward Member):** 08/10/2024: Tourism is now an essential part of the rural economy in a county like Lincolnshire, the owners of this business should be encouraged to expand their activities with the addition of this new building, the site is ideal because it is within the confines of the existing enclosed grounds and causes no problems for neighbours or members of the public. This is a good application, and I support it wholeheartedly.

Further Response 17/10/2024: I read the conservation officer's report yesterday and was concerned about certain aspects of his findings.

The officer makes great play of the walled gardens possible association with Sir Robert Paxton? Who is he? Does the officer mean Sir Joseph Paxton? He repeats the same mistake twice.

He cannot prove by any historical fact that these greenhouses were planned or erected by Sir Joseph Paxton, they could just have easily been erected by a jobbing builder from Brigg. I would respectfully suggest that as a responsible planning officer that you disregard those statements. I have taken the trouble to do a site visit this morning, there is just a bump in the lawn where the glasshouses originally sat, unless you had access to an old map you would never know what had been built there. I still maintain that this is a good site and a good application.

I consider all other matters finely balanced and just a matter of opinion. I would be happy for you to see if you can reach agreement with the applicant and agent over this application and approve it. Failing that, I would request that this goes to the planning committee for a decision.

**South Kelsey Parish Council:** I attended South Kelsey Parish Council [the Parish Clerk] last night and they will be registering a 'No Comments' reply regarding this application.

**Local Residents:** No representations received to date.

**LCC Highways and Lead Local Flood Authority:** The dimensions of the proposed access are adequate to enable 2 cars to pass in opposing directions and there is sufficient parking and turning provided within the site therefore the proposal would therefore not result in an unacceptable impact on highway safety. 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 and therefore does not wish to object to this planning application.

**Archaeology:** No representations received to date.

**Conservation Officer:** Moortown House is a grade II listed small country house built in 1816. Built in red brick with stucco, slate hipped roof with four brick stacks and overhanging eaves. The surrounding gardens to the south and west are special landscaped gardens significant to the historic interest of the listed building.

The 19th century sundial is also grade II listed which has a group value with the main dwelling.

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposal is to erect holiday lets within the walled garden to the west of Moortown House.

The walled garden space, and wider landscape has been claimed to be designed by Sir Joseph Paxton in the mid-19th century. Sir Joseph Paxton was responsible for some of the greatest glass houses in Crystal Palace and Chatsworth House. However, it is suggested that this may not be the case and that the landscaping was part of the original design of the country house. The 1887 maps illustrate two large glasshouses attached to the southern elevation of the northern wall with two further buildings attached to the northern elevation. These glass houses were used for horticulture with hot water connections as noted in the 1916 sales particulars and evidence of this is noted in the walls today. Either way, the historic and architectural interest of the wider landscape to the listed building does not alter as a significant feature.

The walled garden was designed to supply the needs of the household and from the mid-18th century it was usually designed away from the main household, and sometimes concealed by a shrubbery or plantation belt (Historic England's Gardens and Parks Structures 2017). This walled garden is a typical design for the mid-19th century but is of greater historic significance due to its association with Paxton.

The walled garden is a crucial element of a wider setting of associated buildings that supported a country house, of which Moortown House is no different. This space offers a significant historic and architectural interest as part of the wider setting of the listed building.



The heritage statement acknowledges the development will cause harm to the listed building and its setting. The harm identified within the HS was less than substantial within the NPPF. I agree with that conclusion, but I consider the harm to be higher than concluded within the HS.

I disagree with paragraph 4.31 of the HS that the historic glass houses create a precedent for development which would preserve and enhance the significance of the walled garden.

The glass houses were an essential part of the horticultural use of the walled garden and providing sustainability of the larger household. The structures there would have been significant to the household and been supportive to the garden space. These structures would be linked with the household and wider landscape. As noted in the HS, holiday lets are incompatible and harmful to the setting, the introduction of holiday lets do not link with the main dwelling but rather offer subdivision of the garden space and further remove the significance of the walled garden to the main house.

Paragraph 4.32 argues that the proposal's negative impact is reduced to the setting through the lack of visual links. This is inaccurate as the setting is not simply the visual aspect but also a historical connection. This proposal is within the curtilage which will have a strong historical connection of the setting which will be harmed through the development. The diminished visual impacts does not enable higher tolerance of harm.

Paragraph 4.37 offers repair and maintenance of the walled garden in response to the new development. I do not consider this to be a material consideration for mitigation of harm from the development. The owner of a listed building is responsible for the maintenance and repair of the listed buildings and curtilage listed buildings. Regardless of any development opportunities, the owner has a duty to maintain the walled garden.

Overall, the proposal has not managed to overcome my concerns raised from the pre-application phase.

As agreed by the HS, the proposal would provide less than substantial harm under the NPPF. Paragraph 208 requires that the harm is weighed against the public benefit of the development.

The additional holiday let within the historic environment would offer a small public benefit through economic factors. However, I disagree with the HS and my opinion is that the harm outweighs the benefit.

Policy S57 of the CLLP seeks to conserve, protect, or enhance the historic environment. The introduction of the holiday let will not conserve, protect or enhance the listed building or the setting and I dispute the claims that it would in the HS. This policy also seeks to outweigh the benefit against the harm of which I have already concluded that it does not outweigh the harm.

Therefore, I must object to this application as it does not meet the NPPF or Policy S57 of the CLLP.

Further comments received 12/11/2024 in response to agent comments 11/11/2024:

The increased tourism is acknowledged in the heritage judgement. It is deemed to not outweigh the harm. This is especially so when the approved conversion of the Coach House has not been undertaken. There is suitable conversion of the existing heritage to ensure safe protection of the buildings and setting without providing harm proposed with a new unsuitable building. The potential for growth is already there without the heritage harm. This emphasises the unsuitability of the proposal when there is an option that conserves and protects the heritage assets and meets the needs of the extra holiday let.

The repair and retention of the wall is required by the owner of the listed property, this is not a point that holds much weight in outweighing the heritage impacts from the harm of the proposal. This is expected regardless.

The change of use of the main dwelling to a holiday let does not mean the garden landscape is no longer used, nor does it mean the garden wall is no longer a heritage asset associated with the listed building. The change of use of the main dwelling is still residential so the significance and importance of the setting and garden landscape is not diminished through a change of use. The significance of the surrounding heritage assets is not lost or reduced due to the change of use. The introduction of the holiday let in the walled garden space, however, would be a harm to the significance of the space as a garden space for growing fruits and vegetables. The optimum viable use is for the use of the listed building of which has been supplied. This, along with the approved Coach House, means the optimum viable use has been met. This paragraph does not allow for unsuitable and harmful development simply for financial gain.

I will reiterate again, the public benefit of one holiday let does not outweigh the harm proposed.

**West Lindsey Tourism:** No representations received to date.

**The Ramblers Association:** No representations received to date.

**Central Lincolnshire Ecologist:** They still don't meet their trading rules due to tree loss. Recalculating it with the changes they have made they need 6 trees small trees targeted at moderate condition somewhere within the red line to meet the trading rules. If not, they will have to buy units/credits prior to commencement

However, the tree issue is something they can resolve after permission (from a BNG perspective) they will just need to provide an updated metric with their Biodiversity Gain Plan and HMMP.

The only thing I hadn't noticed is that the proposed parking seems very close to a drain but this drain is not on the OS map and the PEA stated there were no ditches so we will assume it is dry and didn't need to be included.'

**Witham Third District IDB:** Standard advice given on surface water drainage and development within 9 metres of a watercourse.

**Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (Adopted 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 S12: Water Efficiency and Sustainable Water Management

Policy S21: Flood Risk and Water Resources

Policy S43: Sustainable Rural Tourism

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S54: Health and Wellbeing

Policy S57: The Historic Environment

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Policy S66: Trees, Woodland and Hedgerows

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

South Kelsey Neighbourhood Plan:

West Lindsey District Council has approved the application by South Kelsey Parish Council to have the parish of South Kelsey designated as a neighbourhood area, for the purposes of producing a neighbourhood plan. As yet there is no neighbourhood plan document to view.

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

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

### LB Legal Duty

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

### Planning (Listed Buildings and Conservation Areas) Act 1990

#### **Main issues**

- **Principle of Development**
- **Listed Buildings**
- **Visual Impact**
- **Residential Amenity**
- **Highway Safety and Car Parking**
- **Foul and Surface Water Drainage**
- **Trees, Landscaping and Boundary Treatments**
- **Climate Change/Energy Efficiency**
- **Ecology & Biodiversity**
- **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.

It is proposed to erect a detached single storey 6 bed holiday let within the existing walled garden of the Grade II Listed Moortown House. The site is located in the countryside.

Policy S43 (Sustainable Rural Tourism) of the Central Lincolnshire Local Plan states that '*Development proposals for tourism uses, wildlife related tourism and visitor accommodation in the countryside will only be supported where it has been demonstrated that:*

- f) part E of Policy S5 has been satisfied; or*
- g) locations within settlements are unsuitable for the scale and nature of the proposal or there is an overriding benefit to the local, or wider, economy and/or community and/or environment for locating away from such built up*

*areas and the proposal will not result in harm when considered against other policies in the plan; or*

*h) it relates to an existing visitor facility which is seeking redevelopment or expansion and is of a scale, form and design appropriate to its location.'*

In terms of Policy S43, the proposal should be assessed against the requirements of part h) as it relates to an existing visitor attraction (Moortown House) which is looking to expand.

However, the scale, form and design of the holiday let is not considered to be appropriate to its location as it will cause harm to the setting of the curtilage listed walled garden it is set within and that of Moortown House which is Grade II Listed, as will be assessed below. No evidence has been provided for the need for such a large holiday let (6 bedrooms) and the applicant has recently let a planning permission lapse (at the time of the case officers site visit, this conversion did not appear to have taken place) to convert a coach house to 1 no. 6 bed dwelling (142186) which would conserve and protect the heritage assets associated with Moortown House.

The proposal is also expected to result in harm when considered against other policies in the plan most notably Policy S57 (see following section of this report).

The principle of development therefore cannot be supported as the proposal is considered to conflict with Policy S43 and S57 of the Central Lincolnshire Local Plan and the NPPF.

#### Listed Buildings

It is proposed to erect a detached single storey building for holiday let accommodation with 6 bedrooms within the former walled garden (which is a curtilage listed structure) of the Grade II Listed Moortown House.

S.66 of the Listed Buildings Act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall:

*“have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

The Courts<sup>1</sup> have interpreted “preserving” means to do no harm.

Paragraph 203 of the NPPF states that Local Planning Authorities in determining applications, should take account of:

*‘a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;  
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and  
c) the desirability of new development making a positive contribution to local character and distinctiveness.’*

Policy S57 of the Central Lincolnshire Local Plan states that *‘Development proposals that affect the setting of a Listed Building will, in principle, be supported where they make a positive contribution to, or better reveal the significance of the Listed Building.’*

It is proposed to erect two single storey linked structures located towards the north western corner of the walled garden on the approximate footprint of two former 19<sup>th</sup> Century glasshouses as shown on historic maps. A new stoned up access and car parking area to the north of the walled garden is also proposed along with other structures within the walled garden such as a terraced seating area and pathways. The walled garden retains high brick walls in various states of disrepair on the northern and eastern boundaries of the site.

A Heritage Impact Assessment by ID Planning Consultants has been submitted in support of this application which states:

*‘The Historic England list entry for Moortown House cites the affiliation with Sir Joseph Paxton, an architect and gardener best known for designing glass houses at Chatsworth House and The Crystal Palace in Hyde Park.’*

*It has been deemed unlikely that Joseph Paxton would have been involved in the original layout of Moortown House given his career activities mostly commenced years later in 1826 with employment at Chatsworth. This also suggests the walled garden may have been part of the landscape pre-19th century redesigns by Paxton. Thus, the parkland to the south and gardens to the west have been present at Moortown House and designed with the buildings in this layout since the original construction dates, with later 19th century modifications altering the gardens and dwelling. The presumed pre-1824 layout of the gardens was extended west from the western side of the original park area in the later 19th century, and this landscape would have been influenced by the designs of Joseph Paxton.*

*Paxton would have likely influenced the design of the extended gardens between 1849 and 1856 in line with both the Directories and the historic mapping, and consistent with his career developments which would place this design post the Conservative Wall in 1848, and most likely before The Crystal Palace in 1850/51.*

*Sir Joseph Paxton’s protégé, Edward Milner, could also have been involved in the design of the gardens, as he carried out work as a landscape architect during this period of the 19th century.*

*While it is difficult to determine emphatically if Paxton designed the gardens, the associative historical value of Moortown House draws from the continued historical associations with Paxton.*

*The assessed level of the severity of impact on the designated heritage asset due to the proposal is considered to be slight/minor to minor/moderate. Accounting for both the significance of the walled garden itself, the impact upon the setting of the listed building, and the impact on the wider estate, **the severity of impact can be determined as overall minor.***

***It is concluded from the assessment of the proposals that there will be 'less than substantial' harm to the identified heritage assets.'***

A Heritage Assessment by Austin Heritage Consultants (March 2020) was also submitted for pre-application enquiry (146640 & 140097) which states:

*'The walled garden is an example of a mid-19th century walled garden for a small country Lincolnshire estate with possible fabric and layout reflecting a pre-1824 (and possibly pre-1815) domestic garden for the original house. It is likely that the garden reflects alterations made by Sir Joseph Paxton (or possibly Edward Milner) during his reputed redesign of the house landscape in the mid-19th century, but the design and overall fabric has been compromised through loss of fabric.*

***Overall, the walled garden is of moderate significance as a remnant of a purpose-designed and executed walled garden for a small country estate. It has been compromised through loss of key elements, such as the glasshouses and structures to house heating apparatus that would have demonstrated specific uses of the garden. If the walled garden is confirmed through future research to have been part of a cohesive design for the estate landscape by Paxton or Milner, then the surviving remnants of the garden may be considered to be of considerable significance for their historical and evidential value.'***

The walled garden space, and wider landscape was reputedly designed by Sir Joseph Paxton in the mid-19<sup>th</sup> century. Sir Joseph Paxton was responsible for some of the greatest glass houses in Crystal Palace and Chatsworth House. The walled garden is a typical design for the mid-19<sup>th</sup> century but is of greater historic significance due to its association with Paxton. **However, the significance of the walled garden does not diminish if it has no links to Paxton.**

Whilst the possible repair and retention of the walled garden through this application is welcomed, the repair and retention of the wall is required by the owner of this curtilage listed structure.

It is considered that the large single storey building would not likely conserve, protect, or enhance the setting of the main dwelling, the walled garden or the wider historic landscape. The proposal would not allow the walled garden to be read as a walled garden and there is no justification for such a building in this location on the site of former 19<sup>th</sup> Century glasshouses. The setting is

also likely to be diminished with domestic paraphernalia such as washing lines.

There are also concerns in regards to the 8 car parking spaces and access to the north of the walled garden (which are currently given over to grass/scrub and which are both proposed to be 'stoned up'), which will further impact upon the setting of this curtilage listed structure.

Overall, it is agreed with the application's own Heritage Statement that the proposal would lead to less than substantial harm to the significance of the designated heritage assets.

It is agreed that the development would result in harm to the heritage asset – and would neither preserve nor enhance the setting of the Asset. The Authority is placed under a statutory duty (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*” The development would not do so, and would result in harm, as the application itself acknowledges.

As a material consideration, Paragraph 208 of the NPPF states that ‘*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*’

Policy S57 of the CLLP also carries such a balancing test, where less than substantial harm to a designated heritage asset is expected.

The applications Planning Statement acknowledges this test and states: “*the wide-ranging demonstrative positive public benefits that arise from the scheme, are, on balance, considered to outweigh this degree of ‘less than substantial’ harm*”

However, it does not set out or quantify what they consider to be the “wide-ranging demonstrative positive public benefits” in order that the decision-maker can itself apply the balancing test.

This was raised with the applicant, who responded by email (dated 11/11/2024) with the following points:

- Increased tourism in a rural area promoting the appreciation of the wider historical country estate.
- The rural tourism in this area is demonstrated in the use of the main house as a successful holiday let, promoting the expansion of the business and the subsequent wider appreciation and use of the entire estate.
- Reinvigoration of the walled garden through the establishment of buildings within the historic footprint of previous glass houses;
- Repair and retention of the walled garden.



The increase in tourism accommodation is noted and the possibility of direct and indirect benefits to the wider rural economy, are acknowledged; however, the applicant has not quantified the supposed benefits in any way. The applicant has stated that the main house is a successful holiday let but no supporting evidence has been provided with this application which clearly shows this is the case. There is no information that indicates the current vacancy rates on the site, or the expected revenue this venue may bring to the economy. No supporting evidence has also been provided which shows the need for this additional 6 bed holiday let. The applicant has also not quantified what the direct and indirect benefits that this single holiday let would contribute towards West Lindsey's tourism economy. In the absence of any detail, it is considered the introduction of a single 6-bed holiday let, would have some limited benefits to the local economy, and this may be afforded limited weight as a positive benefit.

In view of the claim that it would "reinvigorate" the walled garden through the reintroduction of buildings - this runs completely counter to the applicant's own Heritage Appraisal, which accepts that the introduction of the building would cause harm to, not improve, the setting of the listed building. This does not appear to amount to a public benefit and it is advised, should be afforded no weight in the balance.

It has not been demonstrated that the "repair and retention of the walled garden" is dependent upon the proposed development taking place - indeed its maintenance and upkeep already falls to the applicant. It is considered that this is not a public benefit and is afforded no weight in the balance.

It is therefore considered that the limited public benefits that may arise from erecting a six bedroom holiday let would not outweigh the less than substantial harm to the heritage asset.

In conclusion the proposal will harm the setting of the walled garden which is a curtilage listed structure and its wider historic setting through the imposition of a holiday let building, other associated structures within the walled garden (and domestic paraphernalia such as washing lines), for a structure which was designed to grow fruit and vegetables and through the creation of 8 new car parking spaces and an access track to the north of the walled garden which are both proposed to be 'stoned up'. In this case it is considered that the public benefits of the proposal are fairly limited benefits in terms of a possible enhancement of the wider rural economy and that the proposal would cause harm to designated heritage assets contrary to the NPPF, Policy S57 of the Central Lincolnshire Local Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Visual Impact

Local Plan Policy S53 states that all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. Development must relate well to the site, its local and wider context and existing characteristics including the retention of existing natural and historic

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

It is proposed to erect a detached single storey building for holiday let accommodation with 6 bedrooms within the former walled garden (which is a curtilage listed structure) of the Grade II Listed Moortown House. The site is accessed off the B1434 to the north east with a new driveway and 8 car parking spaces being created to the north of the walled garden.

With the proposed building being single storey in scale and surrounded by the high walls of the former walled garden walls to the north and east and trees to the west and the south it is considered that the proposed dwelling will not impact on the wider visual amenity of the site and the countryside beyond. However, there are concerns about the proposed buildings visual impact on the walled garden itself and also concerns in regards to the driveway and car parking to the north of the walled garden and its affect on the setting of the curtilage listed walled garden.

It is therefore considered that the proposal will affect the character and appearance of this sensitive location contrary to the NPPF and Policy S53 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.

It is proposed to erect a detached single storey building for holiday let accommodation with 6 bedrooms within the former walled garden (which is a curtilage listed structure) of the Grade II Listed Moortown House. The holiday let will be accessed off the B1434 (Brigg Road) to the north east with a metalled track leading past neighbouring dwellings (Paddock View & Erin Cottage, Brigg Road located approximately 148 metres to the north east of the Walled Garden) which becomes a gravelled track leading past agricultural buildings. An access drive and 8 car parking spaces are proposed to the north of the walled garden.

It is considered that there are no issues of loss of light, overlooking or over dominance issues with the proposed holiday accommodation and the proposed access which leads past neighbouring dwellings can be used by heavy farm machinery accessing the aforementioned agricultural buildings.

It is therefore considered that the proposed development would not have an unacceptable harmful impact on the living conditions of neighbouring dwellings and would accord with Policy S53 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

#### Highway Safety and Car Parking

This application seeks planning permission to erect a 6-bedroom holiday let within the existing walled garden of Moortown House. The holiday let will be accessed off the B1434 (Brigg Road) to the north east with a metalled track leading past neighbouring dwellings (Paddock View & Erin Cottage, Brigg Road located approximately 148 metres to the north east of the Walled Garden) which becomes a gravelled track leading past agricultural buildings and onto a grass pathway (which is proposed to be stoned up) leading past the northern wall of the walled garden. 8 car parking spaces on an area of grass/scrub (which are also proposed to be stoned up) are proposed to the north of the walled garden and the building will be accessed through existing openings in the northern wall of the walled garden.

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. Although Appendix 2 of the CLLP which is referred to in Policy S49 is silent on holiday accommodation, it states that 6 bed dwellings in this location should provide 3 parking spaces. Eight car parking spaces are proposed for the holiday let.

Lincolnshire County Council Highways have been consulted on the application and raise no objections to the proposal.

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.

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.

#### 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 septic tank 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

#### Trees, Landscaping and Boundary Treatments

The site has trees to the north of the proposed access, to the south and west of the site and several trees within the walled garden. An arboricultural report has been submitted in support of this application and all trees within and around the site will be retained apart from one individual tree and one group of trees (T4 & G2) which have been categorised as U. These trees are in a very poor condition and are proposed to be removed. Six new rowan trees will be planted in compensation for these losses.

No boundary treatments are proposed as the garden walls to the north and east and the trees to the west and south will act as boundaries to the site. Within the walled garden a kitchen garden, terrace, pathways, lawned areas and a wildflower area are proposed.

It is considered that the proposal accords with the NPPF and Policy S66 of the Central Lincolnshire Local Plan.

#### Climate Change/Energy Efficiency:

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

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

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

An Energy Statement has been submitted by GC Reports Ltd which was received on the 13/11/2024 and amended plans to show an Air Source Heat Pump on the south west elevation of the building. Solar Panels granted permission on the 28/03/2024 (147848) on the roof of a nearby agricultural building will also provide electricity to the new building.

As is stated above the site will benefit from the installation of an Air Source Heat Pump and nearby electricity generating PV panels. A fabric first approach has been taken for the proposed new dwelling, with the u- values for all external elements exceeding current Building Regulations requirements.

The new dwelling shows a significant percentage improvement in the Primary Emission Rate of 28% over current Building Regulations (2021), and a total energy demand of less than 60 kWhPE/m<sup>2</sup>/year.

The performance of the property puts the house in a band A, with a CO<sub>2</sub> emissions of 0.61 t/year.

Based on the design proposals, improvements to the fabric of the dwelling and introduction of advanced renewable technologies, it is therefore considered that subject to conditions the development would accord to the requirements of local policy S6 and S7 of the CLLP and the provisions of the NPPF.

#### Ecology & Biodiversity

Biodiversity Net Gain (BNG) is mandatory on minor developments from 2nd April 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). It requires that development must deliver a net gain of 10% to ensure that habitats for wildlife are left in a measurably better state than they were before the development. This was formerly a requirement of local policy S61 of the CLLP which required "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". This has now should be calculated using Natural England's Biodiversity Metric". This has now been formally superseded by national regulations, however it is still a policy requirement of the CLLP to get a 10% net gain.

Amended plans and documentation has been received in response to comments made by Central Lincolnshire's Ecologist including it is now proposed to plant six new rowan trees.

The proposed development has been accompanied by a Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (KJ Ecology Ltd dated May 2024) and a Biodiversity Net Gain calculation which has concluded that a net gain of 30.07% could be achieved mainly through the proposed sedum roofs to the building, wildflower meadow, kitchen garden and six new rowan trees, as the site is currently given over to maintained grass whilst taking into account the proposed access and car parking spaces which will be 'stoned up.'

The proposed Site Layout/Block Plan (Drawing No. 635.06 F dated 14/11/2024) 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 Central Lincolnshire Local Plan 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.

**Other Matters:**

Public Right of Way

There is a Public Right of Way (SoKe/85/1) located approximately 23 metres to the north of the site. The proposal would not be detrimental to existing users and potential future users of the nearby Public Right of Way.

Water Butts

If it is minded to grant permission a condition should be attached to the decision notice as per Policy S12 of the Central Lincolnshire Local Plan to secure 100 litre water butts for each of the proposed dwellings.

Water Usage

As per Policy S12 of the Central Lincolnshire Local Plan to minimise impact on the water environment all new dwellings should achieve the Optional Technical Housing Standard of 110 litres per day per person for water efficiency as described by Building Regulations G2.

The new dwelling benefits from a Water Usage Calculation, confirming water consumption of 109.86 litres per person per day. less than maximum allowance of 110 litres per person per day.

**Conclusion and reasons for decision:**

The decision has been considered against 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, S12: Water Efficiency and Sustainable Water Management, S21: Flood Risk and Water Resources, S43: Sustainable Rural Tourism, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S54: Health and Wellbeing, S57: The Historic Environment and S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan in the first instance and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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.

It is agreed with the application's own Heritage Statement that the proposal would lead to less than substantial harm to the significance of the designated heritage assets.

It is agreed that the development would result in harm to the heritage asset – and would neither preserve nor enhance the setting of the Asset. The Authority is placed under a statutory duty ( Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*” The development would not do so, and would result in harm, as the application itself acknowledges.

As a material consideration, Paragraph 208 of the NPPF states that ‘*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*’

The applications Planning Statement acknowledges this test and states: “*the wide-ranging demonstrative positive public benefits that arise from the scheme, are, on balance, considered to outweigh this degree of ‘less than substantial’ harm*”

However, it does not set out or quantify what they consider to be the “wide-ranging demonstrative positive public benefits” in order that the decision-maker can itself apply the balancing test.

It is acknowledged that there may be some limited public benefits that arise, through the introduction of holiday accommodation. However, this has not been quantified in any meaningful way, and it is considered that the limited public benefits that may arise from a single holiday let unit, would not outweigh the less than substantial harm that would arise to the heritage asset

**In light of this assessment, the application is recommended for refusal for the following reasons:**

1. In terms of Policy S43 of the Central Lincolnshire Local Plan, the scale, form and design of the holiday let is considered not to be appropriate to its location as it will cause harm to the setting of the curtilage listed walled garden it is set within and that of Moortown House which is Grade II Listed. No evidence has been provided for the need for such a large holiday let (6 bedrooms) and the applicant has recently let a planning permission lapse to convert a coach house to 1 no. 6 bed dwelling (142186) which would conserve and protect the heritage assets associated with Moortown House. The proposal also results in harm when considered against other policies in the plan most notably S57 (see below). The principle of development therefore cannot be supported as the proposal is considered to conflict with Policy S43 and S57 of the Central Lincolnshire Local Plan and the NPPF.
2. The development will lead to less than substantial harm to the setting of a heritage asset, through the imposition of a holiday let

building, other associated structures within the walled garden (and domestic paraphernalia such as washing lines), for a structure which was designed to grow fruit and vegetables and through the creation of 8 new car parking spaces and an access track to the north of the walled garden which are both proposed to be 'stoned up'. It would neither preserve or enhance the setting of the designated heritage asset, which the local planning authority has a duty to give special regard. Having regard to paragraph 208 of the NPPF and policy S57 of the Central Lincolnshire Local Plan, it is not considered that it has been demonstrated that there are public benefits that would otherwise outweigh the harm expected to occur. Development would be contrary to policy S57 of the Central Lincolnshire Local Plan, and paragraph 208 of the NPPF.

**Human Rights Implications:**

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

**Legal Implications:**

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





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Notes

1. All dimensions to be verified on site prior to any fabrication or site works being commenced.
2. Any discrepancies to be reported to Ryland Design before any work is put in hand.
3. Do not scale from this Drawing, use figured dimensions only, contractors are responsible for taking and checking all site dimensions.
4. All dimensions are in millimetres unless stated otherwise.
5. This Drawing is to be read in conjunction with relevant Consult and Specialist Drawings.
6. This Drawing is to be read in conjunction with Drawing Nos.

Ordnance Survey Site Plan Drawing

Site Area  
150 m<sup>2</sup>

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Revision	A	Date	24/10/2024	Amendment	Revised Red/blue line
Revision	B	Date	15/4/2024	Amendment	Site Area box

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**Ryland Design**  
architecture

Scale | 1:1250 @ A4

D.B | L.W.B

C.B | A.R.A

**Ryland Design Services**  
CHARTERED PRACTICE

Title | Ordnance Survey Site Plan Drawing

Date | March 2024

Client | JP STUART Ltd.

Project | 28 Oxford Street, Market Rasen, LN8 3AL

Drawing Number | RDS 11780/14 B

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Agenda Item 6c

## **Officers Report**

**Planning Application No:** WL/2024/00317/ 148308

**PROPOSAL:** Planning application to change the use and convert the existing workshop/storage building into 1 dwelling and 1 apartment.

**LOCATION:**

28 OXFORD STREET

MARKET RASEN

LN8 3AL

**WARD:** MARKET RASEN

Ward Members: Cllr M Westley and Cllr E Bennett.

**TARGET DECISION DATE:** 20/06/2024 Ext of time agreed until 05/12/24

**CASE OFFICER:** Joanne Sizer

**Recommended Decision:** Grant permission subject to conditions.

Committee referral – The application has been referred to planning committee as a departure from the Local Plan as the parking requirements set out in Policy S49 of the CLLP have not been met; and other considerations relating to amenity are considered to be finely balanced matters.

### **Site Description and Proposal:**

The application site is located within the Market Town of Market Rasen and hosts a building formally used as a workshop and store. The application site forms part of a larger building and attached to a residential dwelling with courtyard sitting in between.

Other residential properties, consisting of flats and starter homes sit to the North and South, while the railway line and its embankment adjoin the site to the west.

This application seeks planning permission to convert and change the use of the existing building to a two-storey dwelling and single storey apartment.

The proposed development has been amended during the determination of the application and relates to details shown on Plan No's:

RDS 11780/09B – Proposed first floor plan

RDS 11780/14B – Site location plan

RDS 11780/13 D – Proposed site plan

RDS 11780/08D – Proposed Ground floor plan

RDS 11780/10D – Proposed elevations

RDS 11780/11D – Proposed elevations

## **Relevant Planning History**

None on the site

Building to the North:

M01/P/0865 – Erect 6 terrace houses – Granted 2001

M02/P/0072 – Erect 6 starter homes – Granted 2002

Buildings to the South:

M06/P/1018 – Convert former warehouse and retail unit to form 11 No self contained apartments – Granted 2007

## **Representations**

Chairman/Ward member(s): None received to date.

Market Rasen Town Council: None received to date

Local residents: None received to date.

LCC Highways and Lead Local Flood Authority:

There is an existing vehicle access serving the host property which is to remain unchanged.

The proposed site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal.

The proposal will not have an unacceptable impact on the public highway.

Network Rail:

Following assessment of the details provided to support the above application, Network Rail has no objection in principle to the development, but below are some requirements which must be met,

Works in Proximity to the Operational Railway Environment

Development Construction Phase and Asset Protection

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed may include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works. We would also like to advise that where any damage, injury or delay to the rail network is caused by construction works or future maintenance

(related to the application site), the applicant or developer will incur full liability. This could also include police investigation as it is a criminal offence to endanger the railway or obstruct the passage of rail traffic. It should also be noted that any damage that requires a line closure or repairs can result in costs which could exceed hundreds of thousands of pounds.

Contact details for Asset Protection are supplied below and we would draw the developers' attention to the attached guidance on Network Rail requirements.

The application must be supported by a site-specific Construction Methodology should it not be possible to satisfy Network Rail's requirements recommended in the attached. The council should satisfy itself, without consulting Network Rail, that there are good reasons why the recommended requirements cannot be adhered to.

#### Additional Requirements

##### **Railway Noise Mitigation**

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

##### **Glint and Glare**

The application does not include a specific glint and glare study to ascertain the effect the proposal will have on the operation of the adjacent railway particularly in terms of signal sighting and driver distraction. The applicant should supply further details on this point before we can comment further.

##### LCC Archaeology:

The site is located in the medieval core of Market Rasen. There is potential for archaeological remains associated with the medieval settlement, which might not have been disturbed by the building proposed for alteration. The proposed interior alterations and associated services, as well as the formation of a patio, are likely to involve groundworks in areas which haven't been impacted by the existing building.

The building proposed for alteration is dated to at least the late 19th century and was possibly used for stabling horses or storing goods in relation with the adjacent former warehouse. There is a large doorway to the inner courtyard of the site, probably for horses and carriages involved in loading and unloading of goods. Buildings associated with 19th century industry and commerce are under threat from conversion or demolition and are a diminishing resource.

New uses frequently alter the original fabric and character of the building, and it is beneficial to create a record of the structure before alteration or demolition.

It is recommended that, if permission is granted, a condition is placed for an Historic Building Recording. This should be carried out prior to commencement in order to preserve the building by record prior to alterations. Additionally, a condition is also recommended for an archaeological scheme of works, which should consist of archaeological monitoring and recording of groundworks.

This should be secured by appropriate condition to enable any remaining archaeology which currently survives on this site to be recorded prior to its destruction;

These recommendations are in line with paragraph 211 of the National Planning Policy Framework (NPPF)

Date Checked: 14/11/24

**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) 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
- S3 Housing in Lincoln Urban area, Main Towns and Market Towns
- S6 Design Principles for Efficient Buildings
- S13 Reducing Energy Consumption in Existing Buildings
- 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
- S61 Biodiversity Opportunity and Delivering Measurable Net Gains

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

Relevant policies of the NP include:

- ***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-planning-policy-framework--2>

- National Planning Practice Guidance

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

- National Design Guide (2019)

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

- National Model Design Code (2021)

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

#### **Main Considerations:**

- Principle of development
- Design and Visual amenity
- Neighbouring and residential amenity
- Highway Safety and Parking
- Flood risk, water efficiency and drainage
- Energy efficient buildings
- Archaeology
- Biodiversity Net Gain
- Contamination
- Other Considerations:

#### **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.

Central Lincolnshire Local Plan 2023-2043 (adopted in April 2023) contains a suite of policies that provide a framework to deliver appropriate residential development.

Because the site is located within Market Rasen and the application seeks permission for the creation of one dwelling and one apartment through the change of use of an existing building, the proposals would principally be assessed against Local Plan Policies S1: The Spatial Strategy and Settlement Hierarchy, S2: Growth Levels and Distribution and S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns

Policy S1 of the Central Lincolnshire Local Plan designates Market Rasen as a Market Town. This policy states: *To maintain and enhance their roles as market towns, Caistor and Market Rasen will be the focus for significant, but proportionate, growth in housing, employment, retail and wider service provision. This growth will primarily be through sites allocated in this Local Plan and any applicable neighbourhood plan. In addition to sites being allocated in the Local Plan or a neighbourhood plan, development proposals in accordance with Policy S3 and other relevant development plan policies will be viewed positively.*

*Policy S2: states that around 12% of the housing supply will come forward in settlements elsewhere, primarily located at the market towns and in well-connected villages and villages with a good range of services present.*

*Policy S3 further guides that: Within the developed footprint\* of the Lincoln Urban Area and Main Towns and Market Towns, development proposals at appropriate locations\*\* not specifically identified as an allocation or an area for change in this plan will be supported in principle.*

Definitions of developed footprint and appropriate locations are noted in the glossary of the plan to be:

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

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

- *outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.*

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

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

Assessment:

The site is within an existing built-up area and within the established developed footprint of Market Rasen. The proposed development in creating one additional dwelling and an apartment through the change of use of an existing building also retains the core shape and form of the settlement and additionally makes a small contribution to the level of growth to Central Lincolnshire as set in Policy S2. It also provides a mixture of housing types and sizes as set out in Policy S23.

The principle of the development is therefore supported by Policies S2, S3 and S23 of the CLLP and weight is afforded to the re-use an existing building and principle of providing additional homes within a sustainable location.

The principle of development is therefore supported subject to all other material considerations being acceptable and the location of the site being considered appropriate in all other regards.

Design and Visual Amenity:

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

Paragraph 130 of the NPPF also stipulates that.

Planning policies and decisions should ensure that developments:

- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*



*(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

Paragraph 134 of the NPPF further advises that '*development that is not well designed should be refused*'.

The application site sits within an area containing a mixture of commercial and residential properties. Consequently, the character of the area is a mixture of types and ages of buildings, with varying forms and features. There are nevertheless some common design elements that can be seen within the area and included on the building to be converted.

The building to be converted consists of a traditional brick built, gable roofed structure that has render on the front elevation and an arched access to the shared courtyard with the attached dwelling to the south. This arched courtyard can be seen in other traditional and more modern buildings along Oxford Street. LCC Archaeology has noted that the building has some historic associations with the area, but architecturally has been clearly altered over the years with numerous openings created and closed.

The proposed development in seeking to convert the existing building to two residential properties, includes alterations to the building and the main external changes seen through the insertion of windows and doors in the front east and south side elevations. The windows are however of the same size, design and position as those on the attached dwelling and consequently, reflects its character and the appearance within the street scene. The courtyard feature will also remain the same and the elevation drawings also confirm the roof is to stay as clay pantiles and the front elevation rendered. The proposed changes are consequently considered to be sympathetic to the character of the building and local character of the area. There are also some solar panels that are proposed on the front roof slope of the building, that will be seen within the street scene. These are not however considered to be harmful additions, given the characteristics of the surrounding area.

It is therefore considered that the proposed development is of a design that will not harm the character and appearance of the building or the street-scene in accordance with Policy S53 of the Central Lincolnshire Local Plan and guidance in the NPPF.

#### Neighbouring and residential amenity:

The amenity considerations as set out in Policy S53: Design and Amenity relevantly states that:

*“All development proposals will be assessed against, and will be expected to meet the following relevant design and amenity criteria. All development proposals will:*

*b) Be compatible with neighbouring land uses and not result in likely conflict with existing uses, unless it can be satisfactorily demonstrated that both the ongoing use of the neighbouring site will not be compromised, and that the amenity of occupiers of the new development will be satisfactory with the ongoing normal use of the neighbouring site;*

*c) Not result in adverse noise and vibration taking into account surrounding uses nor result in adverse impacts upon air quality from odour, fumes, smoke, dust and other sources;*

*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 130 of the NPPF also requires development to:

*(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.*

There are three amenity considerations relating to the assessment of this application. The first being impacts on neighbouring residential properties (excluding No 28), the second on impacts to the railway and visa versa and thirdly the impacts and level of amenity associated with the occupation of the existing dwelling (No 28) and those of the proposed residential properties. Each will be considered in turn.

#### Impact on neighbouring residential properties:

The application site sits directly alongside and south of a row of terraced dwellings, which has access to a parking area to the rear. The existing building has its blank gable end facing onto that of the neighbouring dwellings and the rear single storey element of the existing building forms the boundary wall of the neighbouring parking area.

The proposed residential use of the building is therefore considered to be compatible to those neighbouring and provides a better amenity relationship than the existing workshop/storage use on site. The proposed alterations do not also change the size or presence of the existing building, and the insertion of windows and doors are also positioned not to result in overlooking and loss of privacy to the occupiers of the neighbouring properties. The amenity of the occupiers of the neighbouring dwellings located to the south are not therefore harmfully impacted through the proposed development.

The application site is also within proximity to several flats located to the north side of the attached residential dwelling (no 28). Although the building within the application site does not directly adjoin the flats, its side elevation and roof

slope containing dormer windows can be seen from the rear aspect of the courtyard. As a result, there is an existing relationship between the site and the dormer windows, with views of the courtyard serving No 28 being visible from the widows and vice versa.

The proposed development will not alter the existing views between the dormer windows and the courtyard but will result in the courtyard serving three residential properties and the presence of a window in the single storey apartment. Views out of the apartment window will not however be any different from those available from the courtyard area and will not significantly alter the existing relationship shared. The use of the courtyard by three residential properties is not also considered to result in harmful impacts through increased overlooking or loss of privacy to the occupiers of the neighbouring flats.

The amenity of the occupiers of the neighbouring flats located to the north are not therefore considered to be harmfully impacted through the proposed development.

Impact upon residential amenity to properties to the south (no 28 and the proposed dwelling and apartment):

No 28 Oxford Street is an existing two storey dwelling that is attached to the application site at first floor and shares a courtyard with it. Access to No 28 and the workshop/storage building are both gained via the courtyard area, which also doubles up as parking provision. No 28 also has windows facing onto this courtyard area and the dwelling shares a close relationship with the application site/workshop building. Because of this the amenity of No 28 is impacted by the existing and somewhat conflicting use of the application site.

The proposed development in changing the use of the workshop/storage building to residential use therefore offers a more compatible use and enables the courtyard to become a purely residential space, that is shared by three residential properties. Although, the size of the area is smaller than what would be expected for three households and would not be private to each; it would offer some functional space that could be shared by residents. The sustainable location of the site is also afforded weight in this regard, with residents having access to the town centre, outdoor space and other leisure facilities within approximately 400 metres of it.

The two proposed residential dwellings and 1 person apartment also meet the guidance set out in the described space standards and the building operations proposed enables adequate light to all residential accommodation. However, the use of the courtyard to access all three properties and the insertion of the windows and doors facing onto it does result in the properties sharing a close relationship. This is especially the case for the proposed apartment and No 28 who have ground floor doors and windows facing each other. Although this relationship is not ideal, it is mutual and considered more compatible than the impacts the existing workshop/storage use could have on the amenity of No

28. It is also recognised that the ground floor windows of No 28 serve a kitchen and utility room only.

Consequently, although it is recognised that the layout of the development does not result in an ideal level of amenity to the three residential properties, the proposals do offer some amenity benefits through the residential use of the building. The overall level of amenity for each dwelling is also not considered to be unduly harmful to the occupiers of all residential properties. The removal of permitted development rights can also control future alterations and extensions.

It is therefore on this basis and when affording weight to the re-use of the building and creation of a mixture of types of residential accommodation within a sustainable location; that the proposed development is acceptable in meeting the provisions of Policy S53. This matter is however thought to be finely balanced.

Impact upon/from Rail Network:

The rear boundary of the application site is the rail embankment relating to the existing railway network.

Network Rail has not raised any objections to the principle of the development in terms of works in proximity to the operational railway environment, subject to the developer ensuring the development can be undertaken safely and without impact on the safe operation of the rail network. To enable this, Network Rail advise the development to liaise with their Asset Protection Team and where necessary for the developer to enter into their Basic Asset Protection Agreement. An advisory note will therefore be added to the decision notice, should planning permission be granted.

Network Rail has also raised possible impacts through glint and glare associated with the development. Nevertheless, the relationship the proposed dwelling and apartment will have with the railway line is no different to other residential properties in the area and it would therefore be unreasonable to request a glint and glare study to be undertaken for the proposed development.

Noise levels associated with the use of the rail network upon the amenity of the proposed development has also been raised by Network Rail as a concern and it is advised that developer provide adequate soundproofing for each dwelling. Although it is noted that other dwellings are present in this location and subject to the same levels of noise, it is not known if they contain any sound proofing measures but it is clear that a residential use on the site can be acceptable. As a consequence, a condition requiring a noise report and associated mitigation measures is proposed.

The proposed development, subject to Network Rails requirements being met, any noise mitigation measures being secured, and an informative note being

added, is considered to be acceptable to the amenity of the proposed dwelling and use of the rail network.

Highway Safety and parking provision:

Policy S47 sets out that *'Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported'*. Policy S49 relates to adequate parking provision and car parking standards are set out in Appendix 2 of the CLLP. These standards require 2 parking spaces to be provided for the proposed two bedroom dwelling and 1 for the one bedroom apartment.

Paragraph 110 of the NPPF requires that development proposals provide safe and suitable access to all users. While Paragraph 115 states *that development proposals can only be refused on highways grounds where there is an unacceptable impact on highway safety, or the wider cumulative impact would be severe.*

The application site and the neighbouring dwelling (28 Oxford Street) are connected at first floor and currently under the same ownership. Both the dwelling and workshop/store therefore have a shared parking arrangement which provides one off road parking space within the courtyard separating the buildings.

The proposed development in converting the application site into a dwelling and apartment, will result in three domestic premises being accessed from the existing courtyard and this area is to become a shared amenity space for all three properties. As a result, there will be no off-street parking provision provided for the existing (No 28) or proposed residential properties.

The proposed development therefore reduces the provision for off street parking associated with the existing site and neighbouring residential dwelling and does not meet the 3 spaces required for the proposed residential dwelling and apartment, as set out in Policy S49 of the CLLP. It is also recognised that due to parking restrictions along Oxford Street, there is also no provision for parking in front of the dwelling and parking on the opposite side of the road is restricted to 30 minutes between 8am to 6pm.

There is nevertheless, on street parking available further along Oxford Street (to the South) and in surrounding streets such as Serpentine Street, Chapel Street and Union Street. Additionally, there is also public car parks available to use off Union Street, Festival Hall and Mill Road, which are within easy walking distance from the application site.

Furthermore, the sustainable location of the application site is also a consideration, with all services and facilities located within the Centre of Market Rasen being within walking distance of the site. The occupiers of the residential properties would therefore have access to services and facilities without being reliant on a private car, with public transport also being available from within the town. This is also the advice given by the Local Highway Authority, who have confirmed that due to the sustainable location of the site

and residents not reliant on the private car, dedicated parking is not essential; and the proposal will not have an unacceptable impact on the public highway. The development is therefore considered to meet the relevant provisions of Policy S47 and the guidance within paragraph 115 of the NPPF.

It is consequently concluded that the non-inclusion of parking provision on the site is acceptable in this case and the departure from the provisions of Policy S49 is outweighed through the benefits of providing additional housing in a sustainable location, and through the re-use of an existing building. Taking this into account it is not considered reasonable to withhold permission on this ground alone and on balance the lack of parking is justified in this instance.

#### Flood risk, water resources and drainage

Policy S21: Flood Risk and Water Resources relates to development proposals being in areas at the lowest risk of flooding and being adequately drained. In terms of drainage Policy S21 relevantly states that proposals should demonstrate:

*g) that water is available for support the proposed development*

*h) that adequate mains foul water treatment and disposal already exists or can be provided in time to serve the development. Non mains foul sewage disposal solutions should only be considered where it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible;*

*and in relation to surface water that:*

*k) that they have followed the surface water hierarchy for all proposals:*

*i. surface water runoff is collected for use;*

*ii. discharge into the ground via infiltration;*

*iii. discharge to a watercourse or other surface water body;*

*iv. discharge to a surface water sewer, highway drain or other drainage system, discharging to a watercourse or other surface water body;*

*v. discharge to a combined sewer;*

*l) that no surface water connections are made to the foul system*

*m) that surface water connections to the combined or surface water system are only made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments) and where there is no detriment to existing users;*

The site is located in Flood Zone 1 and has a low risk of flooding. No detailed drainage scheme has been provided with the application, but it is recognised that the site is within a built up area of Market Rasen and has an established water supply and drainage system serving the existing properties and area.

Consequently, it is considered reasonable to secure further details for approval, and the delivery of an adequate drainage scheme through the imposition of a condition. With such a condition in place the development is expected to meet the requirements of Policy S21 of the CLLP.

Archaeology:

The Archelogy section of Policy S57 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.*

*If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site.*

*Wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ. Where this is either not possible or not desirable, provision must be made for preservation by record according to an agreed written scheme of investigation submitted by the developer and approved by the planning authority.*

*Any work undertaken as part of the planning process must be appropriately archived in a way agreed with the local planning authority.”*

Additionally paragraph 205 of the NPPF guides that *“Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible . However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”*

Lincolnshire County Council have identified the site to be located in the medieval core of Market Rasen and therefore has the potential for archaeological remains associated with the medieval settlement, which might not have been disturbed by the building proposed for alteration. This includes interior alterations, provision of associated services, as well as the formation of a patio.

The building proposed for alteration is also said to be dated to at least the late 19th century and possibly used for stabling horses or storing goods in relation with the adjacent former warehouse. Buildings associated with 19th century industry and commerce are also identified to be under threat from conversion or demolition and are a diminishing resource.

Additionally new uses are identified to frequently alter the original fabric and character of the building, and it is therefore recommended that a record of the structure before alteration or demolition is made. On this basis LCC archaeology have recommended the following conditions.

1. The undertaking of a Historic Building Record for the building which should be carried out prior to commencement of works.
2. The undertaking of an archaeological scheme of works, to consist of archaeological monitoring and recording of any groundworks.

With such conditions in place any remaining archaeology which currently survives on the site will be preserved through recording and the proposed development in accordance with the provisions of Policy S57 of the CLLP and guidance within the NPPF.

Energy efficiency and Reducing Energy Consumption in existing buildings:  
Policies S6 and S13 encourages applicants to consider all opportunities to improve the energy efficiency of the building being altered and extended.

The proposed development will upgrade the existing building to enable it to be occupied as residential properties and includes solar panels on the roof of each residential property to help meet their energy demand through renewable energy generated on site. The aims of policies S6 and S13 have therefore been considered by the applicant.

Biodiversity Net Gain:

Biodiversity Net Gain (BNG) is mandatory on minor developments from 2nd April 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). It requires that development must deliver a net gain of 10% to ensure that habitats for wildlife are left in a measurably better state than they were before the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric" but there are also exemptions that apply to its delivery.

It is noted that the proposed development only relates to the change of use and alterations to the existing building on site. The court yard area is also covered by hardstanding and the rail embankment is not affected by the proposed development.

The proposed development would not therefore impact a priority habitat (as identified in section 41 of the Natural Environmental and rural communities Act 2006), impacts less than 25 square metres of the on-site habitat that has biodiversity value greater than zero; and less than 5 metres in length of on-site linear habitat (as defined in the statutory metric). Consequently, the development would be below the de minimis threshold and exempt from delivering biodiversity net gain.



### Contamination:

Policy S56: relates to development on Land Affected by Contamination and states that:

*Development proposals must take into account the potential environmental impacts on people, biodiversity, buildings, land, air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.*

*Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the relevant Central Lincolnshire Authority as the first stage in assessing the risk of contamination.*

*Proposals will only be permitted if:*

- it can be demonstrated that the site is suitable for its proposed use;*
- layout and drainage have taken adequate account of ground conditions, contamination and gas risks arising from previous uses and any proposed sustainable land remediation and*
- there are no significant impacts on future users, neighbouring users, groundwater or surface water.*

The application site is recognised to be within an area at risk of contamination and due to previous uses. However, the building is located within an area of other residential dwellings, and it is recognised that the proposed development mainly relates to alterations to the existing building; and does not require extensive ground works. Consequently, a precautionary condition is recommended to ensure any contamination that may be present on site shall be adequately dealt with. With such a condition in place the risk of contamination will be proportionately mitigated against and the development in accordance with the provisions of Policy S60 of the 2023 Central Lincolnshire Local Plan.

### **Conclusion and Planning Balance.**

The proposed development has been assessed against Policies S1 The Spatial Strategy and Settlement Hierarchy, S3 Housing in Lincoln Urban area, Main Towns and Market Towns, S6 Design Principles for Efficient Buildings S13 Reducing Energy Consumption in Existing Buildings, 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 and S61 Biodiversity Opportunity and Delivering Measurable Net Gains of the CLLP, as well as all other material considerations, including guidance within the NPPF and NPPG, and representations received.

As a result of this assessment, it is concluded that the principle of development is acceptable, as it provides two additional residential properties within a sustainable location; and does so through the re-use of an existing building. Significant weight is therefore afforded to this principal matter.

The proposed development, subject to conditions is also considered to be acceptable to matters relating to visual amenity, archaeology, flood risk and drainage, highway safety, BNG and efficient buildings.

The proposed development does not however, accord with the provisions of Policy S49 as there is no on- site parking provided for the proposed dwelling and apartment. The lack of on-site parking does not however result in an unacceptable impact upon highway safety and the departure from Policy S49 is therefore outweighed through the benefits of providing additional housing in a sustainable location, and through the re-use of an existing building.

The proposed development also results in the occupiers of No 28 and the two proposed residential properties to have limited outside amenity space and windows and doors that look onto it and each other. The level of amenity associated with the existing dwelling and those proposed is therefore considered finely balanced, but not unduly harmful to the occupiers of them. The proposed development is therefore considered to accord with the amenity requirements of Policy S53.

It is therefore concluded that the proposed development in providing additional housing through the re-use of an existing building within a sustainable location outweighs the departure from Policy S49 and grant of permission subject to the following conditions is recommended:

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

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

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

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

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.

**Notes:**

**Network Rail:**

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed may include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works. We would also like to advise that where any damage, injury or delay to the rail network is caused by construction works or future maintenance (related to the application site), the applicant or developer will incur full liability. This could also include police investigation as it is a criminal offence to endanger the railway or obstruct the passage of rail traffic. It should also be noted that any damage that requires a line closure or repairs can result in costs which could exceed hundreds of thousands of pounds.

**Decision Level: Committee**

**Human Rights Implications:**

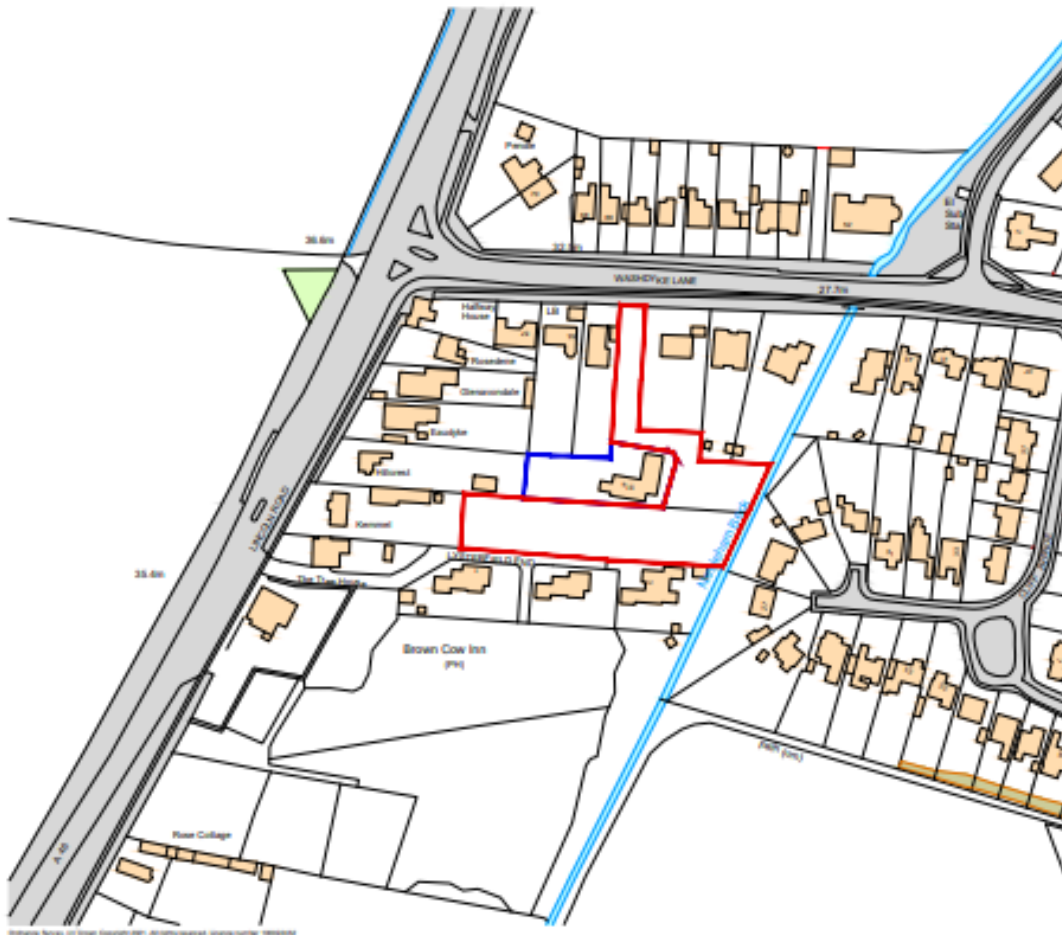
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

**Legal Implications:**

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

**Prepared by :    Date :**

**Authorising Office    Date:**



## OFFICERS REPORT

**PLANNING APPLICATION NO:** WL/2024/00779

**PROPOSAL:** Application for approval of reserved matters for the erection of 3no. dwelling considering access, appearance, landscaping, layout and scale, following outline planning permission 146424 granted 6 October 2023.

**LOCATION:** Land adjacent 51a Washdyke Lane, Nettleham

**WARD:** Nettleham

**WARD MEMBER(S):** Cllr F J Brown, Cllr J S Barratt

**APPLICANT NAME:** Mr Andrew Boulton

**TARGET DECISION DATE:** 4<sup>th</sup> November 2024 (extension agreed until 6<sup>th</sup> December 2024)

**CASE OFFICER:** Ian Elliott

**Recommended Decision:** Grant permission subject to conditions

### **Planning Committee:**

Outline planning application had a resolution of approval from the planning committee at the meeting dated 4<sup>th</sup> October 2023. As recorded in the approved minutes of the meeting dated 4<sup>th</sup> October 2023 the planning committee requested that any future reserved matters for the site be presented to the planning committee for their consideration.

### **Proposal:**

The application seeks approval only for the reserved matters of **access, appearance, landscaping, layout** and **scale** following outline planning permission for the erection of 3 dwellings (Ref 146424), granted 6 October 2023.

### **Description:**

The application site is garden land to the side and rear of 51A Washdyke Lane, Nettleham. The host dwelling is a detached two storey dwelling set down a track to driveway parking. The site is set well back from the highway and slopes upwards from east to west. The main part of the site to the side and rear of 51A Washdyke Lane is primarily screened by a mix of high hedging and high fence panels. There are some gaps to the east boundary adjacent the Nettleham Beck. The west boundary section of the site adjacent the east elevation of the host dwelling is partly open and partly screened by low level hedging. Neighbouring dwellings are adjacent or opposite each boundary with the Nettleham Beck to adjacent the east boundary.

The site is in a Limestone Minerals Safeguarding Area. The majority of the site is within flood zone 1 (low probability) with a small section of flood zone 2 (medium probability) and 3 (high probability) adjacent the Nettleham Beck.

## **1. Relevant Planning History**

146424 - Outline planning application for 3no. dwellings - all matters reserved – 06/10/23 - Granted time limit plus conditions



## 2. Relevant Planning Constraints

- Nettleham Beck is adjacent the east boundary
- The site is in a Limestone Minerals Safeguarding Area.
- The majority of the site is within flood zone 1 (low probability)
- A small area of flood zone 2 (medium probability) and 3 (high probability) are adjacent the Nettleham Beck

## 3. 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

**Nettleham Parish Council:** Supports with comments

The Parish Council does not object to the principle of the development, we would like to raise some points of concern and request conditions to ensure that the development proceeds in a manner that is compliant with both local planning policies and the needs of the community. These concerns relate primarily to drainage maintenance, restrictions on future alterations affecting drainage, and access issues via the driveway.

### Maintenance of Drainage Crates

The Parish Council acknowledges that the proposed development includes the installation of drainage crates as part of the surface water management strategy. However, we emphasise the importance of ongoing maintenance of these drainage crates to ensure their long-term effectiveness. Without regular maintenance, there is a risk that the system may fail, leading to potential flooding or drainage issues on-site or for neighbouring properties. We request that a clear maintenance plan be agreed upon as part of any planning approval, outlining the responsible party and the frequency of inspections and maintenance. This will ensure that the drainage system continues to function as designed and does not present future issues.

### Restriction on Future Changes Affecting Drainage

In addition to ensuring the proper maintenance of the drainage system, the Parish Council seeks a restriction on any future modifications to the development that could adversely affect the approved drainage scheme. Given the importance of managing surface water and preventing increased flood risk, it is essential that no alterations—such as extensions, landscaping changes, or surface treatments—be permitted without a thorough review to assess their impact on drainage. We request that any approval for this development include a condition that requires planning permission for any future changes that may affect drainage systems, with a specific focus on ensuring that any modifications do not compromise the efficiency of the drainage crates or other water management infrastructure.

### Access and Egress via the Driveway – Need for Passing Place or Turning Circle

The Parish Council has concerns regarding the restrictive nature of access and egress via the driveway for this development. The current layout may lead to congestion or safety issues, particularly when vehicles enter and exit the site simultaneously or need to reverse due to limited space. This could pose risks for both residents and visitors, as well as contribute to traffic management problems on the adjoining roads. To mitigate this issue, the Parish Council recommends that the applicant consider the provision of a passing

place or turning circle on the driveway. This would allow vehicles to pass or turn safely, reducing the risk of accidents and improving overall access to and from the site. Such a feature would enhance the usability of the driveway and reduce potential conflicts between vehicles, particularly during busy periods.

**Local residents:** Representations received from:

Kemmel, Lincoln Road, Nettleham

Support:

- The design of the proposed houses is excellent and blends well with the character of other buildings in the local area.
- The addition of bat and swift boxes is a commendable step toward enhancing local biodiversity, and the inclusion of solar panels and air-source heat pumps aligns well with modern sustainability goals.
- I appreciate the careful approach taken to address potential flood risks in the area, which is a responsible and proactive step in protecting both new and existing properties.

Observations:

- I have suggestion to relocate the window for Bedroom 2 on Plot 1 (the most westerly plot) to the north elevation, where it would overlook mature orchards and trees rather than the rear gardens of neighbouring properties, including mine and that of my neighbour,
- I request that the west-facing bathroom window on Plot 1 be made opaque or frosted.

Hillcrest, Lincoln Road, Nettleham

Support:

- I am writing to express my general support for the planning application adjacent to 51A Washdyke Lane. The plans show consideration for the area's ecology and sustainability, which I find reassuring.

Observation:

- I would, however, like to support my neighbour's suggestion to adjust the location of the Bedroom 2 window on Plot 1 (the most westerly plot) to the north elevation and making sure the bathroom window is opaque.

**LCC Highways and Lead Local Flood Authority:** No objections with advice

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 and therefore does not wish to object to this planning application.

This proposal is for 3 dwellings, the access meets the guidelines set out in Manual for Streets, adequate parking and turning provision is proposed within the limits of the site. Therefore, it is considered that the proposals would not result in an unacceptable impact of highway safety.

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.

**Environment Agency:** No objections

Representations received 24<sup>th</sup> October 2024:

Condition 7 of 146424

All 3 plots are situated within FZ1. Although Plot 3 is partially within FZ3, the main dwelling remains within FZ1 adhering to condition 7.

Condition 12 of 146424

After reviewing the amended drawings supplied by the agent, it appears that the finished floor levels of the 3 plots are 200mm-300mm above the existing ground level, which the Environment Agency deems to be satisfactory due to the low residual risk to this phase of the site

**LCC Archaeology:** No objections

**Tree and Landscape Officer:** No objections

Representation received 29<sup>th</sup> October 2024:

- Tree species for each tree to be planted has been clarified
- Tree form at time of planting is now provided, and sizes increased to 1.75m minimum, which are suitable.
- Details are suitable.
- The tree protection details and the revised landscape details plan revision P03 are now suitable.

Representation received 25<sup>th</sup> October 2024:

- Further information is required for the landscape scheme, and it needs to clarify exactly what IS intended to be planted, rather than giving options.
- Common green elder should not be planted in prominent positions adjacent the access road, unless it is the purple elder that is proposed, as the purple elder would provide good visual amenity and feature along the access road. See comments in item 3. above.
- Tree form is required, and sizes should be increased to 1.75m high as a minimum.

**Natural England:** No objections

**WLDC Building Control:** Comment

The foul water is shown discharging to an existing foul water sewer via pumps. This should be OK as long as all necessary permissions have been granted.

The storm water is shown discharging to soak-aways. These are based on a percolation tests. The actual soak-away design and details do not appear to have been included.

**LCC Minerals and Waster:** No representations received to date

**Lincolnshire Wildlife Trust:** No representations received to date

**Date System Checked:** 19<sup>th</sup> November 2024

**Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023), the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and Neighbourhood Plan (Made 4<sup>th</sup> November 2024)

**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

S49 Parking Standards

S53 Design and Amenity

S66 Trees, Woodland and Hedgerows

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

- **Nettleham Neighbourhood Plan (NNP)**

Relevant policies of the NNP include:

D1 Parking Standards for New Residential Development

D3 Water Resources, Quality and Flood Risk

D4 Design of New Development and Parish Design Code Principles

D5 Climate Change Mitigation and Adaption

D6 Housing Development within Nettleham

[https://www.west-lindsey.gov.uk/sites/default/files/2024-](https://www.west-lindsey.gov.uk/sites/default/files/2024-11/Nettleham%20Neighbourhood%20Plan%20Final%20Version%20November%2020)

[11/Nettleham%20Neighbourhood%20Plan%20Final%20Version%20November%2020](https://www.west-lindsey.gov.uk/sites/default/files/2024-11/Nettleham%20Neighbourhood%20Plan%20Final%20Version%20November%2020)

Appendix A – Nettleham Character Assessment

Character Area 2: 20<sup>th</sup> Century and Later Village Development Areas (Page 30-41)

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

The site is within a Limestone Minerals Safeguarding Area and policy M11 of the Core Strategy applies. This was considered at outline application stage and is not relevant to be considered at reserved matters.

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

**National policy & guidance (Material Consideration)**

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2023.. 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-planning-policy-framework--2>

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

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

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

### **Draft Local Plan/Neighbourhood Plan/Minerals Plan (Material Consideration)**

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

- a. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Draft Minerals and Waste Local Plan (DMWLP)**

Lincolnshire County Council are currently reviewing the Minerals and Waste Local Plan. The draft Minerals and Waste Local Plan has been through a consultation which started in July and closed on 24<sup>th</sup> September 2024.

The Draft Plan has not been adopted as yet once adopted will cover the period to 2041. The consulted draft plan includes the following relevant policy:

SM15: Safeguarding of Mineral Resources

The draft plan would have some limited weight in the decision-making process.

### **Main Considerations:**

Planning permission has already been granted. This application considers only whether to approve the outstanding 'reserved matters' of access, scale, appearance, layout and landscaping.

- Access

In planning law<sup>1</sup>, these are defined as:

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<sup>1</sup> Article 2, The Town & Country Planning (Development Procedure) (England) Order 2015 (as amended)

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

- Scale and Appearance

*‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.*

*‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.*

- Layout

*‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.*

- Landscaping

*‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;*

### **Assessment:**

#### Access

The Parish Council have raised highway safety concerns over the access/egress via the driveway for this development.

Local 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 D1 of the NNP states that *“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”.*

Section 2 of Policy D6 of the NNP states that development *“will be supported where they meet the following criteria:*

*“g) they would have no unacceptable impacts on the existing highway capacity or highway safety of the area”.*

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

The proposed development would access the site using the existing access which serves 51A Washdyke Lane (see below photos).



The proposed access is set back from the highway due to the grassed verge and pedestrian footpath. Washdyke Lane is a straight 30mph highway with good visibility in both directions. The Highways Authority at Lincolnshire County Council have no objections to the proposed development as it *“meets the guidelines set out in Manual for Streets”*.

It is therefore considered that the proposed access would accord with the requirements of local policy S47 of the CLLP, policy D1 and D6 of the NNP and the provisions of the NPPF.

#### Scale and Appearance

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

Local policy S53 includes 10 criteria most importantly criteria 1 (Context), 2 (Identity) and 3 (Built Form)

Criteria 2 of policy D4 states *“as appropriate to their scale, nature and location, development proposals should be informed by an understanding of local context and incorporate a design-led approach”*.

Criteria 2 b) V. of policy D4 states that development needs to address *“the proportion of development (including height, scale, mass and bulk) in the surrounding area”*.

The Nettleham Character Assessment describes Washdyke Lane of comprising dwellings from the first half of the 20<sup>th</sup> century to post 1970's.

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 immediate area around the site comprises a mix of dwelling ages, appearances, designs and scales.

The dwellings are proposed to be (all approximate from submitted plans):

Plot	Beds	Height	Eaves	Length	Width	Type
1	3/4	8	5	11.1	10.1	2 Storey Detached
2	3/4	8	5	11.1	10.1	2 Storey Detached
3	4/5	8	5	13.4	10.1	2 Storey Detached

The flat roof single garage to plot 1 is proposed to be:

- 2.8 metres high
- 7.3 metres long
- 4.1 metres wide

The submitted elevation and floor plans includes a key which identifies the external materials.

Key	
Ref.	Description
1	Clay pantiles
2	Yellow stone
3	brick (stretcher bond)
4	brick (herringbone bond)
5	black uPVC gutters and downpipes
6	Timber casement windows
7	Composite front door
8	Decorative stone gable vent

The external materials on each dwelling would be the same apart from the inclusion of timber rooflights to plot 3.

The type of materials proposed would integrate well into an area of mixed dwellings designs and appearances. The proposed two storey dwellings would be not overly large in terms of height.

The development would comprise dwellings of an appropriate design and appearance including external materials. The application site is completed surrounded by the existing residential build form of Nettleham and would not be expected to be in view from any public highways or public rights of way. Any possible views of the development would viewed in context with the built form of Nettleham.

It is therefore considered that the proposed scale and appearance of the dwellings accords to local policy S53 of the CLLP, policy D4 of the Nettleham Neighbourhood Plan and the provisions of the NPPF.

### Layout

Local policy S49 (appendix 2) and S53 of the CLLP plus policy D4 and D6 of the Nettleham Neighbourhood Plan again apply to the layout. Policy D1 of the NNP references the parking standards identified in appendix 2 of the CLLP.

The proposed site plan identifies 3 dwellings in a row from the east to west with the internal road to the north. The shape and constraints of the site has a considerable bearing on the position of the dwellings and the linear arrangement matches the dwellings along Lysterfield End. The layout would also relate well to the density of the surrounding area. The dwellings would be adequately separated and would comprise sufficient parking and garden space.



All of the dwellings would be located within flood zone 1 with only a limited area of the external space of plot 3 in flood zone 3. The development therefore accords to condition 7 of outline planning permission 146424. Condition 7 states:

*“No development hereby permitted must take place within flood zones 2 or 3.*

*Reason: To ensure the dwelling are located in an area at the lowest risk of flooding in accordance with policy S21 of the Central Lincolnshire Local Plan and Policy D-3 of the Nettleham Neighbourhood Plan.”*

The Environment Agency have not objected to the layout of the development and agreed that the development meets the restriction imposed by condition 7 of outline planning permission 146424.

Local policy S49 (Appendix 2) of the CLLP and policy D1 of the NNP requires 3-, 4- and 5-bedroom dwellings to have at least 3 off street parking spaces. The submitted site plan identifies 3 off street parking spaces for each dwelling plus areas for turning to allow vehicles to leave the site in a forward gear.

The roads within the site (excluding the existing driveway to 51a Washdyke Lane) are approximately 4 metres in width which when compared to the average width of a car (1.7 metres) would allow two vehicles to pass one another.

The section of driveway to 51a Washdyke Lane would be shared with the proposed dwellings. The driveway is approximately 51 metres in length and between 2.5 to 2.9 metres wide. This driveway would only therefore be capable of handling one vehicle at a time. At the end of the driveway is a area measuring 9.8 metres by 6.6 metres where a vehicle leaving the site could wait whilst a vehicle enters the driveway off Washdyke Lane. There would be instances where a vehicle wanting to enter the site would have to wait on Washdyke Lane whilst a vehicle leaves the site. However, the traffic generation from the site (including 51a Washdyke Lane) would mean that the potential for this to occur would be very remote. The Highways Authority at Lincolnshire County Council have no objections to the layout of the development and have no requested any improvements such as passing places. It is unlikely that would be any room for passing places along the 51 metres of driveway off Washdyke Lane due to the width of the driveway and the proximity of trees (see photos below).



The proposed layout retains the area of trees or orchard to the north east section of the site.



The impact of the development on the living conditions of adjoining residents will be discussed later in this report.

It is therefore considered that the layout accords with local policy S49 and S53 of the CLLP, policy D1, D4 and D6 of the Nettleham Neighbourhood Plan and the provisions of the NPPF.

#### Landscaping

Local policy S53 of the CLLP and policy D4 and D6 of the Nettleham Neighbourhood Plan apply to the landscaping of the site. The application has included the submission of landscaping plan J1852-PL-04 Rev P03 dated 28<sup>th</sup> October 2024.

The Authority's Tree and Landscape Officer (TLO) has assessed the soft landscaping details and initially requested further information to be added to the landscaping plan. This led to the submission of Rev P03 of the landscaping plan which has subsequently been accepted by the TLO in terms of species and planting details.

Landscaping plan J1852-PL-04 Rev P03 dated 28<sup>th</sup> October 2024 additionally identifies all the hard landscaping including the boundaries to divide the plots

It is considered that the revised landscaping plan provides the required information to accord with local policy S53 of the CLLP, policy D4 and D6 of the Nettleham Neighbourhood Plan and the provisions of the NPPF.

#### **Other Considerations:**

##### Residential Amenity

Comments have been made by neighbouring dwellings in relation to the position of certain openings and overlooking.

Local policy S53 section 8 criteria d) states that *“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.”*

Criteria 2 f) i) of policy D4 of the NNP states that development should follow the following principle *“positively address amenity of existing and future occupiers and uses, as well as the amenity of neighbouring properties and uses with regard to:*

- i. providing appropriate privacy for users of the development and those in neighbouring properties, ensuring development does not result in unreasonable levels of overlooking”*

The site is completely surrounded by residential dwellings. These are:

- 51a Washdyke Lane to the north
- 28 Cliff Avenue to the east
- 1, 2 and 3 Lysterfield End to the south
- Kemmel, Lincoln Road to the west
- Hillcrest, Lincoln Road to the north west

(All approximate measurements taken from submitted plans)

*51a Washdyke Lane:*

The north side elevation of proposed plot 2 and 3 would be 9.6 metres to 12 metres from the rear elevation of 51a Washdyke Lane. 51a Washdyke Lane has dormer windows on its east side and rear south roof plane. These windows will not overlook the private gardens of proposed plot 2 and 3 due to the angle of view from the dormer windows and the high hedging that is to be retained between 51a Washdyke Lane and proposed plot 2 and 3.

*28 Cliff Avenue:*

The rear elevation of proposed plot 3 would be 25 metres from the west side of Nettleham Beck and a further 14 metres from the rear elevation of 28 Cliff Avenue.

*1, 2 and 3 Lysterfield End:*

The south side elevation of plots 1, 2 and 3 are between 7.4 metres and 10.2 metres from the north side elevation of 1, 2 and 3 Lysterfield End. The existing boundary screening between proposed plot 1 and 2 and 1 and 2 Lysterfield End would be retained.

Proposed plot 3 would be closest to 3 Lysterfield End. Plot 3 has no openings on its south elevation. 3 Lysterfield End as identified on the photo below has 2 windows at ground and first floor level on its side north elevation.



These windows are north facing so would receive little or no sunlight during the day. The south side elevation of plot 3 would be 7.4 metres from the north side elevation of 3 Lysterfield End.

*Kemmel, Lincoln Road:*

The occupant of Kemmel has requested that the:

- Rear first floor bathroom window is obscurely glazed
- Rear first floor bedroom window is removed and added to the north side elevation,

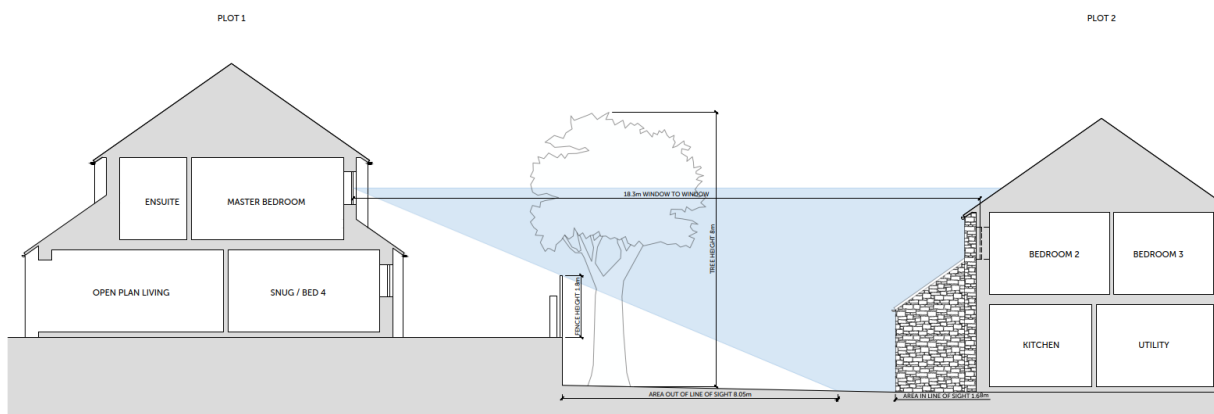
The rear two storey elevation of plot 1 would be 15.5 metres from the shared boundary with Kemmel and 55 metres from the rear elevation of Kemmel. The separation distances would therefore be more than sufficient. In addition the removal of the rear first floor bedroom window would give the rear elevation an imbalanced appearance.

*Hillcrest, Lincoln Road:*

The corner of the rear/north side elevation of plot 1 would be 9 metres from the shared boundary with Hillcrest and 40 metres from the rear elevation of Hillcrest.

*Proposed dwellings:*

The proposed dwellings would be sufficiently separated and Plot 1 and 3 would have more than adequate private garden space. The front elevation of plot 1 would be 5.5 metres from the shared boundary with plot 2 and 17.2 metres from the rear elevation of plot 2. The site slopes upwards from east to west as demonstrated on the indicative section plan submitted by the agent (see plan below)



The plan demonstrates that the front first floor windows of plot 1 would be able to view into the immediate rear garden space of plot 2 but at a distance of 18 metres. At least the rear half of plot 2's garden would be able to be used as private garden space.

Therefore, the development would accord with local policy S53 of the CLLP, policy D4 of the Nettleham Neighbourhood Plan and the provisions of the NPPF.

Drainage

Comments have been received from the Nettleham Parish Council in relation to the maintenance and management of the surface water drainage system and that any future development that may affect the drainage system requires planning permission.

The Parish Council have also requested that any future development that may impact the final drainage scheme should require planning permission. This again would not be considered as relevant or necessary.

Condition 8 of outline planning permission 146424 states:

*“No development above ground level must take place until full details of a scheme for the disposal of foul and 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 Drainage Strategy should comply with the principle of the Flood Risk Assessment (version A02) and will need to identify how run-off from the completed development will be prevented from causing an impact elsewhere. No occupation of each individual dwelling must take place until its individual foul and surface water drainage connection has been fully installed in strict accordance with the approved details. The approved drainage scheme must be retained as such thereafter.*

*Reason: To ensure adequate drainage facilities are provided to serve each dwelling, 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.”*

Criteria k of the flood risk section of local policy S21 of the CLLP requires that:

*“they have followed the surface water hierarchy for all proposals:*

- i. surface water runoff is collected for use;*
- ii. discharge into the ground via infiltration;*
- iii. discharge to a watercourse or other surface water body;*
- iv. discharge to a surface water sewer, highway drain or other drainage system, discharging to a watercourse or other surface water body;*
- v. discharge to a combined sewer;*

Criteria 2 of policy D3 of the NNP Plan requires that *“all major developments should positively contribute to reducing flood risk. Sustainable Urban Drainage systems (SuDS) should be incorporated in line with national standards“*. It is a little unclear if criteria 2 only applies to major developments or if only the first sentence applies to major developments only.

The application includes:

- Preliminary Drainage Plan 10936/D/100 Rev P01 dated 23<sup>rd</sup> July 2024
- Preliminary Plot 1 Drainage Plan 10936/D/200 Rev P01 dated 23<sup>rd</sup> July 2024
- Preliminary Plot 2 Drainage Plan 10936/D/300 Rev P01 dated 23<sup>rd</sup> July 2024
- Preliminary Plot 3 Drainage Plan 10936/D/400 Rev P01 dated 23<sup>rd</sup> July 2024
- Percolation Test Report by Origin Design Studio dated 4<sup>th</sup> August 2024

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

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

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

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

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

The preliminary drainage plans are indicative only and note they could be subject to change. The indicative scheme does demonstrate that the development could incorporate a drainage scheme which would not require changes to the layout submitted and percolation tests demonstrate that soakaways would be an adequate means of disposing surface water from the development. Foul water would additionally be connected to the mains sewer.

The management and maintenance of the soakaways would be the responsibility of the landowner and is not considered necessary or relevant to condition. If it was considered relevant and necessary, it would have been included in condition 8 of outline planning permission 146424.

Therefore, whilst a preliminary indicative scheme has been submitted it is considered that drainage is still a matter to be dealt with through condition 8 of 146424.

### Flood Risk

Condition 7 of outline planning permission 146424 restricts development within areas of flood zone 2 and 3. Condition 12 of 146424 requires the dwellings to be located 200-300 millimetres above the existing ground level.

The EA have commented stating that *“all 3 plots are situated within FZ1. Although Plot 3 is partially within FZ3, the main dwelling remains within FZ1 adhering to condition 7”* and *“it appears that the finished floor levels of the 3 plots are 200mm-300mm above the existing ground level, which the Environment Agency deems to be satisfactory due to the low residual risk to this phase of the site”*.

It is considered that the development would accord to condition 7 and 12 of outline planning permission 146424.

### Nettleham Beck, Orchard and Ecology Enhancements

Condition 10 of outline planning permission 146424 states:

*“Any reserved matters planning application submitted to the Local Planning Authority must include the details listed below as recommended in the Preliminary Ecological Appraisal by CGC Ecology dated June 2023:*

- *Hedgehog appropriate fencing including elevation plan.*
- *Integral swift box (Manthorpe Swift Brick, Woodstone, Vivara Pro or Schwegler type) identified on the northern or eastern elevation of each dwelling.*

- *Integral Habitat, Ibstock or Woodstone bat box identified on the southern or eastern elevation of each dwelling for use by pipistrelle bats.*
- *Retention of the orchard or justification for its removal with appropriate compensation by re-planting*
- *Nettleham Beck enhancements*

#### *Ecology:*

The submitted landscaping plan includes detail on the use of hedgehog fencing to divide the plots. The bat and bird boxes are identified on the elevation plan for each dwelling. The water vole survey is only required if the development impacts the Beck. The eastern edge of the patio to plot 3 would be at least 20 metres from the edge of the Nettleham Beck. A protective buffer zone during the construction phase of the development would be detailed within a construction method statement which would be required to be submitted as part of future condition discharge application. This would be assessed with advice from the Principal Ecology and Wildlife Officer.

#### *Nettleham Beck:*

Policy D4 of the NNP protects natural features such as the Nettleham Beck which runs adjacent the east boundary of the site. The proposed dwellings would be 25 metres from the western edge of the Nettleham Beck. The Preliminary Ecology Appraisal requests:

- Further water vole surveys if there are to be any impacts to Nettleham Beck
- It is recommended that a buffer zone of 3 metres is installed along the edge of the Nettleham Beck to protect the Beck during construction.

The distance the built works (including the road/patio/driveways) would be from the Nettleham Beck and the submission of an appropriate buffer zone would suitably protect the Nettleham Beck from the construction and operation phase. The

#### *Orchard:*

The development has retained the orchard area to the north of plot 3.

#### Trees

Local policy S66 of the CLLP provides protection to trees. The landscaping plan identifies the removal of some trees but this is compensated for by the planting of new trees. The application includes Tree Protection Plan 5031 dated 3<sup>rd</sup> September 2024.

The authority's Tree and Landscape Officer has assessed the detail submitted and has after receiving further information accepted the planting and tree protection details. The development would therefore accord with local policy S66 of the CLLP and the provisions of the NPPF.

#### Energy Efficiency

Outline planning permission 146424 was determined prior to adoption of the Central Lincolnshire Local Plan 2023 comprising policy S6 and S7. The officers report for 146424 stated *"in this case with consideration given to the date of validation it is considered that it would be unreasonable to expect the applicant to satisfy the requirements of local policy S6 and S7 of the CLLP."*

Energy efficiency is a principle matter therefore it would be unreasonable to require an energy efficiency statement with this application which only requires the reserved matters of access, scale, appearance, layout and landscaping to be considered.

However, whilst this is the case the application has included an energy statement which demonstrates that the development would meet the average space heat demand of 15-20kWh/m<sup>2</sup>/yr (14.38kWh/m<sup>2</sup>/yr) and site average total energy demand of 35 kWh/m<sup>2</sup>/yr (32.4438kWh/m<sup>2</sup>/yr). The dwellings would also comprise sufficient solar panels to meet their energy needs.

Therefore, if it was considered necessary the development would accord with the energy requirements of local policy S7 of the CLLP. This is therefore considered as a benefit to the development and can be given some weight in the decision making process

### Biodiversity Net Gain

Outline planning permission 146424 was determined prior to adoption of the Central Lincolnshire Local Plan 2023 comprising policy S61 and prior to the mandatory 10% BNG requirement under the Environment Act 2021 coming into force. Biodiversity Net Gain is a principle matter therefore it would be unreasonable to require a Biodiversity Net Gain Statement and Metric with this application which only requires the reserved matters of access, scale, appearance, layout and landscaping to be considered.

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

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

The development would include new planting and the incorporation of ecology enhancements such as bird boxes, bat boxes and hedgehog fencing. Additionally the development would meet the requirements of condition 10 of outline planning permission 146424. Therefore, the proposed development would provide some Biodiversity Net Gain for habitats and hedgerows.

### Conditions on Outline Permission 146424

This reserved matters application has include details to satisfy the requirements of condition 4 (tree protection), 7 (flood zone 2 and 3), 9 (parking standards), 10 (preliminary ecological appraisal recommendations) and 12 (floor level).

This means that condition 5 (construction method statement) and 8 (Drainage) of Outline Permission 146424 are left to be discharged (approved)

### Community Infrastructure Levy (CIL)

The development is liable to a CIL payment. The site is within charging zone 1, where the charge would be £25 per square metre for houses.

### **Conclusion and reasons for decision:**

The decision has been considered against local policies S1 The Spatial Strategy and Settlement Hierarchy, S21 Flood Risk and Water Resources, S23 Meeting Accommodation Needs, S47 Accessibility and Transport, S49 Parking Standards



S53 Design and Amenity and S66 Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan 2023 and D1 Parking Standards for New Residential Development and Policy D3 Water Resources, Quality and Flood Risk, D4 Design of New Development and Parish Design Code Principles, D5 Climate Change Mitigation and Adaptation and D6 Housing Development within Nettleham of the made Nettleham Neighbourhood Plan. Furthermore consideration has been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Model Code. In light of the assessment the scale, appearance, landscaping and layout of the development is acceptable. The development would not have an unacceptable harmful visual impact on the site, the street scene or the surrounding area. The proposal would not have an unacceptable harmful impact on the living conditions of neighbouring dwellings and highway safety.

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

**Decision Level: 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 applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

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

**Prepared by:** Ian Elliott

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



**Authorising Officer:**

**Date:** 19/11/2024



## Officers Report

**Planning Application No:** WL/2024/00839

**Proposal:** Planning application for the conversion of first floor to form 2no. flats and associated changes to building including the installation of an awning to the front elevation.

**Location:**

11-15 Silver Street  
Gainsborough  
Lincolnshire  
DN21 2DT

**WARD:** Gainsborough South West

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

**APPLICANT NAME:** Ms Alison Choi

**TARGET DECISION DATE:** 2<sup>nd</sup> December 2024 (Extension Agreed to 6th December 2024)

**CASE OFFICER:** Ian Elliott

**Recommended Decision:**

**WL/2024/00839 - Grant Permission subject to Conditions**

**Planning Committee:**

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

**Description and Proposal:**

The application site is a Grade II listed building within Gainsborough Town Centre and the Town Centre Conservation Area. The property is a two-storey terraced building that fronts onto the south eastern side of Silver Street, one of the main thoroughfares in Gainsborough town centre.

The application site lies within the Town Centre and Primary Shopping Area designations. It is within a Sand and Gravels Minerals Safeguarding Area.

The site lies within the Town Centre Conservation Area and there are a wealth of heritage assets surrounding the site including:

- 1 and 3 Silver Street, Grade II listed building
- 5 and 7 Silver Street, Grade II listed building
- 10 Silver Street, Grade II listed building
- 21a Silver Street, Grade II listed building
- 23 and 25 Silver Street, Grade II listed building

The application seeks permission for the conversion of first floor only, to form 2no. flats and associated changes to building including the installation of an awning, a new rear entrance door and first floor windows.

It should be noted that this application does not include the ground floor of the building, unlike application 147958 which was considered at planning committee earlier this year.

### **Relevant Planning History**

147958 - Planning application for the conversion of the ground floor to health centre including a reception area, interview rooms, meeting rooms and staff wellbeing facilities and conversion of first floor to 2no. flats – 16/08/24 – Refused

Reason for Refusal:

*“Insufficient information has been provided to enable the local planning authority to ascertain the likely effects of the proposed ground floor use upon the Gainsborough Town Centre and Primary Shopping Area and upon the prevailing amenity (including that which may reasonably be expected to be enjoyed by the occupants of the proposed first floor flats). Consequently, it has not been satisfactorily demonstrated that the proposed development will be, or can be made compliant with the provisions of the development plan, including policies S37 and S53 of the Central Lincolnshire Local Plan, and NPP19 of the Gainsborough Neighbourhood Plan.”*

147959 - Listed building consent for the conversion of the ground floor to health centre including a reception area, interview rooms, meeting rooms and staff wellbeing facilities and conversion of first floor to 2no. flats including replacement sash windows, addition of rear access door and awnings to shop front – 05/07/24 – Granted with Conditions

### **Representations**

**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 objection with advice  
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:

The proposal will not have an unacceptable impact on the public highway The site is located in a central urban area where services and facilities are within a reasonable

distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal.

**LCC Archaeology:** No representations received to date

**Historic England:** Comment

Not offering advice and seeks advice from specialist conservation and archaeology advisors.

**WLDC Conservation Officer:** No objections subject to conditions

The proposal is for planning permission to convert the first floor into 2no. flats. The property is a grade II listed building but I have already agreed to these details and the conversion in that consent. I have no further comments or objections and would expect to see the same conditions from the LBC to this application.

**System Checked:** 18<sup>th</sup> November 2024

**Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023), the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and Gainsborough Town Neighbourhood Plan (Made 28th June 2021))

Development Plan

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

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy

S2 Growth Levels and Distribution

S3 Housing in the Lincoln Urban Area, Main Towns and Market Towns

S6 Design Principles for Efficient Buildings

S7 Reducing Energy Consumption – Residential Development

S13 Reducing Energy Consumption in Existing Buildings

S20 Resilient and Adaptable Design

S21 Flood Risk and Water Resources

S23 Meeting Accommodation Needs

S37 Gainsborough Town Centre and Primary Shopping Area

NS41 City and Town Centre Frontages

S47 Accessibility and Transport

S49 Parking Provision

S53 Design and Amenity

S57 The Historic Environment

S58 Protecting Lincoln, Gainsborough and Sleafords Setting and Character

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

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

The site is not within a Minerals Safeguarding Area.

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

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF)

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

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

*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:

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990.

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

Section 72 of the Planning (Listed Building & Conservation Areas) act 1990.

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

Gainsborough Town Centre Conservation Area Appraisal

<https://www.west-lindsey.gov.uk/council-democracy/have-your-say/consultations/previous-consultations/gainsborough-town-centre-conservation-area-appraisal-management-plan>

Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended)

<https://www.legislation.gov.uk/uksi/2015/596/contents>

Technical housing standards – nationally described space standard Department for Communities and Local Government dated March 2015

## Main Considerations:

- Principle of development:
- Heritage
- Residential Amenity
- Visual Amenity
- Highway Safety and Parking Provision
- Drainage
- Archaeology
- Climate Change

## 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.

The application seeks planning permission for the conversion of the first floor only, to 2no. flats.

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

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

The Gainsborough Town Centre section of Policy S37 of the CLLP states that; *"Development proposals within Gainsborough Town Centre, not in E Use Class will be considered on their merits subject to satisfying the criteria in a)-e) where relevant and providing that they will:*

- f. not result in large gaps between town centre uses in frontages;*
- g. not detract from or otherwise harm or conflict with town centre uses; and*
- h. be compatible with maintaining or enhancing Gainsborough Town Centre as a sub-regional shopping destination.*

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



Paragraph 86 of the NPPF is supportive of residential development within Town Centre locations as it helps to ensure their vitality by increasing the total population living in close proximity to local amenities. Significant weight is also attached to securing the future use of a designated heritage asset.

Point 4 of Policy NPP19 of the GTNP states that *"Development proposals for the use of upper floors of commercial premises within the town centre for residential use will be supported where it can be demonstrated that the residential use will not create unacceptable harm to the wider retail offer of the Town Centre."*

The building was last used as a dessert house (Sweet Carolines) where you could sit in and eat each dessert such as waffles, crepes and ice cream. Sweet Caroline's has now been closed for a number of months. The first floor was used as ancillary space (storage/office/staff facilities/customer toilets) to support that use.

In accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) (UCO) the site is within the Gainsborough Primary Shopping Area and is classed within use class E (Commercial, Service and Business) as a food and drink establishment. The first floor is proposed to be separated from the ground floor use, and altered to use class C3 (dwellinghouse).

It is considered that the conversion of the first floor would not cause unacceptable harm to the town centre or its retail offer.

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

#### Heritage

The application site comprises of a Grade II Listed building and lies within the setting of other Grade II Listed buildings as well as being within the Gainsborough Town Centre Conservation Area.

The development is mainly internal alterations and a change of use to the first floor. The only external alterations are to the front first floor windows, the installation of a front awning and the installation of a new rear elevation door.

Section 72 of the Planning (Listed Building & Conservation Areas) Act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a conservation area, the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area.

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

Policy NS41 of the CLLP states that:

*'Proposals for new frontages or alterations to existing frontages within an identified centre will be permitted provided the proposal: a. is of a high quality design and is sympathetic in scale, proportion and appearance to the building of which it forms part, and to the character of the surrounding street scene; and  
b. protects, and where possible enhances, traditional or original frontage or features that are of architectural or historic interest, particularly if the building is listed or within a conservation area; and  
c. is designed to allow equal access for all users.'*

Point 8 of Policy NPP18 of the GTNP states that "*Development proposals for the renovation of buildings and shopfronts in the Town Centre that reinforce its historic character and comply with West Lindsey District Council's shopfront improvement scheme will be supported.*"

The existing site comprises of a Grade II Listed building with a frontage located on the south side of Silver Street. The building was visited by the case officer and the Conservation Officer to see if there were any internal items of historic interest. Following the visit the Authority's Conservation Officer confirmed that "*there are no architectural or historic items of interest internally as it has been fully refurbished and the windows and shop front are modern. The most important feature is the existing footprint on the medieval plot. This application provides a good opportunity to improve the listed building.*"

The proposed development includes the installation of an awning to the front of the building in a pink colour.

The proposed development would preserve the special historic interest of the host listed building and the character and appearance of the conservation area. In addition to this, the proposal would preserve the setting of the nearby listed buildings. The proposed development would therefore accord to local policy NS41 and S57 of the CLLP, policy NPP18 of the GTN, Section 16, 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990 and the provisions of the NPPF.

#### Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things.

There are no concerns in relation to overlooking, over dominance or loss of light over adjoining properties. The two units (2 bedroom) would meet with the nationally described space standards as set out in table 1 below:

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

The main living areas of the flats and bedrooms would all be served by windows, allowing adequate light to enter the rooms. The residential units would be near to fast food takeaways and public houses, however a level of noise is to be expected in town centre locations. It is not considered that there would be any unacceptable noise, odour or extraction impacts for the occupiers of the residential units.

The lack of outside amenity space is noted; however this is not an unusual situation for town centre flats, other grassed amenity areas are available within the town centre area, notably along the Riverside Walk and a development at Baltic Mill where works have commenced to change Baltic Mill to a public space.

The development would therefore not have an unacceptable harmful impact on the living conditions of the future occupiers and would accord with policy S53 of the CLLP and the provisions of the NPPF, particularly paragraph 130(f).

#### 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.

Policy NPP6 and NPP7 of the GTNP protects the character of Gainsborough.

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.

As previously stated the development would mostly change the internal appearance of the building. The external appearance, particularly the front elevation would largely be enhanced by the installation of new appropriate windows and front awning.

It is not considered that the proposed dwellings would have an unacceptable harmful visual impact on the site or the surrounding area and would therefore accord to local policy S53 of the CLLP, policy NPP6 and NPP7 of the GTNP and the provisions of the NPPF.

#### Highway Safety and Parking Provision

No objection has been received from the Highway Authority at Lincolnshire County Council relating to the proposed development. Appendix 2 of the CLLP which is referred to in Policy S49 states that two bed dwellings (flatted development) in market towns should provide 1 parking space per dwelling plus visitor spaces. The proposal does not include any dedicated parking provision for the flats. It is noted that no parking provision

has been requested by the Highway's Authority, The GTNP does not contain any specific figures with regard to parking provision for new dwellings within the town.

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

#### Archaeology

The Historic Environment Officer at Lincolnshire County Council has not commented on the application. The works would all be above ground level therefore it is considered that the development would not have a harmful archaeological impact and would accord to local policy S57 of the CLLP and the provisions of the NPPF.

#### Drainage

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

#### Minerals

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

#### Climate Change

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

#### **Other:**

#### Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22<sup>nd</sup> January 2018. The development would be located within Zone 4 West Gainsborough therefore would not be liable to a CIL payment.

#### Previous Reason for Refusal

Planning application 147958 was refused because *“Insufficient information has been provided to enable the local planning authority to ascertain the likely effects of the*

*proposed ground floor use upon the Gainsborough Town Centre and Primary Shopping Area and upon the prevailing amenity.”*

This latest application considers only the first-floor element and does not include the ground floor of the building.

**Conclusion and reason for decision:**

The application has been considered against policies policy S1 The Spatial Strategy and Settlement Hierarchy, Policy S2 Growth Levels and Distribution, Policy S3 Housing in the Lincoln Urban Area, Main Towns and Market Towns, Policy S6 Design Principles for Efficient Buildings, S7 Reducing Energy Consumption – Residential Development, Policy S13 Reducing Energy Consumption in Existing Buildings, Policy S20 Resilient and Adaptable Design, Policy S21 Flood Risk and Water Resources, Policy S23: Meeting Accommodation Needs, Policy S37: Gainsborough Town Centre and Primary Shopping Area, Policy NS41: City and Town Centre Frontages, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, Policy S57: The Historic Environment and S58 Protecting Lincoln, Gainsborough and Sleafords Setting and Character of the Central Lincolnshire Local Plan and the policy NPP1 Sustainable Development, NPP6 Ensuring High Quality Design, NPP7 Ensuring High Quality Design in each Character Area, NPP8 A Mix of Housing Types, NPP18 Protecting and Enhancing Heritage Assets and NPP19 Improving the Vitality of the Town Centre of Gainsborough Neighbourhood Plan and the statutory duties contained within the ‘Act’ in the first instance as well as the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment it is considered that the principle of development in this location is acceptable. The proposed uses would not unacceptably harm the wider retail offer of the Town Centre. The proposed external alterations would enhance the character and appearance of the conservation area and the street scene in this town centre location. The proposals would enhance the host listed building and the impacts on the limited historic fabric are acceptable. The development would enhance the setting of the nearby listed buildings. It would not have an unacceptable harmful visual impact or have an unacceptable harmful impact on the living conditions of the future residents. The proposal would not have an unacceptable harmful impact on the highway safety, drainage, archaeology, minerals or climate change. The proposal does represent a departure from the provisions of Policy S49 (parking provision), however as detailed in the above report, the heritage benefits that the scheme would bring is considered to outweigh the lack of proposed parking provision in this case. The application is therefore recommended for approval, subject to conditions.

**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 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

**Recommended Conditions- Planning Permission WL/2024/00839****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:**

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 30<sup>th</sup> August 2024 – Site Plan
  - 2503-PP02 dated 30<sup>th</sup> October 2024 – First Floor Plan
  - 2503-PP03 dated 30<sup>th</sup> August 2024 – Front and Rear Elevation Plan
  - 2503-PP04 dated 30<sup>th</sup> 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

# Agenda Item 7



**Planning Committee**

**DATE 4 December  
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](mailto: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 C Sutcliffe against the decision of West Lindsey District Council to refuse planning permission for the retention of static caravan at Grange Farm, Main Street, Broxholme, Lincoln, MINCS, LN1 2NG.

**Appeal Dismissed** – See copy letter attached as Appendix Bi.

**Officer Decision** – Refuse.



## Appeal Decision

Site visit made on 10 October 2024

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 5 November 2024**

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**Appeal Ref: APP/N2535/W/24/3342390**

**Grange Farm, Main Street, Broxholme, Lincoln, Lincolnshire LN1 2NG**

- 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 C Sutcliffe of T C Sutcliffe against the decision of West Lindsey District Council.
  - The application reference is 147512.
  - The development is the retention of static caravan.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of the development in the banner heading above is taken from the application form. The Council's decision notice describes the development as the change of use of land for the retention of a static caravan for the use as AirBnB accommodation. Based on the submitted evidence, this more fully describes the development. I have determined the appeal on this basis.

### Main Issues

3. The main issues are:
  - the principle of the development with regard to its location; and
  - the effect of the development on the character and appearance of the area.

### Reasons

#### *Principle of Development*

4. Policy S1 of the 2023 adopted Central Lincolnshire Local Plan (the Local Plan) sets out the development strategy for the area, based on a settlement hierarchy. The aim is to make the most of existing services and facilities, delivering growth to where it is most needed, and to provide associated opportunities to regenerate urban areas, provide new jobs and new homes in accessible locations, and focus infrastructure improvements where they will have the greatest effect.
5. Broxholme, which comprises a small cluster of properties, is not listed in the settlement hierarchy in Policy S1. For development plan purposes, the appeal site is within the countryside.

6. The appellant's evidence indicates that the caravan is used by holiday makers, but also trades people, with examples given as workers on University of Lincoln student accommodation and a housing construction site at one of the settlements in the area.
7. Policy S43 of the Local Plan supports proposals for visitor accommodation in the countryside where it has been demonstrated that one of the three listed circumstances apply. Criterion f) supports visitor accommodation where Part E of Local Plan Policy S5 has been satisfied. The requirements of Part E of Policy S5 include where 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. Criterion g) requires demonstration that locations within settlements are unsuitable for the scale and nature of the proposal or there is an overriding benefit to the local, or wider, economy and/or community and/or environment for locating away from such built up areas. There is no clear evidence to suggest that the development relates to an existing visitor facility which is seeking redevelopment or expansion and so criterion h) is not relevant.
8. Additionally, Part F of Policy S5 allows for agricultural diversification proposals which support farm enterprises.
9. While there may be visitor attractions in the area and the wider farm holding offers access to recreational facilities, there is no compelling evidence for me to conclude that the development is justified by its proximity to existing established businesses or natural features. No clear evidence has been submitted to demonstrate that the development cannot be accommodated in a settlement or that it offers an overriding benefit to the environment by being away from such locations.
10. There would be benefits to the local economy from occupants of the caravan through spend in the area. This would assist with the National Planning Policy Framework (the Framework) objectives for supporting a prosperous rural economy. However, the economic benefits would be limited to those from a single unit of accommodation. Within this context, and based on the evidence before me, I am not persuaded that the development is justified to maintain or enhance the rural economy or that it provides an overriding benefit to the local or wider economy and/or community.
11. Some information has been submitted by the appellant on the reduction in income from cropped land that it is stated is attributable to the change in weather and the move from the basic payment scheme to the sustainable farming scheme. An overall figure on potential income from the AirBnB use is also provided although this is not supported by any explanation or analysis. The financial information that is presented is very limited in extent. It is not sufficient to demonstrate that the farming enterprise would be uneconomic without the development. Nor is it possible to fully understand the extent to which the development supports the farm.
12. Parts E and F of Policy S5 both require developments to be locationally appropriate.
13. Broxholme does not appear to have any services or facilities including public transport. Saxilby, a Large Village defined in Policy S1, and Bransby are not too far in distance terms. However, these would have to be accessed along

predominantly unlit roads with no pavements which would be disincentives to travelling on foot or by bicycle, especially during darker winter months or in inclement weather.

14. The appellant has identified the existence of a local cycle track network that provides access to Doddington Hall, and the footpath links from the site, which I appreciate offer an alternative to the private motor vehicle. However, the evidence does not persuade me that these would likely be a realistic substitute to access a broader range of local attractions, services, or facilities that occupiers of the caravan may be interested in or require.
15. I recognise that opportunities for sustainable transport solutions varies between rural and urban areas. Nonetheless, occupants would, in general, be largely dependent on the private motor vehicle to access the caravan as well as services, facilities, and tourist destinations. The number of vehicle movements may be modest given the single unit of accommodation. However, that does not in itself justify the provision of accommodation in a location where occupiers would have a dependence on the private motor vehicle.
16. I am satisfied that the location of the development would not result in conflict with neighbouring uses. This is due to the nature and scale of the development and its separation distance from nearby dwellings.
17. I acknowledge the support that the Framework gives to achieving a prosperous rural economy, including enabling the development and diversification of agricultural businesses and sustainable rural tourism and leisure developments. However, it has not been demonstrated that a countryside location is justified for the development due to its locational, economic, or environmental benefits. I therefore conclude that the principle of the development with regard to its location would not be acceptable as, without sufficiently compelling reason to depart therefrom, it would undermine the Council's development strategy. As such, the development conflicts with the requirements of Policies S5 and S43 of the Local Plan as summarised above.

#### *Character and Appearance*

18. Broxholme contains a small number of mainly residential properties, which are predominantly red brick with pantile roofs. The village has a rural character. The surrounding countryside is characterised by its predominantly rural agricultural landscape. Grange Farm, where the caravan is sited, contains some buildings which have an agricultural character.
19. When approaching the village from the north, the caravan is screened by the farm buildings until in relatively close proximity. When travelling through the village from the south the caravan is well screened by buildings and vegetation which would likely continue to provide some filtering of views in winter due to the density of planting. Its visual prominence is further reduced by its set back location from the road and the boundary fence.
20. Glimpsed views of the caravan are possible from the road to the north through limited gaps in the hedgerow. However, such views are fleeting, and the caravan is seen in the context of the farm buildings and against the backdrop of vegetation and the residential properties to the south, which is also the case when viewed from the footpath to the north. This, along with its small scale

means that the development has a very limited impact on the wider landscape.

21. The appellant states that the caravan could be clad with timber boarding and that pantile effect panels could be added to the roof. Further landscaping is also proposed. These measures would help to integrate the caravan into its surroundings and could be secured by condition were I minded to allow the appeal.
22. The development is not prominent in the majority of views from within or towards the village and it does not appear visually dominant in this context. With the mitigation measures identified above, the development would not appear as an alien feature, nor would it detract from the rural character of Broxholme and surrounding countryside. Its low height means that it does not obscure views of All Saints Church or the other nearby buildings.
23. I therefore conclude that the development does not harm the character and appearance of the area. As such, there is no conflict with Policy S53 of the Local Plan which, in summary, requires proposals to make a positive contribution to the character and appearance of the area, having regard to its local context.

### **Other Matters**

24. While there may be no objections from the Highway Authority, the absence of objection does not render the scheme acceptable. The income from the development may help to maintain public rights of way on the appellant's land but this does not in itself justify departing from policy.

### **Conclusion**

25. I am satisfied that the development does not harm the character and appearance of the area. However, based on the evidence that is before me, it has not been demonstrated that the development is in a suitable location and so it undermines the planned approach to the distribution of development. The Framework states that the planning system should be genuinely plan-led. The conflict with the Council's development strategy is therefore a matter which I afford significant weight to.
26. There will be some economic benefits from the provision of the accommodation which weigh positively for the scheme. Nonetheless, with only a single unit, I do not afford such benefits very significant weight.
27. It follows that the harm and related policy conflict are not outweighed by the benefits of the development.
28. For the reasons given, the scheme does not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

*F Wilkinson*

INSPECTOR

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted