

Guildhall Gainsborough

Lincolnshire DN21 2NA

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## AGENDA

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

### **Planning Committee**

**Wednesday, 25th June, 2025 at 6.30 pm**

**Council Chamber - The Guildhall**

#### **Members:**

Councillor Matthew Boles (Chairman)  
Councillor Ian Fleetwood (Vice-Chairman)  
Councillor John Barrett  
Councillor Trevor Bridgwood  
Councillor Karen Carless  
Councillor David Dobbie  
Councillor Tom Smith  
Councillor Jim Snee  
Councillor Paul Swift  
Vacancy – Lincolnshire Independent Group

#### **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 - 14)

Meeting of the Planning Committee held on 28 May 2025,  
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) 145475 (WL/2024/00015) - LAND AT WOODCOCK (PAGES 15 - 66)  
LANE, BURTON WATERS
- ii) WL/2025/00182 - GALLAMORE LANE INDUSTRIAL (PAGES 67 - 82)  
ESTATE, MARKET RASEN
- iii) WL/2024/00504 - LAND TO REAR OF BRINKBURN (PAGES 83 - 117)  
HOUSE, CHURCH STREET, SCOTHERN
- iv) WL/2025/00326 - LORD STREET, GAINSBOROUGH (PAGES 118 - 137)
- v) WL/2025/00431 - HICKMAN STREET, (PAGES 138 - 145)  
GAINSBOROUGH

## 7. **Determination of Appeals**

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

## 9. **Exempt Reports**

- i) Planning Enforcement - Formal Case Update (PAGES 146 - 163)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 17 June 2025

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 28 May 2025 commencing at 6.30 pm.

**Present:** Councillor Ian Fleetwood (Vice-Chairman)  
Councillor Karen Carless  
Councillor Tom Smith  
Councillor Jim Snee  
Councillor Paul Swift  
Councillor Roger Patterson

**In Attendance:**  
Sally Grindrod-Smith Director Planning, Regeneration & Communities  
George Backovic Development Management Team Leader  
Paul Weeks Legal Advisor  
Natalie Smalley Democratic and Civic Officer

**Apologies:** Councillor Matthew Boles  
Councillor John Barrett  
Councillor Trevor Bridgwood

**Membership:** Councillor Roger Patterson was appointed substitute for Councillor John Barrett

### 1 APPOINTMENT OF VICE-CHAIRMAN FOR THE MEETING

The Vice-Chairman in the Chair Cllr Fleetwood opened the meeting and acknowledged his recent appointment as Vice-Chairman of the Planning Committee in the wake of the 12 May 2025 Annual Council meeting. He explained that he would be chairing the meeting in the absence of Chairman Cllr Boles and thanked the outgoing Vice Chairman Cllr Snee for his work during his term of appointment.

Cllr Fleetwood declared a non-pecuniary interest in relation to planning application number 00026, concerning land to the north of Abbey Road and Wragby Road, Bardney. Before his appointment as Vice-Chairman of the Planning Committee, he had spoken locally about the application, offering guidance to both his constituents and the local parish council.

Given his prior involvement and his intention to speak on the item as Ward Member, he stated that he would seek to appoint a Vice-Chairman to chair the item and would leave the room before the Committee's deliberations commenced.

Cllr Swift duly nominated Councillor J. Snee. This nomination was seconded, and, with no other nominations on the table, the Chairman took the vote. It was unanimously

**RESOLVED** that Councillor J. Snee be appointed as Vice-Chairman for the duration of the meeting.

## **2 PUBLIC PARTICIPATION PERIOD**

There was no public participation.

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

The Chairman Cllr Fleetwood praised the minutes of the last Planning Committee meeting, and having been proposed and seconded, it was

**RESOLVED** that the minutes of the Planning Committee meeting held on Wednesday, 30 April 2025, be confirmed and signed as an accurate record.

## **4 DECLARATIONS OF INTEREST**

Cllr Fleetwood reiterated his earlier non-pecuniary declaration regarding planning application number 00026, land north of Abbey Road and Wragby Road, Bardney. He emphasised that he would be speaking as a Ward Member, and therefore unable to chair the item, or participate in any discussion and vote.

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

The Committee heard from the Development Management Team Leader, who gave a summary of recent changes to national planning policy. The Officer outlined that statements and a working paper from the Ministry of Housing, Communities and Local Government (MHCLG) had recently been released. A statement had been issued detailing the penalisation of firms while restricting the determination of applications where developers had unreasonably delayed the completion of projects.

The working paper outlined a government proposal requiring developers to submit additional documents detailing build-out rates as evidence for any potential sanctions. The announced measure applied only to developments exceeding 50 houses, as the Government aimed to avoid negatively impacting small to medium enterprise builders. It was noted that 80% of housing was delivered by developments exceeding this threshold.

The Government had expressed its intention to introduce regulations implementing the build-out measures as soon as possible, with the expectation that they would come into effect from 2026. A consultation had been released, allowing developers to cite factors such as unusually severe weather or unexpected site issues as reasons for delayed build-out rates.

Additionally, schemes exceeding 500 homes were required to be mixed-tenure developments. It was also confirmed that the Government had tested a new requirement for large sites to be mixed tenure by default, stating that the delivery of schemes of more than 2,000 homes was “twice as fast” when they included a 40 per cent affordable portion.

The update on planning policy continued, with the Officer noting that the Government had

proposed handing Chief Planning Officers and Committee Chairs the power to choose which schemes Members would determine. It was noted that in a consultation which had opened on 28 May 2025, and would be running for eight weeks, the Government had proposed introducing a two-tier national scheme of delegation. This approach would replace the many different approaches across the country, including instances where individual Councillors could call in any application to be considered by Committee.

Under the proposals:

- “Tier A” applications were to be delegated to Officers in all cases.
- “Tier B” applications were to be delegated to Officers unless both the Council’s Chief Planner or an equivalent Officer and the Chair of the Planning Committee agreed that the scheme in question should be determined by Members.

The government proposed that the following types of applications be in Tier A:

- Applications for planning permission for householder development, minor commercial development, or minor residential development.
- Applications for s96A non-material amendments to planning permissions.
- Applications for the approval of conditions.
- Applications for approval of a biodiversity net gain (BNG) plan.
- Applications for approval of prior approval (for permitted development rights).
- Applications for lawful development certificates.

Meanwhile, the working paper suggested that Tier B applications could include:

- Applications for planning permission not included in Tier A.
- Applications where the applicant was the local authority, a Councillor, or an Officer.
- Section 73 applications to vary conditions.
- Applications for a review of mineral planning conditions.

## **6      00026 - LAND TO THE NORTH OF ABBEY ROAD AND WRAGBY ROAD, BARDNEY**

The Chairman introduced the item and stated that responsibility for chairing the discussion would be handed over to the Vice-Chairman to facilitate an orderly process.

The Committee then gave consideration to the only application on the agenda, application number 00026, seeking outline permission for the erection of up to 54 dwellings with all matters reserved, on land to the north of Abbey Road and Wragby Road, Bardney.

The Officer provided a minor update to the item before the Committee. It was noted that the Committee report referenced the indicative layout submitted with the application, which did not indicate that access would be achievable from Jubilee Drive to the north. It was highlighted that pedestrian and cycle access from the north could be achievable, although this could only make provision within the site itself to avoid third party land and a new indicative plan had been submitted by the Applicant, demonstrating such a connection.

The Officer’s presentation continued, with two designated areas within the application site

outlined. The larger area, it was stated, was proposed for housing development, whereas the northern section was initially designated for biodiversity net gain, without plans for housing.

It was reiterated that all details regarding the design, layout, house type, scale, and landscaping were reserved for a subsequent application. Attention was drawn to a path located between two houses, leading towards Jubilee Drive. It was noted that a ransom strip separating the application site from the highway was under the control of a social housing provider. The Officer explained that a condition had been put in place requiring the path to be established to allow potential future connectivity.

It was noted that consideration had been given to safeguarding the amenity of nearby residents, and a condition had been proposed prohibiting the construction of two-storey dwellings along the boundary.

The Officer acknowledged concerns regarding play equipment provision and presented a photograph of an existing play area, located approximately 500-600 metres from the site. It was explained that Officers considered the public open space proposed on the application site to meet the requirements in the Central Lincolnshire Local Plan (CLLP).

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

The Agent outlined the details of the application, stating that it was an outline planning application with all matters reserved for up to 54 dwellings in Bardney, as depicted in the indicative layout shown. Bardney was identified as a large village within the CLLP, providing a range of essential services and facilities for the local community. It was noted that the site in question was specifically allocated for development and considered a sustainable location for housing.

Mr Evans highlighted that Officers had confirmed the principle of housing was deemed acceptable, supported by existing planning policy and technical assessments. It was further explained that certain localised areas within the north of the site had been identified as being at low risk of surface water flooding, a factor considered during the site's allocation, with a drainage strategy required to overcome these risks.

The Committee was assured that a drainage strategy, informed by ground testing and industry-standard modelling, had been submitted with the application to mitigate any surface water risks. The Agent therefore confirmed that appropriate measures were in place to ensure positive drainage solutions.

Mr Evans added that the application would provide contributions to NHS services and deliver amenity green space, addressing existing deficiencies within the village. The Agent also reiterated that all other technical matters, including biodiversity net gain, heritage, and mineral safeguarding, were acceptable, with no outstanding objections from statutory consultees. In conclusion, support was expressed for Officer's recommendation.

The Vice-Chairman thanked Mr Evans for his comments and invited the second registered speaker, Cllr Fleetwood, as Ward Member, to address the Committee.

Cllr Fleetwood stated that he was familiar with both the developers and several objectors within the village. The Ward Member expressed satisfaction with the amended indicative layout, noting that, given all matters were reserved, the plan was only an indication and did not necessarily reflect the final development. It was hoped that the concept of a pathway extending towards Jubilee Close and Jubilee Drive would be maintained. Cllr Fleetwood mentioned that he had not received confirmation as to whether conversations had taken place or needed to move forward with Acis Housing regarding connectivity.

The Ward Member welcomed the condition regarding the rear of Jubilee Drive, which would ensure the development included bungalows rather than houses, as houses would be unsuitable for the location. However, Cllr Fleetwood expressed disappointment that the Co-op had not provided access through the supermarket into the car park and beyond. It was noted that access through Jubilee Drive would still allow people to walk down to Wragby Road via the existing Farmyard Gateway, facilitating connectivity. The Ward Member suggested that the Co-op might later consider allowing access, recognising that increased foot traffic could benefit the store.

Cllr Fleetwood raised concerns regarding flooding issues. It was stated that local residents had described significant water accumulation in the area and improvements should be made to reduce surface water runoff, particularly as Bartholomew Drive and Lang Close, located just to the north, included bungalows that regularly experienced flooding. It was explained that the scheme should ensure water management to prevent runoff from the site. Similar concerns were raised regarding sewage infrastructure, it was noted that the additional housing units would place further demand on the system, which was expected to be addressed through S81 provisions.

The Ward Member raised the issue of play equipment. It was highlighted that the report indicated the possibility of providing play equipment off-site, which, it was stated, could allow the developer to optimise the layout of the site by creating larger plots or enhancing the design. It was suggested that if play equipment were to be included within the site, a long-term maintenance fee would need to be incorporated. A contribution towards existing play equipment was strongly encouraged, given that the facilities on Horncastle Road were approximately 25 years old and in a poor condition. While some equipment had been repainted, a replacement scheme was already in the system, and it was hoped that developer contributions could support this initiative.

Cllr Fleetwood further noted that if new play equipment was established before the site moved forward with a full application, additional facilities could later be incorporated. The potential for including disabled-accessible play equipment was highlighted, and it was hoped that this aspect would be addressed. The Ward Member expressed their desire for the full application to be brought back to the Committee once available, to ensure thorough oversight. Finally, Cllr Fleetwood affirmed that the proposal aligned with policy but emphasised the importance of securing developer contributions to benefit the wider community.

The Vice-Chairman thanked Cllr Fleetwood for his comments and invited a response from the Officer.

**Note:** Cllr Fleetwood left the Chamber at 6.56pm.

The Officer provided an update on drainage stating that the developers had demonstrated that there would be a clear improvement in surface water management. It was explained that the runoff rate from the developed site would be reduced to 10 litres per second from the current rate of 30 litres per second.

Regarding play equipment, the Officer acknowledged concerns but emphasised that the development was intended to address the needs arising from the application itself, rather than provide wider benefits to the entire settlement. It was clarified that contributions were not explicitly outlined in the supplementary planning document accompanying the CLLP. Instead, guidance was drawn from Sport England, which provided cost estimations for various schemes. The Officer concluded by confirming that the proposed provision was deemed suitable to meet the demands of the development.

The Vice-Chairman Cllr Snee thanked the Officer for his response and proceeded to make a non-pecuniary declaration of interest. He disclosed a personal connection to a housing provider linked to the area, noting that his wife was employed by Acis Housing, with Bardney falling within her remit. Councillor Snee reassured the Committee that work-related discussions were not conducted at home. Additionally, he highlighted his Royal Society for the Prevention of Accidents (RoSPA) accreditation, which had enabled him to inspect and assess play areas for suitability.

The floor was then opened for further discussion, with a Member of the Committee expressing agreement that the development was not intended to benefit the entire ward of Bardney. However, sympathy was expressed towards concerns raised about play equipment funding. It was suggested that there was potential for a unilateral undertaking, whereby the developer could voluntarily contribute towards the existing play area rather than allocating land within the site for new provision. The Committee Member proposed to accept the Officer's recommendations, highlighting that the application was policy-compliant through the CLLP. An amendment was added by the Committee Member, stating that the full application should be returned to the Committee at a later date to ensure future oversight.

The Officer responded to the Committee Member's comments, highlighting challenges with a unilateral undertaking. It was explained that obligations under such an agreement would apply only to one party, meaning no legal enforcement mechanisms would be available. Additionally, the Officer cautioned that the CLLP did not support this approach within its framework.

A Member of the Committee reiterated that the site had been allocated within the CLLP, and while flooding concerns existed, they could be sufficiently managed through development mitigation strategies.

The Vice-Chairman acknowledged the Committee's comments and remarked on the prospect of a site visit. However, based on personal familiarity with the site, and the representations made, he indicated contentment with the assessments provided.

Having been proposed and seconded, with the amendment that the reserved matters application return to a future Committee meeting noted, upon taking the vote, it was unanimously



**RESOLVED** that approval to **GRANT** planning permission be delegated back to Officers subject to conditions, with the reserved matters application to return to Committee at a later date, and the completion of a Section 106 legal agreement that provided:

**NHS** A financial contribution (at £632.50 per dwelling) to fund improvements to Woodhall Spa New Surgery and Wragby Surgery;

**Affordable Housing** 20% of the dwellings (i.e. up to 11) to be delivered as affordable housing. Tenure split to be 60% Affordable Rent 40% Affordable Home Ownership (Shared Ownership and First Homes);

**Biodiversity Net Gain**

To include delivery and monitoring of BNG following reserved matters submission and approval;

and the following conditions:

1. Application for approval of the reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

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

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

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

4. The reserved matters planning application submitted to the Local Planning Authority considering access, layout, scale and appearance must include a report detailing the results of archaeological Trial Trenching across the site. If following submission the Trial Trenching is not considered sufficient by the Local Planning Authority to be able to determine harmful impacts to archaeological remains additional information can be requested and must be supplied.

**Reason:** To guide development of the site that avoids harmful impacts on archaeological remains in accordance with the National Planning Policy Framework and policy S57 of the Central Lincolnshire Local Plan.

5. The reserved matters planning application submitted to the Local Planning Authority considering layout, scale and appearance must include a schedule of the proposed housing tenures, types and sizes and parking provision that accords with policy S49, to be agreed in writing by the Local Planning Authority.

**Reason:** To support the creation of mixed, balanced and inclusive communities and to ensure sufficient parking provision in accordance with policies S23 and S49 of the Central Lincolnshire Local Plan.

6. The reserved matters planning application submitted to the Local Planning Authority should not include details of any two storey properties on land immediately adjacent to existing residential properties along Jubilee Close and Jubilee Drive.

**Reason:** To avoid adverse impacts of massing and overlooking on the small bungalows in accordance with policy S53 of the Central Lincolnshire Local Plan.

7. The reserved matters planning application submitted to the Local Planning Authority considering access and layout, must include details of a pedestrian and cycle link within the site next to Jubilee Drive. The details submitted and approved must be implemented prior to occupation of the approved housing.

**Reason:** To improve walking and cycling infrastructure and accessibility in accordance with policies S47 and S48 of the Central Lincolnshire Local Plan

8. The reserved matters planning application submitted to the Local Planning Authority considering access, layout, scale and appearance must include a written Ecological Mitigation and Enhancement Plan (EMEP) in accordance with the Preliminary Ecological Appraisal dated November 2024 by Archer Ecology. The EMEP shall include:

- A plan showing the retention and protection of trees classed as A and B1 and B2 by the arboricultural report prepared by Equans dated May 2024.
- A plan showing habitat protection zones.
- Details of any precautionary method statements for protected species
- Details of any further surveys or licences conducted/applied for in relation to protected species
- Details of a sensitive lighting strategy
- Details of wildlife friendly landscaping within curtilage of private dwellings (including native tree planting, garden ponds, flowering lawns and urban greening [i.e. rain gardens])
- Details of educational leaflets to be provided to all residents as to the enhancements for wildlife within their own curtilage and the wider development.
- Evidence of collaboration with Waterlife Recovery East as part of the Greater Lincolnshire Nature Partnership Operation Water Vole by means of providing 1 x mink trap and upkeep for at least 3 years
- Details, specification location of hedgehog highway within all closed panel fence boundaries and hedgehog refugia
- Details, specification, locations of amphibian friendly curb and drain treatments.
- Details, specification and location of the following species enhancements incorporated into structures across the site:

Integrated bird boxes . Total across site to equal number of dwellings

1 x Owl and kestrel boxes (post mounted may be considered)

Integrated bat boxes and/or bat lofts with roof access tiles. Total across site to equal number of dwellings

1 to 2 bee/insect bricks per dwelling

The EMEP shall be implemented in strict accordance with the approved plan. All features shall be installed during construction and retained as such thereafter.

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

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

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

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

10. No development shall commence until a surface water and foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.
- provide flood exceedance routing for storm event greater than 1 in 100 year.
- provide details of how run-off will be safely conveyed and attenuated during storms upto and including the 1 in 100 year critical storm event with an allowance for climate change, from all hard surfaced areas within the development to the existing local drainage infrastructure and watercourse
- provide attenuation details and discharge rates which shall be restricted to 10 litres per second
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development including any arrangements for adoption by a public body or statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime

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

**Reason:** To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream, or upstream in

accordance with policy S21 of the Central Lincolnshire Local Plan.

11. No development shall commence until a Construction Method and Management Plan has been submitted to and approved in writing by the local planning authority. This must indicate measures to mitigate the adverse impacts of noise and disturbance and vehicle activity during the construction stage of the permitted development. The CMMP shall include:

- a) Location of the site compound and routing of construction and delivery vehicles
- b) Parking and turning areas for construction vehicles, delivery vehicles and site personnel;
- c) Temporary traffic management signage;
- d) Access points, loading/unloading and turning areas for construction traffic;
- e) Hours of operation and timing of deliveries which are to be between 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 on a Saturday and at no time on a Sunday or Bank Holiday unless in association with an emergency;
- f) Dust suppression, odour suppression and vapour suppression methods;
- g) fencing/hoardings to any compounds;
- h) Structures to be located within compounds and any proposed lighting including measures to limit light spillage to the public highway and to nearby residents;
- i) Plant, equipment and machinery to be installed within the compound including details of hours of operation and noise during operation;
- j) Facilities for washing the wheels, chassis and bodywork of construction vehicles free of mud;
- k) Storage and removal of demolition and construction waste;
- l) Construction activities to be carried out in accordance with best practice pollution prevention guidelines.

**Reason:** In the interests of highway safety and to restrict disruption to the living conditions of neighbouring dwellings and the surrounding area from noise, dust and vibration in accordance with policies S47 and S53 of the Central Lincolnshire Local Plan.

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

12. The Biodiversity Gain Plan required under schedule 7A of the Town & Country Planning Act 1990, must demonstrate that there will not be a biodiversity net loss within the biodiversity opportunity mapping area.

**Reason:** In accordance with policy S61 of the Central Lincolnshire Local Plan

13. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved relates to the following drawings:  
Site Location and Layout Plan drawing number A1- 01 excluding the area of land edged red to the north.

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

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

14. No works above ground level shall take place until details of the proposed public open space including planting plans, written specification, schedules of plants and species and any outdoor seating or equipment to serve the development have been submitted to and approved in writing by the local planning authority. The details submitted must demonstrate compliance with Appendix 3: Open Space Standards of the Central Lincolnshire Local Plan adopted 2023 and compliance with the latest Central Lincolnshire Developer Contributions Supplementary Planning Document (or similar subsequent document)."

**Reason:** To ensure sufficient provision of open space to serve the development in accordance with policies S51 and S53 of the Central Lincolnshire Local Plan.

15. The public open space details approved by condition 14 must be provided on site prior to first occupation of the dwellings approved or to a timescale and phasing that has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the timely provision of public open space to accord with Policy S51 of the Central Lincolnshire Local Plan.

16. The dwelling/s hereby approved shall be constructed to ensure that the consumption of wholesome water by persons occupying the dwelling/s is in accordance with the Building Regulations Approved Document G, Requirement G2/Regulation 36 Optional Technical Requirement of 110 litres per person per day.

**Reason:** To minimise impacts on the water environment and to accord with Optional Technical Housing Standards to accord with Policies S12 and S53 of the Central Lincolnshire Local Plan (2023).

17. Before any dwelling is occupied it must have a rain harvesting water butt of a minimum 100 litre capacity within its garden area.

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

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

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

## **7 DETERMINATION OF APPEALS**

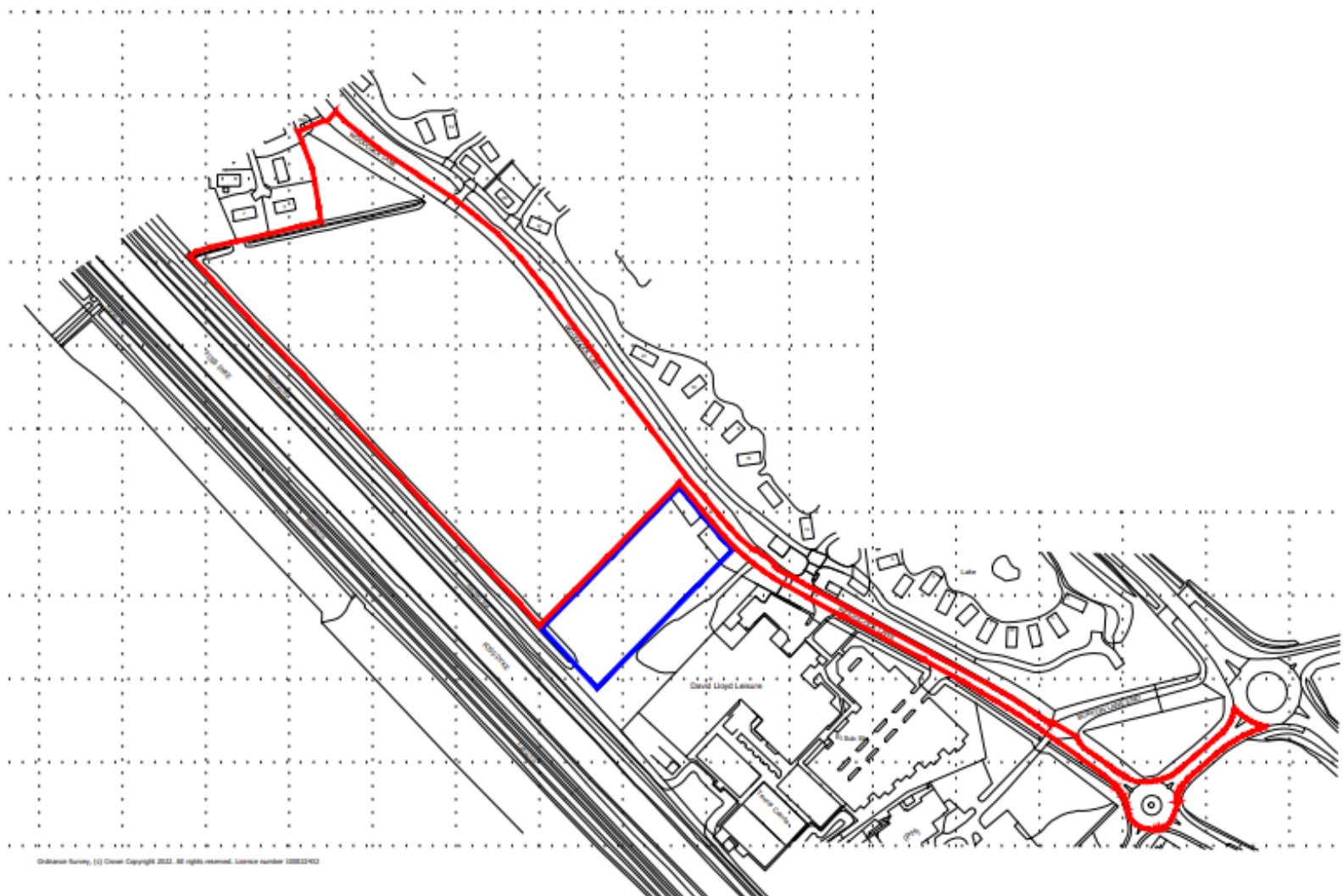
**Note:** Cllr Fleetwood returned at 7.02pm and resumed his position as Chairman.

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

Planning Committee- 28 May 2025

The meeting concluded at 7.04 pm.

Chairman



## Officers Report

### Planning Application No: 145475 (WL/2024/00015)

**PROPOSAL:** Planning application to erect 66no. residential dwellings together with associated access, parking and landscaping.

**LOCATION:**

LAND AT WOODCOCK LANE  
BURTON WATERS  
LINCOLN  
LN1 2BE

**WARD:** SAXILBY

**WARD MEMBER(S):** Cllr P Lee and Cllr J Brockway

**APPLICANT NAME:** Quintor Homes- Mr David Coates

**TARGET DECISION DATE:** Extension of time agreed until 30<sup>th</sup> June 2025

**CASE OFFICER:** Danielle Peck

**Recommended Decision:** Grant planning permission with conditions and delegate back to officers to issue a decision subject to the signing of a Section 106 Legal Agreement to secure the following;

- NHS Contribution of £41,745;
- The inclusion of a Viability Clause to detail a mechanism within the S106 legal agreement to request that an assessment of costs and values towards the end of the development is carried out to see if there is scope to make a commuted sum contribution toward affordable housing. The clause will also ensure a full viability assessment is carried out in relation to any future variations (Section 73 Applications) made to the scheme.
- Open Space and Landscaping- Details of future management and maintenance.

**The application is referred to the Planning Committee for determination due to the significant level of objections received from Local Residents/ Third Parties and the Parish Council stating material planning considerations.**

**Site Description:** The application site is located on the south west side of Woodcock Lane, to the north western side of the main Burton Waters Marina development. The site is adjoined by Burton Water Lodges to the east/north east, another lodge style development is located to the north of the site. The David Lloyd gym is located beyond the south boundary. The site itself is currently in an overgrown state and is open to all boundaries.



The site is allocated for residential development under Policy S81 of the Central Lincolnshire Local Plan 2023 reference WL/BUR/005 for 100no. units. A small section to the north west of the application site covers an area within allocated housing site WL/BUR/005A. This comprises of a woodland copse and will not be developed within this application, the remainder of the wider part of the allocated site (005A) has already been developed for Park Homes.

The development gained Outline Planning Permission on 8th August 2013 and forms one element of the comprehensive development of this northern section of Burton Waters. The site has a long-standing history of permissions for development and has been allocated within the Local Plan for extra care housing development since 2006.

The application site is located immediately adjacent to the built up area of the relatively modern settlement of Burton Waters. It is 3.3 miles to the north west of the city of Lincoln, and is approximately 2.8 miles to the south east of Saxilby. Lincoln is highly accessible location and acts as a hub for a number of A Roads including the A15, A46, A57 and A158. The area also has a number of water canals, one of which forms the western boundary of the site. This trail acts as both a functional and recreational connection between Saxilby and Lincoln and beyond.

**The Proposal:** The application seeks full planning permission for the erection of 66no. dwellings, with associated access off Woodcock Lane, garages and parking together with associated landscaping. The proposals also include a cut and fill exercise to alter the existing site levels and essentially lift the development outside of the Flood Zones 2 and 3. An area of open space is proposed to the north of the site and a woodland copse is also proposed to be retained.

There have been numerous amendments and amended plans/documents have been received during the application process, as follows;

- Amended Site Location Plan and Certificate B received on 01/02/2023 - A full 21 day re-consultation was carried out on 03/02/2023.
- Viability Assessments received February 2023 and March 2025.
- Bat Survey Report (April 2024), a Badger and Otter Survey Report (April 2024) and a Reptile Survey Report (April 2024).
- BNG updated information dated April 2024.
- Energy/Sustainability Efficiency information received September 2024.

### **Relevant Planning History**

**There is significant site history in relation to this site and the wider Burton Waters development- the most relevant is listed below.**

**138861-** Application for lawful development certificate for the proposed use class and commencement of works of the 100 extra care dwellings, visitor centre and

associated works in planning permission 138295. Granted without conditions 28/03/2019.

*1. The application has included clear evidence to demonstrate that a material start has occurred prior to the end of 30th September 2018 in accordance with Section 56(b) and (d) of the Town and Country Planning Act 1990 (as amended).*

*2. The extra care housing referenced in the description of development and subsequent officers' report can due to the lack of a legally binding agreement and/or relevant planning conditions be considered as falling within Class C3. Dwellinghouses of The Town and Country Planning (Use Classes) Order 1987 (as amended)*

**138295-** Planning application to vary condition 12 of planning permission 137658 granted 15 August 2018 - trigger point for bus infrastructure. Granted with conditions 19/10/2018.

**137770-** Application to vary conditions 6 and 7 relating to outline planning permission of 130050 granted 08 August 2013 re: drainage and commencement of works. Granted with conditions 15/08/2018.

**137658-** Planning application to vary condition 6 of planning permission 131842 allowed on appeal 25 June 2015 - amended layout. Granted with conditions 15/08/2018.

**137213-** Request for confirmation of compliance with condition 1 of planning permission 134630 granted 30 September 2016. Condition discharged 23/01/2018.

**135026-** Request for confirmation of compliance with condition 8 of planning permission 1300050 granted 8 August 2013. Condition discharged 01/02/2017.

**134630-** Reserved matters application following outline planning approval 130050 granted 8th August 2013 for 100 extra care dwellings, visitors centre and associated works. Granted with conditions 30/09/2016.

**134386-** Request for confirmation of compliance with conditions 2 and 5 of planning permission 130050 granted 8 August 2013. Condition discharged 15/02/2017.

**130050-** Planning application for comprehensive mixed use development comprising of full planning permission, material change of use of land, for the construction of 56no. park home units, use Class C3 dwelling, bus turning area and associated works. Outline planning permission with all matters reserved for subsequent consideration. Granted with conditions 08/08/2013.

**126216-** Planning application for the erection of 120 bedroomed hotel, conference centre and associated car parking (approval of matters reserved by outline planning permission M05/P/0983) to replace extant planning permission reference number 121437. Granted with conditions 22/11/2010.

**121437-** Reserved Matters Application for the erection of 120 bedroomed hotel, conference centre and associated car parking (approval of matters reserved by outline

planning permission M05/P/0983, lifting of conditions 2, 3 and 4). Granted with conditions 11/08/2008.

## **Representations**

**Comments have been summarised, full versions of the representations received can be found on the Council's website using the following link: [West-Lindsey | Public Portal](#)**

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

Burton Parish Council:

**19/03/2023;**

- Rippon Homes, who are the developer, undertook a public engagement session on 17th March 2023 at Burton Waters in relation to the above application;
- They did not seem to understand much about the development at Burton Waters including the relationship between the leaseholders of the plot, the freeholders and residents of the area.
- On the subject of social housing and on the fact that they seem to be ignoring the Central Lincolnshire Local Plan in many ways, they said that this was something that had yet to be taken up with WLDC.
- Many residents who attended were dissatisfied with the proposals. Burton Parish Council would like to record that the people attending this event were overwhelmingly, if not unanimously against the proposal.
- Having looked at the new documents the proposed development does not fit in any respect with the communities adjacent to the site. The development is predominately large 4 bed 2-storey houses (71%) with only 3 bungalows. High density, urban feel targeting families. This contrasts with the existing communities of all single storey, low density, woodland/parkland environment, age restricted dwellings aimed at an older/retired demographic
- Whilst the developers reference the main Burton Waters site as its locality the site sits north of David Lloyd Leisure a good way from the entrance to the main BW site. That side of Davis Lloyd only has single storey developments this will create significant overlooking / loss of privacy for several lodges opposite the proposed site. 2-storey houses are proposed backing onto the boundary with Woodcock Lane 3 Despite being targeted at families there is no communal recreational space included in the proposal The Parish Council cannot see any significant change on these new plans and Design and Access statement and refer you to our original objections to this proposal
- Having looked at the new documents the proposed development does not fit in any respect with the communities adjacent to the site. The development is

predominately large 4 bed 2-storey houses (71%) with only 3 bungalows. High density, urban feel targeting families. This contrasts with the existing communities of all single storey, low density, woodland/parkland environment, age restricted dwellings aimed at an older/retired demographic.

- Whilst the developers reference the main Burton Waters site as its locality the site sits north of David Lloyd Leisure a good way from the entrance to the main BW site. That side of Davis Lloyd only has single storey developments this will create significant overlooking / loss of privacy for several lodges opposite the proposed site. 2-storey houses are proposed backing onto the boundary with Woodcock Lane despite being targeted at families there is no communal recreational space included in the proposal.
- The Parish Council cannot see any significant change on these new plans and Design and Access statement and refer you to our original objections to this proposal

**12/02/2023-** Having seen the reconsulted application they consider the changes to be marginal and therefore would reiterate all their previous comments on this application.

**11/10/2022-** This is a planning application to erect 66 residential dwellings together with associated access, parking and landscaping. The first point that the Parish Council would wish to put forward is that there has been no consultation and engagement with the Parish Council and local community. This is a major planning application which is not in accordance with Central Lincolnshire Local Plan Policy LP4 which identifies Burton Waters as a medium village where there is only 9 Dwellings identified in that policy. There is a revised Central Lincolnshire Local Plan which has been submitted to the Planning Inspectorate. Policies S1/ S4 of this emerging Local Plan again identifies Burton Waters as a medium village and does not identify it has having this type of development under this plan but rather remains similar to the current Policy LP4. As this application is a departure from the Local Plan and emerging Local Plan there is an expectation of consultation and engagement with the local Parish Council and community.

The original plan for Burton Waters identified this as an area distinct from the main Burton Waters development. This development to date has been single lodges sympathetically designed to blend to their natural environment. This has been successful in design as the area is abundant with local wildlife which blends in with the preserved woodland and parkland setting. The original planning proposals for the site subject to this application was for extra care dwellings largely of single storey nature. This type of development would have complimented the existing lodge community as currently there are age restrictions in these properties and the extra care facilities would have been seen to attract the older generation. Their single storey design would have also blended in with the existing lodges.

The current application mirrors the other side of the Burton Waters development being of a harsh urban design with high density largely 2 storey housing. The plans look to removing most current hedgerows and trees making this development highly visible from the towpath and the 2 storey homes would overlook the existing lodges. This is a loss of residential amenity for existing residents. The development style is largely

family homes. Local amenities are not available for families. There is an extremely limited bus service so that all travel would be by car. Most homes having two cars. This would bring approximately a further 120 cars using Woodcock Lane which is not suitable. Burton Waters has no shops only cafes, restaurants and businesses offering services. The health club is a private fee paying club.

Local residents/ Third Party Representations:

Letters of comment and objections have been received from the following addresses:

- 1, 2, 2b 4, 7, 11, 12, 13, 14, 17, 18, 19, 20,21, 22,26, 31, 33,36 Burton Water Lodges, Woodcock Lane
- 34, 36 The Quays, Burton Waters
- 40, 53 Ellisons Quay, Burton Waters
- 5,6, 7, 9, 11, 15, 17, 18, 20,22, 23,35 Bay Willow Road, Burton Waters
- 1, 3,4,5, 7, 9, 15, 16, 18, 35, Bay Willow Rod, Burton Waters
- 5 Oakwood Road, Lincoln
- 2 Mereside, Burton Waters
- 4 and 44 Park Lane, Burton Waters
- 18 Marine Approach, Burton Waters
- 131 Crow Lane, Romford
- Torksey Caravans Ltd
- Burton Waters Management Limited.
- 72 Cleveland Way, Stevenage

**The comments and objections have been summarised as follows;**

**Principle**

- Demographically, this development will not fit in with the existing developments of lodges for retired people and is thus, not in keeping with these.
- Go back to the original intention for retirement and sheltered housing. It is widely accepted that there is an overwhelming need for homes for the elderly and disadvantaged in a quiet and safe context.
- The documents continually refer to the adjacent sites as 'holiday lodges'. It is time this misconception was disabused once and for all. All of the dwellings by the site are full-time residential (holiday lodges require time away), inhabited by people over 45 (Lakeshore) and 55 (Lodges) and to continue to refer to these as holiday lodges and park homes instead of homes seeks to diminish the standing of said lodges and park homes;

- This maximum profit Urban Housing Estate venture is clearly the only plan they have. It subtracts massively from the area and simply exploits what exists.
- The site should only be used for retirement homes.
- The allocation allocates the site for 100 units, only on the basis that the scheme is to provide extra care accommodation. The allocation is clear that the 'extra care' is a site specific requirement which is what it needed to be achieved on the site to make it acceptable.
- It is not accepted that the extant permission represents a 'fall back' for private housing;
- The original permission did not allow unrestricted 'C3' housing for private use and it is suggested that the outcome would not have been the same if the application was originally for private market housing.
- There is no recognition of the character of Woodcock Lane as a residential community for over 55s.

### **Design and Character**

- The buildings are not in keeping with the surrounding lodges;
- The density is not appropriate for the surroundings;
- There should only be low level/single storey housing here;
- No objection to the building of bungalows but do object to houses which will be occupied by families, the adjacent lodges are retirement properties;
- All the previous planning applications were for mainly single storey, low-rise accommodation, whether park homes or sheltered accommodation, where the 2-storey buildings were well away from the road and thus didn't overlook the Lodges;
- The volume of houses proposed on such a small area, the increased population and associated demands that brings is of great concern given that the Burton Waters Lodges site only has around 39 dwellings in an area of 16 acres;
- This is an urban estate and is not reflective of the area;

### **Residential Amenity**

- No acoustic survey has been carried out;
- Has light pollution been assessed;
- The area will not be quiet with the family homes proposed;
- This development will impede on the privacy of the Residents of Burton Waters Lodges numbers 14 to 22 and 26 where they will be overlooked by 12 houses 1 and 6-15 which are all 2- storey bounded by a 1.5metre fence;
- Increased noise and air pollution;

- With the requirement for heavy plant to be delivered in the early stages, residents do not want to be delayed going about their business waiting or being woken up by the delivery of heavy plant.

### **Highways**

- The road is unadopted;
- Concerns with construction working times- they should be restricted;
- No travel plan submitted;
- There is already a lot of traffic and visitors to the marina, pub and gym, this will put a strain on the narrow road and will increase noise for residents;
- The increase in traffic will be a danger to pedestrians;
- Woodcock Lane is already full of pot holes. The increase of traffic will cause problems as Burton Waters has only one entrance;
- There are no footpath links to the bus stop on Lakeshore.

### **Flooding and Drainage**

- There are errors in the flood risk assessment;
- There is still the greater risk of flooding in the area;
- I would like to point out that the area in question has acted as a sponge and flood plain during the recent bad weather with the large number of trees also alleviating the situation.
- When the dyke is full because the canal and rivers further down flood, there is nowhere for the water to go and will subsequently cause flooding at worst, damage to the infrastructure at least, to all the dwellings impacted by this.
- Recently when the Fosseway has been high the ground has shown signs of high water. Lakeshore development, next door to the proposed development also has a lake that would naturally flow into the area the proposed development would cover.
- This past year has seen the Lakeshore lake rise to worryingly high levels, heading for the area of the proposed development. If the development goes ahead the risk of flooding to this development, Lakeshore and The View would increase.

### **Ecology, Wildlife and BNG**

- Concerns in relation to the loss of the significant amount of trees and bushes;
- There is a proposal to use hedgehog holes in the gravel boards of fences however there is no detail of where these are going to be fitted, ideally they

should link each side of each garden and also into the general landscape, there should be a plan of possible routes that hedgehogs could take;

- What provision will be made to deal with existing wildlife safely;
- Development may impact off site habitats due to disturbance;
- The land has been left for such a length of time that nature has moved in and it would be criminal in the extreme to destroy the trees and wildlife that now use the land as their homes.

### **Developer Contributions and Other**

- The application still does not provide any affordable housing, nor does it make any reference or justification as to why the affordable housing has been omitted. The information is silent on the matter.
- Social Housing will have a negative impact upon the area and businesses due to a high risk of anti-social behaviour;
- There are no shops nearby;
- Fire Risks need to be taken into account;
- The existing residents pay for security and up keep of the of the infrastructure on site, this development will add pressure with no contribution to the upkeep of the highway;
- There will be an impact upon local doctors and schools;
- Concerns with the consultation event that was carried out by the developer.
- The land is currently used by locals as an area to enjoy, able to take dogs walking and enjoying nature, a community amenity especially during the summer months.
- The area has no facilities for children and young people and the proposals contain no details about how the recreational and educational needs of younger residents will be met.

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

#### **27/03/2025- No objections.**

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. This application has an acceptable drainage strategy, in principle, and therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

Introduction/Site Location- 66 residential dwellings and associated infrastructure.

Existing Conditions- Site to be served from existing private internal estate roads.



Highway safety- The proposed development does not pose an adverse effect on public highway safety.

Highway capacity- The roundabout on the A57 has previously been constructed to serve the wider development, therefore the proposed will not have a detrimental effect on highway capacity.

Travel Plan- Is not required for this development.

Site Layout- Internal estate road networked designed to adoptable standards.

Flood Risk and Drainage- Flood risk and drainage has been considered and mitigated. A suitably designed sustainable drainage strategy is proposed, attenuating and discharging at an agreed rate.

Off-Site Improvements No off- site improvements are required for this development.

Planning Conditions: No highway related planning conditions are required.

Recommends an Informative in the event permission is granted.

**14/10/2022-** ADDITIONAL INFORMATION REQUIRED The Highway and Lead Local Flood Authority would comment as follows: Highways The development site is private and as such the roads serving it will not be adopted by the highway authority.

The nearest adopted highway is the A57 and provides safe access to the overall site with the proposal having a negligible effect on highway capacity. The following are recommendations only, with regard the layout:

- Removal of the raised areas/vertical deflections and road narrowing. Considering the layout, they will not be required.
- It is recommended that an internal loop is created as opposed to the two large cul de sacs shown, to aid with site permeability.

Drainage The drainage strategy would appear acceptable in principle, subject to suitable detailed design. From a sustainable drainage perspective initial capture of surface water via gullies and carrier pipes provides little in the way of surface water treatment and there are alternatives that provide better first stage treatment. Discharge consent and rate will require agreement with the relevant Internal Drainage Board.

Lincolnshire County Council Education- The County Council has no comments on this consultation in relation to education as there is sufficient capacity in the locality for the children generated by this scheme.

Environment Agency:

**21/02/2023-** No comments to make on the amendments and refer you to our comments of 05/10/2022.

**05/10/2022-** The proposed development will only meet the National Planning Policy Framework's and Policy LP14 of the Central Lincolnshire Local Plan (2012-2036) requirements in relation to flood risk if the following planning condition is included.

Condition- The development shall be carried out in accordance with the submitted flood risk assessment (Doc Ref: RHL-1614-01-FRA-004-P1, dated 16/08/2022 produced by Inspire Design & Development Ltd) and the following mitigation measures it details: · Finished floor levels to be set no lower than 6.1m above Ordnance Datum (AOD) · Flood resilience and resistance measures to be incorporated into the proposed development as stated. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Network Rail: No observations to make.

NHS Lincolnshire:

The development is proposing 66 dwellings which, based on the average of 2.3 people per dwelling for the West Lindsey District Council area, would result in an increase in patient population of 152.

Due to the fact that patients can choose to register at any practice that covers the area of the development, and there are no waiting lists for patients, all practices that provide care for the region that the development falls within are obliged to take on patients, regardless of capacity.

The development will impact Trent Valley Surgery, The Glebe Practice, Lindum Medical Practice and Brayford Medical Practice as the development is within their catchment area.

Lincolnshire Integrated Care Board (LICB) wishes for the Section 106 contribution from the development of 66 dwellings on Land at Woodcock Lane, Burton Waters to contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the Trent Care Primary Care Network (PCN) at Trent Valley Surgery and/or The Glebe Practice. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

The contribution requested for the development is £41,745.00 (£632.50 x 66 dwellings).

Witham Internal Drainage Board: The Board Objects in Principle to any development in flood plain (Zones 2 and 3 on the Environment Agency flood maps). However, it is up to West Lindsey District Council as the planning Authority granting planning permission. It is noted that a Flood Risk Assessment is included in the Application that contains appropriate mitigation. It is noted the proposed FFLs of 6.1m would potentially remove the development into Zone 1.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system.

- The proposed attenuated surface water discharge from the existing pond of 43.4 litres per second is acceptable to the Board and in line with the agreed strategy. The Proposed flow control will require a Land Drainage Consent from the Board.
- Although the site is attenuated within the pond, I would expect that WLDC as the LPA and LCC as the LLFA in accordance to National and Local Policies to insist on the use of SuDS within the development rather than a 'piped' system, the Board would support this.
- The design calculations date from 2016 and potentially do not take into account of the current proposals. Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion.

A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all watercourses on Site to allow future maintenance works to be undertaken. Suitable access arrangements to this strip should also be agreed. Access should be agreed with the Local Planning Authority, LCC and the third party that will be responsible for the maintenance.

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

#### Lincolnshire Wildlife Trust:

**22/06/2023-** The reported 4.82% net gain falls short of the minimum 10% now required under Policy S61 of the Central Lincolnshire Local Plan that was adopted in April 2023 mandating the minimum requirement ahead of the national start date. Furthermore, the trading rules are not satisfied due to the loss of 3.84 ha of mixed scrub onsite. This is a medium distinctiveness habitat requiring an equal area of habitat of the same broad habitat or distinctiveness. This can be achieved through offsite gains and we strongly encourage the applicant to contact the 'Green Investment in Greater Lincolnshire' (GIGL) project to seek advice on this.

**Hedgehog passes-** The 'Landscape Management and Maintenance Plan' shows several locations for hedgehog passes across the proposed development. The majority of these are appropriately located but a small

number along the north-eastern boundary appear to be passes between private gardens and Woodcock Lane with no passes between these gardens (private gardens 8, 11 & 15). This is likely to increase the risk of road collisions with hedgehogs by granting them only partial access to the collection of gardens in the proposed development and limited access routes between them. The passes between the aforementioned private gardens should also have passes between them. The gardens in the interior of the development (private gardens 18 – 37) have no hedgehog passes. This is an oversight in the plan as hedgehogs have territories between 10-30 hectares and thus require large areas to forage and breed.

**Webwall** -The inclusion of a 'Webwall' is an innovative way of introducing biodiversity units into an urban setting. The vertical elements of construction are all too often underutilised for these purposes but can lead to large gains in biodiversity units.

**Protected Species** - We expect the recommendations listed in the Preliminary Ecological Appraisal (PEA) regarding further survey work for protected species to be completed before any construction work takes place. The relevant species cannot be explicitly stated here due to their sensitivity but fall within the protections listed under the Wildlife and Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2017 (as amended) and Part two of Policy S60 of the Central Lincolnshire Local Plan. We anticipate these future surveys to form an updated or pre-commencement report, providing there is no undue risk to protected species on site as a result of the development.

**Ecological Enhancements**- We agree with the recommended enhancements set out in 8.5 to 8.10 in the PEA which provide important nesting and roosting provisions as well as hibernacula and would like to see these implemented throughout the site in line with Part two of Policy S60 of the Central Lincolnshire Local Plan.

The Lincolnshire Wildlife Trust hopes these comments are helpful at this stage and welcomes further discussion relating to the points covered. LWT are keen to discuss this application further with the Local Planning Authority, the developer and others as a joint endeavour to achieve more for the natural environment in Central Lincolnshire.

**30/09/2022**- Holding Objection- LWT want to see how the Proposed Site Plan will deliver the minimum of 10% Biodiversity Net Gain now required under the Environment Act 2021. The baseline, pre-development habitat units, including any and all existing trees and hedges would need to be assessed using the latest DEFRA Biodiversity Metric and the UK Habitat Classification assessment required by the Defra Metric.

At present, the site appears to be composed of a mosaic of habitats including broadleaved woodland, scrub and semi-natural grassland. This combination of habitats, along with its proximity to a watercourse, proves incredibly valuable to wildlife. The applicant will need to take great steps to ensure the area remains so post-development according to its claims in the Design and Access Statement. LWT would like to acknowledge the proposed hedgehog passes throughout the residential gardens and the locations of hibernacula. It is worth stating that these enhancements, while valuable, will not contribute to any biodiversity net gain as the metric focusses on habitats.

LWT would prefer to see SuDS incorporated into the proposed design rather than an outflow into the drain alongside Foss Dyke. The proposal exceeds the minimum threshold (10 dwellings) for incorporation of such features and should be designed as a wildlife area as well as a functioning drainage feature. We would recommend the use of native species, of local provenance, in the SuDS landscaping schemes.

#### Canal and River Trust:

**26/06/2023-** We note the provision of additional information and further cross section drawings (Drawing 1621-15D Site Sections (1 of 2) and Drawing 1621-51 Site Sections (2 of 2)) which show clearly the proposed changes to ground levels indicate that there is to be no earthmoving/ground level changes within the identified tree protection area.

Providing that all other drawings which suggested that earthmoving/ground level changes would take place within the tree protection area are now superseded and the canal side tree belt is to be fully retained then we are satisfied that these cross sections clarify matters and address our previous queries in this regard.

Although updated street scene drawings have been submitted ( Drawings 1621-12C, 1621-13C and 1621-14C), as noted in our previous response, these street scenes still do not show the outward facing views from neighbouring land, but only internal views of the houses fronting the roads, which means that the impact of the proposal on views from beyond the site, such as from the Fosssdyke Canal corridor remains difficult to judge.

We note that a retaining webwall is proposed along the boundaries to Plots 46-57 and 61-62 and that this is to site immediately beyond the tree protection fencing. More detail regarding the webwall would have been helpful in more clearly understanding how this feature will contribute towards the ecological enhancement of the area and minimise the visual impact of the proposed rear boundary fences of the adjoining properties. A streetscene looking towards the webwall from the Fosssdyke would have been particularly helpful in this regard. We consider that it is important that views of this fencing are well screened from view from the Fosssdyke by retained and/or new vegetation to ensure that it does not adversely affect the character of the waterway corridor.

**30/09/2022-** Existing and Proposed Ground Levels There appear to be significant changes to the site levels proposed through the importation of material which are expressed in an existing topographical survey (with flooded areas not surveyed) and a resulting site level of approximately the same height as the Fosssdyke Canal banks shown on the Contours Plan. A Cut and Fill plan is provided to help explain the changes in ground levels proposed, but this is at odds with the Site Sections plan that shows in section AA the drain to the north-east of the Fosssdyke Canal appearing to have been fully infilled. Providing existing cross sections on the proposed sections plans would further enhance understanding of the proposal's potential impacts.

**Ecology and Landscaping** The site is currently mixed grassland with scrub trees and the Design & Access Statement states that Arboricultural and Ecological surveys will be supplied with the application, but do not appear to be available. Whilst these have

been requested from the case officer, they have not become available within the consultation period

The existing trees and vegetation within the steeply sloping sides of the drain along the south-western edge of the site provide important ecological habitats that the Trust consider should not be harmed either through earthworks to re-grade the edges of the site or the development of the proposed dwellings. The Arboricultural report should assess the health of existing trees and vegetation as well as recommending Root Protection Areas (RPAs) for those to be retained as landscaping to the proposed development. Currently the Cut & Fill Plan indicates that significant earth removal is proposed along the north-east edge of the drain which would result in the currently unjustified loss of existing trees and vegetation from the Soft Landscaping area along the frontage to the Fosdyke Canal.

The site currently provides dark sky habitat that is likely to be important to nocturnal foraging species such as bats. The Fosdyke Canal will also be a nocturnal foraging area for bats and otters. The Ecological Survey should be carried out during summer months and take account of neighbouring habitats and nocturnal species.

The street scenes provided do not show the outwards facing views from neighbouring land, but internal views of the houses fronting the roads, which means that the impact of the proposal on views from beyond the site, such as from the Fosdyke Canal corridor is difficult to judge. Furthermore, a 1.5m high close board fence is proposed to face the Fosdyke Canal along the majority of the south-western rear garden boundaries, but as discussed above the retention of existing landscaping is unclear. The removal of significant levels of existing trees and vegetation from the north-eastern edge of the drain would result in the close board fence forming an obvious and harsh boundary of urban character as viewed from the Fosdyke Canal corridor, which the Trust consider to be a non-designated heritage asset. The developer is unable to rely on the presence of trees and vegetation within 5m of the drain and on the slopes of the Fosdyke Canal embankment as from time to time it is necessary to responsibly manage such vegetation in the interests of maintaining the canal's infrastructure.

Disposal of Surface and Foul Water A Flood Risk Assessment is provided that includes calculations for the disposal of surface water via attenuated SuDs to an existing drain to the north of the site. It is noted that changes to the ground levels along the length of the south-western frontage of the site may mean that surface water runoff could be increased to the drain along the Fosdyke Canal boundary of the site. It is also unclear which direction the drain to the northern boundary flows. The Trust are not a drainage authority and so the disposal of surface water into our watercourses is not granted by right, but by commercial agreement.

Connectivity with the Fosdyke Canal Towpath The extent of the site and drain along the boundary with the Fosdyke Canal will likely prevent connectivity with the towpath, but future development of the site adjacent to the David Lloyd gym may allow this as the drain is absent and the ground levels more level in the southern corner of this land. This should form part of the LPAs material considerations with regards to sustainable travel from the site.

The planning application does not include a Certificate B advising that notice has been served upon the Trust with respect to this area of land being included within the site area. The Trust therefore request that the application site area be amended to accurately reflect the land ownership, or that Notice be served upon the Trust and Certificate B submitted as part of the application to rectify this matter.

LCC Archaeology: This site has been extensively archaeologically evaluated in association with previous development proposals in this area. These identified nothing of archaeological interest sufficient to merit any further archaeological work on this site. On this basis we would recommend that no further archaeological input be required.

Recommendation: no further archaeological input required.

WLDC Environmental Protection: Recommends a contaminated land survey and a construction management plan.

WLDC Strategic Housing- The above site will trigger an affordable housing contribution under Central Lincolnshire Local Plan. The CLLP requires for sites in the Lincoln Strategy Area to deliver 25% of the dwellings on site as affordable housing. On this site of 66 this will equate to 16.5 rounded to 17.

The NPPF requires 10% of all dwellings built on site to be available as a low cost home ownership tenure (equates to 6.6 units.) Alongside that, under the new ministerial statement, from the 28<sup>th</sup> December 2021 25% of all affordable housing contributions are required to be First Homes – which can contribute towards the low cost home ownership requirement. The Central Lincolnshire Local Plan Developer Contributions SPD requires the affordable housing tenure split to be 70% affordable rented and 30% shared ownership. However, due to policies brought in since the adoption of the plan, it is not always possible to achieve this tenure split.

Based on the above, to meet all of the required criteria, the tenure split I propose is:

60% affordable rented - 10  
15% Shared ownership - 2  
25% First Homes - 5

These units will need securing through a S106.

The location of these units does not lend itself to affordable rented housing for general needs housing for families due to the lack of links to schools and amenities. However, should the residents have access to a car, the location is not remote and so would be able to access facilities with relative ease. Alongside that, the small number of units that would be being delivered as affordable here subsequently means location would not be a reason to not deliver affordable rented units on this site. There are public transport links to this area facilitating access to other amenities such as shops, employment etc.

The types of accommodation being proposed would need to be looked at for delivery of affordable housing, the majority of the site is 3-4 bed houses with a minimal amount of bungalows and smaller units. It could be difficult to engage with an RP in this

location for units of that type to be delivered as affordable. I would welcome a discussion regards affordable housing delivery on this site with the developer to understand the opportunities for delivery of affordable housing this site can bring.

WLDC Tree and Landscape Officer:

**19/06/2023- Proposals for soft landscaping:** The information given in the agents response and revised plans/documents are appropriate, and I have no further queries or concerns.

**Potential effect on any trees or hedges on or near the site:** Please note: although most of the triangle of TPO woodland is north of the ditch, it does extend south of the ditch into the site.

To show the TPO woodland in context of development done since the TPO was made please see the extract below, where you can see that the SE corner of the TPO would also include tree 5 as a TPO tree.

The area of the TPO was far too dense to me to access but there appears to be various trees within the TPO south of the ditch, though the exact position of the ditch was difficult to see. See point 9 of my previous comments and the recent KRT response “no changes are made to existing ground levels within their RPA”, but please ensure it is clear that the TPO does extend south of the ditch and includes tree 5 amongst others. The positions of the tree protection fencing is suitable. Details given regarding the hand digging of post holes for garden fences to the rear of plots 16 and 17 is suitable.

I am satisfied with the responses and revised details since my previous comments on this site. I have no further queries or issues regarding these proposals.

**Comments on originally submitted application-**

Design & Access Statement (DAS) – the DAS points out that the dwellings that back onto Woodcock Lane will have a 1.5m landscape buffer between the rear boundary fences and the back of the footpath, for native hedgerow and wildflower planting. The Landscape Plan, ref no. KD.BRTW.D.001, also shows various trees to be planted along this 1.5m strip alongside Woodcock Lane and new public footpath. A 1.5m planting strip is narrow if it is to include a hedgerow, trees and wildflower planting. The roadside trees are very important for landscaping of this site, otherwise the backs of the houses would be clearly viewed from Woodcock Lane, but most importantly, all their garages and the long line of 1.8m high fencing alongside Woodcock Lane would be the main views from Woodcock Lane which would have a negative and harsh appearance in the street scene and to the character of the area. Therefore, the planting and retention of the hedgerow and trees is crucial to the future appearance and character of the street scene.

The proposed trees are not all natives as the tree schedule on the plan describes.

The hedgerow will help screen the long 1.8m boundary fence adjacent the road, but it will take several years for hedgerow plants to grow sufficiently to provide worthwhile



screening of the long length of fencing, providing residents retain it at a reasonable height, and don't remove it or keep it cut down to a low height.

The intended trees along the 1.5m strip adjacent Woodcock Lane includes various narrow-crowned varieties, probably due to the restricted width of the planting strip and the adjacent footpath and road that branches would overhang as the trees grow.

The proposed trees have clearly been thoughtfully positioned where their screening and softening value will be of most use in views from the road in relation to building positions.

Comments and queries in relation to the Arboricultural Report- answered in email from the agent dated 22/05/2023.

Anglian Water:

**14/03/2023-** Section 2 - Wastewater Treatment The foul drainage from this development is in the catchment of Skellingthorpe Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network This site falls within an area served by a vacuum sewerage system. These systems are different to conventional gravity system in that connections can only be made to an interface valve chamber, also known as a vacuum pot. These interface valve chambers have limited capacity and are only able to accommodate up to 4 properties or 0.5 litres per second. Connections are only permitted via gravity; a pumped connection is not permitted. The Developer will be required to employ the appropriate Vacuum contractor, which in this case is Redivac, to design and undertake the connection on their behalf. Due to the nature of the system, upgrades may be required to accommodate the proposed development. If there is insufficient capacity or pressure to accommodate the new development, Anglian Water will fund the necessary improvements downstream of the connection point. Please note that this can take up to 24 months to be implemented. We cannot begin this process until planning permission has been granted and the developer has made us aware of the proposals. Connecting new development before these upgrades are implemented could have a detrimental impact on the operability of the existing vacuum sewerage network and properties already connected.

Section 4- The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water and the submitted drawings indicate that surface water discharge from this site runs to an attenuation pond and ultimately discharges to a ditch.

Recommends informatives and a condition for foul drainage disposal.

**13/09/2022-** Used Water Network- This response has been based on the following submitted documents: Flood Risk Assessment and Drainage Strategy Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development

**Surface Water Disposal** The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water and the submitted drawings indicate that surface water discharge from this site runs to an attenuation pond and ultimately discharges to a ditch. On this basis, Anglian Water can confirm this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency.

Recommends Informatives and Condition.

Lincolnshire Police- No objections to the application.

Lincolnshire Fire and Rescue Service- I refer to the planning application reference 145475. The Fire Authority would make no objection to the application provided that the following items were included with the development:

**ACCESS-** Access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations 2000 Approved Document B (ADB) Part B5.

Lincolnshire Fire and Rescue recommends the installation of two (2) hydrants in respect of this planning application to be provided at the developer's expense as an integral part of the water mains scheme to support the long term fire safety of Residents and Occupiers. One hydrant should be positioned on the main entrance to the site. Where there are dwellings more than 200 metres from this fire hydrant, a further fire hydrant should be positioned at a mid-point on the site.

**ENVIRONMENTAL-** It is acknowledged that the environmental impact of fire water has been considered within this proposal.

**Relevant Planning Policies and Legislation:**

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

Development Plan

- **Central Lincolnshire Local Plan 2023 –**

Relevant policies of the CLLP include:

- S1 The Spatial Strategy and Settlement Hierarchy
- S6 Design Principles for Efficient Buildings
- S7 Reducing Energy Consumption –Residential Development
- S12 Water Efficiency and Sustainable Water Management
- S20 Resilient and Adaptable Design
- S21 Flood Risk and Water Resources
- S23 Meeting Accommodation Needs
- S45 Strategic Infrastructure Requirements
- S47 Accessibility and Transport
- S48 Walking and Cycling Infrastructure
- S49 Parking Provision
- S51 Creation of New Open Space, Sports and Leisure Facilities
- S53 Design and Amenity
- S54 Health and Wellbeing
- S57 The Historic Environment
- S60 Protecting Biodiversity and Geodiversity
- S61 Biodiversity Opportunity and Delivering Measurable Net Gains
- S66 Trees, Woodland and Hedgerows
- S81 Housing Sites in Medium Villages

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

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

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

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

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 2024 Paragraph 232 states:

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

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

- National Planning Practice Guidance

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

- National Design Guide (2019)

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

- National Model Design Code (2021)

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

- **Neighbourhood Plan**

There is currently no Neighbourhood Plan in preparation within the Burton Parish and there are no draft policies that need to be taken into consideration.

**Other:**

The Town and Country Planning (Use Classes) Order 1987

[The Town and Country Planning \(Use Classes\) Order 1987](#)

**Assessment**

**Main Considerations:**

- Principle of Development
- Flood Risk
- Design, Character and Visual Amenity;
- Neighbouring/Residential Amenity
- Highway safety and Parking Provision:
- Infrastructure requirements and Contributions;
- Affordable Housing and Viability;
- Open Space
- Energy Efficiency
- Trees, Hedgerows, and Landscaping:
- Ecology, Biodiversity, and Net Gain:
- Drainage
- Minerals
- 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.

The application seeks full planning permission for the erection of 66no. dwellings on land to the west/ south west of Woodcock Lane, within Burton Waters.

The site is allocated for development under Policy S81 (Housing Sites in Medium Villages) of the Central Lincolnshire Local Plan 2023 under allocation reference WL/BUR/005. The allocation details that the site has planning permission for 100no. units. The site specific requirements detail the following;

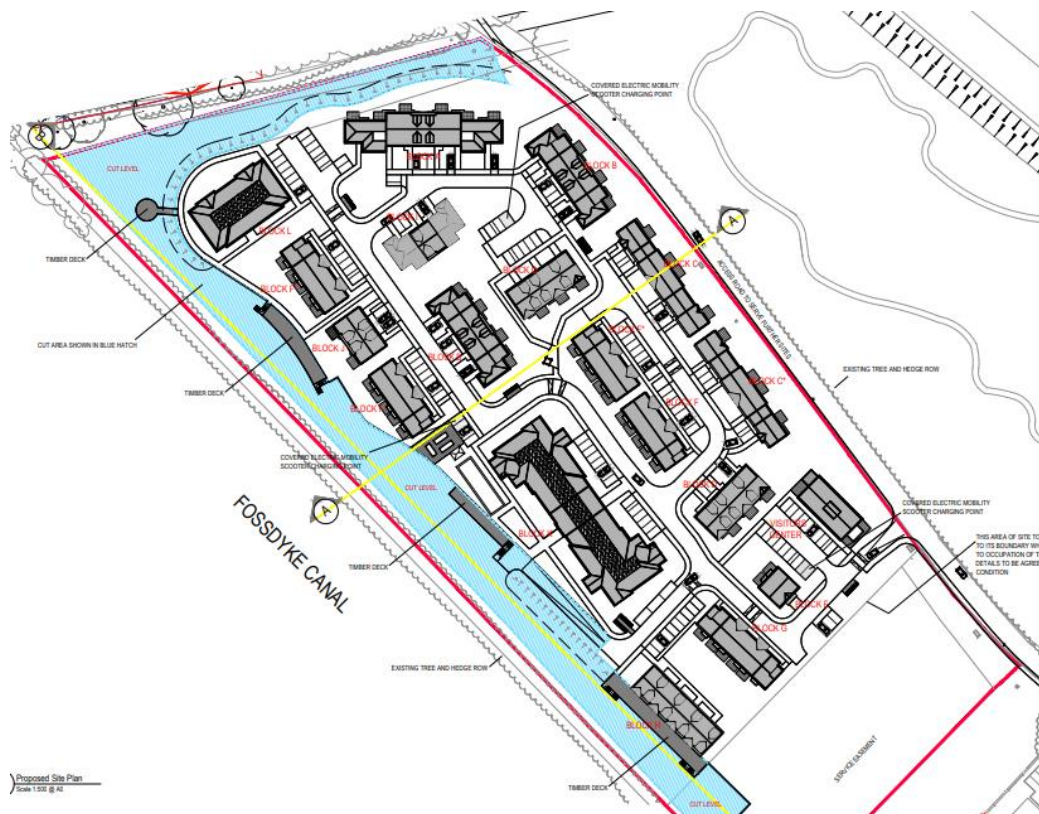
- Scheme to provide extra care accommodation;
- Within a Sand and Minerals Safeguarding Area.

It is first important to detail the planning history of this site. A Hybrid Planning permission (part full and part outline) was first granted in 2013 under reference 130050, with the following description;

*Planning application for comprehensive mixed use development comprising of full planning permission, material change of use of land, for the construction of 56no. park home units, use Class C3 dwelling, bus turning area and associated works. Outline planning permission with all matters reserved for subsequent consideration, for the development of a 60 bedroom hotel, **extra care housing, up to 100 units** and 24 holiday lodges, and associated works.*

The full extent of the application site included land to the north and south and was part of a larger phased development. The application site for consideration here was the area where the 100no. units of extra care housing was proposed to be located.

A Reserved Matters application was submitted in 2016 under reference 134630 for the same area as proposed in this application. The application was granted, with conditions for the erection of 100no. extra care units set out in 18 semi-detached, terraced and apartment blocks, as shown on the approved site plan below;



A Lawful Development Certificate (LDC)- Existing, was submitted in 2019 under reference 138861. The LDC sought confirmation from the LPA that the 100no. units could be used as unrestricted C3 dwellings and that a lawful start had been made on site (in accordance with the original outline permission), meaning that the three year commencement of development condition had been met and the permission was extant (existing).

Following legal advice sought by the LPA, the Lawful Development Certificate was granted, for the following reasons:

- 1. The application has included clear evidence to demonstrate that a material start has occurred prior to the end of 30th September 2018 in accordance with Section 56(b) and (d) of the Town and Country Planning Act 1990 (as amended).**
- 2. The extra care housing referenced in the description of development and subsequent officers' report can, due to the lack of a legally binding agreement and/or relevant planning conditions be considered as falling within Class C3. Dwellinghouses of The Town and Country Planning (Use Classes) Order 1987 (as amended).**

Ultimately the LDC confirmed that the blocks/terraces/units of extra care C2 accommodation, which remain extant and could be built out at any time and could be used as Use Class C3- Dwellinghouses without any further planning permission. Whilst the proposal comprising of 66no. dwellings would not fully meet with the site-specific requirement (extra care accommodation) under Policy S81, significant weight

in the planning balance is given to this extant planning permission and subsequent decision of the Lawful Development Certificate.

### *Density and Indicative Dwelling Numbers*

The indicative number of dwellings within the allocation ref is 100 dwellings (24 dwellings per hectare, gross density). The number of dwellings proposed in this application is 66 and the number of dwellings per ha would be 16, gross density.

The Central Lincolnshire Policies S76 – S82 Evidence Report at paragraph 4.15 assumed densities of development sites within each of the settlement hierarchy categories which were used as a starting point to provide indicative capacities. For Medium and Small Villages, it assumed a net density of 20dph with 75% of the site being development, accounting for green space and roadways etc. 66 dwellings would equate to 22dph, net density.

Neighbouring developments directly to the north and northwest comprise of lodge style dwelling types, set out in larger plots, and therefore have a lower density than the proposal. However, weight is given to the density previously found to be acceptable here in the scheme for 100no. units, which is a realistic fall-back position. In this case, it is considered that an appropriate balance has been struck between providing dwellings on the site and providing ample private garden space for each dwelling, sufficient off-street parking to meet the parking standards, sufficient open space and drainage areas, sufficient turning space for large vehicles, and on-site biodiversity net gains.

### *Housing Mix*

Policy S23 states that; *Developers are expected to provide housing solutions that contribute to meeting the housing needs of the housing market area, as identified in the latest Central Lincolnshire Housing Needs Assessment and in any other appropriate local evidence. This means new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.*

The housing mix for the proposal is as follows;

- 48 x 4 bed dwellings;
- 13 x 3 bed dwellings;
- 2 x 3 bed bungalows;
- 3 x 2 bed bungalows.

The site will comprise of 10 different house types. It is recognised that the site comprises of a high number of 4 bedroom detached dwellings. The site does also include 3 bed dwellings as well as five, 2 and 3 bed bungalows. As detailed further on within this report, viability assessments have been submitted for review during the application process. The applicant argues that the viability of the site is the main reasoning for including such a high number of 4-bedroom dwellings. It is acknowledged that the site is heavily balanced towards 4 bedroom dwellings but in this particular case it is considered that the mix is acceptable, and weight in the



determination is given to the viability assessment and its findings. The proposal would broadly accord to the requirements of Policy S23.

*M4 (3): Policy S23 states that “Proposals which deliver housing at the higher access standards of Part M Building Regulations (Access to and use of buildings) to M4(3) standard will be encouraged.” 30% (20) of the units would be built to Building Regulations M4 (3) standards. A plan has been provided to show which dwellings would be built to this standard.*

With consideration to the above discussion, it is therefore considered that the principle of development accords to Policy S81 of the CLLP. Further assessment of material planning considerations, including the impact upon the character of the area are carried out below.

### Flood Risk

The site is located within Flood Zones 2 and 3 as defined by the Environment Agency’s Flood Risk maps for planning. In accordance with the NPPF and Policy S21 of the CLLP the application has been accompanied by a site specific Flood Risk Assessment (FRA) by Inspire Design and Development dated August 2022.

As the site is allocated for development within the development plan, the sequential and exceptions test does not need to be passed in this case. Nevertheless, the development has to demonstrate that the development and the surrounding area would be stay safe in a flood event. Previous applications at this site were proposed to carry out cut and fill exercises to lift the development outside of the flood risk zones, this is also proposed in this application. Ground levels of the dwellings throughout the site will be at a minimum of 6.1m AOD.

A cut and fill exercise will be carried out at the application site, the application has been submitted with a topographical survey and various site sections. The cut and fill process involves the excavating (cutting) of material from areas where the ground is higher than the desired level and using it to fill areas where the ground is lower. The drawing below shows an example of part of the site and how the cut and fill exercise will look in terms of land levels. The green line denotes the existing land levels, and the black line denotes the design level. Ultimately the cut and fill exercise will comprise of lifting the development outside of the predicted flood zones.



The proposals have been reviewed by the Environment Agency who have recommended a condition in the event permission is to be granted. Overall, subject to the recommended conditions the proposal would be expected to accord to Policy S21 of the CLLP.



## Design, Character and Visual Amenity

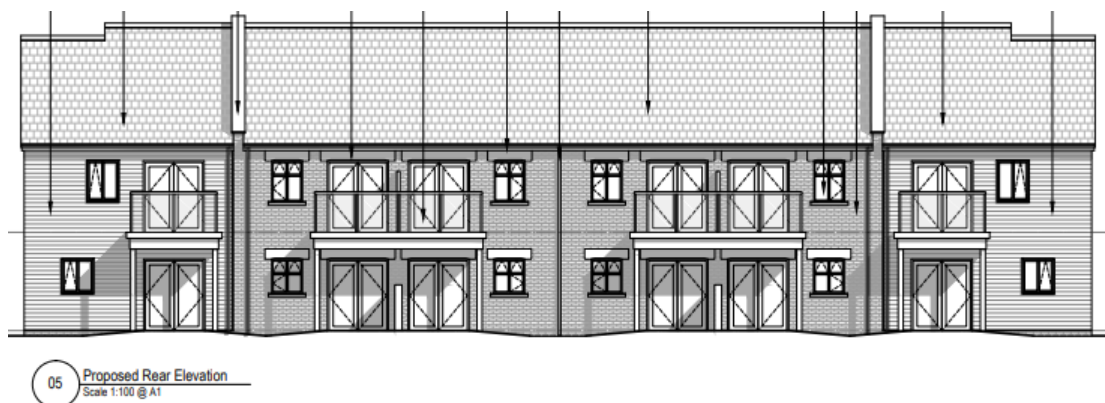
Policy S53 states that all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. Development must relate well to the site, its local and wider context and existing characteristics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

The site is surrounded on three sides by developed sites, to the south the David Lloyd fitness centre dominates the area as a prominent commercial building. To the east, on the opposite side of Woodcock Lane, are lodge style dwellings, these styles of properties are also evident on the park homes site to the north. The site is very well enclosed by trees, the David Lloyd Centre, topography around the site and beyond its boundaries and therefore the site is well screened from the A57, Fosdyke canal path and wider public views.

There has been significant local objection to the development in terms of the development consisting of two storey dwellings. As detailed above to the north and north west of the application site the character comprises of single storey detached lodge style dwellings. These developments are set back from the main highway through, Woodcock Lane. Each of these developments were clearly planned developments of their time. This is also the case for the two and three storey dwellings which surround the marina basin, further to the east.

Consideration has to be given to what could be erected here, lawfully, without any further planning permission, which is 18no. semi-detached, terraced and apartment blocks. Below includes some approved elevations and commentary on the approved extant development (134630):.





It is also acknowledged that some of the approved blocks were single storey/bungalows in their scale.



**Assessment of this application (145475/ WL/2024/00015)-** The majority of the site submitted for determination in this application does predominantly consist of two storey dwellings, with detached and integral garages, there is also a small number of bungalows located to the south corner of the site. An indicative street scene view is shown below;



welling frontages have simple symmetry to porches with canopies used in some instances. The majority of the houses have gabled features creating vertical emphasis. The streetscape is broken by, dormer windows and a variation in ridge heights. A variety of stone/brick heads, cills/band courses and cladding is also evident. In terms of the proposed site layout, each of the dwellings would be sited within ample sized plots, whilst also providing off street parking. Dwellings will address the roads where there are corner turns, pockets of planting are also shown. Boundary treatments will consist of some open frontages, with native hedge planting to front boundaries, some plots will have walled (1.8m) side garden areas, timber panel fencing (1.8m) in height will separate rear garden areas.

Proposed materials to be used in the dwellings are detailed on plan reference 1621-08 B and comprise of the following;

- Grey roof tiles;
- Red Multi Brick;
- Red Brick;
- Anthracite Grey, Feature weatherboard cladding- on some plots throughout the site.
- Windows- White UPVC. Front Doors- Anthracite Grey.

- Black Rainwater Goods.

There is a mixture of materials used in the surrounding developments, including timber cladding, red and buff bricks as well some small areas of render on properties. Subject to final specifications, the proposed materials are considered to be acceptable within the context of the wider area.

Rear garden areas are ample in their size, with many having depths of at least 6m. An area of open space is located to the northwest of the development as well as a retained landscaping buffer between the site and the Fosseydyke to the south. Smaller pockets of landscaping are also shown within the development. The built form is similar to the scheme for the 100no. units approved under reference 134630.

It is acknowledged that the appearance of the proposed dwellings in this application would be different to those of the lodge style dwellings to the north and north west. Nevertheless, Burton Waters comprises of pockets of differing planned development types. Each of these development types are read individually within their site boundaries. This would be the same situation with the application site.

A landscaping buffer at 1.5m in height is proposed along the north east boundary which lies adjacent to Woodcock Lane in front of rear garden boundary fencing. This will, once established help to soften the development for users of Woodcock Lane. The existing landscaping along the south boundary, which lies adjacent to the Fosseydyke will be retained as part of the proposals. Landscaping within the site will include the planting of trees and hedgerows.

The site is not within an area designated for its special landscape or scenic quality such as an Area of Outstanding Natural Beauty or an Area of Great Landscape Value.

Overall, the proposal would not have an unacceptable impact upon the character of the area, it is also considered that the proposal represents a more complementary development to that of the extant large C2 accommodation blocks and terraces and would accord to the aims of Policy S53 of the CLLP.

#### Neighbouring and Residential amenity

Criteria 8 Homes and Buildings of Policy S53 states that development proposals will:

- a) Provide homes with good quality internal environments with adequate space for users and good access to private, shared or public spaces;*
- b) Be adaptable and resilient to climate change and be compatible with achieving a net zero carbon Central Lincolnshire as required by Policies S6, S7 and S8;*
- c) Be capable of adapting to changing needs of future occupants and be cost effective to run by achieving the standards set out in Policy S20;*
- 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;*
- e) Provide adequate storage, waste, servicing and utilities for the use proposed;*

Criteria f) of Para 135 of the NPPF states that planning policies and decisions should:

*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<sup>51</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Objections have been received in relation to the living conditions of existing neighbouring residents.

The application site is adjoined by other residential uses to the north, beyond the highway and to the northwest beyond the intervening woodland copse.

At the closest point the proposed rear elevations dwellings that would run along the northern boundary of the site would be sited between c.25-35 m away from the lodges that run adjacent to the south boundary of the Burton Water Lodges site. It is recognised that the cut and fill exercise would raise the height of these dwellings (by approx. 1m in this location) however given the large separation distances it is not considered that there would be any harmful overlooking or dominating impacts upon these neighbouring residents.

There are no amenity concerns in relation to the dwellings which adjoin the site to the north, which are separated from the application site by intervening open space and the woodland copse.

With regards to the proposed dwellings, they are all adequately separated from one another as to not cause any dominating impacts. Window openings are also appropriately placed as to not cause unacceptable overlooking impacts. Rear garden areas are relatively large, with most garden areas having a depth of at least 6m.

Concerns have been raised in relation to noise from construction traffic. Although construction phases are usually temporary, it has the potential to last for a prolonged period of time when constructing 66 dwellings. To ensure the construction phase would not have an overly disturbing impact on the existing residents, it is considered relevant, reasonable and necessary to attach a construction management plan condition to the permission.

Concerns have also been raised in relation to light pollution. It is recommended that in the event permission is granted, a condition will ensure that full external lighting details are first approved by the LPA.

Overall and subject to conditions the proposal is considered acceptable in relation to the impacts upon residential amenity, subject to conditions and would accord to Policy S53 and the NPPF.

#### Highway safety and Parking Provision

Policies S47, S48 and S49 collectively require that development proposals do not have an unacceptable impact on highway safety or a severe cumulative impact on the wider

highway network. Policy S48 requires that development proposals should facilitate active travel. It also requires that first priority should be given to pedestrians, cyclists, and people with impaired mobility. Policy S49 of the CLLP sets out minimum parking standards that are required for residential and non-residential development within Central Lincolnshire.

Access into the site is to be taken off Woodcock Lane, from the south east corner. Internally, dwellings will be served off private roads (built to adoptable standards) and driveways. Turning heads are also proposed within the site. The Highways Authority have been consulted on the proposals and are satisfied that there would not be a detrimental to highway safety and there is sufficient capacity within the highway network.

The road would not be adopted at public expense. As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

Policy S49 and Appendix 2 of the CLLP sets the following car parking standards for dwellings in Villages and Rural Areas:

- 2 bed dwelling – 2 parking spaces;
- 3 bed dwelling – 3 parking spaces;
- 4 bed dwelling – 3 parking spaces;

The application has been accompanied by a parking strategy layout. Each of the dwellings meets with the standards contained within Appendix 2. Whilst some spaces are shown to be within the garages, internally the garages do measure c. 3m by c. 6m and therefore are of a size which can accommodate a car. Many of the plots are also to be provided with timber sheds which can accommodate usual household items that may not be able to be stored in the garages.

Policy S48 states that development proposals should facilitate active travel by incorporating measures suitable for the scheme from the design stage. Plans and evidence accompanying applications will demonstrate how the ability to travel by foot or cycle will be actively encouraged by the delivery of well designed, safe and convenient access for all both into and through the site.

The Fossdyke Canal and Public Right of Way ref: Bur/229/1 is located adjacent to the south west boundary of the application site. Access to this walkway is gained further to the west, close to the main Marina area. Links to the footpath through the site are not considered appropriate in this case given it would mean access onto land owned by the Canal and River Trust. It would also mean the removal of trees which is not encouraged.

#### Infrastructure requirements and Contributions

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

Policy S54 of the CLLP states that “The Central Lincolnshire authorities will expect development proposals to promote, support and enhance physical and mental health and wellbeing, and thus contribute to reducing health inequalities. This will be achieved by:

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

**National Health Service- NHS:** The development falls within the catchment area of Trent Valley Surgery, The Glebe Practice, Lindum Medical Practice and Brayford Medical Practice. A request of £41,745.00 (£632.50 x 66 dwellings) has been requested in this case. This request would accord with the Central Lincolnshire Planning Obligations Supplementary Planning Document (SPD), which states “*Local GP practices work as part of a Primary Care Network (PCN) and therefore the capital request will be viewed considering the PCNs ability to support the planned development. Patient choice needs to be considered to avoid funding being restricted to the nearest Practice.*”

**LCC Education:** No contribution has been sought in relation to education, with the consultation response stating that there is sufficient provision within the area for the development.

No other financial contributions are to be sought. Subject to the S106 legal agreement to secure the NHS contribution the development would accord to the aims of Policy S45 of the CLLP.

#### Affordable Housing and Viability

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

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

It also states that; *The Central Lincolnshire Authorities will seek the level of affordable housing on the basis of the above targets, but will negotiate with developers if an accurate viability assessment which reflects the recommended approach in the national Planning Practice Guidance demonstrates these cannot be met in full.*

The principles for carrying out a viability assessment is detailed within the NPPG1 (Paragraph: 010 Reference ID: 10-010-20180724) as the following;

*Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.*

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<sup>1</sup> [Viability - GOV.UK](https://www.gov.uk/guidance/viability)

A viability assessment on behalf of the applicant was submitted to the LPA for review in February 2023. The initial assessment was reviewed by the Councils consultants and the following recommendations were found;

*“Based on our assessment we find that the Applicant’s assessment is not reasonable because it does not adequately reflect the scheme specifics as well as the government and the Local Authority requirements to meet sustainable development.*

*7.3.2 We recommend that the Council seeks 20% affordable housing (x9 affordable rent, x1 shared ownership and x3 First Homes), a CIL payment of £168,681, S106 payment of £41,745, 10% biodiversity net gain, water efficiency of 110 litres per day per person (Policy S12), 30% of all units delivered as M4(2) to meet accessibility requirements (Policy S20), EV charging points to all dwellings and a reduction in energy consumption in excess of building regulations (Policies S6 & S7). Our recommendation is viable because it has addressed the shortcomings of the Applicant’s assessment and in doing so it strikes the appropriate ‘...balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.”*

Following the recommendation a further viability assessment from the applicant was submitted for review following increases in build costs as well as the abnormal cost of the cut and fill exercise and foul water drainage system. The latest review of the submitted information was carried out by the Councils Consultants in March 2025. Following the request from the LPA to include the biodiversity and energy requirements of the 2023 CLLP a further viability assessment was received from the applicant. The assessment has since been reviewed by the Councils consultants, in conclusion the findings are as follows;

*Conclusion: Based on the assessment of the revised cost information provided by the Applicant, the costs have increased, which means the development is now shown to be unviable with 0% affordable housing. This is different to our October 2023 assessment, which showed the scheme could viably support 20% affordable housing. The increases in costs are justified to use in the viability assessment because they are much more detailed than we have previously been provided and they have been reviewed by our cost consultant. Therefore, we are now in an agreement with the Applicant that the scheme cannot viably provide any affordable housing.*

*Recommendation: We recommend that the Council should not seek an onsite affordable housing contribution. The costs provided are elemental at this stage and given the level of viability deficit, we have concerns about deliverability. There could be scope for cost engineering, which could improve viability, therefore we are recommending a viability review clause in the S106 agreement, to assess actual costs and values, to see if there is scope at a later stage to make an affordable housing commuted sum contribution. The viability review clause should be triggered towards the end of the development, say on the completion of the 50th dwelling. The viability review clause should use our assessment of the benchmark land value.*

The findings of the assessments have been carefully considered. The scheme has been found to be unviable and therefore an affordable housing contribution, on or off site will not be sought in this case. Nevertheless, the LPA does consider it necessary to detail a mechanism within the S106 legal agreement to request that an assessment of costs and values towards the end of the development is carried out to see if there is scope to make a commuted sum contribution toward affordable housing. The mechanism will also secure that if any variations to the scheme are submitted for consideration, then a full review of the viability of such a scheme will be required.

### Open Space

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

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

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

Tables A3.2-A3.4 of Appendix 3 go on to detail thresholds and calculations for on and off-site provision as well as average occupancy levels. It is acknowledged that there is an error in table A3.4 in relation to Outdoor Sports Facilities (Public) and this should in fact read 25.07m<sup>2</sup>/dwelling to match up to the standards in Table A3.1 and as is also referenced in Part B of the Appendix. The figures in table A3.3 are used to calculate the average occupancy of the proposed development as follows:

2 bedrooms-  $1.7 \times 3 = 5.1$   
3 bedrooms-  $2.3 \times 15 = 34.5$   
4 bedrooms-  $2.8 \times 48 = 134.4$

Therefore, the proposed development would increase the population of Burton Waters by approximately 174 people.

To derive at the amount of public open space of each type (see table A3.1 of Appendix 3 of the CLLP) the development should deliver, it is necessary to calculate the proposed population increase against the amount of greenspace the development should deliver on site. For 66no dwelling units as proposed, the site should provide approximately:

- Allotment and Community Growing Space =  $174/1000 \times 0.31 = 0.053$  hectares or 530m<sup>2</sup>
- Amenity Greenspace =  $174/1000 \times 0.66 = 0.11$  hectares or 1100m<sup>2</sup>



- Provision for Children and Young People =  $174/1000 \times 0.12 = 0.20$  hectares or 200m<sup>2</sup>
- Local and Neighbourhood Parks and Gardens =  $174/1000 \times 0.38 = 0.06$  hectares or 600m<sup>2</sup>
- Outdoor Sports Facility (Public) =  $174/1000 \times 1.09 = 0.18$  hectares or 1800m<sup>2</sup>
- Natural and Semi-Natural Greenspace =  $174/1000 \times 1 = 0.17$  hectares or 1700m<sup>2</sup>

The total open space requirement equals approximately 0.773 hectares (7730sqm). The application site proposes an area of open space which measures approximately 5872sqm to the north of the dwellings as well as down the western boundary of the site, adjacent to the Fosdyke Canal. It is also noted that there are a number of smaller pockets of grassland which would contain tree and shrub planting within the site boundaries.

The site is located adjacent to the Fosdyke Canal and a network of Public Right of Way which links the Burton Waters Marina development to Lincoln and beyond. The site is also within close proximity to the main marina basin, it is also located within close proximity to the main body of Lincoln, where there is a range of outdoor facilities and parks. It is recognised that the proposed development would provide a considerable amount (5872sqm) of 'Natural and Semi-Natural Greenspace' with an element of 'Amenity Greenspace' also on the site.

On the whole, taking into account the development provides a considerable amount of open space on site, the proximity to the canal side public right of way and it is located nearby to the open countryside and other facilities within Burton Waters, as well as its close proximity to Lincoln it is considered that the proposal would accord with Policy S51 of the CLLP.

The management and maintenance of the open space is proposed to be secured via the S106 agreement. Subject to this, the proposed development is considered to accord with Policy S51 of the Central Lincolnshire Local Plan, and the provisions of the NPPF.

### Energy Efficiency

The application was first submitted in June 2022 and had an original determination date of 30/11/2022 it would have therefore not been subject to the CLLP 2023 Energy Efficiency policies. Nevertheless, an email was sent to the agent for the application on 15/11/2023 requesting that energy efficiency measures are incorporated into the development.

The CLLP sets specific standards that are required by new residential and non-residential development in relation to site average space heating demand and total energy demand. Policy S6 states a set of design expectations that should be considered when formulating development proposals. This includes the orientations of buildings, form of buildings, fabric of buildings, heat supply and renewable energy generated. Policy S7 requires that all new residential buildings are accompanied by an Energy Statement and in addition to the requirements of policy S6, must meet the following criteria:

1. 'Can generate at least the same amount of renewable electricity on-site (and preferably on-plot) as the electricity they demand over the course of a year, such demand including all energy use (regulated and unregulated), calculated using a methodology proven to accurately predict a building's actual energy performance; and

2. To help achieve point 1 above, target achieving a site average space heating demand of around 15-20kWh/m<sup>2</sup>/yr and a site average total energy demand of 35 kWh/m<sup>2</sup>/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m<sup>2</sup>/yr, irrespective of amount of on-site renewable energy production. (For the avoidance of doubt, 'total energy demand' means the amount of energy used as measured by the metering of that home, with no deduction for renewable energy generated on site).'

The application has now been submitted with an Energy (sustainability) statement, SAP calculations, specification sheets for solar panels and a plan to show the air source heat pump and solar panel locations.

In terms of design principles detailed within Policy S6 the submitted statement details the following in relation to how the dwellings have been designed.

- The house type designs and glazing specification will facilitate each home in benefiting from the beneficial effects of solar gain;
- The construction specification of every home will include high levels of insulation in the ground floor, external walls and roof spaces. This will lessen heat loss from the building envelope and lower the energy requirement of every home;
- The design of each house type will allow for cross ventilation and so will ensure any risk of summer overheating will be removed by natural ventilation;
- Energy efficiency measures, including the specification of thermally broken lintels, high levels of insulation and high performance double glazing will be included in the design and construction of every home.

The sustainability statement details that the proposed dwellings would have the following in terms of U Values;

Element	Part L 2021	Specification
Wall	0.26W/m <sup>2</sup> K	0.19W/m <sup>2</sup> K
Cold Roof	0.16W/m <sup>2</sup> K	0.11W/m <sup>2</sup> K
Sloped Roof	0.16W/m <sup>2</sup> K	0.16W/m <sup>2</sup> K
Floor	0.18W/m <sup>2</sup> K	0.12W/m <sup>2</sup> K
Glazing	1.60W/m <sup>2</sup> K	1.40W/m <sup>2</sup> K
Door	1.60W/m <sup>2</sup> K	1.20W/m <sup>2</sup> K
Air Permeability	8.0 m <sup>3</sup> /(h.m <sup>2</sup> ) @ 50 Pa	5.0 m <sup>3</sup> /(h.m <sup>2</sup> ) @ 50 Pa

The proposed U Values are slightly above those as detailed within the Central Lincolnshire Design Guide, they are however considered to be broadly acceptable. Heat pumps will be installed at a 45 degree flow temperature as well as solar panels. PV panels will also be installed on the dwellings. The proposals however fall short of the S7 target by 157,664.48kWh/year. A further 183kWp, assumed installed in a

southerly orientation (which is not possible), would be necessary to meet this target. The proposals as they stand represent the current maximum fits accounting for the most efficient roof slopes.

It is noted that not all of dwellings energy demands would be met through the provision of renewable energy. Given that the application was submitted in 2022 and would not have been subject to the policies within the 2023 plan at the original time of determination, the energy efficiency measures are welcomed and accepted in this case. The application includes the use of air source heat pumps and the installation of solar panels to meet with the majority of the energy requirements of the dwellings. Subject to conditions, the proposal would broadly accord to the aims of Policies S6 and S7 of the CLLP.

### Trees, Hedgerows, and Landscaping

Policy S66 of the CLLP states that *‘development proposals should be prepared based on the overriding principle that:*

- *the existing tree and woodland cover is maintained, improved and expanded; and*
- *opportunities for expanding woodland are actively considered and implemented where practical and appropriate to do so.’*

The application has been submitted with an Arboricultural Assessment by Kedd Limited. The survey has assessed the trees within the site boundaries and if the development would impact them.

There is one Category A tree, and three Category B trees located within the site boundary. None of these trees are to be removed during the works. In addition, there were an addition there were four Category C trees recorded within the site boundary. Three of these trees are to be retained during the works with just Tree 2 to be removed.

There are three tree groups located within the site boundary. Tree Group 1 (located on the north east boundary) is assessed as Category C, Tree Group 2 (located to the North boundary) is assessed as Category A this group is also protected by a TPO Burton No1 2009. Tree Group 3 (adjacent to the canal) is assessed as Category B. Tree Group 2 is to be retained during the extent of the works. A 15 metre stand-off should be observed from this woodland during the extent of the works.

The TPO woodland copse to the north of the site will remain as part of the proposals. Tree protection measures have been shown on a plan in relation to this group and the other trees to be retained and a condition will ensure that they are in place during the construction of the development.

A full scheme of landscaping has also been submitted which includes, shrubbery, hedging, trees (within front gardens, and a 1.5m wide buffer along Woodcock Lane). The proposals have been reviewed by the Councils Tree and Landscape Officer and following initial concerns the amended plans and information have now addressed the comments of the tree and landscape officer. The Tree and Landscape Officer now has no objection subject to conditions.

### Ecology, Biodiversity, and Net Gain

As per the energy efficiency section of this report, the application was submitted prior to the implementation of the CLLP 2023 and therefore at the time of the original determination date would not have been subject to the policies of this plan. Included in the email to the agent, dated 15/11/2023, was the request to

The application was also submitted prior to the introduction of the legislative requirement for developments to provide a 10% BNG. Nevertheless, Policy S61 of the CLLP requires: *“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”*.

A BNG Assessment Report by Kedd Limited dated and the Statutory BNG Metric tool have been submitted with the application. The BNG Assessment Report states the following in relation to the baseline of the site, there is a total of 15.68 habitat units and 1.19 hedgerow units, there are no watercourse units. In relation to post development, the report and metric detail that there will be an on-site gain of 17.28 habitat units (10.18%) and 2.20 (85.06%) hedgerow units. Habitat replacement should replace on a like for like basis. As stated within the consultation response from Lincs Wildlife Trust, it is noted that some of the habitats would be replaced by those of a lesser distinctiveness, which would mean a shortfall of approximately 4.82%.

This gain onsite will be achieved through the enhancement of retained grassland and also through the planting of neutral grassland. The scheme will also include urban tree planting, green wall planting and native scrub planting within the landscape strategy. The northern boundary woodland will also be enhanced through management to benefit wildlife in the long-term.

As the original determination date was prior to the implementation of the CLLP 2023 which introduced Policy S61, it is considered that in this case the on-site gains are acceptable. As the proposal was submitted prior to the introduction of the mandatory BNG legislation it would not be subject to the pre commencement condition in law. Nevertheless, appropriate conditions will be added to the decision notice to ensure that the development accords to the information submitted with the application.

### *Ecology and Protected Species*

Circular 06/20052 states that *“it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”*. Ecological mitigation should only be employed where it is not possible to avoid the impact. Furthermore, mitigation measures should be specific to an identified harm.

The removal of a number of trees and other landscaping from within the site would have the potential to affect biodiversity and protected species. Significant concern has

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<sup>2</sup> [Viability - GOV.UK](https://www.gov.uk/guidance/viability)

been submitted from third parties in relation to protected species that may be using the site and how these will be impacted if the development were to go ahead.

The application has been accompanied by a Preliminary Ecological Appraisal (PEA) by Kedd Limited dated May 2023. As well as this the application has also been accompanied by a Bat Survey Report (April 2024), a Badger and Otter Survey Report (April 2024) and a Reptile Survey Report (April 2024).

In relation to the site itself, the survey details that there are no Statutory Designated Sites within 2km of the site boundary. It is not anticipated that the proposed works will have any impact on any Ancient Woodland sites or any Non-Statutory Designated Sites. The Fosdyke Canal runs immediately adjacent to the western site boundary. This Canal Network provides a corridor of habitats which support a diversity of species. The reports note the following in relation to protected species.

**Bats-** The site was assessed as having a moderate suitability for foraging bats, given the proximity to the Fosdyke Canal. Survey work has been carried out in accordance with the recommendations of the PEA.

One transect survey per month from April – October 2023 was conducted. one transect route was identified to cover the Site. The transect route was approximately 3km long and covered the whole Site during each of the survey visits to reach the BCT Guidance of 2 – 3 hours per survey. In addition to this, static bat detectors were also deployed to the site for five nights per month. . The species recorded within the static detector surveys were common pipistrelle, soprano pipistrelle, noctule, brown-long eared and myotis bats. The peak location for foraging bats within the site was the western site boundary which was adjacent to the Fosdyke Canal.

The removal of scrub within the site boundary will reduce the overall foraging and commuting habitat within the site. However, the boundary vegetation between the Fosdyke Canal and the site is to be retained during the works. This will ensure commuting habitat is present along the Fosdyke Canal in the long-term.

Bat Roost surveys were also carried out on 2 trees which were found to be suitable for roosting. No areas of roosting habitat for bats are to be removed as part of the proposals. Therefore, the bat boxes detailed within the landscape scheme will provide a long term benefit for roosting bats within the site.

Recommended mitigation measures within the survey include species rich hedgerow planting, bat boxes and retention of hedgerow/scrub where possible.

**Badgers and Otters-** During the update badger walkover survey conducted on the 17/04/2024, no evidence of badgers was found within the site boundary.

Due to the potential of an onsite otter holt, it is recommended that a camera trap is placed onsite in order to monitor this holt for signs of otters using this holt. This monitoring should initially be conducted for a period of 2 months and then further recommendations can be provided. A condition will ensure this is carried out prior to any works commencing on site.

**Reptiles-** Survey work was carried out at the site in the form of placing artificial refugia on suitable areas of the site for reptiles. Reptile mats were placed within the site conforming to the minimum recommended density of between 5 and 10 per hectare of suitable habitat. The refugia were then checked on 8 separate occasions. The surveys had a peak count of 2 common lizards which were recorded within the central grasslands.

The proposed works will require the removal of vegetation within the site which provides suitable habitat for common lizard. Due to the presence of a small number of common lizards on the site, the proposals will result in potentially adverse impacts on this species.

In terms of mitigation the report recommends the following;

**Receptor Site-** As there will be limited habitat remaining onsite for common lizard, and due to there being limited suitable habitat in the wider surrounding area, it is assessed that a receptor area will need to be identified before any onsite mitigation works can take place.

**Translocation-** The site will need to be fenced using one-way reptile fencing, allowing reptiles to exit the area but not enter it. A period of trapping will then be required involving the placement of artificial refugia throughout this area. Regular visits will be required to check the reptile mats. Any reptiles encountered will be safely captured and placed into the receptor area. Visits will continue until there have been 5 consecutive visits without any reptiles. Once all reptiles have been removed from the fenced site, the regrading works can commence. The fence will need to remain in-situ until all regrading works have been completed.

A mitigation plan will be secured by condition in the event permission is granted. In terms of other ecological mitigation and enhancements, the PEA recommends the following are included within the development.

- 16 bird boxes;
- 16 bat boxes;
- 36 hedgehog gates; and
- 5 hibernacula

These enhancements have been shown on a plan (ref 1621-10 Rev B) that has been submitted with the application. Overall and subject to conditions, the proposals would be in accordance with Policy S60 of the CLLP and the NPPF.

### Drainage

Policy S21 of the CLLP requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SUDS) in to the proposals unless they can be shown to be inappropriate; to show that there is no unacceptable increased risk of flooding to itself or existing land or buildings; and that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

Paragraph 182 of the NPPF states that “Sustainable drainage systems provided as part of proposals for major development should:

- a) take account of advice from the Lead Local Flood Authority;*
- b) have appropriate proposed minimum operational standards; and*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.*

The application has been accompanied by an FRA and an Outline Drainage Strategy by Inspire Design and Development. The Lead Local Flood Authority at Lincolnshire County Council Highways Department are the statutory drainage authority for surface water disposal on major developments within the District. They have not raised any objections to the development, in principle, see surface water section below.

### Foul Water Disposal

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.”*

Foul water disposal on Burton Waters is disposed of via a vacuum disposal system. Anglian Water have advised that currently there is no existing capacity within this network and that upgrades will need to be carried out prior to any works being carried out at the site. Early engagement with them has been recommended as well as a condition to ensure that the scheme is agreed prior to occupation. It is considered necessary to make this a pre commencement condition, to ensure that the site is not left in a partially constructed state for prolonged periods of time whilst foul drainage upgrades are carried out. Subject to agreeing these works, the foul water disposal is acceptable in principle.

### Surface Water Drainage

The surface water hierarchy at criteria (k) of policy S21 of the CLLP states that following, in line with the surface water hierarchy contained within the NPPG Paragraph: (056 Reference ID: 7-056-20220825)

- 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;*

Concerns have been raised by consultees and third parties in relation to the proposed surface water scheme and that the application should be considering a SUDS scheme

in the first instance. This is the most preferred option in the drainage hierarchy and major proposals, such as this one should incorporate such schemes. The application has been submitted with a Flood Risk Assessment and Drainage Strategy by Inspire Design and Development.

It is firstly important to note that a drainage scheme at this site has previously been approved as part of the wider development, which included the previously consented scheme for 100no. units.

The built form layout of the site is not too dissimilar to that proposed in this application. In relation to the use of a SUDs scheme, the drainage strategy details the following;

*“While infiltration may be theoretically feasible in the River Terrace Sands and Gravels at original ground levels, the thickness of Made Ground (up to 3m) required to lift the Site above flood levels makes this option impracticable”*

The proposed surface water drainage system will collect future runoff from the roofs, driveways and access roads and discharge the outflow directly to the large open pond in the wider development area to the north-west for attenuation storage, all in accordance with the previously approved Drainage Statement.

As the 1 in 100-year rainfall event with allowance for climate change is estimated to raise the pond water level by 17mm for the total approved impermeable area of 2.94 ha, runoff from the Site will potentially raise the water level by less than 10mm. It is not considered that such a small increase in water level will create any significant impact on the catchment area of the pond.

The pond will continue to drain, as it does at present, to the open ditch which runs along the northern Site boundary and via the 750mm diameter pipe culvert beneath Woodcock Lane, the existing holiday lodges and the A57 Saxilby Road to Burton Fen Drain (FID16). A flow control device will be fitted to the inlet of the 750mm pipe so as to restrict the peak outflow to the approved flow rate of 43.4 litres per second. In principle, this method is considered to be acceptable, subject to conditions.

#### *Water Efficiency*

Policy S12 of the CLLP requires that a rain harvesting water-butt with a minimum capacity of 100l be included for all residential development. Were it minded to grant permission, a condition would be included in this regard to ensure all dwellings have a rain-water harvesting but with a capacity of at least 100l. Were it minded to grant permission, a condition would also be included to require the developer to provide evidence that the dwellings would have a rainwater harvesting water butt prior to occupation.

#### Minerals

The application site is located within a Sand and Gravel Minerals safeguarding area. This is also noted as a site specific requirement under Policy S81 of the CLLP. Policy M11 of the Lincolnshire Minerals and Waste Core Strategy details that proposals within Minerals safeguarding areas need to be accompanied with a minerals



assessment. The application has been accompanied by a Minerals Assessment by KEDD Limited.

The BGS Mineral Resource Map for Lincolnshire indicates that the proposed site is underlain by River Terrace deposits of sand and gravel. The adopted locations plan within the core strategy production area is met through the remaining permitted reserves in existing sites, by the provision of sand and gravel from extensions to existing sites that have a Committee resolution to grant planning permission.

According to the latest figures obtained from Lincolnshire's Local Aggregate Assessment (published in July 2021), at the end of 2021, Lincolnshire had sufficient permitted reserves of sand and gravel to meet the 7-year minimum landbank and there should be sufficient sand and gravel resources to last beyond the LMWLP period which extends to the end of 2031.

Even if there were some mineral operator interests in this area of sand and gravel, it is considered that any form of development appraisal or sustainability appraisal would show that the site's location within 100 metres of the existing residential and leisure development, is heavily constrained by amenity considerations.

The proposed housing development would not physically sterilise any minerals (sand and gravel) of notable economic value and that the recovery of any of the sand and gravel that lies below the site is not viable or deliverable; and

It is not feasible or obviously desirable to recover any of the sand and gravel prior to the housing development or to facilitate the housing development.

It is therefore considered highly unlikely that a workable resource exists at the site due to the limited size of the site together with existing constraints on mineral working within this land.

No comments have been received from the minerals and waste authority at Lincolnshire County Council.

Weight is also given to the allocated housing status of the site within the development plan. Policy M11 of Lincolnshire Minerals and Waste Core Strategy states that development on allocated sites within the development plan (S81 of the CLLP) will be granted even if the development would sterilise a minerals resource.

It is therefore considered that the submitted assessment and the allocated status of the site in the development plan addresses the requirements of Policy M11, and the site-specific requirements contained within Policy S81 of the CLLP.

#### Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The site is located within the Value Zone 1 where there is a charge of £25 per square metre of floor space created.

#### Other Considerations

Electric Car Charging- Policy NS18 of the CLLP states that; The location of charging points in development proposals should be appropriately located to allow for easy and convenient access from the charge point to the parking space/s. This is also reflected in Policy S20 where adaptable housing designs are encouraged. The proposed parking strategy layout plan includes an electric car charging point for each dwelling.

Burton Waters Leaseholders/Management Company- Comments have been received querying if future occupiers of the dwellings would pay toward Burton Waters management company. This would be a private matter to be agreed between the relevant parties in terms of any contribution that future occupiers may need to pay towards the management company at Burton Waters.

**Conclusion and Planning Balance:** The application has been considered against the following policies S1 The Spatial Strategy and Settlement, Hierarchy, S6 Design Principles for Efficient Buildings, S7 Reducing Energy Consumption –Residential Development, S12 Water Efficiency and Sustainable Water Management, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S22 , S23 Meeting Accommodation Needs, S45 Strategic Infrastructure Requirements, S47 Accessibility and Transport, S48 Walking and Cycling Infrastructure, S49 Parking Provision, S51 Creation of New Open Space, Sports and Leisure Facilities, S53 Design and Amenity, S54 Health and Wellbeing, S57 The Historic Environment, S60 Protecting Biodiversity and Geodiversity, S61 Biodiversity Opportunity and Delivering Measurable Net Gains, S66 Trees, Woodland and Hedgerows and S81 Housing Sites in Medium Villages of the Central Lincolnshire Local Plan 2023 in the first instance, Furthermore consideration has also been given to the guidance within the NPPG and the provisions of the NPPF, National Design Guide and National Design Model Code.

The site is allocated for development within the Central Lincolnshire Local Plan 2023. Whilst the site-specific criteria of the site providing extra care accommodation has not been met, significant weight in the balance of the decision is given to the planning history of the site, which includes the approved Lawful Development Certificate confirming that the approved development is considered as Use Class C3 (dwellinghouses).

The proposed development would not have a detrimental impact upon the character of the area, residential amenity, highway safety or minerals resource. Matters of ecology, drainage, biodiversity net gain and energy efficiency are considered to be acceptable subject to conditions. It is recommended that permission is granted subject to conditions and the signing of a S106 agreement.

#### **Decision Level: Committee**

**RECOMMENDATION: Grant planning permission with conditions and Section 106 Legal Agreement to secure the following;**

- NHS Contribution of £41,745;
- The inclusion of a Viability Clause to detail a mechanism within the S106 legal agreement to request that an assessment of costs and values towards the end

of the development is carried out to see if there is scope to make a commuted sum contribution toward affordable housing. The clause will also ensure a full viability assessment is carried out in relation to any variations (Section 73 Applications) made to the scheme.

- Open Space and Landscaping- Details of future management and maintenance.

### **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. Prior to any development a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

**Reason:** To ensure the development is served by an acceptable foul water drainage system in accordance with Policy S21 of the CLLP and the NPPF.

3. No development, including any site clearance shall take place until the results of the further Otter survey as detailed within Section 5 of the Badger and Otter Survey Report dated April 2024 by Kedd Limited. Details of any mitigation measures shall also be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved mitigation plan.

**Reason:** In the interests of protected species in accordance with Policy S60 of the CLLP 2023 and the NPPF.

4. No development, including any site clearance shall take place until a reptile mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall be prepared in accordance with mitigation recommendations contained within Section 6 of the Reptile Survey Report dated April 2024 by Kedd Limited. The development shall only proceed in accordance with the approved mitigation plan.

**Reason:** In the interests of protected species in accordance with Policy S60 of the CLLP 2023 and the NPPF.

5. No development hereby permitted shall take place until a Construction Management Plan and Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Plan and 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.

The development shall thereafter be undertaken in accordance with the approved Construction Management Plan and Methods Statement.

**Reason:** In the interests of residential amenity and the safety and free passage of those using the adjacent public highway the permitted development during construction, in accordance with Policy S47 and S53 of the Central Lincolnshire Local Plan, and the provisions of the NPPF.

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

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

Site Location Plan 1621-01 Rev A  
Landscape Layout (April 2024) KD.BRTW.D.001A  
Planning Layout (1:500) | 1621-02 - Rev S  
Planning Layout (1:1000) | 1621-54 - Rev C  
Pedestrian & Vehicle Movement Plan | 1621-03 - Rev E  
Landscape Management & Maintenance Plan | 1621-04 - Rev F  
Refuse Vehicle Tracking Plan | 1621-06 - Rev E  
Material Finishes Layout | 1621-08 - Rev E  
Boundary Treatments Layout | 1621-09 - Rev E  
Ecological Enhancement Plan | 1621-10 - Rev E  
Parking Strategy Layout | 1621-11 - Rev E  
Tree Protection Plan | 1621-55 - Rev C  
FVA Area Plan | 1621-65 - Rev B  
ASHP & PV Panel Locations | 1621-66  
Typical Street Scenes (Sheet 1 of 3) | 1621-12 - Rev F  
Typical Street Scenes (Sheet 2 of 3) | 1621-13 - Rev F  
Typical Street Scenes (Sheet 3 of 3) | 1621-14 - Rev F  
Site Sections (Sheet 1 of 2) | 1621-15 - Rev F  
Site Sections (Sheet 2 of 2) | 1621-56 - Rev B  
House Type 3D9 - M4(2) - (as) | 1621-23 - Rev B  
House Type 3D9 - M4(2) - (opp) | 1621-24 - Rev B

House Type 3D9 - M4(2) CLAD (as) | 1621-60 - Rev A  
 House Type 4D48 (as) | 1621-25  
 House Type 4D36G (as) | 1621-29 - Rev A  
 House Type 4D36G (opp) | 1621-30 - Rev A  
 House Type 4D36S (as) | 1621-31 - Rev A  
 House Type 4D36S (opp) | 1621-32 - Rev A  
 House Type 4D36S CLAD | 1621-59  
 House Type 4D52 (as) | 1621-33  
 House Type 4D52 (opp) | 1621-34 - Rev A  
 House Type 2B4 (as) | 1621-45  
 House Type 2B4 (opp) | 1621-46  
 House Type 3B17 (as) | 1621-47  
 House Type 3B17 (opp) | 1621-48  
 House Type 4D50 (as) | 1621-57  
 House Type 4D50 (opp) | 1621-49 - Rev A  
 House Type 4D32 (as) | 1621-50 - Rev A  
 House Type 4D32 (opp) | 1621-51 - Rev A  
 House Type 4D32 CLAD | 1621-61  
 House Type 4D32 CLAD | 1621-62  
 House Type 4D20 - M4(2) - (as) | 1621-52 - Rev C  
 House Type 4D20 - M4(2) - (opp) | 1621-53 - Rev C  
 House Type 4D20 - M4(2) CLAD (as) | 1621-63 - Rev A  
 Single Garage | 1621-39 - Rev A  
 Double Garage | 1621-40 - Rev A  
 2 Car Garage | 1621-41 - Rev A  
 900mm High Native Species Hedgerow | 1621-44  
 1.2m High Palisade Fence Detail | 1621-58  
 1.5m High Panel Fence with 300mm Gravel Board | 1621-42  
 High Brick Screen Wall Detail | 1621-43 - 1.8m  
 Proposed Contouring | 202.DR.002 Revision B  
 Cut and Fill Exercise | 202.DR.001 Revision C  
 Cross Sections | 202.DR.004

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

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

7.The development hereby approved must only be carried out in accordance with the recommendations set out in sections 3 and 4 of Preliminary Ecological Appraisal (PEA) completed by Kedd Limited dated May 2023.

**Reason:** To ensure the development proceeds in accordance with the approved management plan and to protect the habitats and wildlife on site to accord with the National Planning Policy Framework and S60 of the Central Lincolnshire Local Plan.

8.No development above damp-proof course level shall commence until a detailed scheme for the disposal of surface water based on the principles as set out in the Flood Risk Assessment and Drainage Strategy has been submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the approved scheme.

**Reason:** To ensure that the development is served by an appropriate surface water drainage scheme in accordance with Policy S21 of the CLLP and the NPPF.

9.No occupation of any dwelling shall occur until the ecological enhancements as shown on plan ref 1621-10 Rev B have been implemented and retained as such thereafter.

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

10. Notwithstanding the mitigation plans detailed within conditions 4 and 5 of this consent. The development shall proceed in accordance with the ecological recommendations contained within the following reports;

- Preliminary Ecological Appraisal (PEA) by Kedd Limited dated May 2023
- Bat Survey Report (April 2024)

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

11.No development above damp-proof course level shall take place until details, including specifications of all the proposed facing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details.

**Reason:** In the interests of visual amenity to accord with Policy S53 of the Central Lincolnshire Local Plan 2023.

12.No occupation of each individual dwelling must take place until its individual access and driveway identified on Proposed Site Plan: 1621-54 - Rev C has been fully completed and retained for that use thereafter.

**Reason:** To ensure safe access to the site and each dwelling 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 Policy S47 of the Central Lincolnshire Local Plan, and the provisions of the National Planning Policy Framework.

13. The dwellings hereby approved shall be constructed to ensure that the consumption of wholesome water by persons occupying the dwellings is in accordance

with the Building Regulations Approved Document G, Requirement G2/Regulation 36 Optional Technical Requirement of 110 litres per person per day.

**Reason:** To minimise impacts on the water environment and to accord with Optional Technical Housing Standards to accord with Policies S12 and S53 of the Central Lincolnshire Local Plan.

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

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

15. The development hereby approved must only be carried out in accordance with the tree protection measures set out in the Arboricultural Assessment, Tree Protection Plan 1621-55 - Rev C completed by Kedd Limited. The tree protection measures as shown on plan reference 1621-55 Rev C shall be erected and retained in their position prior to and for the duration of the construction works.

**Reason:** For the avoidance of doubt and to ensure all parties are aware of the approved operations, whilst ensuring the continued well-being of the trees in the interest of the amenity of the locality in accordance with Policy S66 of the Central Lincolnshire Local Plan, and the provisions of the NPPF.

16. The development hereby permitted shall proceed in accordance with the Amended Biodiversity Net Gain Assessment and Metric dated April 2024.

**Reason:** To ensure the development delivers the on-site Biodiversity Net Gain in accordance with Policy S61 of the Central Lincolnshire Local Plan 2023.

17. No development, apart from site clearance shall occur, until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of nature conservation in accordance with policies S53 and S60 of the Central Lincolnshire Local Plan.

18. The development hereby permitted shall be carried out in full accordance with the details set out in the submitted Amended Sustainability Statement dated September 2024, unless otherwise agreed in writing by the Local Planning Authority.

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

19. Prior to occupation of the buildings, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement dated September 2024, and approved in writing by the Local Planning Authority.

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

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

20. The scheme of landscaping as detailed on plan reference KD.BRTW.D.001A 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 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.

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

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

**Notes to Applicant**

**Community Infrastructure Levy-** Please be aware that as of the 22<sup>nd</sup> January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge.

The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal [www.west-lindsey.gov.uk/cilforms](http://www.west-lindsey.gov.uk/cilforms) and West Lindsey District Council's own website [www.west-lindsey.gov.uk/CIL](http://www.west-lindsey.gov.uk/CIL)

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

**Highways-** The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.



**Witham Internal Drainage Board-** You are advised to contact the drainage board to obtain the relevant consents.

**Anglian Water-** Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

We highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution. If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Foul water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:
- Development size
- Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)
- Connecting manhole discharge location (No connections can be made into a public rising main)
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)
- Feasible mitigation strategy in agreement with Anglian Water (if required).

### **Environment Agency-**

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>.

It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them

to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>

To get help during a flood, visit <https://www.gov.uk/help-during-flood>

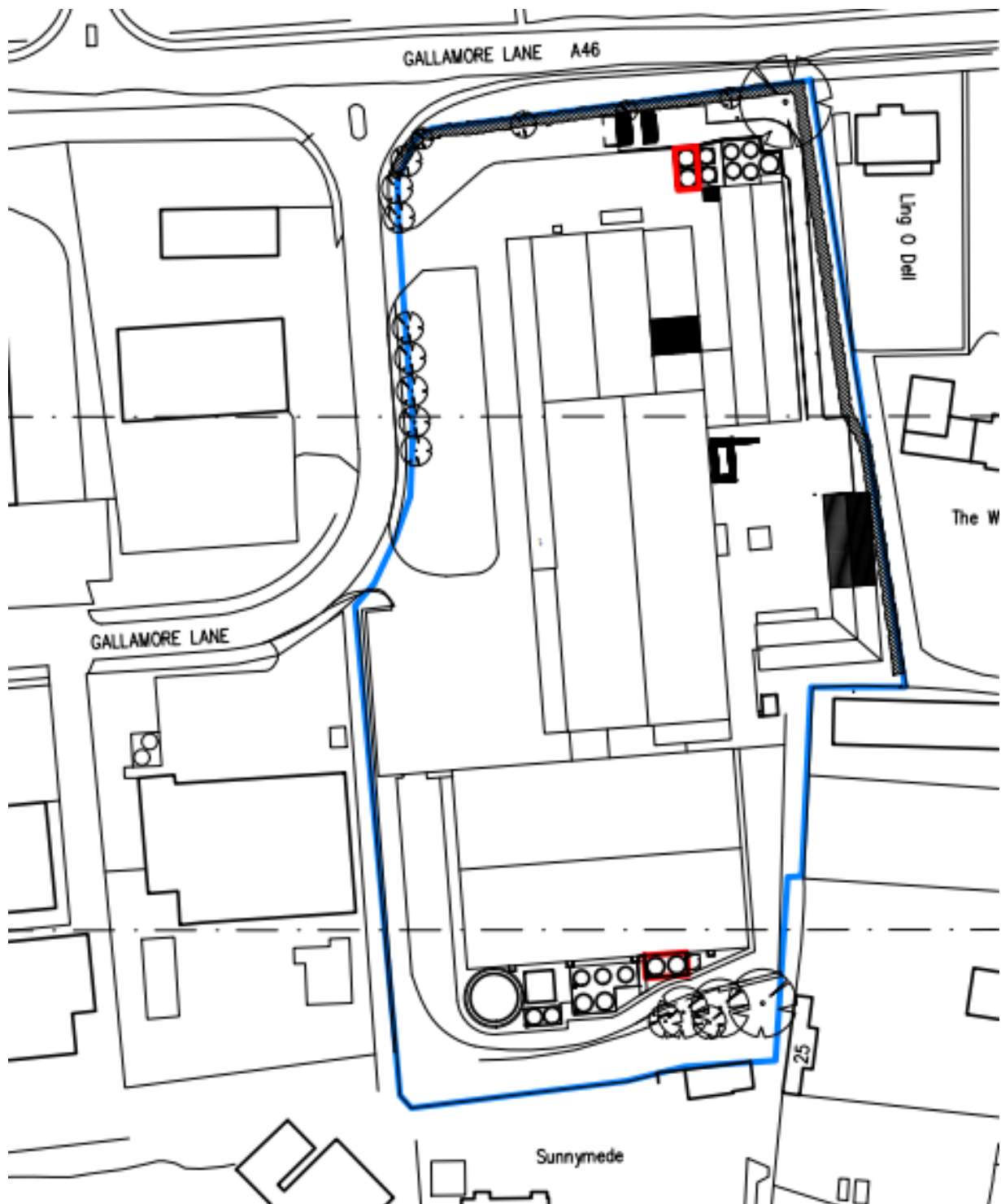
For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>

### **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/2025/00182**

**PROPOSAL:** Planning application for 4no. silos.

**LOCATION:** RPC Containers Ltd, Gallamore Lane Industrial Estate,  
Gallamore Lane, Market Rasen LN8 3HA

**WARD:** MARKET RASEN

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

**APPLICANT NAME:** Mr Luke Withers-Adamson (Berry CPI – Agile  
Solutions)

**TARGET DECISION DATE:** 15th April 2025 (Extension agreed until 27<sup>th</sup>  
June 2025)

**CASE OFFICER:** Ian Elliott

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

#### **Planning Committee:**

This application has been referred to the Planning Committee due to objections from the Ward Member, the Market Rasen Town Council and a number of third parties.

#### **Site Description**

The application site is part of an established plastic manufacturing business on Gallamore Lane Industrial Estate at Market Rasen which is covered by hardstanding.

The site is located at the eastern end of the Industrial Estate. Residential properties adjoin the site along its eastern and southern boundaries.

To the south of the proposed silo adjacent the south gable end is a grass bank with trees along the south boundary. High timber fencing screens the east boundary with the north elevation of 1 and 2 Sunnymede along the south boundary. The existing silos and main commercial building are to the north and west.

The silo to the north of the buildings is screened by high hedging, high trees and timber fencing to the north and east boundary. Existing silos also screen the site to the east. The existing buildings provide screening to the south. To the west is open across the site to the main access.

The site is within an area allocated as an Important Established Employment Area (IEEA) in the Central Lincolnshire Local Plan.

#### **Proposal:**

The application seeks permission for 4 raw material silos (2 pairs) adjacent to existing silos. The silos would store plastic granules ready for transfer into the

factory. The proposed silos would be split positioned into different locations on the site. One pair adjacent the south gable end of the factory, and the 2<sup>nd</sup> pair to the north end section of the site.

The pair of silos (including safety fencing) would be:

- 7.4 metres in width
- 11.3 metres in height
- In a stainless steel finish

Each silo would have two an individual diameter of 3.4 metres.

### **Relevant Planning History**

137212 - Planning application for 2no. raw material silos adjacent to existing silos – 13/03/18 - Granted time limit plus conditions

137796 - Request for confirmation of compliance with condition 2 of Planning Permission 137212 granted 13 March 2018 - Condition discharged - 11/06/2018

### **Planning Constraints**

- The site is on an established employment area E21 (inset map 51 of the Central Lincolnshire Local Plan 2023-2043).
- Silos are positioned within flood zone 1 (low probability).
- Flood zone 2 (medium probability) and 3 (high probability) sits close by to the east and south of the proposed silos adjacent the south gable end.

### **Representations**

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

#### **Cllr Bunney: Objections**

- Detrimental affect on properties at end of Rasen Lane (Sunnymede) and 25 Caistor Road.
- Silos will overlook the neighbouring properties.
- Noise and Vibration from filling and emptying the silos will be greater and more invasive causing distress to residents.
- Possibility that trees will be felled which will increase invasiveness especially in summer months.
- As part of the planning permission granted in 2004 it was stipulated that environmental planting and landscaping should occur to protect the integrity of the properties but did not happen. This situation needs to be considered during this application.
- Silos should be to the north or west of the factory.

**Market Rasen Town Council: Objections**

- Will have a detrimental impact on properties on Rase Lane, in particular Sunnymede and 25 Caistor Road.
- Silos will impede the view of the properties.
- Will be invasive as overlook the properties.
- Noise from filling will be detrimental to neighbours.
- As part of the planning permission granted in 2004 it was stipulated that environmental planting and landscaping should occur to protect the integrity of the properties but did not happen. This situation needs to be considered during this application.
- Felling trees would be detrimental and invasive to neighbours.
- Consideration should be given to re-location of silos elsewhere on the site.

**Local residents: Objections received from:**

2 Sunnymede, Rasen Lane, Market Rasen  
25 Caistor Road, Market Rasen

Residential Amenity

- Suffer from continued droning noise which will increase with silos.
- Extra traffic noise caused by articulated lorries.
- Continued bleeping noise from forklifts.

Visual Amenity

- Impact on view from seating area of 2 Sunnymede.
- The silos to the south side would be clearly visible from 25 Caistor Road.
- More acceptable location for silos on west of factory close to apex of roof.

Trees

- It is important three trees remain in place for screening

Flood Risk

- Will cause greater flood risk to houses adjacent.
- In 2022 25 Caistor Road was flooded. The dyke that is on east side of factory overflowed. As far as we are aware, the dyke has only been majorly cleared out once, that was after our home was flooded. All the water from RPC site, roofs and associated buildings, drains into the dyke.

Other

- Value of properties will decrease.

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

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

Planning proposal does not affect the public highway.

**WLDC Tree and Landscape Officer:** No objections with advice  
Having looked at the plan RD:5785/05 which shows the worst-case scenario in relation to extent of any excavations along that side of the road near the tree, I have no objections to the work, as there should be very few roots in that area of soil so close to the existing road.

If any roots greater than 2.5cm diameter are encountered, the ground below them should be excavated lower and try to push them down into the lower ground and recover them with soil.

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

**Date Checked:** 17<sup>th</sup> June 2025

**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 2023-2043**

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy

S20 Resilient and Adaptable Design

S21 Flood Risk and Water Resources

S31 Important Established Employment Areas

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>

- **Neighbourhood Plan (NP)**

The site is not within a designated Neighbourhood Area and there is no Neighbourhood Plan to consider.

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

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

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

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

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2024.

Paragraph 85 states:

*"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."*

Paragraph 232 states:

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

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

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

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

**Main Considerations:**

- Principle of the Development  
Central Lincolnshire Local Plan 2023-2043  
Concluding Statement
- Visual Impact



- Residential Amenity
- Highways
- Surface Water Drainage and Flood Risk
- Trees
- Biodiversity Net Gain

## **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 business uses the site for industrial manufacturing with associated storage facilities. Therefore, the site has B2 (general industrial) and B8 (storage and distribution) use in accordance with the uses allowed in local policy S31 (Important Established Employment Area (IEEA)) reference E21 of the CLLP. The proposed silos add further needed storage (B8 use) for the growth of the business.

The application has been submitted to increase the plastic granule storage following the award of new contract from a major British company worth 4.5 million pounds. The new contract would provide 12 new full-time job opportunities to the local area.

### *Central Lincolnshire Local Plan 2023-2043:*

The application site is located on an Important Established Employment Area (IEEA). It is referenced in local policy S21 of the CLLP as E21 with accepted use classes as B1, B2, B8 and A2.

Paragraph 5.1.1 of Local policy S31 states that '*This section sets out how the Central Lincolnshire Authorities will assist the achievement of strong and sustainable local economic growth where entrepreneurship, innovation and inward investment are actively encouraged*'.

### *Concluding Statement*

Therefore, growth of this established business within an Important Established Employment Area accords with the Development Plan (S31)

The development can be supported in principle, subject to assessing any environmental impacts and meeting all other relevant policies.

### Visual Impact

Objections have been received in relation to the visual amenity harm caused by the proposed silos adjacent the south gable end.

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

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

The site or surrounding area is not designated as having any special character or scenic beauty.

Indeed, the site is allocated as an Important Established Employment Area where employment use is the key characteristic.

The application site is on Gallamore Lane Industrial Estate which is located in the north west of Market Rasen. The proposed silos are an industrial style bulk storage and conveying system which feeds plastic granules into the factory through connected piping. The silos would match the existing silos across the site and would have the normal stainless steel finish.

The proposed silos to the north of the buildings would be located adjacent existing silos and be well screened, particularly to the north, east and west. The silo would be viewed within its industrial setting.

The proposed silos to the south of the buildings would be located adjacent existing silos and be well screened to the north and the west. The scale of the proposed silos would be in view from parts of the garden areas to the closest residential dwellings to the east and south. These views from the nearest residential dwellings would again be viewed as you look towards the industrial site and buildings. The view of the silos would be softened by low and high trees.

Locating the silos adjacent existing silos to group the silos together at either end of the factory building and is preferred rather than dotting them throughout the site providing no harm is caused.

The silos may be utilitarian in appearance, but this is appropriate to an Established Employment Area setting.

It is therefore considered that the proposed silos would not have a harmful visual impact on the site or the surrounding area and would accord to local policy S53 of the CLLP and the provisions of the NPPF.

#### Residential Amenity

Objection have been received in relation to the proposed silos to the south gable end of the factory creating overlooking and further noise from operation, articulated lorries and forklift vehicles.

The proposed silos to the north of the site would be at least 30 metres from the nearest residential dwelling. Existing silos of the same height would sit between the new silo and the dwellings to the east. The next nearest residential dwellings on the other side of Gallamore Lane.

The proposed silos to the south gable end of the factory will be (approximate measurements taken from plan RD:5785/02 dated 4<sup>th</sup> January 2018):

- 18 metres from the north elevation of 1 and 2 Sunnymede
- 21 metres from the west elevation of 25 Caistor Road
- 46 metres from the north elevation of Sunnymede

The proposed silos on their own and cumulatively with other silos adjacent, are set into the site away from the boundary and would not have a harmful overbearing impact on the living conditions of neighbouring dwellings.

The silos do have safety fencing around the top of the silos which would be used for maintenance and monitoring purposes. The applicant has stated in email dated 22<sup>nd</sup> May 2025 that *“it can be variously for maintenance, cleaning access, or safety checks. Staff go up there no more than once or twice a year. Realistically, it's only a 'when needed', not necessarily a routine”*.

The rear gardens of the dwellings to the east and south would be in view when employees are carrying out duties at the top of the silo adjacent the south gable end. However, the number of times that employees would be up there during a year is so modest that the south silo would not have an unacceptable harmful overlooking impact on the living conditions of neighbouring dwellings.

On the request of the case officer a Plant Noise Assessment (PNA) by Soundplanning dated 17<sup>th</sup> April 2025 has been submitted. The Noise Assessment was requested to assess the noise created by the day today operation of the silos. As discussed later in the report noise is created by heavy goods vehicle deliveries but these deliveries would be around 3 per week and would only be for the time it takes to arrive at the site, fill the silos and leave the site. This has been confirmed in writing by the applicant as a maximum of 2 hours.

In summary the PNA sets out the noise levels in decibels (dB) to be:

- Combined noise level of 33 dB with a background noise level of 37 dB during the daytime (7:00-23:00 hours)
- Combined noise level of 33 dB with a background noise level of 35 dB during the daytime (23:00-7:00 hours)

The background noise level of the combined silos is subsequently -4 and -2 less than the background level. The noise report concludes that:

*“The evaluation shows that the predicted noise rating level at the nearest noise sensitive receiver is 'low impact' in accordance with BS 4142:2014+A1:2019. 9.4. No noise mitigation strategy should be required for the 2 additional silos”*

Objections have also been received in relation to noise created by heavy goods vehicles delivering plastic granules to the silos. In approved planning

application 137212 (2 silos adjacent the proposed) the application detail stated *“At present we are averaging between 2-3 silo deliveries per week. With the new silos we estimate that this would increase to just over 3 per week. i.e. an extra delivery every 2 weeks’. ‘Our core unloading times from 8.00 to 15.00 but we do accept deliveries up to 17.00 if they are delayed due to traffic and very rarely (once every 18 months or so) there may be a deliver between 17.00 and 18.00. We only accept this if it is required to avoid stopping the production”*.

The agent has stated that these silos would require *“1 additional delivery per new silo per month”*. Therefore, only two additional deliveries will be required to both pairs of silos to the south gable end of the building.

A condition restricting times of delivery was added to planning permission 137212. The condition stated:

*“No deliveries to the proposed silos shall take place outside the hour of 8:00-19.00 on a Monday to Friday.*

*Reason: To preserve residential amenity to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.”*

This condition is still considered as necessary and reasonable to add to this permission to restrict deliveries to the times stated.

Objections have additionally been raised in relation to forklift vehicles bleeping whilst operating on the site. Forklifts bleep when they are reversing as a warning to people nearby. The site is a commercial/industrial site and it is the responsibility of the business to as much as possible respect the neighbouring uses when operating forklifts vehicles.

As stated in the officer's report for 137212 the extra storage capacity will help to reduce the number of forklift truck movements which currently take place around the rear of the property to move bagged plastic granules. In fact the silos will stop any further increase from larger stocks of bagged granules stored on site to meet the higher demands of the new contract.

It is therefore considered that the proposal would not have an unduly harmful noise disturbance on the living conditions of neighbouring dwellings due to the amount and timing of deliveries expected each week and the results of the PNA. If the operation of the silos does materialise to be the subject of noise complaints the Council has separate statutory powers to investigate and address unacceptable disturbance.

It is therefore considered that the proposed silos would not result in unacceptable noise pollution or have an otherwise harmful impact on the living conditions of neighbouring dwellings and would accord to local policy S53 of the CLLP and the provisions of the NPPF (paragraph 187(e)).

### Highways

As stated above the proposed silos will create a very modest increase to the amount of deliveries to the site which will use the existing access off the Industrial estates road. The proposal would not remove any parking spaces from the site. The application states that the development would create 12 full time employment opportunities. The applicant has stated that the site has *“more than enough spare off-road parking. Whilst it is 12 new jobs, it's split across multiple shifts meaning it's only 3-4 extra parking spaces at any given time”*. The Highways Authority at Lincolnshire County Council have not objected to the application.

The proposal will therefore not have a harmful highway safety impact and accords to local policy S47 and S49 of the CLLP and the provisions of the NPPF.

### Surface Water Drainage and Flood Risk

Objections have been received from neighbouring dwellings on surface water flooding.

The application form states that surface water will be disposed of to the mains sewer. It is considered that this relates to the overall site and not to the silos which would be unlikely to be connected directly to the mains sewer.

The silos to the south of the site would be close to areas of flood zone 2 and 3. However, the silos would be positioned within flood zone 1 therefore are located on land which has the lowest risk of flooding and would meet the NPPF sequential test for locating development in areas of the lowest potential for flooding.

The government's flood map for planning<sup>1</sup> identifies that the northern silos would be located on ground which has history of surface water flooding. The southern silos would be primarily on land which has no history of surface water flooding but would be cover some limited ground which has history of surface water flooding.

The Lead Local Flood Authority at Lincolnshire County Council have no objections to the development.

The silos to the north would be positioned on impermeable hardstanding therefore would have a neutral impact on surface water drainage from rainfall.

The silos to the south would be positioned on areas of permeable brick effect hardstanding which extends to the immediate surrounding area including the lane to the south of the factory. The introduction of the southern silos will reduce the amount of permeable ground to the south of the factory. The surface water which comes off the proposed silos would still infiltrate through the remaining brick effect hardstanding as well as discharging into the dyke to the east of the site.

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<sup>1</sup> [Map – Flood map for planning – GOV.UK](#)

The agent has stated in writing that the *“the new silos will be on an impervious base, again drained to the existing surface water system. There will be no increase in impermeable area”*.

The applicant has provided comments from their Engineering Manager which states that:

*'With regards to the southern silos, there are 5 storm water drains along the southern block paved section, the storm water currently goes into those storm drains and is then piped off site, the dyke is other side of the storm drains. So, water from the dyke, flows out of the dyke via the drainpipes which the southern storm drains then join into. So, there will be no additional water going into the dyke because of these silos. There are no drains in the location where the new silos will sit. The existing storm drains are a few meters south of the where the new silos would sit. So, we will not be reducing the number of storm drains for surface water to go down.*

*We do have some responsibility for the dyke, in 2022 we hired in a small excavator and cleared the dyke, which the neighbours were very pleased with. We have checked the condition of the dyke and continued to liaise closely with one of the neighbours to ensure he is happy with the condition of it. I expect we will need to hire a small excavator again in a couple years to give the dyke a thorough clear out again. Which we are happy to do.*

Therefore, the silos to the south of the site would also have a neutral impact on surface water drainage from rainfall.

Therefore, it is considered that the silos would have a neutral impact on surface water flooding of the site and the surrounding area. The proposal will therefore accord to local policy S21 of the CLLP and the provisions of the NPPF.

### Trees

Local policy S66 of the CLLP states that *“Development proposals should be prepared based on the overriding principle that:*

- the existing tree and woodland cover is maintained, improved and expanded; and*
- opportunities for expanding woodland are actively considered, and implemented where practical and appropriate to do so.”*

The silos to the south gable end of the factory would be close to four or five trees to the south as identified on the below photos. The trees are not protected but provide some amenity and screening value therefore it would be preferred if they were retained.



The trees are located on land raised above the existing road which would need to be widened to allow vehicles to get to the new silos. The application has included plan RD:5785/05 dated 18<sup>th</sup> December 2024 identifying the amount of the embankment to be removed to widen the road.

The Authority's Tree and Landscape Officer (TLO) has no objections in terms of the excavation works affecting the existing trees. However, the TLO has provided some advice which is considered necessary to attach as an advisory note.

*"Having looked at the plan RD:5785/05 which shows the worst-case scenario in relation to extent of any excavations along that side of the road near the tree, I have no objections to the work, as there should be very few roots in that area of soil so close to the existing road."*

*"If any roots greater than 2.5cm diameter are encountered, the ground below them should be excavated lower and try to push them down into the lower ground and recover them with soil."*

Having considered the advice given, the proposal will therefore not have a harmful impact on the existing trees and accords to local policy S66 of the CLLP and the provisions of the NPPF.

#### Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 sets out in law that 10% Biodiversity Net Gain (BNG) for minor developments is a statutory requirement after 2nd April 2024. This takes precedence over local policy S61 of the CLLP.

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 Principal Ecology and Wildlife Officer (PEWO) has verbally confirmed that the development is *"exempt from BNG under the de minimis threshold as the application although larger than 25m<sup>2</sup> will not impact 25m<sup>2</sup> or more of habitat with a score greater than 0 in the statutory, nor does it include habitat with a score greater than 0 that has been degraded since Jan 2020."*

**Other:**

Landscape Mitigation

Representations have been received in relation to environmental planting and landscaping which should have been implemented as part of a planning permission granted in 2004 to protect the integrity of the properties. This cannot be considered as part of this application and would need to be reported to the Planning Enforcement Team for consideration.

As discussed earlier in the tree section of this report the primary consideration is the retention of the existing trees which provide soft landscaping to the south of the site. It is not considered reasonable or necessary to require any further landscaping mitigation to the site.

**Conclusion and reasons for decision:**

The decision has been considered against policies S1 The Spatial Strategy and Settlement Hierarchy, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S31 Important Established Employment Areas, 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 adopted Central Lincolnshire Local Plan 2023-2043 in the first instance and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide. In light of this it is considered that the principle of the proposal is acceptable and will provide growth and employment opportunities to an established business on an Important Established Employment Area. The proposal will not have a harmful visual impact on the site, the surrounding area or the street scene and subject to the imposition of the conditions discussed above will not have a harmful impact on the living conditions of neighbouring dwellings, highway safety or drainage.

**Recommended Conditions:**

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

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

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



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

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 drawings:

- RD:5785/01 dated 18<sup>th</sup> December 2024 – Site Plans (Proposed Only)
- RD:5785/02 dated 4<sup>th</sup> January 2018 – Elevation Plans (Proposed Only)
- RD:5785/04 dated 18<sup>th</sup> December 2024 – Site Plans
- RD:5785/05 dated 18<sup>th</sup> December 2024 – Road Widening Plans

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Local Policy S1, S31, S47, S49 and S53 of the Central Lincolnshire Local Plan 2023-2043.

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

3. No deliveries to the silos hereby approved must take place outside the hours of 8:00-19.00 on a Monday to Friday.

Reason: To preserve residential amenity to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023-2043.

**Advisory Note**

**Excavation Works for Road Widening**

It is advised that if any roots greater than 2.5cm diameter are encountered during the excavation works, the ground below them should be excavated lower and the roots should be pushed down into the lower ground and covered with soil.

**Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not

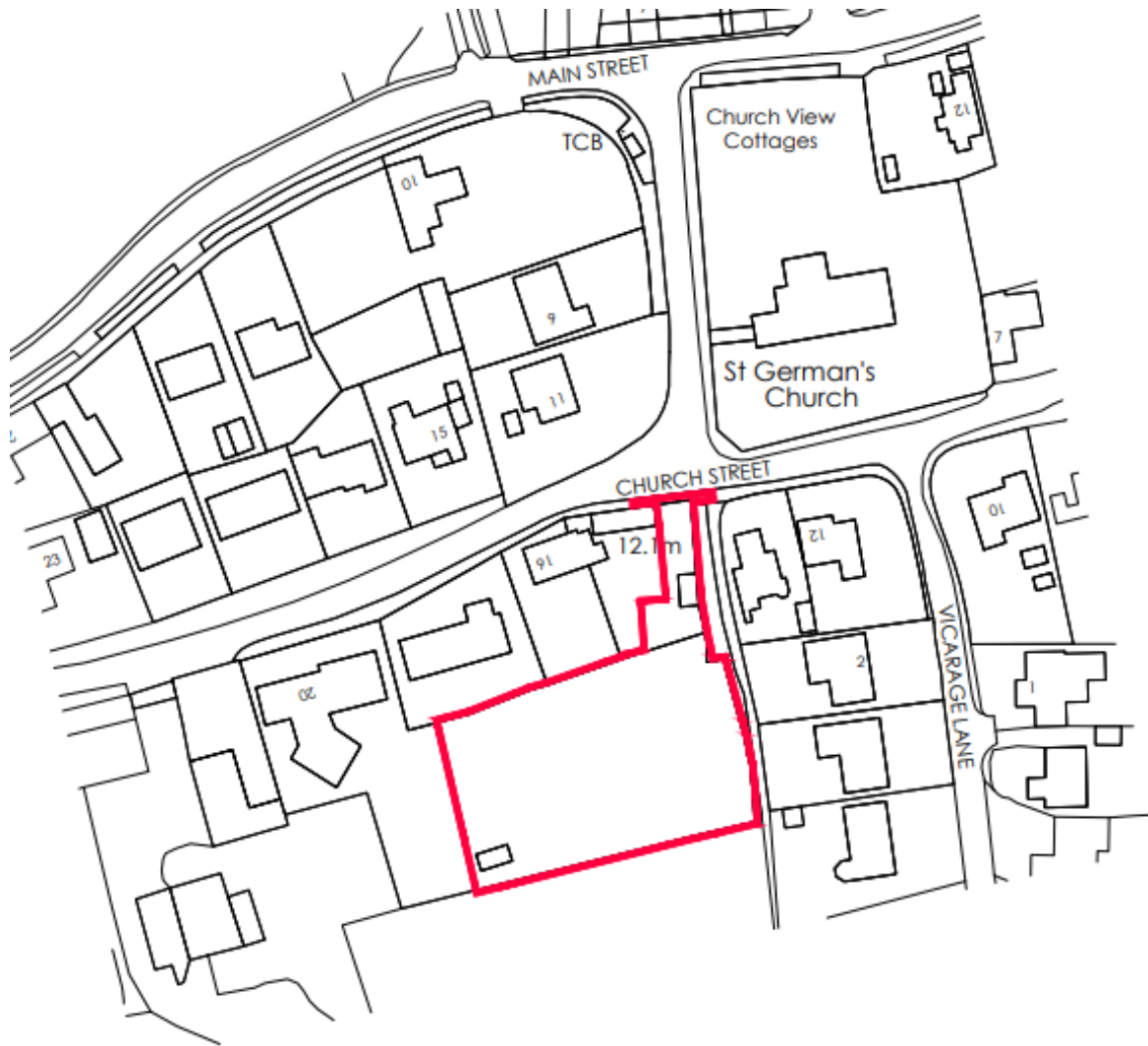
interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

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

**Representors to be notified -  
(highlight requirements):**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Standard Letter</b>	<b>Special Letter</b>	<b>Draft enclosed</b>



## **Officers Report**

### **Planning Application No: WL/2024/00504**

**PROPOSAL:** Planning application for 3no. dwellings with new access driveway and associated parking and garaging, and replacement of existing garage to the rear of 16 Church Street.

**LOCATION:** LAND TO REAR OF BRINKBURN HOUSE, 16 CHURCH STREET, SCOTHERN, LINCOLN, LN2 2UA

**WARD:** SUDBROOKE

**WARD MEMBER(S):** Cllr B Velan

**APPLICANT NAME:** Mr Paul Maplethorpe

**TARGET DECISION DATE:** 26/08/2024

**CASE OFFICER:** Holly Horton

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

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This application has been referred to the planning committee following representations made by third parties, including the Parish Council.

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#### **Description:**

*The site:*

The site comprises a substantive part of the existing rear garden area to 20 Church Street, and is on the southern site of Church Street. The garden extends across the rear of no.'s 16 and 18, who adjoin the site to the north. The site is adjoined by residential dwellings and their garden areas to the north, east and west beyond the Public Right of Way. Grange Park – an area of designated local green space – lies to the immediate south of the site. A definitive Right of Way, namely Scth/153/1 lies to the immediate east of the site. The site is currently bounded by high hedgerows along the northern, eastern and southern boundaries, and by existing walling and gate at the front entrance of the site.

The dwelling to the immediate north of the application site 'Brinkburn House and former Smithy' (No.16 Church Street and not within the red line of this application) is recognised within the Scothern Character Assessment as a Locally Important Building, and it is therefore recognised as a non-designated heritage asset (NDHA).

As detailed above, the site to the rear of No.16 also lies within the setting of the Grade II\* listed Church of St Germain which is situated approximately 29 metres from the entrance of the site at its closest point.

### *The proposal:*

Planning permission is sought for the erection of 3no dwellings with a new access driveway and associated parking and garaging, as well as a replacement garage serving No.16 Church Street. The proposed development would consist of 2no dormer bungalows (one and a half storey) and 1no single storey bungalow, all with 3no bedrooms. Plot 1 would have a single garage situated to the rear of the dwelling, plot 2 would have an integral garage, and plot 3 would have a detached double garage situated to the front/side of the dwelling. The dwellings would all be situated to the south of the site, with the access driveway to the north. The dwellings would all be finished in red multi brick 'Verona' with clay pantile roofing.

The proposal has been amended since submission following concerns raised by consultees, the LPA and local residents. As such, the proposed scale, form, design and appearance of the proposal has been amended, reducing the proposal from 1no two-storey dwelling and 2no one and a half storey dwellings, to 1no single storey with 2no one and a half storey dwellings. The amended proposals have been re-consulted on.

The most recent amendments (received March 2025) which reduced the height of the integral garage and associated first floor projection serving plot 2 was minor in nature and therefore it wasn't considered necessary to re-consult on these amendments, considering Wheatcroft principles.

### **Relevant history:**

**146582** - Planning application for 3no. dwellings with new access driveway and associated parking and garaging, and replacement of existing garage to the rear of 16 Church Street – Withdrawn 2023

**W87/592/88** – Extend dwelling – Unconditional consent – 24/06/88

**W87/890/78** – Proposed dwelling and garage – Refused – 18/12/78 – Appeal dismissed

**W87/747/76** – Outline application for residential development – Refused 13/01/77 – Appeal dismissed

**W87/410/76** – Outline application for residential development – Refused – 19/08/76

### **Representations:**

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

Scothern Parish Council: 29/07/2025 - Objects to the proposal and has the following "material considerations" and comments to make on the proposal:

- The potential highway safety issues that could be caused by the narrow, shared drive entering and exiting onto a corner junction.

- The proposed new access onto Church St is directly on the 3-way junction and the council have concerns by the number of vehicles that the 3 dwellings could have due to the size of the properties, causing a dangerous situation at this junction.
- Church St is a busy road joining Sudbrooke Rd, Nettleham Rd & Main St and is used by vehicles parking on the roadside visiting St Germain's Church or neighbouring properties and the potential of an increase in roadside parking from these dwellings.
- The council would also like the authority to consider the Scothern Neighbourhood Plan that was adopted on 24th June 2024 when making a decision on this application.

Local residents:

Objections from:

2, 4, 6 and 7 Vicarage Lane, Scothern  
12, 14 and 18 Church Street, Scothern

Summary of comments on original plans below (initial objections remain):

**Drainage/Flood Risk:**

- Recent flooding in this vicinity (notably 6<sup>th</sup> January 2025) has intensified concerns. Currently, when heavy rainfall floods Grange Park, water from this area makes its way through the proposed site and then down the footpath into Church Street flooding the road and the junctions including at the end of Vicarage Lane – resembling a fast-flowing river. Photographs submitted show flooding.
- The Flood Risk Assessment lacks credibility and should not be relied upon.
- It is difficult to see how the building of these properties will not exacerbate this problem particularly with water finding a different route to the lowest point potentially putting other properties at risk.
- Any new development will only make the situation worse.
- Has the Developer provided a flood risk assessment which may include a Flood Exceedance Route plan.
- Existing flooding issues in Grange Park and No. 20's garden (proposed plot) may worsen. Where will water drain when building is complete?
- Tree removals have already reduced the land's drainage ability.
- The footpath nearby has been badly flooded recently with overflow travelling down Church Street and damaging houses.
- Grange Park is known to become waterlogged after rain. If the proposed dwellings can be flood proofed it will be at a cost to other areas in the village.
- The ditch behind The Alders discharges into an wholly inadequate 4 inch pipe, which has been blocked for some time. When there is heavy and persistent rain the ditch overflows flooding the Village Green and this development site. This has happened several times this year. The 4 inch pipe needs to be dug up and replaced with a 9 inch pipe to prevent this happening in future.
- Property has flooded in both storm Babet and storm Henk

- Someone should contact the Flood resilience programme coordinators at LCC to discuss the flood risk associated with this planning application?

**Access/Road Safety:**

- Any vehicle approaching this bend from the Nettleham direction cannot see anything entering or exiting the proposed access road.

2, 4 and 7 Vicarage Lane, Scothern  
12, 14 and 18 Church Street, Scothern  
2 Sudbrooke Road, Scothern

Summary of comments on original plans below:

**Housing/Affordability:**

- Existing housing growth has met local needs, making further development unnecessary.
- The site has not been identified as suitable for development.
- The neighbourhood plan prioritizes smaller units (bungalows, 2–3 bed homes), but the proposal includes larger houses.
- Affordability an issue in Scothern and there is a lack of smaller dwellings which this application does not propose.
- House prices are forcing residents further away from their village or birth/choice.
- Single storey/adaptive properties should be encouraged.

**Access/Traffic/Road Safety:**

- The proposed access point is at an awkward junction with frequent inappropriate parking on/around the junction and will exit onto a blind bend.
- The view out of the road will be obstructed by the current occupiers of No.16 blocking the road.
- Church Street is a busy cut-through at certain times of the day.
- Construction would worsen congestion.
- The access is narrow and does not allow for vehicles to turn adding danger.
- Where will bins be collected from? There is no pavement for kerbside collection without blocking the access road or footpath. Waste collection for six bins may obstruct a busy junction without a footpath.
- This additional access at an already busy junction is unsafe.
- Loss of parking for No.16 will exacerbate parking issues in the area.
- There is no dedicated parking for the church and the area is used by parents to drop children off for school.
- Some vehicles using the site e.g. delivery vehicles will be unable to navigate the access road and will create a hazard.
- There should be a turning point, so that vehicles do not have to back out onto what is a dangerous three way road.

**Residential Amenity:**

- Extended construction noise will disrupt the 'quiet' village. The plot, and plot's access is surrounded by at least nine properties that will be adversely affected by the building works.
- One and a half and two storey dwellings will overlook nearby properties.
- Overdevelopment of the plot.
- New housing will put a strain on local schools and amenities, including medical and childcare services.

**Heritage and Green Spaces:**

- Historic properties (No. 16 Church Street, Brinkburn House, Smithy) could be damaged or altered during building.
- Green spaces in the village's historical core should be protected.
- Creating access through No. 16 Church Street, involving demolition of the garage, disregards the need to preserve these assets (the garage has already been demolished).
- This access will destroy the "street scene and local character" of this part of Church Street.

**Other Matters:**

- A previous application was submitted and withdrawn. The current application, whilst a modification, remains unsuitable.

WLDC Conservation Officer – 10/06/2025 – – No objections to amended drawings.

15/08/2024 – Objects to the proposal as summarised below:

The site is located to the south of the grade II\* listed Church of St Germain. The church is on a raised platform of land, providing a prominent position within the setting of Scothern. The church was built in the 12th century with later additions in the 13th, 16th, 18th, and 19th centuries. The church has coursed limestone rubble walls with some red brick and ashlar dressings, stone coped gables, and plain tiles roofs.

The development will be within the setting of the church which has many visible points of throughout the settlement of Scothern. These views are essential historic connections of the communal value of the church as religion was always at the core of historic settlements. One key visual of the church is to the south within the Grange Park. This park is a designed conservation area for wildlife and part of the design has an open area in the treeline which offers an impressive view of the Church.

The Planning Statement in the application has provided a heritage assessment to justify the proposal with any impacts upon the views to the church. The proposed views supplied in the application showing the dwellings in front of the church clearly illustrate that the development will block views of the middle and lower sections of the 16th century tower. These views will have more of an impact from other angles when moving within the space, such as outside the gates to the park. The proposed development will



diminish these views and cause harm to the setting of the church and its visible connection with the wider settlement.

The proposed harm to the key views is not supported by the NPPF and the harm can be designed out through reducing the height and/or number of properties on the site.

16 Church Street is also considered a non-designated heritage (NDHA) asset having been identified in the Scothern Neighbourhood Plan. The NDHA is formed from two buildings – Brinkburn House, and former Smithy. 16 Church Street was built in the early 19th century with the main dwelling (Brinkburn House) being built with simple vernacular details with a three-bay, 2-storey front. It has yellow brick walls, two gable stacks, and a red pantile roof. The outbuilding (The former Smithy) is also of simple design with a single storey limestone rubble walls and pitched pantile roof. The detail of the limestone walls offer greater architectural interest as it uses “fieldstone rubble” (a local term for recover cultivated limestone) in a herringbone pattern. This building material is prevalent in the Springline villages offering a strong locally distinctive character. The new access details propose no alterations to the existing wall and gate.

As the proposal is not supported by the NPPF or by Policy S57 of CLLP I must object to this application.

WLDC Building Control – 29/05/2025 - This seems like a reasonable approach and should work as intended.

19/08/2024 - FW to public main sewer, no problem. SW is proposed as an attenuated discharge to an existing SW system (culverted watercourse), this all looks acceptable and should work fine with the sub-base of the paved areas acting as storage.

LCC Archaeology – 19/07/2024 - No further archaeological input is required. The archaeological evaluation report supporting the application, and which was originally prepared for application 146582, shows that it is unlikely for any significant archaeological remains to be affected by the proposed development.

LCC Highways – 01/04/2025 - No Objections and request informatives. 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.

*Comments:* The proposal is located in an area of surface water flooding and although it is not the Highway Authorities remit to comment on the drainage strategy for a minor application, it should be clarified that the site is not

permitted to discharge into the highway sewer on Church Street. The applicant has demonstrated they are able to discharge into a riparian owned ditch on the site boundary. The site will attenuate the water in a permeable paving system and discharge at greenfield run off rates into the adjacent ditch. The site utilises an existing access which is suitable for the proposals and there is sufficient parking and turning within the site.

#### 07/01/2025 - ADDITIONAL INFORMATION REQUIRED

*Layout:* Please can the applicant provide a turning head within the site to allow vehicles to access and egress in a forward gear.

*Drainage:* The application is classed as minor, however given the surface water flooding in the area drainage for the site has been reviewed. In this instance, a connection to the LCC surface water drain on Church Lane would not be permitted due to ongoing capacity and flooding issues in the area. The applicant should seek an alternative point of discharge.

Witham Internal Drainage Board (IDB) – 22/01/2025 - The applicant has indicated that the surface water discharge is to SuDS, with a 2.1l/s discharge into an existing manhole. It is noted that part of the surface water sewer system includes a culverted water course on the east boundary of the site. This is identified on the plan as in 'poor condition', the future of this watercourse should be safeguarded and put in a good condition and future maintenance responsibly established and a maintenance schedule put into place.

16/07/2024 - The site is within the Witham Third District Internal Drainage Board area. The applicant has indicated that the surface water discharge is to SuDS, however there are no details submitted and no discharge location identified. Board would wish to be reconsulted on the submitted surface water drainage.

Part of the site is indicated on the Environment Agency Surface Water Flood maps as risk of flooding and the Board is aware that LCC have carried out a flood alleviation scheme on the surface water drainage system in this part of Scothern. They should be contacted for further details. It is noted that part of the surface water sewer system includes a culverted water course on the east boundary of the site.

Central Lincolnshire Ecology and Wildlife Officer: 09/01/2025 - I have no objections to the proposal. The baseline is now agreeable and every effort to adhere Biodiversity Gain Hierarchy within the confines of the Metric user guide has been made. The applicant will have to seek offsite units (preferably within the district and/or NCA in to allow the General Biodiversity Condition to be met, they must ensure the trading rules are also met)

Due to the significant loss onsite, I would ask that addition garden landscaping be considered outside of BNG to meet NPPF requirements for enhancement and adherence to the NPPF mitigation hierarchy.

19/08/2024 – Further information required:

- *Where are the individual boundaries of the properties? We need to know this as anything in private gardens or in the curtilage of private properties cannot be counted for in the post development metric as per the user guide e.g. the hedge and modified grassland in the garden areas cannot be counted.*
- *Any areas of land that are not within the curtilage of private properties, we would need to know who would manage them, then we can work out the condition they would need to be in.*
- *Your baseline needs to reflect Appendix 3a habitat survey plan in the PEA as it is a more accurate description of what is there, not the plan that it currently reflects from the BNG Assessment.*
- *Problems with small strips of modified grassland - any narrow grass verges should be modified grassland in poor condition in the metric*
- *The retained trees in the garden need to be in poor condition in the metric, you would have to do them as lost then put them back in as created (please see the user guide). Look at habitat retention section (page 30) of the user guide.*
- *Look at PEA definition and make sure it accords with UKhab. Does the block of trees identified to the west meet the scrub definition. The majority is listed as vegetated garden but should actually be shown as modified grassland.*
- *Please can you confirm that there has not been any degradation or loss of habitat on the site since the end of January 2020.*
- *Do a species rich native hedgerow down the right-side (eastern) hedge.*
- *You will be in a deficit and will have to buy units.*

WLDC Neighbourhood Plans – 24/07/2024 - The site is covered by the Scothern Neighbourhood Plan Review. This was adopted (made) on 24 June 2024 and replaced the original NP. It should be given full weight in planning decisions.

System Checked: 17/06/2025

### **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 Scothern Neighbourhood Plan Review (adopted June 2024), and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

### Development Plan

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

Relevant policies of the CLLP include:

S1: The Spatial Strategy and Settlement Hierarchy  
 S2: Growth Levels and Distribution  
 S4: Housing Development in or Adjacent to Villages  
 S6: Design Principles for Efficient Buildings  
 S7: Reducing Energy Consumption – Residential Dwellings  
 S12: Water Efficiency and Sustainable Water Management  
 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  
 S60: Protecting Biodiversity and Geodiversity  
 S61: Biodiversity Opportunity and Delivering Measurable Net Gains  
 S66: Trees, Woodland and Hedgerows  
<https://www.n-kesteven.gov.uk/central-lincolnshire>

- ***Scothern Neighbourhood Plan Review Adopted June 2024 (NP)***

Relevant policies of the CLLP include:

Policy H1: Location of New Residential Development  
 Policy H2: Housing Type and Mix  
 Policy D1: Design and Character  
 Policy D2: Renewable Energy and Low Carbon Development  
 Policy T2: Pedestrian and Cycle Routes  
 Policy E2: Biodiversity

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

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

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

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

National policy & guidance (Material Consideration)

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

<https://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 2024. Paragraph 232 states:

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

*consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

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

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

### LB Legal Duty

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

### **Main issues**

- Principle of Development
- Character and Visual Impact  
*Trees and Landscaping*
- Heritage Impact
- Residential Amenity
- Flood Risk
- Climate Change/Energy Efficiency
- Highway and Access
- Foul and Surface Water Drainage
- Biodiversity Net Gain
- Right of Way
- Other Matters

### **Assessment:**

#### Principle of Development

Local Policy S1 sets out a spatial strategy and settlement hierarchy from which to focus housing growth. Policy S1 of the CLLP designates Scothern as a medium village. Policy S1 outlines that medium villages may receive some limited growth through allocations in this plan in order to achieve a balance between ensuring the vitality of the village and protecting the rural character. Policy S1 goes on to state that *'beyond site allocations made in this plan or any applicable neighbourhood plan, development will be limited to that which accords with Policy S4: Housing Development in or Adjacent to Villages or other policies relating to non-residential development in this plan as relevant'*.

Policy S4 states the following:

*'Large, Medium and Small Villages, as defined in the Settlement Hierarchy in Policy S1, will experience limited growth to support their role and function through allocated sites of 10 or more dwellings in the Local Plan, sites*

*allocated in neighbourhood plans, or on unallocated sites in appropriate locations\* within the developed footprint\*\* of the village that are typically:*

- *up to 10 dwellings in Large Villages and Medium Villages; and*
- *up to 5 dwellings in Small Villages.*

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

*2. Residential development proposals for unallocated sites within the size thresholds set out in part 1 of this policy and within the developed footprint of the village will only be supported where it would:*

- a) preserve or enhance the settlement's character and appearance;*
- b) not significantly harm the character and appearance of the surrounding countryside or the rural setting of the village; and*
- c) be consistent with other policies in the development plan.*

Policy H1: Location of New Residential Development of the NP states the following:

*'Elsewhere, new residential development should be focused within the identified development footprint, as defined within Policy S4 of the Central Lincolnshire Local Plan Review 2023.'* It also requires that development should meet a set of criteria in relation to impacts on the highway, character/visual amenity as well as residential amenity.

It is therefore necessary to assess whether the proposed site is within the developed footprint of Scothern, and whether the site is an appropriate location.

Firstly, the proposal would accord with the scale of development of up to 10 dwellings on an unallocated site in a medium village. In regards to the developed footprint, the proposed site is clearly within the developed footprint of the village, being surrounded by residential development to the north, east and west, with grange park to the south with residential dwellings beyond.

When considering if the site is an appropriate location, it must comply with Part 2 of Policy S4 above and the below definition contained within the Glossary of the CLLP:

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

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

The proposed development is considered to retain the core shape and form of the settlement, and following revisions during the determination of this application to the size and scale of the dwellings, it is considered that the development of this site would not significantly harm the settlement's character and appearance (as is discussed in the subsequent character, visual and heritage impact section). The development would therefore be an appropriate location for housing development. Overall, the proposal would accord with Policy S1 and S4 of the CLLP.

### *Conclusion*

Overall the principle of the development is considered to accord with Policies S1 and S4 of the CLLP and Policy H1 of the NP and would therefore be acceptable subject to satisfying other material considerations.

### Character and 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.

Criteria (b) of Policy H1 of the NP states that development should have regard to the overall character of the area in relation to the Scothern Character Assessment and the current layout, density and size of the surrounding plots and dwellings to which the scheme relates. In addition to this, Policy D1 states that development should follow a design-led approach having an appropriate density to the site context and should reinforce and enhance the special and distinctive visual, historical, environmental, social and functional qualities of buildings spaces and places that positively contribute to local identity and character.

The dwellings forming the western side of Vicarage Lane to the east of the site are all two-storey in height and finished in red brick. The dwellings forming Church Lane to the immediate north of the site are a combination of two-storey and single storey dwellings, largely finished in buff brick. To the immediate south of the site lies Grange Park – an area of designated local green space.

The Scothern Neighbourhood Plan Character Assessment (SCA) defines the site as being within the Scothern Historic Core Area. Page 16 of the SCA states that *"This area has mostly newer brick-built, chalet-style dormer bungalows of the 1960s and two storey 3-4 bedroom houses. There are sharp pitched roofs with good-sized approaches. There are also two stone-built properties, one with an intricate herringbone pattern. The Old Post Office has been extended and is now a private dwelling. There is a footpath to Grange Park and views of the church"*.

The proposed development would consist of consist of 2no dormer bungalows (one and a half storey) and 1no single storey bungalow, all with 3no bedrooms. Plot 1 would have a single garage situated to the rear of the dwelling, plot 2 would have an integral garage, and plot 3 would have a detached double garage situated to the front/side of the dwelling. The proposed heights for the dwellings and their respective garages are as follows:

*Plot 1* – Dwelling eaves height of approx. 2.6m and ridge height of approx. 6.0m. Garage eaves height of approx. 2.7m and ridge height of approx. 4.6m.

*Plot 2* – Dwelling eaves height of approx. 3.5m and ridge height of approx. 7.3m.

*Plot 3* – Dwelling eaves height of approx. 3.5m and ridge height of approx. 7.3m. Garage eaves height of approx. 2.7m and ridge height of approx. 5.5m.

The dwellings would all be situated to the south of the site, with the access road and driveways to the north. Existing high hedgerows along the northern, eastern and southern boundaries of the site would be retained as part of the proposal, as would the existing walling and gate at the front entrance of the site.

The proposed dwellings would be all be finished in Verona multi-facing brickwork with clay pantiles, black uPVC uttering, off-white uPVC windows and Artstone cills. The garages serving plots 1 and 3 would also be finished in Verona multi-facing brickwork with clay pantiles. The proposed materials would be conditioned were it minded to grant planning permission to ensure they are completed in accordance with the details provided.

The proposed size and scale of the dwellings all being finished in brickwork with clay pantiles would assimilate with the surrounding mixed character of the area. Overall, it is considered that the development would not appear incongruous when read within the street scene context and the surrounding character of the area, and would therefore respect the surrounding scale and massing of development.

The dwellings all being single storey and finished in brickwork with clay pantiles would assimilate with the surrounding character being a mixture of two-storey and single storey dwellings finished in a variety of brick types and roofing materials. Overall, it is considered that the development would not appear incongruous when read within the street scene context and the



surrounding character of the area, and would therefore respect the surrounding scale and massing of development.

The development would therefore accord with local policy S53 of the CLLP and policy H1 of the Scothern Neighbourhood Plan.

### *Trees and Landscaping*

Policy S66 of the CLLP states that *'development proposals should be prepared based on the overriding principle that:*

- the existing tree and woodland cover is maintained, improved and expanded; and*
- opportunities for expanding woodland are actively considered, and implemented where practical and appropriate to do so.'*

A few smaller trees would be removed as part of the application. It is considered to be reasonable and necessary to condition a comprehensive landscaping plan to ensure full details are secured with regard to the proposed planting on the site, were it minded to grant planning permission on the site. As detailed on the proposed site plan, additional tree planting is proposed to mitigate the loss of the existing trees. Full details including species and planting height of the proposed trees will be secured via the landscaping scheme condition. Overall, it is considered that the proposal, subject to conditions, would accord with Policies S53 and S81 of the Central Lincolnshire Local Plan, Policy 2 of the NP, and the provisions of the NPPF.

### Heritage Impact

The dwelling to the immediate north of the application site 'Brinkburn House and former Smithy' (No.16 Church Street and not within the red line of this application) is recognised within the Scothern Character Assessment as a Locally Important Building, and it is therefore recognised as a non-designated heritage asset (NDHA).

The Character Assessment notes the following in regards to the buildings.

*'Evidence of one of three former houses and their related workshops, two Smithies and a wheelwright's, in the village.*

*The house is of a restrained 'polite' architectural style, typical of its period and designed to reflect the status, and by association, the quality of the business operated from the site. The former smithy, by contrast is a vernacular building, very typical of its period. The smithy wall is the only example in Scothern of its building using 'fieldstone rubble', some of it laid, unusually, in herringbone pattern. This is a local term for buildings making use of smaller pieces of limestone, in the main recovered from fields as they were cleared by cultivation.*

*The two buildings are prominently sited alongside Church Street. This is typical as the workshop relied on good access to the road.*

*The two buildings together form a group and are also part of the setting of the Grade II\* listed Parish Church'*

As detailed above, the site to the rear of No.16 also lies within the setting of the Grade II\* listed Church of St Germain which is situated approximately 29 metres from the entrance of the site at its closest point.

Policy S57 of the CLLP states the following in regards to development that would affect a NDHA:

*'Where a non-designated heritage asset is affected by development proposals, there will be a presumption in favour of its retention, though regard will be had to the scale of any harm or loss and the significance of the heritage asset. Any special features which contribute to an asset's significance should be retained and reinstated, where possible.'*

Policy S57 advises that development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.

Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 places a legislative requirement that when considering whether to grant 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. Setting is more than views, it is how the building is experienced.

Policy D1 Design and Character of the Neighbourhood Plan states that development should address the significance of heritage assets and their setting.

Paragraph 216 of the NPPF states that: *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

A heritage statement was provided within the application in accordance with the requirement within Policy S57 of the CLLP.

The WLDC Conservation Officer has been consulted on the proposal throughout. They initially raised an objection to the proposal due to the harm that would arise to the setting of the Grade II\* listed Church, as they considered that the proposed development by virtue of the scale of the proposed dwellings (in particular plots 1 and 2) would diminish the view of the heritage asset in particular from Grange Park, and would cause harm to the setting of the church and its visible connection with the wider settlement.

Having raised these concerns with the applicant, amended plans were submitted to reduce the size of plot 2 from a two-storey dwelling to a single

storey bungalow and in addition, the first floor level including dormer window that was situated above the internal garage serving plot 2 was also removed, thereby reducing the height of this element of the dwelling to single storey.

The Conservation Officer has been re-consulted on the proposed amendments and they have stated that they have no longer have an objection to the proposal and that the setting of the Listed Building would be preserved in accordance with Policy S57 and the statutory duty.

With regard to the impact on the NDHA to the north, it is acknowledged that there would be some impact to the setting of the NDHA, however the dwellings are of a lesser height than the NDHA and are proposed to be finished in materials that would be of a high-quality finish with red multi brick facing and clay pantile roofing. It is also noted that the existing wall and gate as noted in the description of the asset would remain as part of the development.

This Officer acknowledges that there would be some harm caused by the introduction of dwellings to the rear of the existing NDHA, however the proposal has been significantly altered to minimise the impacts on the NDHA, the NDHA would retain sufficient amenity space and the NDHA would remain in its entirety. Therefore overall, it is considered that this harm would be indirect and is outweighed by the provision of 3no market dwellings in a sustainable location for development. The proposal would therefore accord with policy S57 of the CLLP, Policy D1 of the NP, and the guidance contained within the National Planning Policy Framework, in particular paragraph 216.

### Residential Amenity

Criteria 8 Homes and Buildings of Policy S53 states that development proposals will:

- a) Provide homes with good quality internal environments with adequate space for users and good access to private, shared or public spaces;*
- b) Be adaptable and resilient to climate change and be compatible with achieving a net zero carbon Central Lincolnshire as required by Policies S6, S7 and S8;*
- c) Be capable of adapting to changing needs of future occupants and be cost effective to run by achieving the standards set out in Policy S20;*
- 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;*
- e) Provide adequate storage, waste, servicing and utilities for the use proposed;*

The proposed site would be adjoined by residential dwellings to the north, east and west beyond the Public Right of Way. The separation distance between plot 1 (single storey dwelling) and the rear elevation of No.4 Vicarage Lane would be approximately 15.3 metres. It is also noted that there is a high coniferous hedge bounding the site to the east. The single storey

garage serving plot 3 would be situated approximately 10.6 metres from the rear elevation of No. Church Street. The front windows serving the upper floor on plot 1 would have a separation distance of approximately 21.2m from the rear elevation of plot 1. The garage serving plot 3 would have an eaves height of approx. 2.7m and ridge height of approx. 5.5m, and the roof would slope away from the dwellings to the north.

Due to the garage serving plot 3 being situated to the south of No.18 Church Lane, there would be a minimal increase in overshadowing to parts of the rear garden of No18. This would be for limited periods of the day and would occur when the sun is lower in the sky, therefore the proposal is not considered to be unacceptably harmful in this regard.



Given the separation distances as detailed above, and the design of the dwellings and their associated garages, it is considered that the proposed development would not be expected to have an adverse impact on occupiers of neighbouring dwellings through overdominance or overshadowing.

With regard to over-looking, it is noted that the proposal would introduce windows at first floor level (plots 2 and 3). As can be seen on the previous screengrab of the proposed site plan, there is a separation distance of approximately 21.1 metres between the front elevation of plot 3 and No.18 Church Lane, and a separation distance of approximately 33.2 metres between the front elevation of plot 2 and No.16 Church Lane. As such, due to the separation distances, it is not considered that the proposal would give rise to any unacceptably harmful overlooking impacts on occupiers of neighbouring dwellings.

### *Private Amenity Space*

The proposed dwellings are considered to have sufficient private amenity space to the rear, with an average rear garden length of approximately 9.0 metres by 14.0 metres.

### *Construction*

Concerns have been raised by neighbouring residents with regards to construction and potential disturbance. The construction phase for the dwellings would be temporary. Whilst the construction period may cause some potential disturbance for a short period of time, it is not considered to be reasonable or necessary to restrict the timings as this could cause further prolong the construction period.

To conclude, it is considered that the proposed development would not have any unacceptably harmful impacts on the living conditions of existing or proposed neighbouring dwellings. The proposed development would therefore accord with Policy S53 of the CLLP and the provisions of the NPPF.

### Highways, Access and Parking

Local Plan Policy S47 and S49 requires well designed, safe and convenient access for all, and that appropriate vehicle parking provision is made for development users. Policy S49 of the CLLP states that for a dwelling with either 3, 4 or 5+ bedrooms in a village location, there should be off-street parking provision for 3 cars.

Policy T2 of the Scothern NP states that where practicable, new developments should provide for safe, direct and landscaped pedestrian and cycle routes.

A number of concerns have been raised by neighbouring residents and the Parish Council with regard to the proposed access and associated highway safety implications.

The application proposes to utilise an existing access point off Church Street which currently served No.16. The private drive would have a width of approximately 5.0 metres, which would be narrower at the entrance point due to the retained existing walling and gate. The Local Highways Authority at Lincolnshire County Council have been consulted and confirm that they have no objections to the proposal on highway safety grounds, commenting that:

*“The site utilises an existing access which is suitable for the proposals and there is sufficient parking and turning within the site.”*

With regard to parking, the proposed site layout provides sufficient parking in line with the required parking standards. The proposal is therefore considered to comply with the requirements of Policy S49 of the CLLP.

Paragraph 116 of the NPPF states:

*116. 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, following mitigation, would be severe, taking into account all reasonable future scenarios.*

The layout includes adequate provision for off-street parking and sufficient space for turning within the site. The roads network at the entrance of the site also has a 30mph speed limit. The parking spaces and garge to 16 Church Street will be accessed via the new gravel driveway to access the proposed three new build dwellings.

Considering the recommendation of no objections for LCC Highways, it is not considered that the additional vehicles associated with the development of 3no dwellings in this location would cause an unacceptably harmful impact on highway safety or have a severe residual cumulative impact on the local highway network.

With regards to the comments about large vehicles using the highway network, it is accepted that there may be some larger vehicles using the road during construction, however it is not anticipated that construction periods (in particular for 3no dwellings) are for prolonged periods of time and therefore the use of surrounding road network for construction traffic would not be at a detriment to highway safety or pedestrians using the highway.

Overall, it is considered that the proposal would accord with Policies S47 and S49 of the CLLP, Policy 2 of the NP, and the provisions of the NPPF.

#### Climate Change/Energy Efficiency

The CLLP sets specific standards that are required by new residential and non-residential development in relation to site average space heating demand and total energy demand. Policy S6 states a set of design expectations that should be considered when formulating development proposals. This includes the orientations of buildings, form of buildings, fabric of buildings, heat supply and renewable energy generated. Policy S7 requires that all new residential buildings are accompanied by an Energy Statement and in addition to the requirements of policy S6, must meet the following criteria:

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

*the metering of that home, with no deduction for renewable energy generated on site).*

Alongside this, Policy D2 of the Scothern Neighbourhood Plan states that ‘As appropriate to their scale, nature and location, the design and standard of new development should aim to meet a high level of sustainable design and construction and be optimised for energy efficiency, targeting zero carbon emissions.’

The application has been accompanied with an Energy Statement (most recent received April 2025) and accompanying SAP calculations, energy efficiency spreadsheet and predicted EPC ratings. The energy statement has been amended throughout the application process during the change of design of the dwellings to ensure compliance with policies S6 and S7.

The Energy Statement justifies policy S6 as follows:

**Orientation** - All 3 proposed dwellings are afforded a southerly orientation to benefit from passive gains. The layouts are typical of modern homes with good levels of natural light afforded to the main living spaces. Internal finishes cannot be controlled by the client but at handover light colours will be applied for the new occupants. The overall effect is to reduce the need for artificial light in the main occupied areas, hopefully reducing energy consumption and also improving occupant wellbeing.

**Form** – Simple and efficient built form, mitigate losses at junctions, minimising surface area and therefore heat loss. The high mass and good insulation levels in this proposed scheme will provide an effective medium for managing internal temperatures, both having the ability to both hold heat and cool.

**Fabric** – The proposed construction is masonry with an insulated full fill cavity, with a lightweight block and low conductivity to further support the fabric performance. Triple glazed windows increase the energy efficiency of the proposed dwellings but with a lower G value solar gains are controlled. The aspiration is that the masonry approach provides good thermal mass, which in turn will assist with regulating internal temperatures throughout the year.

**Heat Supply** – Use of an air source heat pump for each plot.

**Renewable Energy** - Approximate Solar PV installation of 23.2 kWp across the dwellings to contribute to total energy demand and reduce regulated CO2 emissions in operation to zero.

In regards to policy S7, the applicant has submitted a full Energy Statement and accompanying spreadsheet which outlines that the proposed site would have an average space heating demand of 12.50 kWh/m2/yr, and a total energy demand of 32.2 kWh/m2/yr. Solar PV Panels would generate a site

average of 36.56 kWh/m2/yr through the installation of a solar array on each of the roofscapes of the dwellings.

The plot by plot breakdown is as follows:

	Average Space Heating Demand (kWh/m2/yr)	Total Energy Demand (kWh/m2/yr)	PV Panel Generation (kWh/m2/yr)
Plot 1	14.92	33.58	40.34
Plot 2	12.92	30.61	27.84
Plot 3	9.66	32.51	41.49

The proposal would therefore generate at least the same amount of renewable electricity on-site as the electricity the dwellings demand over the course of a year and comply with the requirements of S7.

Were it minded to grant planning permission, the standard conditions would be imposed relating to the development being completed in accordance with the details in the Energy Statement, the removal of national permitted development rights with respect to fuel tanks, and a pre-occupation condition requiring a verification statement to ensure the approved scheme has been implemented in full. It is therefore considered that subject to conditions, the proposal would accord with the aims of policies S6 and S7 of the Central Lincolnshire Local Plan and policy D2 of the Scothern Neighbourhood Plan.

### Flood Risk

Concerns have been raised by residents with regards to flood risk in the village and the impact the proposed dwellings would have on the flood risk in the area.

Policy S21 of the Central Lincolnshire Local Plan states that:

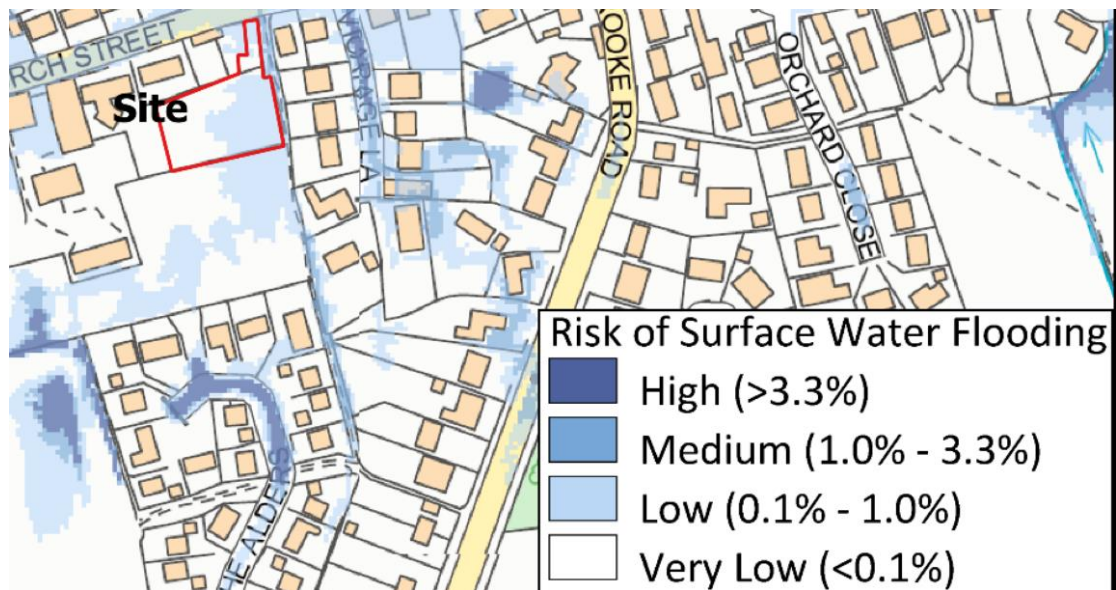
*‘Through appropriate consultation and option appraisal, development proposals should demonstrate:*

- a. that they are informed by and take account of the best available information from all sources of flood risk and by site specific flood risk assessments where appropriate;*
- b. that there is no unacceptable increased risk of flooding to the development site or to existing properties;*
- c. that the development will be safe during its lifetime, does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies;’*

The application site is located within Flood Zone 1 (low probability) which is sequentially preferable for housing development.



A site-specific flood risk assessment (FRA) (most recent dated October 2024) was requested during the determination of the application due to areas of the site being at risk from surface water flooding. The FRA in figure 4.1 demonstrates the risk of surface water flooding on the site.



The FRA states that the following mitigation measures would be included in the development:

- *'Plots 1 & 2 minimum floor level 12.90m AOD.*
- *Flood resilience to 13.20m AOD.*
- *Surface water exceedance route around buildings.'*

However, since the submission of the FRA the national Flood Risk Map for Planning<sup>1</sup> mapping has been updated indicating that now only an extremely small part of the eastern/south-eastern area of the site (see image below) is identified as being at a low risk of surface water flooding. This would be expected to be within the rear garden space of plot 1.



<sup>1</sup> [Map – Flood map for planning – GOV.UK](https://www.gov.uk/government/maps/data/flood-risk-maps)

The application has included a drainage scheme which is assessed in the next section of this report. Whilst the permeable area of the site would be increased by the proposal it is considered that subject to an appropriate positive drainage scheme the development would accord with local policy S21 of the CLLP.

### Foul and Surface Water Drainage

Policy S21 of the CLLP requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SUDS) in to the proposals unless they can be shown to be inappropriate; to show that there is no unacceptable increased risk of flooding to itself or existing land or buildings; and that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

#### *Foul Water*

The application proposes that foul water would be disposed of via mains sewer, which is the most preferred method as set out within the NPPG. The WLDC Building Control Team have commented on this proposal and have stated that this should be acceptable in principle subject to all necessary permissions being granted.

#### *Surface Water*

The National Planning Practice Guidance advises 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: 080 Reference ID: 7-080-20150323)*

The drainage strategy for the site has been amended since submission due to the amendments to the application, with the most recent strategy received on 29<sup>th</sup> May 2025.

*The accompanying drainage statement states that “The encountered ground conditions are not conducive for infiltration therefore an alternative means of surface water disposal would be required. There is an informal watercourse location approximately 70m to the south of the site. This watercourse is then culverted on the eastern boundary of the site before discharging to the surface water system in Church Street. The drain on the eastern boundary is located beneath the boundary fence and is in poor condition. Discharging to this watercourse would therefore pose a risk of flooding to nearby properties. The proposal is therefore to discharge to the surface water system in Church*

*Street downstream of the existing drain known to be in poor condition. Runoff will be restricted so far as is reasonably practicable to greenfield runoff rates.”*

The proposal proposes the following drainage elements:

*Roof Areas* – rainwater would be collected via traditional gutters towards rainwater harvesting tanks. They will discharge into the private drives via permavoid diffusers.

*Private Driveways* – consist of permeable paving construction. Surface water would percolate through the pavement construction layers and through the sub-base. Laid to a permavoid diffuser and connected to the piped surface water drainage system.

*Private Access Road* – As above, would consist of permeable paving and would be laid at falls to a perforated pipe.

Under the aforementioned hierarchy, discharge to a surface water system may be acceptable where discharge into the ground via infiltration or via a watercourse is not feasible. It has been shown that in this instance, infiltration is unviable, as is discharge to a watercourse, and therefore discharge into a surface water system can be accepted.

The drainage strategy additionally sets out how the surface water drainage would be maintained. It is considered relevant and necessary to condition the maintenance methods set out.

Given the comments, the principle behind the submitted drainage strategy is considered to be acceptable. It is also noted that the development of the site would secure a positive drainage strategy within the site where presently there is an absence of such.

Policy S12 requires that a rain harvesting water-butt with a minimum capacity of 100l be included for all residential development. The proposed elevation drawings show water-butts and a condition would be included in this regard to ensure the development includes them at the required capacity.

Foul and surface water drainage matters are considered acceptable in principle, subject to a condition to ensure that the drainage proposals are completed in accordance with the submitted information, and therefore would not be expected to have a harmful impact. As such it is considered that the proposal would accord with Policy S21 of the CLLP, and the provisions of the NPPF.

### 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.

This is also a requirement of Policy S61 of the CLLP which requires *“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”*.

Policy E2 of the Neighbourhood Plan states that development should minimise impacts on biodiversity and should deliver a net gain in line with the requirements of the CLLP.

The Central Lincolnshire Ecology Officer has been consulted on the proposal. The proposal has been subject to discussions between the applicant and the Ecology Officer to overcome the issues with Biodiversity Net Gain on site, amended BNG documents and plans have been received as a result and the Ecology Officer now has no objections to the proposal, subject to conditions.

In summary, the submitted accompanying information states that the current landscaping proposal generates a net loss of area-based units (-79.65%) and a net gain of linear based habitat units (+91.83%). It states that in order to achieve a 10% net gain for area-based units, the deficit of 1.32 units would need to be overcome. This would need to be achieved by purchasing off-site units.

It is clear from the above that the 10% net gain requirement would be met through off-site provision. Under the statutory framework for biodiversity net gain, subject to some exemptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development.

Alongside this, as requested by the Ecology Officer, a Habitat Management and Maintenance Plan (HMMP) for the site should also be submitted, relating to all the significant biodiversity gains on the site. This would detail how the habitats are to be maintained and monitored for a minimum of 30 years following completion. Subject to the recommended conditions, it is considered that the proposal would be acceptable in relation to biodiversity, and would accord with the provisions of the CLLP and the NPPF.

### *Ecology/Protected Species*

The application has been accompanied by a Preliminary Ecological Appraisal and Preliminary Roost Assessment (PEA) completed by Arbtech dated December 2024. The Central Lincolnshire Principal Ecology and Wildlife Officer has requested a condition to ensure species specific enhancements are delivered on site. These conditions are recommended to be included alongside a condition to ensure the development is completed in accordance

with the recommendations within the PEA. Overall, subject to conditions, the proposal would accord with Policy S60 and S61 of the Central Lincolnshire Local Plan, and the provisions of the NPPF.

### Right of Way

A definitive Right of Way, namely SctH/153/1 lies to the immediate east of the site. Whilst the proposal would be visible from the Right of Way, it is not considered that the proposal would unacceptably harm future users of the Right of Way.

### Other Matters

#### *Removal of Permitted Development Rights:*

Unrestricted, the development would benefit from householder permitted development rights. In view of the development proposed, considering the setting of the NDHA to the north and the Grade II\* Listed Church of St Germain to the north-east, and in the interests of protecting the amenity of the occupiers of neighbouring dwellings, it is recommended that a condition is applied to remove permitted development rights covering the erection of extension, outbuildings, and any alterations or additions to the roofs of the dwellings, in order to ensure the residential amenity of the neighbouring dwellings and character of the area is protected.

### **Conclusion and Reasons for Decision**

This decision has been considered against policies S1: The Spatial Strategy and Settlement Hierarchy, S2: Growth Levels and Distribution, S4: Housing Development in or Adjacent to Villages, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Dwellings, 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, S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains and S66: Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan in the first instance, as well as policies H1: Location of New Residential Development, H2: Housing Type and Mix, D1: Design and Character, D2: Renewable Energy and Low Carbon Development, T2: Pedestrian and Cycle Routes and E2: Biodiversity of the Scothern Neighbourhood Plan Review. Guidance contained in the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Model Design Code has also been taken into consideration.

In light of this assessment, it is considered that the principle of the proposal would be acceptable and would provide 3no dwellings in an appropriate location for housing within the developed footprint of Scothern. The proposed development would not have an unacceptable harmful visual impact or have a harmful impact on the living conditions of existing and future neighbouring dwellings. The harm to the NDHA would be indirect and would be outweighed

by the provision of 3no market dwellings in a sustainable location for development.

In addition, the proposal would not have a harmful impact on highway safety, biodiversity, drainage, trees and would not increase the risk of flooding. It would also provide dwellings which are energy efficient and incorporate renewable energy sources. The proposal is therefore acceptable and recommended for approval, subject to the satisfying a number of conditions.

### **Human Rights Implications:**

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

### **Legal Implications:**

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

### **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 hereby permitted shall take place until a written Habitat Management and Maintenance Plan [HMMP] in accordance with the Statutory Biodiversity Metric dated 12/12/2024 and prepared by Michelle Huang has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall relate to all 'significant' biodiversity gains on site (excluding any habitat within or making up private garden) and must be strictly adhered to and implemented in full for a minimum of 30 years following the initial completion period approved pursuant to condition 13. The HMMP must contain the following:
  - a) a non-technical summary;
  - b) the roles and responsibilities of the people or organisation(s) delivering/monitoring the [HMMP];

- c) the details of funding, resources and mechanisms for long term delivery of the [HMMP].
- d) the planned habitat creation and enhancement works for the initial completion period to create or improve habitat in accordance with best practice.
- e) the management measures to maintain habitat for a period of 30 years from completion in accordance with best practice;
- f) the monitoring methodology and frequency in respect of the retained, created and/or enhanced habitat to be submitted to the local planning authority. Surveys may be completed by a competent person as defined by the small site metric user guide.
- a. Expected monitoring years 5,10,15,20,30
- g) the mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

Applicants are advised to use the Natural England Small Site HMMP Template found at

<https://publications.naturalengland.org.uk/publication/5813530037846016>

**Reason:** To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy S61 of the Central Lincolnshire Local Plan.

3. No development shall take place until details of faunal species enhancements including their positions, types and specifications have been submitted to and approved in writing by the Local Planning Authority. Enhancements must include

- A minimum of a single bat roost unit incorporated into each structure (access via bat roof tile).
- A minimum of a single bird nesting brick unit incorporated into each structure
- A minimum of a single bee brick unit incorporated each structure
- Hedgehog appropriate fencing
- Amphibian friendly drain and curb treatments

The details approved must be installed prior to occupation of each individual dwelling and must be retained as such thereafter.

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

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

4. The Biodiversity Gain Plan shall be prepared in accordance with the Statutory Biodiversity Metric dated 12/12/2024 and prepared by Michelle Huang.

**Reason:** To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy S61 of the Central Lincolnshire Local Plan.

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

Site Location Plan J2226 00101 Rev A dated March 2023  
Proposed Block Plan J2226 00108 Rev H dated 11/02/2025  
Plot 1 Plans Section and Elevations J2226 00104 Rev E dated 20/09/2024  
Plot 1 Proposed Garage J2226 00110 Rev C dated 15/09/2024  
Plot 2 Plans Section and Elevations J2226 00105 Rev F dated 10/02/2025  
Plot 3 Proposed Garage J2226 00115 dated August 2023  
Plot 3 Plans Section and Elevations J2226 00106 Rev E dated 22/03/2024

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

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

6. The development hereby permitted shall be carried out in full accordance with the details set out in the submitted Energy Statement dated April 2025 unless otherwise agreed in writing by the Local Planning Authority.

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

7. Prior to occupation of the building, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement dated April 2025 and approved in writing by the Local Planning Authority.



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

8. The development must be completed in strict accordance with the drainage strategy as detailed within the drawings and details within 'Drainage Strategy Report' Rev C dated 28/05/2025 including the surface water maintenance methods on page 16. No occupation must occur until the approved scheme has been installed and retained and maintained as such thereafter.

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

9. No occupation of the dwellings hereby approved must take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include (but not limited to):
  - Type, height, specification and position of all boundary treatments.
  - Material finish of all any access roads, driveways, patios and paths.
  - Species, planting height, formation and position of new trees and hedging.

The development must be completed in strict accordance with the approved landscaping scheme.

**Reason:** To ensure that appropriate landscaping is introduced and would not unacceptably impact on the character and appearance of the site and the surrounding area or the amenity of nearby residents to accord with the National Planning Policy Framework and local policies S53 of the Central Lincolnshire Local Plan 2023.

10. Any new hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

**Reason:** To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan.

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

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

12. The dwellings hereby approved shall be constructed to ensure that the consumption of wholesome water by persons occupying the dwellings is in accordance with the Building Regulations Approved Document G, Requirement G2/Regulation 36 Optional Technical Requirement of 110 litres per person per day.

**Reason:** To minimise impacts on the water environment and to accord with Optional Technical Housing Standards to accord with Policies S12 and S53 of the Central Lincolnshire Local Plan.

13. The development shall be carried out in accordance with the submitted flood risk assessment undertaken by Roy Lobley Consulting dated October 2024 including the following mitigation measure it details:
- Plots 1 & 2 minimum floor level 12.90m AOD.
  - Flood resilience to 13.20m AOD.
  - Surface water exceedance route around buildings.

These mitigation measures shall be fully implemented prior to occupation and subsequently shall be retained and maintained thereafter throughout the lifetime of the development.

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

14. The development hereby approved must only be carried out in accordance with the recommendations set out in sections 4 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment completed by Arbtech dated 20/12/2024.

**Reason:** To ensure the development proceeds in accordance with the approved management plan and to protect the habitats and wildlife on site to accord with the National Planning Policy Framework and S60 of the Central Lincolnshire Local Plan.

15. Notice in writing shall be given to the Council within 15 working days of the Initial habitat creation and enhancement works as set out in the [HMMP] being completed.

**Reason:** To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 Policy S61 of the Central Lincolnshire Local Plan.

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

16. All planting, seeding or turfing comprised in the approved details of landscaping as required by condition 9 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 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.

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

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

18. Notwithstanding the provisions of Classes A, AA, B, C, E, F, G and H of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwellings hereby permitted must not be extended and no buildings or structures must be erected within or on the curtilage of the dwellings, or alterations made to the roof of each respective dwelling unless planning permission has first been granted by the Local Planning Authority.

**Reason:** To enable any such proposals to be assessed in terms of their impact on the character of the area, the setting of the non-designated heritage asset, and the amenities of neighbouring dwellings, to accord with the National Planning Policy Framework and Policies S53 and S57 of the Central Lincolnshire Local Plan 2023.

**Informatives:**

**HIGHWAYS**

The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

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

<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

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

### **BIODIVERSITY NET GAIN**

Unless an exception or a transitional arrangement applies<sup>1</sup>, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

(a) a Biodiversity Gain Plan<sup>2</sup> has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be West Lindsey District Council.

### **Biodiversity Gain Plan**

The biodiversity gain plan must include/accompanied by<sup>3</sup>:

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

(b) the pre-development biodiversity value of the onsite habitat;

(c) the post-development biodiversity value of the onsite habitat;

(d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;

(e) any biodiversity credits purchased for the development;

(f) any information relating to irreplaceable habitat making up onsite habitat

(g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any

impact the development has on the biodiversity of, any irreplaceable habitat<sup>4</sup> present within the onsite baseline.

(h) any additional information requirements stipulated by the secretary of state<sup>5</sup>.

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

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

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

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

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

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

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

<sup>4</sup> Irreplaceable habitats for the purposes of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found

at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>

<sup>5</sup>Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of your

application <https://www.legislation.gov.uk/uksi/2015/595#:~:text=Additional%20content%20of%20plan>

Scale Bar - 1:1

0mm 25mm 50mm 75mm

Notes

Drawing copyright of Ross Davy Associates

Used figure dimensions only, do not scale from this drawing

All materials specified are to be used in strict accordance with manufacturers written instructions and current codes of practice.

RDA have exercised and will continue to exercise all the reasonable, skill care to be expected in the performance of its duties to the Client under the role of the Principal Designer in accordance with the Building Safety Act-2022. To be expected of a prudent, experienced, properly qualified and competent with experience of carrying out services similar to its duties in connection with this project, scope, nature, complexity and value to the Project in respect of all matters lying within the scope of its professional responsibility in terms of its Appointment.

In accordance Building Safety Act-2022, Equality Act, Party Wall Act and the CDM Regulations, it is the Employer's responsibility to initiate the following:

- Disabled Access Audits
- Party Wall Notices and Surveys (if required)
- Pre-Construction Health and Safety Plan

We will provide due diligence in providing current Building Control compliance subject to 3rd party details, reports & design.

These drawings are to be considered as Preliminary and for information only until technical approval has been obtained from the relevant Local Authority/Approved Consultant. Commencement of work on site prior to these approvals is at the Clients/Contractors risk.

In accordance with the Building Safety Act-2022, we have requested all record drawings, service information as part of the Project

Inspections and Surveys

Where elements of the construction are not visible during the survey, it is the contractors responsibility to identify structural elements such as floor joist spans and supporting structures, prior to any demolition works and inform client / architectural consultant.

Additional works may therefore be necessary. Our survey does not include any destructive investigation.

Drawing Revisions

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Ross Davy Associates

Pelham House, 1 Grosvenor Street,  
Grimsby, N.E.Lincolnshire, DN32 0QH

Tel: 01472 347956  
Email: design@rossdavyltd.co.uk  
Web: www.rossdavyltd.co.uk

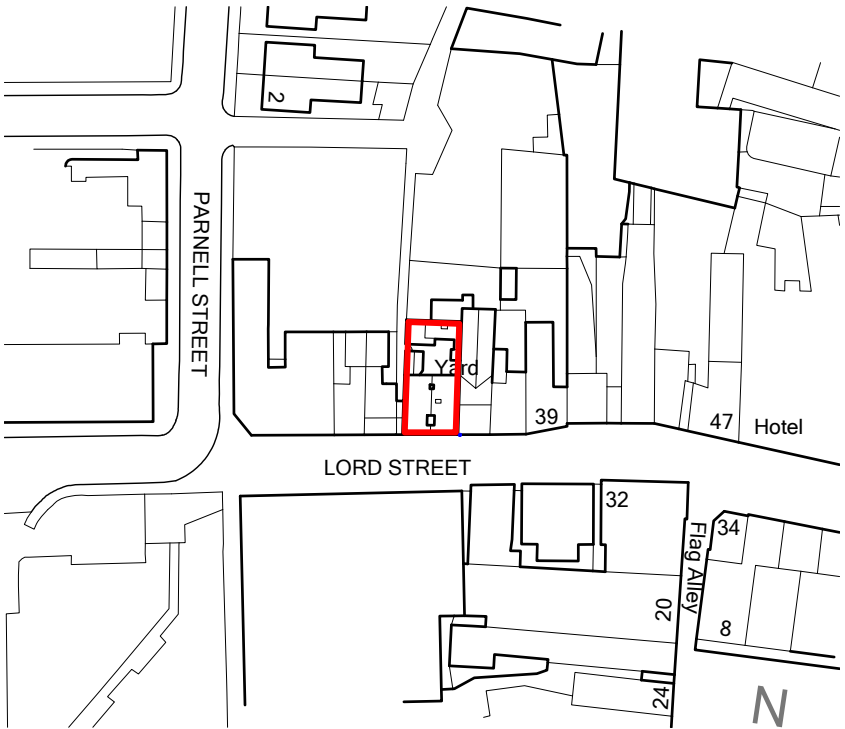
Project Proposed Alterations at  
31 / 33 Lord Street,  
Gainsborough,  
Lincolnshire

Drawing Title Proposed Site and Location Plans

Drawn MD Scale As Noted

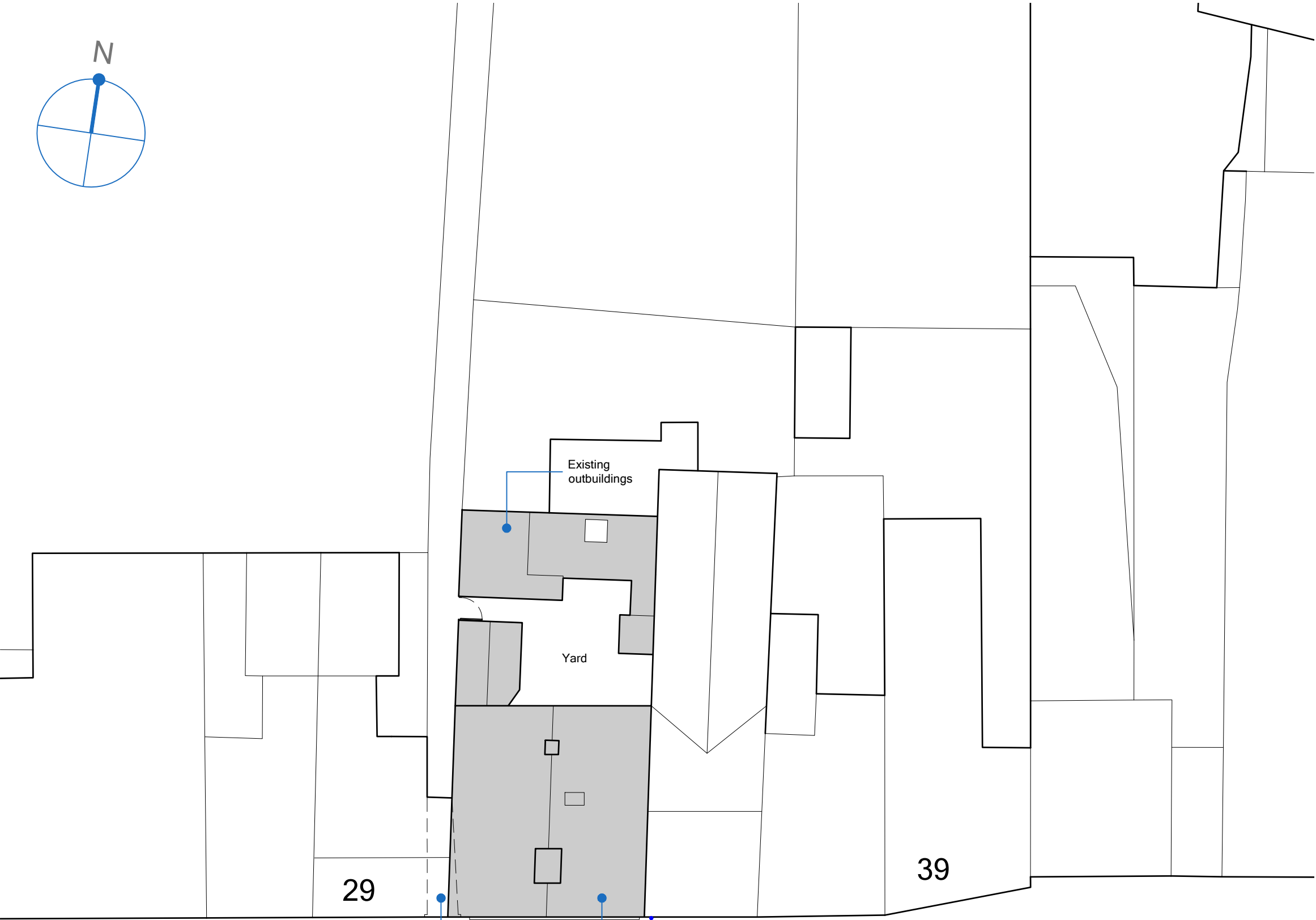
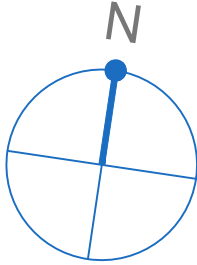
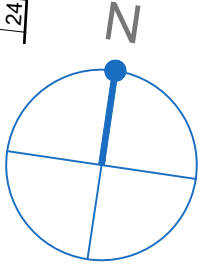
Date Mar 25 Size A2

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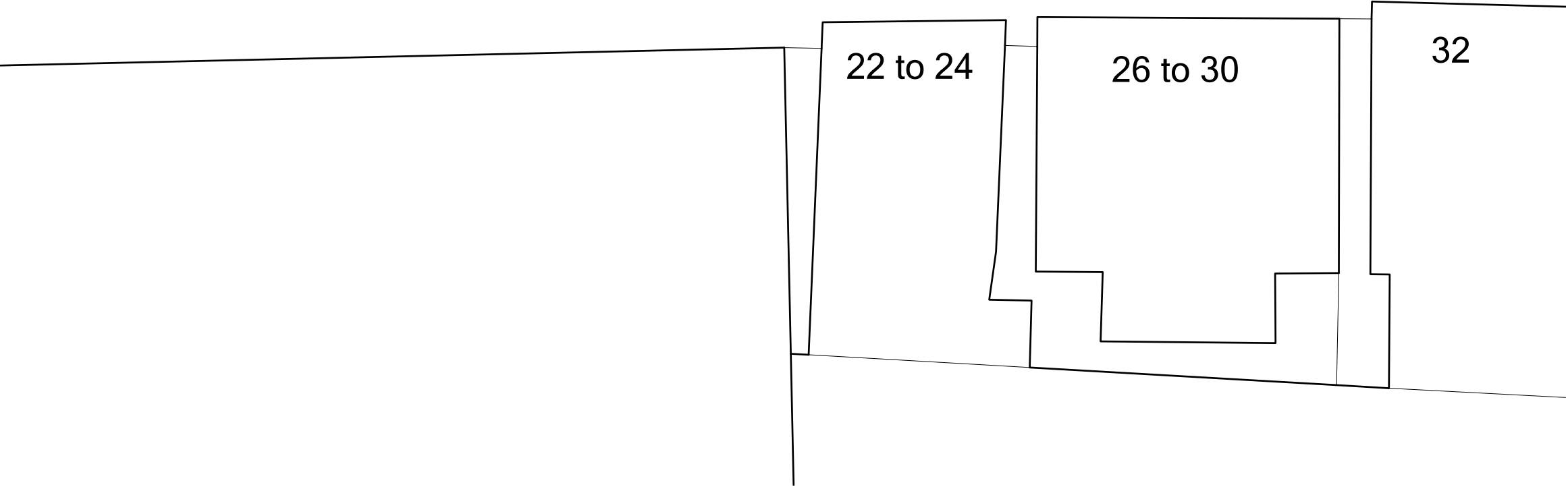


Site Location Plan

1:1250



LORD STREET



Proposed Site Plan

1:200

## Officers Report

### Planning Application No: WL/2025/00326

**PROPOSAL:** Planning application for partial change of use to form three self-contained apartments, alterations to an existing retail unit, repairs to flat roof outbuildings, works to existing external doors and windows including the installation of a smoke vent to the roof, internal alterations and associated works.

**LOCATION:** 33 LORD STREET GAINSBOROUGH DN21 2DD

**WARD:** GAINSBOROUGH SOUTH WEST

**WARD MEMBERS:** Cllr Miss J S McGhee and Cllr T V Young

**APPLICANT NAME:** Mr Usman Akram

**TARGET DECISION DATE:** 26/05/2025 (Extension of time agreed to 4<sup>th</sup> July 2025)

**CASE OFFICER:** Holly Horton

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

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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.

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**The Site:** The site consists of a vacant retail unit at 33 Lord Street along with the associated upper floors above 31 Lord Street. Both buildings are listed at Grade II and they form part of a group with numbers 35, 37 and 39. The site is adjoined to the north by other rear yards accessed from Cobden Street/Little Church Lane and to the east by No 35 Lord Street known as Tiger Antiques that was historically a public house. To the south lies Lord Street with retail units beyond, and to the west lies Little Church Lane with the attached building at No 29 Lord Street beyond.

The site lies within the Gainsborough Town Conservation Area and is surrounded by a number of other heritage assets. The site also lies within a Sand and Gravel Minerals Safeguarding Area. The site is recognised as being within the Gainsborough Primary Shopping Area/Gainsborough Town Centre within the Central Lincolnshire Local Plan.

The Historic England official listing describes the site of No 31 – 33 Lord Street as:

*“2. Early C19. 3 storeys and attics. Stone coped gable end to road forms pediment. Band at cills of 2 lunette windows of 3 lights with glazing bars in the heads of 2, 3-storey recesses, containing on 1st and 2nd floors, 1 window each with hung sashes with glazing bars, of 3 lights. Rusticated lintels with keystones. Band at 1st floor cills. 2nd floor window to No 33 has lost keystone. 2 early C19 shop fronts on ground floor with modern glazing, rectangular fanlights and narrow pilasters. Painted brick.*

*Nos 27 to 39 (odd) form a group, Nos 27 and 29 being of local interest.”*

**The Proposal:** Planning permission is sought for partial change of use to form three self-contained apartments, alterations to an existing retail unit (Class E), repairs to flat roof outbuildings, works to existing external doors and windows including the installation of a smoke vent to the roof, internal alterations and other associated works.

The proposal would be split across four floors, with the Retail Unit, Flat 1 and the store/bin storage area for all three flats all on the ground floor. Flat 2 would occupy the entirety of the first floor and Flat 3 would occupy the entirety of the second floor and almost half of the third floor. The remainder of the third floor would be utilised as a storage space for the landlord of the building.

The proposed occupancy and internal floor space for the retail unit and each of the flats is outlined below:

Retail Unit: 18.6m<sup>2</sup>

Flat 1: One bedroom, one person – 38m<sup>2</sup>

Flat 2: Two bedroom, three person – 71.97m<sup>2</sup>

Flat 3: Two bedroom, three person – 82.10m<sup>2</sup>

**Departure Procedure:** The application has been advertised as a departure from the local plan in line with Section 15 (2) of the TCPA Development Management Procedure Order 2015<sup>1</sup> a site notice was displayed on 29/05/2025 and a notice has been placed in the local newspaper on 29/05/2025. The advertisement of the departure therefore meets the provisions of Section 15 of the DMPO.

This application is also being considered alongside WL/2025/00327 for Listed Building Consent for the same works, however this application is recommended to be presented to Planning Committee in line with the constitution as it would constitute a departure from Policy S49 of the Central Lincolnshire Local Plan.

### **Previous Planning History**

**144973** - Prior approval for proposed change of use from fish and chip shop to retail (ground floor) & 3no. self contained flats – Withdrawn by Applicant

**136566** - Planning application for internal mechanical canopy and extract duct – Granted with conditions 04/10/2017

**123346** - Planning permission to construct 4 no. dwelling houses (Little Church Street), formation of 2 no flats at 1st and 2nd floor level (31 & 33 Lord Street) and modify roof arrangements to Lords (35 Lord Street) – Finally disposed of 08/12/2011

**123348** - Listed building consent to carry out internal and external alteration to 31 and 33 Lord street to form 2 no. flats. Also alterations to modify roof arrangements at Lords (35 Lord Street) – Finally disposed of 08/12/2011

**121781** - Planning Application for change of use from retail to A3 - Cafe with sit down facility and kitchen for washing up and warming of foods only – Granted with condition 14/05/2008

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



**121782** - Listed Building Consent for alterations to facilitate change of use from retail to A3 - Cafe with sit down facility and kitchen for washing up and warming of foods only (includes formation of opening to link Nos. 31 and 33) – Granted with conditions 14/05/2008

**Representations:**

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

Gainsborough Town Council: No representations received to date.

Local Residents: 25 Lord Street, Gainsborough - Supports the application as summarised below:

- I am the owner of neighbouring properties and fully support the proposals for 31-33 Lord Street. 31-33 Lord Street has become a troublesome site in recent years, a hot spot for criminal activity. Previous owners have failed and I am pleased that the property is now in the ownership of someone with the right intentions. The proposals will tidy the site up and the property will contribute positively to the street instead of negatively.

LCC Highways: No Objections and request an informative. 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:* Development proposals are typical of this location and the impact on the public highway is comparable with neighbouring properties. The location is within a built-up town centre area and is sustainable. It is therefore deemed that the development proposals are acceptable to the Highway Authority and the impact on the public highway is negligible.

LCC Archaeology: No representations received to date.

WLDC Conservation Officer: No objections – subject to conditions. Comments summarised below:

The proposal is the change the use partially for three additional self-contained apartments with internal alterations throughout, including to the retail unit. 31 and 33 Lord Street is a grade II townhouse built in the early 19th century. It is built with three-storeys and attics and two bays. The walls are brick with lime wash and stone coped gables and hung sash windows.

The strongest significance of the listed building is the external principal façade and its location within the historic marketplace being redeveloped in the same medieval street

pattern and form. Its historic value is grouped with nos.27-39 which are of local interest. Within the setting of 31 and 33 Lord Street are several other grade II listed buildings: 35, 37, 39, 24, and 32 Lord Street. These have similar origins or 18th and 19th centuries showing the phased development from the medieval plan forms. The property is within the Gainsborough Town Centre Conservation Area that identifies the significance in historic layout and street scene of Lord Street.

The proposal seeks to use the under-utilised floor spaces which have not been in occupation for a long period. Part of this requires internal alterations with infilling and new openings being created. These alterations are minimal to create a sufficient living space, and do not impact upon any areas of major architectural or historic interest. The main alteration is the boxing up of the old stairs. However, this protects and conserves the stairwell for future use.

There is an architectural interest with the internal doors and surrounds. These have been identified and are proposed to be protected and upgraded as per Historic England's guidance. This will protect the architectural interest. There are existing skirting boards and architraves that will require being identified for their details to enable reuse of the design in the newly proposed elements.

The windows are all proposed to be repaired, this will protect the historic and architectural interest. As these are repairs so the specific details of the works do not need to be given with the LBC. I would push against the proposed gloss paint and request a linseed oil based paint to reduce maintenance and better protect the timber from rotting.

The areas proposed for internal alteration are not in areas of major historic or architectural interest. When creating the new openings, these areas should be carefully examined for additional historic interest during the opening up process. Policy S57 will support proposals that protect the significance and promote opportunities to better reveal the significance. The reinstatement of occupation and repairs to key features will protect and enhance the significance of the listed building.

#### Recommended Conditions:

- 1) Prior to any works, a level 2 Historic Building Record is undertaken as detailed in Historic England's Understanding Historic Buildings: A Guide to Good Practice (Historic England, 2016).
- 2) Prior to any work, the skirting and architrave designs of the existing shall be assessed for significance and submitted for consideration for reuse. The proposed "typical" designs are not suitable as a generic design for listed buildings.
- 3) All works shall precisely follow the schedule of works as detailed within the plans. Any information TBC within the schedule shall be submitted to the LPA. This includes the changing of the window paint to a linseed oil paint.
- 4) Demolition work shall be carried out by hand or by tools held in the hand other than power-driven tools.

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

6) Before the commencement of works, details shall be submitted and approved with the Local Planning Authority showing the areas of masonry to be demolished and setting out the method of ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction. Such details are to include structural engineering drawings and/or a method statement. The work shall be carried out fully in accordance with the method statement approved.

7) Before work begins, steps shall be approved in writing with the Local Planning Authority and implemented to protect the following interior features from damage or theft and shall remain in place for the duration of the construction/ alteration work hereby permitted: staircases; balustrades/handrails; doors;

8) During the works, if hidden historic features are revealed they should be retained in-situ. Works shall be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. Failure to do so may result in unauthorised works being carried out and an offence being committed.

System Checked: 09/06/2025

**Relevant Planning Policies:**

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution

Policy S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns

Policy S6: Design Principles for Efficient Buildings

Policy S13: Reducing Energy Consumption in Existing Buildings

Policy S20: Resilient and Adaptable Design

Policy S21: Flood Risk and Water Resources

Policy S23: Meeting Accommodation Needs

Policy S35: Network and Hierarchy of Centres

Policy S37: Gainsborough Town Centre and Primary Shopping Area

Policy 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

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

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

- **Gainsborough Neighbourhood Plan MADE 2021 (NP)**

Relevant policies of the NP include:

NPP 1 Sustainable Development

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

NPP 8 A Mix of Housing Types

NPP 18 Protecting and Enhancing Heritage Assets

NPP 19 Improving the Vitality of the Town Centre

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

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

The site is within a Minerals Safeguarding Area and therefore policy M11 applies.

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

National Policy and 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 2024. Paragraph 232 states:

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

- **National Planning Practice Guidance**

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

- **National Design Guide 2019**

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

- **National Model Design Code 2021**

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 49 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 but 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.

### **Other**

- Statutory Duties under Sections 66 and 72 of the Town and Country Planning (Listed Buildings & Conservations Area) Act 1990.
- Gainsborough Town Centre Conservation Area Appraisal

### **Main issues**

- Principle of Development;
- Impact on designated heritage asset including the host listed building, and visual impact;
- Residential Amenity;
- Highways and Parking;
- Flood Risk and Drainage;
- Other Matters.

*Minerals Safeguarding  
Community Infrastructure Levy  
Energy Efficiency  
Biodiversity Net Gain*

### **Assessment:**

#### **Principle of Development**

Planning permission is sought for the partial change of use to form three self-contained apartments, alterations to an existing retail unit, repairs to flat roof outbuildings, works to existing external doors and windows including the installation of a smoke vent to the roof, internal alterations and other associated works. The Central Lincolnshire Local Plan provides a suite of policies to guide development within Gainsborough Town Centre.

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

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

Paragraph 90 of the NPPF is supportive of residential development within Town Centre locations as it 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.

The Gainsborough Town Centre section of Policy S37 of the CLLP states that; *“Where planning permission is required, proposals for main town centre uses under E Use Class, or for the development of cultural, social or leisure facilities suitable for a town centre location will be supported in principle within Gainsborough Town Centre, as identified on the Policies Map, where they:*

- d) are of high quality design, responding to their surroundings and contributing positively to the streetscene; and*
- e) enhance connectivity within, through and around the town centre wherever possible.*

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

Point 4 of Policy NPP19 of the GNP states that; *‘Development proposals for the use of upper floors of commercial premises within the town centre for residential use will be supported where it can be demonstrated that the residential use will not create unacceptable harm to the wider retail offer of the Town Centre.’*

The site is within the Gainsborough Primary Shopping Area where retail units on ground floors are supported in principle given that they will contribute towards the vitality and viability of the town centre. It is noted that the existing retail unit would be retained but reduced in size however it would still provide ample space for future retail use.

The existing retail unit would remain within Class E Use Class and it would help to assist in the wider regeneration of the town centre by offering an improved visual appearance from the street scene as a result of the proposed removal of redundant

signage, boarding, fixtures and fittings and replaced/repaired with more appropriate finishes to respect the host heritage asset and market place setting.

Overall, the site is located within the developed footprint of Gainsborough, being within the town centre. The proposal will maintain a retail use on its ground floor level and would therefore meet within criteria a, b, c, d and e of Policy S37.

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. It is therefore considered that in principle, the proposal would accord with policies S1, S3, S35 and S37 of the CLLP, as well as Policy NPP19 of the Neighbourhood Plan and the provisions of the NPPF.

#### Impact on designated heritage assets including the host listed building, and visual amenity

The application site consists of a grade II listed townhouse built in the early 19th century. It is built with three-storeys and attics and two bays. The walls are brick with lime wash and stone coped gables and hung sash windows. It lies within the setting of other Grade II Listed buildings as well as being within the Gainsborough Town Centre Conservation Area.

The applications propose several alterations to the building externally and internally, comprising of the following in summary:

- Retain the existing shop front with alterations limited to repairs, redecoration and the removal of redundant signs and fixtures.
- The existing rear staircase to the first floor within number 31 will be removed and a new staircase installed within number 33 where the original staircase has been removed in the past.
- All staircases on the upper floors will be retained in full and the few remaining internal doors and features will either be retained or reused in new openings.
- The existing outbuildings will be refurbished.

Section 66 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 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. Setting is more than views, it is how the building is experienced.

In addition to this, the site is located within Burton Conservation area and therefore Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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

*building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.'*

With regard to Conservation Area, Policy S57 of the CLLP states that '*Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should conserve, or where appropriate enhance, features that contribute positively to the area's special character, appearance and setting, including as identified in any adopted Conservation Area appraisal.'*

These policy aims are echoed in the Policy NPP18 of the Gainsborough Town Neighbourhood Plan which states that

*'7. Development within the Conservation Areas or their settings should demonstrate an understanding of the history and industrial quality of the area. Development should respect the scale, building plot, height and roofline, and complement existing materials and architectural detailing and reflect the pattern and design; and*

*8. 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.'*

With regard to new or altered frontages within town centres, policy NS41 states the following:

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

The WLDC Conservation Officer has been consulted on the proposal and has commented that they are supportive of the proposal which seeks to make use of the under-utilised floor spaces which have not been in occupation for a significant period of time, however this is subject to conditions to secure appropriate materials, to ensure appropriate methods are used when altering/converting the building, and to secure a Historic Building Record for the building prior to works commencing. Whilst there would be a number of internal alterations to the building as part of the conversion works, the Conservation Officer has stated that they are largely minimal and would create sufficient living space without impacting on any area of major architectural or historic interest.

All windows are proposed to be repaired with the exception of one replacement window on the rear elevation, a new velux window in the eastern roofscape, new



ledged and braced doors to the outbuildings at the rear, and a new painted timber door on the rear elevation also, all at ground floor level. Details of the replacement rear windows and ledged and braced doors have been provided within the application and they are considered to be of an acceptable design, however the velux window and new door in the rear elevation have not been provided and therefore full details of these new openings would be conditioned.

In view of the sensitive nature of the proposal, it is agreed that conditions to ensure appropriate materials and methodology are relevant and necessary.

It is therefore considered that subject to conditions, the proposed works would enhance the setting of the nearby listed buildings, as well as the character and appearance of the Gainsborough Town Conservation Area. Consequently, it is considered that the proposed works would be in accordance with the statutory duties set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as Policies NS41, S53 and S57 of the CLLP, Policies NPP6, NPP7 and NPP18 of the Neighbourhood Plan, and the provisions of the NPPF.

### Residential Amenity

Policy S53 of the Central Lincolnshire Local Plan 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. In addition, it states that development must be compatible with neighbouring land uses and not result in likely conflict with existing uses and that it must 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.

There are no concerns in relation to overlooking, over dominance or loss of light over adjoining properties. In regards to the Nationally Described Space Standards (NDSS), the proposed gross internal floor areas (GIA) for the flats are as follows:

- Flat 1: One bedroom, one person, one storey – 38m<sup>2</sup>
- Flat 2: Two bedroom, three person, one storey – 71.97m<sup>2</sup>
- Flat 3: Two bedroom, three person, two storey – 82.10m<sup>2</sup>

The NDSS set out that a one bedroom, one person, one storey dwelling should have a GIA of 39m<sup>2</sup>, that a two bedroom, three person, one storey dwelling should have a GIA of 61m<sup>2</sup> and that a two bedroom, three person, two storey dwelling should have a GIA of 70m<sup>2</sup>.

It is clear from the above that flats 2 and 3 would be within the NDSS, however flat 1 would be 1m<sup>2</sup> below the standard. The agent for the application has commented that the reason it is 1m<sup>2</sup> below is due to the confines of the existing listed structure and that it was the best arrangement that could be made whilst respecting the historic nature of the building. The NDSS are a material planning consideration but do not form part of any specific policy in the Development Plan. The individual rooms within each individual flat are considered to be of a sufficient size to avoid unacceptable levels of

overcrowding and would therefore not have a detrimental impact on the living conditions of any future occupiers.

All bedrooms, kitchen and living areas would be served by windows, allowing adequate light to enter the rooms. With regard to noise, a level of noise would be expected by virtue of the town centre location, however it is not considered that there would be any unacceptable noise, odour or extraction impacts for the occupiers of the flats.

The lack of outside amenity space to serve the 3no flats is noted, however this is not an unusual situation for town centre flats. Outdoor grassed amenity areas are available within the town centre area, notably along the Riverside Walk including the recently opened Baltic Mill site.

It is considered that in this instance, the collective benefits of securing the future use of a Listed Building and supporting the viability and vitality of the Town Centre are sufficient to outweigh the minor conflict with the nationally described space standard guidance. This assessment also concludes that there is no reason to suggest that the proposed development would not provide a high standard of amenity to existing and future users as required by Policy S53 of the CLLP. The development would therefore not have an unacceptable harmful impact on the living conditions of the future occupiers and is acceptable with regard to the impact on existing neighbouring uses and would accord with policy S53 and the provisions of the NPPF.

### Highways and Parking

Policies S47, S48 and S49 collectively require that development proposals do not have an unacceptable impact on highway safety or a severe cumulative impact on the wider highway network. Policy S48 requires that development proposals should facilitate active travel. It also requires that first priority should be given to pedestrians, cyclists, and people with impaired mobility. Policy S49 of the CLLP sets out minimum parking standards that are required for residential and non-residential development within Central Lincolnshire.

The proposed development would see the existing building (which is currently vacant) converted to accommodate three residential flats and a re-purposed retail unit on the ground floor. No objection has been received from the Local Highways Authority in relation to highway safety or the cumulative impact of the proposed development and they have commented as follows:

*“Development proposals are typical of this location and the impact on the public highway is comparable with neighbouring properties. The location is within a built-up town centre area and is sustainable. It is therefore deemed that the development proposals are acceptable to the Highway Authority and the impact on the public highway is negligible.”*

Appendix 2 of the CLLP which is referred to in Policy S49 states that 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 due

to the location being with a built-up town centre area which is a sustainable location. The Gainsborough Neighbourhood Plan does not contain any specific figures regarding parking provision for new dwellings within the town.

With consideration to the town centre location with close walking proximity to numerous facilities/services and sitting close to public transport links, including the bus station and train stations, it is considered that the non-inclusion of parking provision is acceptable in this case. In addition to this, Lord Street Car Park is also a 2 minute walk from the site and is open 24 hours 7 days a week and it is possible to purchase parking permits for the publicly owned car parks in Gainsborough. This would further help to mitigate the impact that results from a lack of dedicated parking provision.

It is also considered that the benefits of restoring and bringing the upper floors of this Grade II listed building back into use significantly 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. The proposed development is also considered to be in accordance with Policies S47 and S48 of the CLLP and the provisions of the NPPF as it is an ideal location for modes of active travel.

### **Flood Risk & Drainage**

The site is located within Flood Zone 1 which is considered to be at the lowest risk of flooding. It is not proposed to increase the impermeable area of the building and therefore there is no concern with respect to surface water drainage as the existing surface water drainage connections will be utilised and rainwater guttering upgraded/renewed where necessary as noted on the supporting plans.

The application also details that the foul drainage to the site will be retained with localised alterations internally including the provision of a new soil vent pipe (SVP) within a pipe boxing. Externally a new cast iron drain and hopper will be provided to the rear of number 33 Lord Street to serve the Kitchen to the second-floor flat. Given the existing drainage connections at the site, it is considered that the drainage arrangements at the site are acceptable and it is not considered necessary to request any further details to be submitted in this respect.

The proposed development is considered to be in accordance with policy S21 of the CLLP and the provisions of the NPPF.

### **Other Matters**

#### *Minerals Safeguarding*

Lincolnshire Minerals and Waste Plan:

The Core Strategy & Development Management policies were adopted in June 2016 and forms part of the Development Plan.

The application site is within a Limestone Mineral Safeguarding Area therefore Policy M11: Safeguarding of Mineral Resources applies.

Policy M11 sets out exemptions which includes alterations to existing buildings and change of use of existing development, therefore this application is exempt from this policy.

#### *Community Infrastructure Levy*

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The development would be located within Zone 4 West Gainsborough therefore would not be liable to a CIL payment.

#### *Energy Efficiency*

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 likely not be supported.

#### *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.

This is also a requirement of local policy S61 of the CLLP which requires “*All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England’s Biodiversity Metric*”. However, the statutory legislation takes precedence over the policy in respect of any conflict.

The Biodiversity Gain Requirements (Exemptions) Regulations 2024 set out the exemptions in which the biodiversity gain planning condition would not apply.

The ‘De minimis exemption’ states that development that would not impact a priority habitat or would impact on-site habitat less than the following are considered to be exempt from providing biodiversity net gain:

- 25 square metres (5m by 5m) of on-site habitat
- 5 metres of on-site linear habitats such as hedgerows.

It is noted that this application is for the change of use of an existing building. Given the nature of the proposal, it is considered that the proposal would be exempt from delivering a biodiversity net gain.

## **Conclusion and Reasons for Recommendation:**

The application has been considered against policies 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, 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 and S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan in the first instance, alongside policies NPP 1 Sustainable Development, 6 Ensuring High Quality Design, 7 Ensuring High Quality Design in each Character Area, 8 A Mix of Housing Types, 18 Protecting and Enhancing Heritage Assets and 19 Improving the Vitality of the Town Centre of the Gainsborough Neighbourhood Plan and the Lincolnshire Minerals and Waste Local Plan.

The Statutory Duty contained within Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 has also been considered alongside guidance contained in the Lincolnshire Minerals and Waste Plan, National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Model Design Code has also been taken into consideration

In light of this assessment it is considered that the principle of development in this location can be supported. The proposed external alterations/repairs 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 this historic fabric have been found to be acceptable. Matters of highway safety, residential amenity, flood risk and drainage are also considered to be acceptable. The proposal does represent a departure from the provisions of Policy S49, however as detailed in the above report, the heritage benefits that the scheme would bring and the developments sustainable location is considered to outweigh the lack of proposed parking provision in this case. The application is therefore recommended for approval, subject to conditions.

## **Recommended Conditions**

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

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

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

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

2. No development or conversions works shall take place until a level 2 Historic Building Record of the buildings has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework.

3. No conversion works shall take place until details showing the areas of masonry to be demolished and setting out the method of ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction have been submitted to and approved in writing by the Local Planning Authority. Such details are to include structural engineering drawings and/or a method statement. The work shall be carried out in full accordance with the approved details.

**Reason:** To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the listed building and its surroundings to accord with the National Planning Policy Framework and Policy S53 and S57 of the Central Lincolnshire Local Plan.

4. No conversion works shall take place until details of the following external materials including the colour finish to be used have either been inspected on site or submitted to and approved in writing by the Local Planning Authority:
  - Sample of brick type and size, bond, texture and mortar for openings to be bricked up;
  - Type, size, material and finish of the proposed skylight;
  - Joinery details for the timber external door (north elevation) at a scale of no less than 1:20, including materials, glazing bars, method of opening, colour and finish, as well as frame and surround;
  - Paint finish and colour for all external joinery (please see informative);
  - Sample panel of pointing.

The development must be completed in strict accordance with the approved details 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 listed building and its surroundings to accord with the National Planning Policy Framework and Policy S53 and S57 of the Central Lincolnshire Local Plan.

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

5. The works shall follow the schedule of works as detailed on drawing RD:5749 – 04 dated January 2025 (Proposed Floor Plans and Details) unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy S53 and S57 of the Central Lincolnshire Local Plan.

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

- Proposed Site and Location Plans: RD:5749 – 07 dated March 2025
- Proposed Elevations/Sections: RD:5749 - 06 dated March 2025
- Proposed Floor Plans and Details: RD:5749 – 04 dated January 2025
- Proposed Floor Plans: RD:5749 – 03 Rev A dated 27/03/2025

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

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy S53 and S57 of the Central Lincolnshire Local Plan.

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

None.

#### **Informatives:**

#### **HERITAGE**

##### **Window Paint**

A high gloss finish paint is not acceptable, windows should be finished with a linseed oil paint.

##### **Historic Building Record**

Guidance with producing a Historic Building Record can be found within the following: Historic England's Understanding Historic Buildings: A Guide to Good Practice (Historic England, 2016).

#### **COMMUNITY INFRASTRUCTURE LEVY**

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

District Council's own website [www.west-lindsey.gov.uk/CIL](http://www.west-lindsey.gov.uk/CIL)

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

### **BIODIVERSITY NET GAIN**

Unless an exception or a transitional arrangement applies<sup>1</sup>, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan<sup>2</sup> has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be West Lindsey District Council.

### **Biodiversity Gain Plan**

The biodiversity gain plan must include/accompanied by<sup>3</sup>:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat<sup>4</sup> present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state<sup>5</sup>.

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

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

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

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



any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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

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

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

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

<sup>5</sup> Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of your application <https://www.legislation.gov.uk/uksi/2015/595#:~:text=Additional%20content%20of%20plan>

### **Human Rights Implications:**

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

### **Legal Implications:**

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

# Agenda Item 6e



## **Officers Report**

### **Planning Application No: WL/2025/00431**

**PROPOSAL:** Advertisement consent to display 1no. fascia sign

**LOCATION:** 20 HICKMAN STREET GAINSBOROUGH DN21 2DZ

**WARD:** Gainsborough South West

**APPLICANT NAME:** Mr Sam Beckett

**TARGET DECISION DATE:** 03/07/2025

**DEVELOPMENT TYPE:** Advertisement Consent

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Grant with conditions attached.

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**This application has been referred to the Planning Committee in line with the Councils constitution as the applicants direct family member is an officer of West Lindsey District Council.**

#### **Description:**

The application site is located within the developed footprint of Gainsborough just outside the town centre boundary which is located to the north of the site. The property is located on the southern side of Hickman Street and is a two storey property last used as a function rooms. The application site forms part of a row of existing retail and commercial properties and is not located within nearby Conservation Areas. The site is operating as a commercial fitness facility/gym.

The application seeks retrospective advertisement consent to display 1no. internally illuminated "Becketts Health" fascia sign with white text on a black background. The advertisement measures 7.72 metres in width and 0.975 metres in height and is positioned above the main entrance approximately 2.7 metres above the pavement.

#### **Relevant history:**

**WL/2024/00474** - Planning application for the change of use from function venue to commercial fitness facility (Class E) on the ground floor with the existing offices on the first floor to be retained to run the facility and to make alterations to the windows on the first floor north elevation. Granted 09/09/2024.

**148276** - Pre-application enquiry for the change of use of function rooms to commercial fitness facility. Advice given 23/05/2024 *'The proposal requires planning permission. As part of any formal planning application the applicant should demonstrate that there are no available sites for the proposed gym within the defined town centre of Gainsborough. If this can be demonstrated the*

*proposed use maybe supported subject to other considerations such as residential and visual amenity and highway safety.'*

**141575** - Planning application for alterations to existing commercial premises to provide better facilities to assembly rooms including part change of use of beauty salon. Granted 20/10/20.

**Representations:**

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

**Town Council:** Support the application.

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

**LCC Highways and Lead Local Flood Authority:** The proposal will not affect the public highway. 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.

**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 2017), Gainsborough Neighbourhood Plan (Adopted June 2021) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

**Development Plan:**

The following policies are particularly relevant:

Central Lincolnshire Local Plan adopted 2023 (CLLP):

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy NS55: Advertisements

Policy S53: Design and Amenity

Policy S56: Development on Land Affected by Contamination

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

Gainsborough Town Neighbourhood Plan (made 28<sup>th</sup> June 2021) – GNP:

NPP 1 Sustainable Development

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

[Gainsborough Town Neighbourhood Plan | West Lindsey District Council](#)

#### Lincolnshire Minerals and Waste Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and form part of the Development Plan.

The application site is within a Mineral Safeguarding Area (MSA). Policy M11 applies. The Site Locations were adopted in December 2017. The site is not within an allocated Minerals Site or Waste Site/Area.

[Minerals and waste local plan - Core strategy and development management policies - Policies, strategies and plans – Lincolnshire County Council](#)

#### 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 24th September 2024.

The Draft Plan has not been adopted as yet but 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.

[Minerals and waste – Updating the minerals and waste local plan - Lincolnshire County Council](#)

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

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

[National Planning Policy Framework - GOV.UK](#)

- **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>

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 2024.

- **National Planning Practice Guidance**
- **National Design Guide (2019)**
- **National Design Code (2021)**

## **Other:**

The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (as amended)

[The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)

## **Main issues**

Under reg.3(1) of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

(a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors.

This may include factors such as:

- Amenity
- Public Safety
- Residential Amenity

## **Assessment:**

### Amenity

Policy NS55 of the Central Lincolnshire Local Plan advises that consent will only be granted for advertisements provided that the proposal respect amenity in terms of its design and effect on the street scene.

Chapter 12 Paragraph 141 of the National Planning Policy Framework (NPPF) states, *“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.

Policy NPP1 of the GNP seeks, amongst other things, to ensure development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of that part of the Town in which it is located as identified in the Character Assessment and in Policy NPP7.

Policy NPP6 of the GNP seeks, amongst other things, to ensure that development is of a high design quality that will contribute to the character of Gainsborough Parish.



The application seeks retrospective advertisement consent to display 1no. internally illuminated "Becketts Health" fascia sign with white text on a black background. The advertisement measures 7.72 metres in width and 0.975 metres in height and is positioned above the main entrance approximately 2.7 metres above the pavement.

It is therefore considered that the proposed signage is appropriate and would not detract from the visual amenity of the locality due to the present use of the site as a commercial fitness facility/gym which is located within the developed footprint of Gainsborough just outside the town centre boundary within an existing row of retail and commercial properties.

The proposal is considered to accord to the provisions of Policy NS55 of the Central Lincolnshire Local Plan (CLLP) and Chapter 7 of the NPPF.

#### Public Safety

Local Policy NS55 of the Central Lincolnshire Local Plan and Paragraph 136 of the NPPF require Local Planning Authorities to consider the impact on public safety when determining applications for advertisement consent.

The advertisement is positioned above the main entrance approximately 2.7 metres above the pavement and is located within a row of existing retail and commercial properties. The Highways Authority have no objections in relation to impacts upon highway safety.

It is considered that the proposal would not obstruct pedestrian routes or cause a distraction to drivers. Therefore the proposal will not harm public safety and accords to local Policy NS55 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

#### Residential Amenity

Policy S53 of the Central Lincolnshire Local Plan relates to design and amenity and guides that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

The sign is considered to be located as not to have an adverse impact on the living conditions of the nearby neighbouring properties or is of a size to not result in undue harm to them.

#### **Other matters:**

##### Minerals and Waste

The site is located in a Sand and Gravel Safeguarding Area and a Site Specific Mineral Safeguarding Area but the nature of the proposal (signage) within the developed footprint of Gainsborough will not affect/lead to the further sterilisation of the minerals resource.

##### Contamination

The site is located within a contaminated land buffer zone but the nature of the proposal (signage) will have no affect in regards to contamination.

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

**Conclusion:**

The decision has been considered against Policy S1: The Spatial Strategy and Settlement Hierarchy, NS55: Advertisements, S53: Design and Amenity and S56: Development on Land Affected by Contamination of the Central Lincolnshire Local Plan and policies NPP 1 Sustainable Development, NPP 6 Ensuring High Quality Design, NPP 7 Ensuring High Quality Design in each Character Area of the Gainsborough Town Neighbourhood Plan and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016). Guidance contained in the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Model Design Code has also been taken into consideration.

In light of this assessment it is considered that due to the design, position and present use of the site, the proposed signage would not have a harmful visual impact on the site or the surrounding area. The proposal would also not have a harmful impact on highway and public safety.

It is recommended that advertisement consent is granted subject to the following conditions and informatives:

1. The grant of express consent expires five years from the date of the grant of consent.

**Reason:** To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

3. No advertisement shall be sited or displayed so as to—  
(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);  
(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or  
(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.



5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

7. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: A-004 Rev P2 (Existing and Proposed Elevations) dated 29/07/2024, Signage Dimension received 30/04/2024 and Illumination Detail received 30/04/2025. 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.

**Notes to the applicant**

None.

**Human Rights Implications:**

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

**Legal Implications:**

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

# Agenda Item 9a

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted