

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, 20th August, 2025 at 6.30 pm**  
**Council Chamber - The Guildhall**

**Members:**

- Councillor John Barrett
- Councillor Owen Bierley
- Councillor Matthew Boles
- Councillor Karen Carless
- Councillor David Dobbie
- Councillor Ian Fleetwood
- Councillor Roger Patterson
- Councillor Tom Smith
- Councillor Paul Swift
- Vacancy – Liberal Democrat Administration Group
- Vacancy – Liberal Democrat Administration 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 - 23)  
Meeting of the Planning Committee held on Wednesday 23 July 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**

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

**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) WL/2024/00016 - Roadside Services Area at Junction of A15/A46 Riseholme Roundabout (PAGES 24 - 59)
- ii) WL/2025/00550 - Former Lindsey Centre, Gainsborough (PAGES 60 - 69)

**7. Determination of Appeals**

Bill Cullen  
Interim Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 12 August 2025

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 23 July 2025 commencing at 6.30 pm.

**Present:** Councillor Ian Fleetwood (Chairman for this meeting)  
Councillor John Barrett  
Councillor Owen Bierley  
Councillor Matthew Boles  
Councillor Karen Carless  
Councillor David Dobbie  
Councillor Tom Smith  
Councillor Peter Morris

**In Attendance:**  
Russell Clarkson Development Management Team Manager  
Ian Elliott Development Management Team Leader  
Danielle Peck Senior Development Management Officer  
Paul Weeks Legal Advisor  
Natalie Smalley Democratic and Civic Officer

**Also in Attendance:** 44 members of the public

**Apologies:** Councillor Roger Patterson  
Councillor Paul Swift

**Membership:** Councillor Peter Morris was appointed substitute for Councillor Roger Patterson.

### 19 TO OPEN THE MEETING AND APPOINT A CHAIRMAN

The Democratic and Civic Officer opened the meeting and explained that, as there was currently no Chairman or Vice Chairman of the Planning Committee, the first item of business for the Committee was to appoint a Chairman for the meeting. Proposals were duly sought.

A Member of the Committee proposed Councillor Fleetwood, this was duly seconded.

Having been proposed and seconded, and no other proposals forthcoming, it was

**RESOLVED** that Cllr Fleetwood would be the Chairman for the duration of the meeting.

Upon taking the Chair, Cllr Fleetwood sought to clarify Members' voting rights for both of the planning application items on the agenda. It was explained that not all Members of the Committee had been able to attend the previous meeting on 25 June 2025, and/or site visit on 11 July 2025, due to unavailability, or not being sitting Members of the Planning

Committee at the time, and therefore would be unable to vote on a particular item/(s).

It was clarified that with regard to application number 145475 (WL/2024/00015), land at Woodcock Lane, Burton Waters, the following Members would be able to vote: Councillors Barrett, Boles, Carless, Dobbie, and Fleetwood.

Regarding the second planning application on the agenda, number WL/2025/00182, RPC Containers Ltd, Gallamore Lane Industrial Estate, Market Rasen, the following Members would be able to vote: Councillors Barrett, Boles, Carless, Dobbie, Fleetwood, and Smith.

## **20 PUBLIC PARTICIPATION PERIOD**

There was no public participation.

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

**RESOLVED** that the minutes of the Planning Committee meeting held on Wednesday, 25 June 2025, be confirmed and signed as an accurate record.

## **22 DECLARATIONS OF INTEREST**

Cllr Dobbie wished to clarify his attendance of the 11 July 2025 site visit to the Committee and those present. It was explained that concerns had been raised about his attendance, however, that he had been working a nightshift the night before the site visit, and woke up early to attend the visit, albeit arriving late. Cllr Dobbie stated that upon locating the group, he had missed the initial instructions, meaning that when later in the site visit he was spoken to by the two local Ward Members, he was unaware that he was not permitted to do so. He then explained that he was asked to rejoin the main group in accordance with the initial instructions.

Cllr Dobbie continued, noting that it was important to have Councillors from a range of different backgrounds, including working people, rather than relying on those who were retired, unemployed, or independently wealthy. To conclude, he apologised for his lateness to the site visit and explained that he had similar work commitments during the online Planning Committee training resulting in him missing part of it. However, it was noted that he attended online where possible and revisited the circulated slides after the training to ensure his understanding.

Cllr Morris explained to the Committee that he had been informed by Officers prior to the meeting that he was unable to vote on either of the planning application items but was able to partake in the surrounding discussion, which was then confirmed by the Democratic and Civic Officer.

Cllr Bierley highlighted that he was also unable to vote on either of the planning application items on the agenda. He explained that this was due to his appointment to the Planning Committee on 7 July 2025, meaning that he was unable to attend previous meetings where both applications had been previously heard.

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

The Committee heard from the Development Management Team Manager, who gave a summary of changes to national planning policy. It was explained that the Planning and Infrastructure Bill cleared the House of Commons in June and was now at the Committee stage in the House of Lords. The Manager stated that changes were being tabled to the part of legislation that would empower Government Advisor Natural England to prepare a new type of plan known as an “environmental delivery plan”; this was in regard to the test to be used by the Secretary of State to approve and adopt a plan.

In relation to Neighbourhood Plans, it was explained that regarding the Dunholme Review, a referendum was to be held on 24 July 2025. In terms of the Saxilby with Ingleby Review, consultation on the Neighbourhood Plan’s Reg 16 submission version was underway and would close on the 22 August 2025. Lastly, regarding Grasby and Searby-cum-Owmby, the consultation on the Neighbourhood Plan’s Reg 14 pre-submission version had closed on 6 July 2025.

## **24 145475 (WL/2024/00015) - LAND AT WOODCOCK LANE, BURTON WATERS**

The Committee then gave consideration to the first application on the agenda, application number 145475 (WL2024/00015), seeking planning permission for the erection of 66 residential dwellings with associated access, parking, and landscaping, on land at Woodcock Lane, Burton Waters.

The Officer confirmed that there were no updates, however, it was noted with regard to the wording of the viability clause, negotiations with the Applicant were still ongoing. In the event that agreement on the wording could not be reached, it was recommended that the application be referred back to Committee to consider an alternative form of the clause, subject to agreement.

The Officer made reference to the fallback position previously discussed at the last meeting, which had been confirmed through a Lawful Development Certificate; it was stated that the evidence had been submitted to demonstrate that a material commencement had occurred. It was also clarified that the extra care housing provision had not been secured and, as such, the dwellings could be categorised as C3 dwellings.

Matters arising from the Committee site visit on 11 July 2025 were subsequently addressed. Questions had been asked regarding whether a particular area was subject to a Tree Preservation Order (TPO); it was confirmed to be a group TPO. A tree protection measures plan had been submitted in support of the scheme and was recommended to be secured via condition.

It was explained that at the site visit further clarification was sought regarding the location of the attenuation pond, and it was identified on the plan north of the application site. In addition, the matter of the cut and fill exercise was discussed. Reference was made to the existing topographical survey, it was observed during the site visit that the land exhibited notable variation in elevation, thereby confirming existing contours across the site. The

proposed contour cut and fill plan was then presented. It was explained that the intended effect of the cut and fill exercise was to elevate the development out of Flood Zones 2 and 3, positioning it entirely within Flood Zone 1. The presentation concluded with the Officer presenting the site plan, floor plans, and photographs of the location and surrounding area.

The Chairman thanked the Officer for her presentation and stated that there were six registered speakers; the first speaker, Cllr Sue North, as Parish Council Representative, was invited to address the Committee.

Cllr North gave a summary of the differences between the existing communities and the proposed development, and the extent to which the proposed plan conflicted materially with the established residential character of the locality. It was noted that, over a number of years, the Planning Committee had supported the development of three older-living/retirement communities. Cllr North explained that approval had previously been granted by for age-restricted dwellings, one community designated for those over 45 years of age and two for those over 55. The existing developments were comprised of single-storey lodges or bungalows with large areas of natural open space, whereas it was claimed that the proposed units were to be much larger in comparison, with minimal surrounding open space.

Vehicle usage within the existing communities was reported as minimal, with most residents possessing a single vehicle and generally not requiring travel for work or education. The proposed development was expected to introduce multiple vehicle ownership per household and a regular need for travel related to school, work, and leisure, thereby contributing to a significant increase in vehicle movements.

It was asserted that the proposal conflicted markedly with the adjacent communities in all significant respects. Although it was acknowledged that the previous classification error between C2 and C3 was regrettable, it was stated that such a mistake did not necessitate the approval of a C3 application in this form. Cllr North emphasised that all proposals were still required to make a positive contribution to the locality and to respect and reflect the character of the area in both use and design.

Vegetative screening was identified as a critical consideration, particularly along the Foss Dyke Canal, Woodcock Lane, and the A57. It was pointed out that the screening vegetation in question was deciduous, rendering it less effective for nearly half the year. During this period, unobstructed views were anticipated from the Foss Dyke towpath through the proposed development, across the Burton Waters lodges, and onwards to the A57. Cllr North concluded by urging the Committee to acknowledge the distinctive nature of the communities already established and supported in this area, and to reject the current proposal for predominantly large, four-bedroom family homes.

The Chairman thanked Cllr North for her comments and invited the second registered speaker, Mr David Barker, as Agent, to address the Committee.

Mr Barker explained that the proposal had resulted from over two years of collaboration with Planning Officers and various stakeholders. It was stated that the site had been allocated for development in the Central Lincolnshire Local Plan (CLLP), with existing consent in place for 100 market dwellings, predominantly arranged in sizable two-storey blocks. The Agent stated that scheme currently before the Committee comprised 66 dwellings, a lower density

than the consented 100. It was noted that this reduction would improve residential amenity for existing residents, enhance open space provision, and create greater scope for wildlife habitats.

It was explained that areas of Burton Waters located to the north of the Leisure Centre had been designed to be flood resilient at the time planning permission was granted in 2013. Mr Barker highlighted that while much of this flood mitigation work had already been completed, the application site remained the key outstanding area within the approved compensation strategy. It was stated that the scheme had been specifically designed to address flooding concerns affecting adjacent land, including the fishing lodges and the Lakeshore development.

The Agent confirmed that each relevant flood authority had expressed satisfaction with the drainage arrangements, and the Environment Agency had also confirmed its agreement. It was stated that approval of this proposal would substantially reduce the flood risk on the application site and offer wider benefits to northern areas of Burton Waters, constituting a solution to ongoing flooding concerns rather than creating new challenges.

The Agent made reference to observations from the Committee site visit. It had been noted that a roadway and tree belt separated the proposed homes from the existing lodge development. The designers had reportedly taken care to ensure that no loss of amenity would occur for the lodge residents. The trees along the Woodcock Lane boundary were either currently protected under Tree Preservation Orders or would be subject to protection via conditions on any forthcoming planning approval. The current proposal was said to retain more trees than the extant scheme and it was noted that no objections had been received from statutory consultees.

It was further reported that medium-sized sites such as the application site were important to local housebuilders and the Applicant had committed to identifying a local builder to deliver the scheme.

Concerns regarding the two-storey nature of the proposal were acknowledged. However, it was stated that the proportion of single- and two-storey dwellings within this proposal mirrored that found within the extant 100-dwelling scheme.

Mr Barker continued, adding that application had been amended to comply with new CLLP policies, and now satisfied more stringent requirements related to sustainability and biodiversity. It was confirmed that a financial contribution of £41,000 to the NHS was offered as part of the scheme, along with a substantial payment through the Community Infrastructure Levy. The Agent confirmed that all proposed dwellings were to be equipped with electric vehicle charging points. Thirty percent of homes were to be M42 compliant, and car and cycle parking provision met current standards.

Mr Barker stated that affordable housing could be delivered if viability conditions improved, and a financial contribution could be made to support provision where needed in the wider district.

In terms of biodiversity, it was highlighted that the proposal was expected to deliver biodiversity gains, with 10% net gain achieved on-site. It was explained that completion of Woodcock Lane was also included in the proposal, improving pedestrian safety. Local

concerns regarding road conditions had recently been raised, and the scheme was presented as a positive response to those issues.

The Agent made reference to comments suggesting that the character of Burton Waters would be altered by family occupancy. It was clarified that more than 350 dwellings in the area currently had no occupancy restrictions, and as such the application would not alter the established residential character.

It was stated that the site had remained incomplete for many years and that approval of the current application would help bring closure and completion. A low-density approach was considered the best option for the site and most likely to result in timely delivery. The fallback scheme for 100 homes was said to lack the improvements required under the new CLLP, and if refused, would represent the only viable alternative. It was further stated that the fallback scheme would not deliver the same benefits in terms of biodiversity, NHS contributions, or the community infrastructure levy. The Committee was asked to support the proposal.

The Chairman thanked Mr Barker for his comments and invited the third and fourth registered speakers, Mr Alistair Anderson and Mr Mike Bryan, as Objectors, to address the Committee. It was explained that Mr Anderson and Mr Bryan would be sharing the allotted five minutes speaking time between them.

The Committee was addressed by Mr Alistair Anderson, representing the Burton Waters Management Company, the Burton Waters Residents Group, and the Recognised Tenants' Association. It was stated that the Committee was faced with a difficult decision resulting from an error in 2013, when planning permission had not been legally bound to the intended provision of extra care. This error had led to a series of events which had rendered the site vulnerable to inappropriate development. It was acknowledged by Mr Anderson that the extant permission could not be altered. However, it was emphasised that the Committee retained the ability to act proactively in the interests of good planning and design. Support for development on the site was expressed, though it was noted that the application in its current form contained significant inefficiencies.

Concern was raised that 92% of the proposed dwellings would be two-storey structures situated within an established area of single-storey lodges. The scale of the proposed development was considered incongruent with the character of the surrounding environment and detrimental to neighbouring residents. Mr Anderson explained that the extant permission had included single-storey buildings along the Woodcock Lane boundary. It was stated that no upgrade to the road or connected pavements in the area had been proposed, resulting in a gap of approximately 50 to 60 metres of unpaved road which pedestrians, including children, could be required to navigate.

Mr Anderson stated that no provision for affordable housing, either on-site or elsewhere, had been made in the proposal, and it was reported that the Local Planning Authority (LPA) had assessed the scheme as unviable and undeliverable. A housing shortfall had also been identified, with only 66 dwellings proposed compared to the previously allocated 100. A contradiction was noted in contributions related to site viability, which were deemed inconsistent with the decision not to maximise the quantum of development.

It was explained that a biodiversity net gain shortfall had been highlighted within the



Committee report, following consultation with the Lincolnshire Wildlife Trust. Concern was expressed by Mr Anderson regarding the application of policy leeway based on the determination date occurring prior to the adoption of new policy.

Reference was made to Policy S61, which set minimum standards supposedly not met by the current scheme, and to Policy S53, which required proposals to respond positively to local character and context, a criterion that was considered unmet in this instance. Nonetheless, it was reiterated that support remained for the development of the site, provided it represented good design. Finally, concerns relating to design scale, biodiversity net gain, affordable housing, and highway safety were cited as reasons why the application should not be approved; Mr Anderson concluded by advocating a redesign in collaboration with the community.

Mr Mike Bryan then addressed the Committee. He identified himself as a resident of one of the lodge sites and expressed appreciation for the Committee's historical support of older living and retirement communities in the northern part of Burton Waters. Reference was made to the Barchester Care Home, three age-restricted lodge and bungalow developments, and the extant plan for extra care homes, which together had created what was described as a potentially unique retirement village, embraced by the residents. It was highlighted by Mr Bryan that the proposal would materially alter the nature, appearance, and atmosphere of the area, and that approval would undermine the potential completion of a cohesive retirement village.

Concern was raised that the current proposal conflicted with existing communities, the extant plan, and the broader vision for the area. It was noted that the debate surrounding the application was a consequence of the misclassification error between use classes C2 and C3. While it was accepted that the error could not be undone, it was suggested that the Committee had an opportunity to mitigate its impact.

Reference was made to the demand for age-restricted retirement homes and to the active interest of developers in acquiring land for such projects. The Committee was encouraged to reject the application, protect the existing developments, and invite the submission of an alternative proposal in partnership with a retirement housing provider.

The Chairman thanked Mr Anderson and Mr Bryan for their comments and invited the fifth and sixth registered speakers, Cllr Jackie Brockway and Cllr Paul Lee, as Ward Members, to address the Committee. It was explained that Cllr Brockway and Cllr Lee would be sharing the allotted five minutes speaking time between them.

Cllr Brockway began by expressing full support to the representations made by residents earlier in the meeting. Attention was drawn to the merits of both the extant and proposed plans, on the basis that it had been stated during the previous meeting that, in the absence of any material improvements, the application should be refused.

The Ward Member stated that the extant scheme was designed with area and residents in mind, open, with no private gardens or garages, with the inclusion of extensive communal grounds with a variety of habitats and diverse planting. In contrast, the current application was described as a conventional housing estate, offering private gardens and garages with limited communal open space. Five bungalows were proposed adjacent to the Foss Dyke Canal, though it was stated that they provided no appreciable mitigation of the wider visual

impact. The demographic addressed by the scheme was assumed to be families with children, yet it was stated that no facilities or provision for children had been included, nor sufficient space to incorporate such infrastructure in future. Concern was raised that the development would open directly onto a dangerous road, with limited opportunity for safe pedestrian movement or for families to walk children to school. The proposed scheme was stated to clash markedly with both the extant permission and the character of adjacent communities.

Specific concern was directed towards the interpretation of build density. It was argued that a misleading comparison had been made, noting that the extant scheme had comprised small one- and two-bedroom extra care homes, including 34% apartments. By contrast, it was explained that the proposed scheme comprised 66 dwellings, predominantly large four-bedroom family homes, averaging 3.8 bedrooms each. It was stated that many of the new homes could physically accommodate two of the smaller units found within the extant scheme, raising questions about the accuracy of density assessments expressed as dwellings per hectare.

Cllr Brockway identified vehicle movement as a point of concern. Given the anticipated needs of elderly residents, who it was explained typically did not travel regularly for work, school, or leisure, it was considered the current proposal would result in a substantial increase in vehicle movements across the site.

Although it had been suggested that the proposal offered improvements in other areas, Cllr Brockway concluded that no net gain could be identified when assessed against the extant scheme.

Cllr Lee subsequently addressed the Committee. It was stated that Ward Members had been elected to serve their communities and make decisions that benefit both the wider community and individual residents. While it was stated that numerous surveys and technical reports had been commissioned on the potential impacts of the proposed development, emphasis was placed on maintaining focus on the lived experience of existing residents in Burton Waters. It was noted that residents had chosen to move to Burton Waters for a peaceful and low-stress lifestyle. Concern was expressed over the stress caused by the tone and nature of the current planning application.

The Ward Member acknowledged that the decision before the Committee was difficult and that the correct course was not necessarily the easiest one. However, it was stated that the long-term interests of the community would best be served by rejecting the proposal, thereby preserving the opportunity to fulfil and complete the original vision for Burton Waters.

The Chairman thanked Cllr Brockway and Cllr Lee for their comments and invited a response from the Officer.

The Officer noted that comments from speakers had focused on the perception of the area as a retirement community for those over 45 or over 55. Reference was made to Policy S23 of the CLLP, concerning the accommodation needs of the housing market area. Under the policy, it was explained that developers were expected to provide housing solutions that contributed to meeting those identified needs. The Officer stated that new residential developments were required to maintain, provide, and contribute to a mix of tenures, types, and sizes of housing in order to support the creation of mixed, balanced, and inclusive

communities.

Further clarification was provided in respect of Biodiversity Net Gain (BNG), following comments regarding the application's failure to achieve the full 10 percent. It was stated that the application had originally been submitted in 2022 with a determination date of November 2022, as such, it had preceded both Policy S61 and the statutory requirement for 10 percent BNG.

The Chairman thanked the Officer for her comments and reiterated that only the Members that were present at both the previous Planning Committee meeting on 25 June 2025, and the 11 July 2025 site visit, would be eligible to vote on the item.

The floor was then opened for further discussion. A Member of the Committee drew particular attention to a grouping of trees located at the northeastern end of the proposed development. It was considered important that this area be retained as a buffer zone, and it was noted that several trees within this group were protected under Tree Preservation Order (TPO) designations.

Attention was then drawn by the Committee Member to the comments made by the Lincolnshire Wildlife Trust concerning hedgehog access between gardens. It had been noted that several garden boundaries within the proposal did not include hedgehog passes. Reference was made to existing conditions requiring surveys for badgers and otters, and it was formally proposed that an additional condition be added to ensure the inclusion of hedgehog passes in all gardens, given the importance of maintaining safe movement routes.

The proposed elevation of the development site away from the Foss Dyke Canal was welcomed. In the context of global warming and increased flood risk, it was considered important that the site had been raised from its previous classification of Flood Zone 3 to Flood Zone 1, thereby offering improved protection against future flooding.

Councillor Smith then addressed the Committee. It was noted that he had been unable to attend the site visit due to a longstanding personal engagement. However, it was confirmed that he had been present at both meetings and had listened to the discussions with interest. Reference was made to earlier applications and to the technical errors that had led to the current situation. It was stated that, ideally, the matter would not have come before the Committee, and the need to ensure such administrative issues were avoided in future was emphasised. The Committee Member urged Members of the Committee to consider the impact of the proposed development and stated that the extant scheme presented less of a harm to current residents and occupiers.

A question was raised by a Member of the Committee regarding the management of open spaces within the proposed development. Reference was made to ongoing concerns about transparency and accountability in management arrangements. In response, it was confirmed by the Officer that no details regarding the future management company had yet been provided. It was explained that arrangements for the management and maintenance of open space would be secured via a Section 106 legal agreement.

The Chairman referred to the 11 July 2025 site visit, during which Officers had been asked to address flood risk concerns, which the Chairman felt had been sufficiently addressed. It was stated that Members of the Committee had viewed substantial areas of mature

vegetation, with much of it in full leaf in July. However, it was confirmed that much of the area was not protected, with the exception of designated TPO zones, and that the extant permission could permit the removal of vegetation within unprotected areas. The Chairman continued, noting that the site visit had enabled views of the lodges through the trees and included observation of the tree preservation area, access gates, and the northern lodge site located beyond the TPO boundaries. Members of the Committee were asked during the visit whether any additional matters required consideration, and it was agreed that the visit had provided a comprehensive overview of the site's context. Therefore, the Chairman proposed to accept the recommendations outlined in the Officer's report, with the addition of the proposed amendment to include hedgehog passes in all gardens.

A Member of the Committee made a query regarding the unadopted access road. In response, the Officer clarified that any damage to the road during construction would be a matter for resolution between the landowner and the owner of the road. It was explained that from a Highways perspective, the road was deemed to be of an acceptable standard, although ownership of the access route lay with a separate party and had been acknowledged through the signing of Certificate B. The Committee Member requested that the developer be asked to liaise with the landowner to ensure that any necessary remedial works were undertaken upon completion of development; the Officer confirmed that an informative note could be added to the decision notice to reflect this.

The Committee Member expressed frustration that no stipulation had been made regarding occupancy for residents over the age of 55, although appreciation was expressed for the Applicant's response to flooding concerns. Sympathy was conveyed towards local residents, though it was acknowledged that planning regulations must be adhered to in determining the outcome. It was highlighted that refusal of the application would likely result in an appeal, which could impose financial costs on ratepayers.

A Member of the Committee expressed concern over the proportionality of the development. It was stated that although approval for up to 100 dwellings was acknowledged, the predominance of larger house types over smaller units was viewed as disproportionate.

With no further comments, and having been proposed and seconded, with the amendment of an additional condition requiring a site plan for hedgehog passes noted, upon taking the vote, it was

**RESOLVED** that approval to **GRANT** planning permission be delegated back to Officers subject to conditions, with the additional condition requiring a site plan for hedgehog passes to be agreed, and the completion of a Section 106 legal agreement that secured:

- 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.

**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.

**25 WL/2025/00182 - RPC CONTAINERS LTD, GALLAMORE LANE INDUSTRIAL ESTATE, MARKET RASEN**

Members gave consideration to the second application on the agenda, application number WL/2025/00182, seeking planning permission for four silos, on land at RPC Containers Ltd, Gallamore Lane Industrial Estate, Market Rasen. The Officer explained that report had been updated to incorporate appropriate location assessments submitted by the Applicant, alongside updated information regarding landscaping proposals. A presentation was then given outlining the location and key features of the proposed development. It was noted that the scheme would necessitate road widening due to the positioning of the new southern silo, in order to maintain vehicular access around the rear of the industrial facility.

The Officer gave an overview of the proposed site, highlighting location, elevations and proposed silo locations. Since the previous Committee meeting, the Officer stated that a landscaping mitigation plan had been submitted, providing additional visual screening at a height of 1.8-2 metres for the southern silos. An alternative location plan had also been submitted by the Applicant, indicating various possible positions for the silos, as outlined in the report.

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

Mr Scoffin acknowledged that the concerns raised by local residents regarding noise levels, visual impact, and site traffic were fully appreciated. It was stated that a careful review of the concerns had been undertaken in consultation with the Planning Officer, with measures put in place to address the issues appropriately.

The Agent explained that the proposed silos were considered critical infrastructure necessary to support an imminent customer project. Due to the volume of material anticipated on site, it was highlighted that bulk storage was deemed the only feasible solution, as manual handling risks would be considered too high. It was noted that, in the absence of the installation, the viability of the project and visibility of the site's future would have been jeopardised.

Mr Scoffin explained that the site currently provided employment for 125 individuals. The proposal had been selected on the basis of existing infrastructure, energy efficiency, and minimised noise and traffic impact.

The Agent assured the Committee that alternative locations for the silos had been assessed, and a site plan with markers of these potential locations was presented to the Committee. It was explained that the alternative locations were dismissed for a variety of reasons and each dismissed location was addressed in turn. The reasons outlined were respectively, prohibitive costs due to the absence of infrastructure; increased traffic past residential properties, particularly from forklift trucks; the obstruction of key road access and associated health and safety risks; issues related to the transfer of materials to the production building; limitations on future warehouse projects; the removal of parking spaces in already limited

areas; and finally, permanently increased energy usage and noise levels due to material transfer distances.

With regard to resident concerns, Mr Scoffin confirmed that the submitted installation would not result in increased forklift traffic or general vehicle movement in proximity to neighbouring properties. It was explained that material offloads on the southeast corner would remain in their current position, with only a modest increase of one to two deliveries per week. These deliveries would continue to occur strictly between 7.00 a.m. and 7.00 p.m., Monday to Friday. Mr Scoffin clarified that forklift trucks were not involved in the movement of silo materials, rendering related concerns unfounded. The Agent confirmed that following a plant noise assessment, the Officer's report concluded that the silos, together with the limited additional deliveries, would not give rise to unacceptable noise pollution.

Regarding surface water runoff, Mr Scoffin reported that the proposal would not increase the area which was currently positively drained to the dyke. It was noted that Amcor had recently carried out clearance of the dyke and expressed willingness to continue. However, it was noted that downstream clearance fell under the responsibility of others, as per riparian ownership regulations.

The Agent concluded by stating that the concerns of neighbours had been listened to carefully, and that meaningful steps had been taken to mitigate visual and auditory impact. A scheme of dense planting had been developed in collaboration with the Local Planning Authority, which was intended to serve as a visual and acoustic barrier along the site boundary. The proposal was described as striking a balance between operational necessity and community considerations. Confidence was expressed that the chosen plan minimised disruption, respected neighbour concerns, and supported the sustainable future of the site as a significant local employer.

The Chairman thanked Mr Scoffin for his comments and invited the second registered speaker, Mrs Karen Dowle, as Objector, to address the Committee.

Mrs Dowle began by highlighting that at the conclusion of the 25 June 2025 Planning Committee meeting, it had been stated that the planning application under consideration must be acceptable to both parties. It was expressed that disappointment had been felt upon review of the documentation available on the public portal, as no apparent changes had been identified. It was claimed that due diligence had not been demonstrated by Amcor in their submission and it had been hoped that a meeting would be arranged to allow concerns to be discussed.

Mrs Dowle explained that the rear building of RPC had been constructed in the year 2000, specifically for use as a warehouse and had not been intended to accommodate heavy machinery. At that time, RPC had also diverted the nearby dyke via a culvert, which had previously reached the corner of a neighbouring property, past the south side of the building, under the bank, flowing through to a nearby park.

Significant concerns had been raised regarding the proposal to site silos on the south side of the building. It was explained that the wall foundations extended further than anticipated, necessitating that the silos be positioned at a greater distance from the structure. This adjustment would have required the road to be widened and the bank to be pushed further back, thereby increasing the risk of damage to surrounding trees and raising the possibility of impact to the culvert system, which had been questioned in terms of its present condition.

Images of the dyke were presented to the Committee, reportedly showing that clearance had not been undertaken since 2022, when an overflow event had resulted in flooding at the speaker's property. A major cleaning effort had been carried out by RPC at that time; however, no subsequent maintenance had been observed before or after. Additional images had illustrated the dyke under dry conditions, revealing the culvert's grill, followed by images taken after rainfall, prompting queries regarding the culvert's functionality. It was noted that surface water from the factory's rear section was directed into gullies leading to recurring flooding in the area, which Mrs Dowle stated needed to be addressed by Amcor.

It was maintained that only the west or north side of the site would be acceptable for future silo installations due to the impact of existing silos and questions were asked regarding Amcor's dismissal of alternative silo sites. With regard to moving the road further into the industrial estate, it was asserted that this would be dangerous for local residents.

The Committee were given documentation from 2004, supplied by Mrs Dowle, showing that the original silo application had been overturned by the Council, resulting in the silos being placed on the south side, with further installations had occurring in 2018. Reference was made to a 2003 landscaping plan involving trees, shrubs, and bushes that had reportedly never been planted. A request was therefore made for a new and varied selection of greenery to be introduced to reduce visual impact and noise levels from the existing silos.

Aside from the initial silos installed in 2004, it was claimed that the facility had previously operated as a quiet warehouse. However, it was stated that disturbances had increased in recent years, with notable thudding and vibrations arising from machinery. Mrs Dowle referenced disturbances to neighbouring properties due to vibration, and it was suggested that damage to residential properties may have already occurred. The speech concluded with Mrs Dowle asking Amcor to demonstrate integrity and act responsibly in relation to its neighbours.

The Chairman thanked Mrs Dowle for her comments and invited the third registered speaker, Cllr Bunney, as Ward Member, to address the Committee.

Cllr Bunney introduced himself as a Ward Member who served on West Lindsey District Council, Market Rasen Town Council, and Lincolnshire County Council. The Ward Member began by expressing concern regarding the absence of correspondence or communication between residents and the factory. It was suggested that decisions appeared to have been influenced predominantly by cost considerations rather than by a commitment to compromise or community agreement.

Cllr Bunney stated that the drainage system continued to pose significant problems, particularly for adjacent recreational areas. It was recommended that formal arrangements be implemented to ensure the ongoing maintenance of the dyke, culvert and drainage system.

The Ward Member reiterated concerns regarding noise, vibration, the visual impact from the site. It was emphasised that any additional silos should be located to minimise disruption to those living nearby. Matters relating to landscaping were also addressed, and it was observed that previous planting, including silver birch trees had not provided an effective year-round screen.

Reference was made to earlier remarks regarding sustainability and the need for rigorous

assessment of the proposal. While it had been acknowledged that Market Rasen constituted an industrial area in part, attention was drawn to the responsibility of planners and developers to accommodate the needs of the residential population. A request was made by Cllr Bunney for the Committee to bear in mind the presence of affected residents throughout all stages of the planning process and to prioritise proper communication and consultation going forward.

The Chairman thanked Cllr Bunney for his comments and invited a response from the Officer.

The Officer clarified that responsibility for facilitating discussions between Amcor and residents would be a matter for those two parties directly.

Regarding drainage, the Officer stated that the proposed development would not increase surface water runoff, and a storm drain system was confirmed to be in place, directing water to the dyke. It was confirmed that the Applicant had acknowledged partial responsibility for the maintenance of the dyke, and within their application, had indicated that clearance works had been undertaken in 2022 and that ongoing monitoring was being conducted.

In relation to landscaping and trees, it had been noted that no protected trees existed on the site. Discussions with the Tree and Landscape Officer had taken place, and it had been agreed that the focus of mitigation should be on providing screening below the tree canopies, and appropriate tree species and heights had been confirmed.

Concerning noise, the Officer highlighted that reports had been conducted and had demonstrated that the anticipated impact from both the proposed works and the operation of the silos would be minimal.

The Chairman explained that at the previous meeting on 25 June 2025, a request had been made for the Applicant to investigate alternate silo locations on the site. It had been confirmed that information relating to this request had been submitted, including a location plan outlining possible alternatives. It was added that justifications had been provided to explain the preference for the proposed location, although cost had not been cited, as this was not a planning consideration.

In response to comments regarding historic planning decisions on the site from a Member of the Committee, the Officer clarified that the role of the Committee was to determine the application before them, specifically in terms of whether the chosen location would cause significant harm. Responding to a question about conditioning the maintenance of the dyke, the Officer advised that such a condition would not meet the six statutory tests required for planning conditions and would be deemed unreasonable. Officers noted that enforcement procedures already allowed site access for investigations at any time should issues arise, rendering an annual inspection unnecessary.

A Member of the Committee reiterated the Officer's comments, noting the difficulties with potentially enforcing the maintenance of dyke. On the basis of what had been presented by all parties, the Committee Member did not believe there was a sufficient argument to refuse planning permission. Therefore, a proposal was made to accept the Officer's recommendation as outlined in the report. Other Committee Members concurred, adding that consideration should be given to the financial implications of such a refusal, with

recognition that offering false hope to residents in the long-term would not be appropriate.

Before closing the discussion, it had been emphasised that although a formal condition could not be imposed regarding regular maintenance of the dyke, the Applicant should be made aware that the matter had been raised and discussed by the Committee. It was agreed that the Officer would add an advisory note in relation to monitoring and maintaining the dyke to the east of the site.

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

**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 18th December 2024 – Site Plans (Proposed Only)
- RD:5785/02 dated 4th January 2018 – Elevation Plans (Proposed Only)
- RD:5785/04 Rev B dated 14th July 2025 – Site Plan
- RD:5785/05 dated 18th 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.

3. The proposed development must be completed in strict accordance with the landscaping details identified on site plan RD:5785/04 Rev B dated 14th July 2025.

**Reason:** To ensure that appropriate landscaping is introduced and would provide effective additional soft landscape screening to the nearby residents to accord with the National Planning Policy Framework and local policies S53 of the Central Lincolnshire Local Plan 2023.

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

**completion of the development:**

4. No deliveries to the silos hereby approved must take place between the hours of 19.00-8.00 on a Monday to Friday or on a Saturday, Sunday or Bank Holiday.

**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.

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

**Reason:** To ensure that additional trees are provided within the site to mitigate for the trees which are to be removed to accord with the National Planning Policy Framework and local policies S53 of the Central Lincolnshire Local Plan 2023.

Advisory Note:

Drainage and Flood Risk

It is advised that the occupying business monitor and maintain the dyke adjacent to the east of the site (which is within their responsibility) to a standard that allows water to properly flow and liaise with neighbouring residents whenever relevant.

## **26 DETERMINATION OF APPEALS**

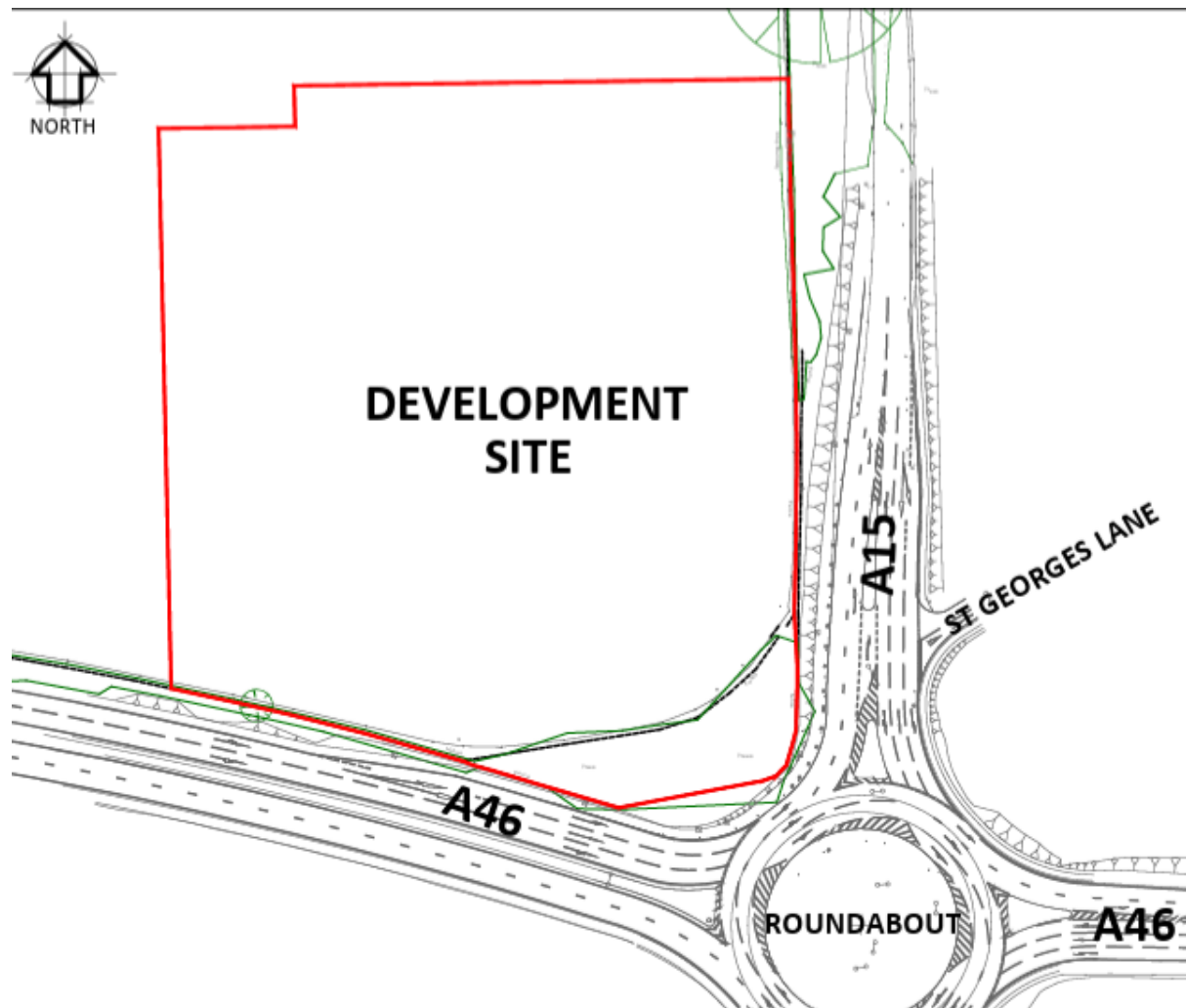
With no comments, questions or requirement for a vote, the Determination of Appeals report was **NOTED**.

The meeting concluded at 8.04 pm.

Chairman

# Agenda Item 6a

SITE LOCATION PLAN ROADSIDE SERVICES REF WL/2024/00016





## **Officers Report**

### **Planning Application No: WL/2024/00016**

**PROPOSAL:** Planning application to erect roadside service area, including a single storey RSA building, eight island petrol filling station forecourt and canopy, electric vehicle charging bays, HGV fuelling facilities, canopy and parking, a drive thru coffee unit and associated development, including car parking, circulation space and new access, picnic and play area, landscaping, drainage infrastructure including attenuation ponds and swales, and boundary treatment.

**WARD MEMBER(S):** Councillors Mrs Jackie Brockway and Mr Paul Lee

**APPLICANT NAME:** Venari Fuel Ltd c/o Agent

**TARGET DECISION DATE:** Extension of Time to 24th July 2025

**CASE OFFICER:** George Backovic

**Recommended Decision:** Refuse Planning Permission

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

The site is located at the junction of the Riseholme Roundabout with the A46 and the A15. The A46 runs to the south while the A15 forms the eastern boundary. The roughly rectangular site comprises arable fields. To the east (on the opposite side of the A15) is a residential road, St Georges Lane that heads in a north easterly direction providing access to a number of dwellings including Riseholme Grange and Grange Farm. South of the A46 is the residential settlement of Ermine which falls within the administrative boundary of Lincoln City Council. The application site is located entirely within the Burton to Nettleham Green Wedge (GW) as allocated in the Development Plan. The site is approximately 2.8 hectares in size.

Planning permission is sought for the erection of a Roadside Service Area (RSA) including a single storey RSA building, eight island petrol filling station forecourt and canopy, electric vehicle charging bays, HGV fuelling facilities, canopy and parking, a drive thru coffee unit and associated development, including car parking, circulation space and new access, picnic and play area, landscaping, drainage infrastructure including attenuation ponds and swales, and boundary treatment.

### **Layout**

The main access into the site from the A15 to the east branches south at a central point of the site. East of this access is the main petrol filling station with 8 pumps, a

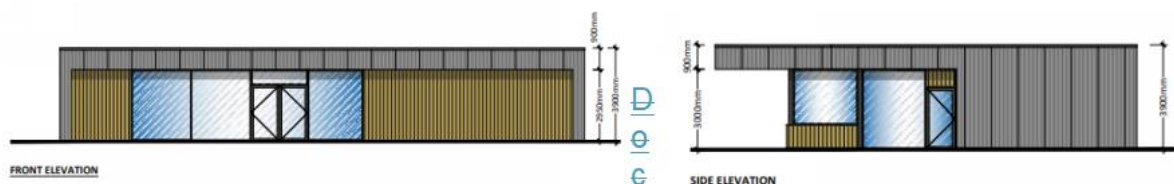
detached coffee shop with a drive thru , and a roadside service area (RSA) building and car parking. The central access of the site branches west towards a petrol filling station designed specifically for Heavy Goods Vehicles (HGVs). It then heads north with HGV parking bays either side totalling 31 bays (originally submitted with 40 bays) before the exit which is specifically designed for HGVs. Car users exit the site by way of the central access and are kept separate from HGVs.

Main roadside service area building



This is a roughly rectangular shape with a footprint measuring 33.5m x 17.7m with a 2m high brick wall to the side extending 5m out enclosing the bin and plant compound. A sloping planted roof is proposed which reaches a maximum height of 6.6m. This is to be located in the south eastern section of the site.

To its north is a designated picnic area with a building beyond designed for use as a coffee shop with food. It has a rectangular shape measuring approximately 21.7m x 10.1m with a small projection to allow for a drive thru. Four rows of photovoltaic panels are proposed on the flat roof.



Documents submitted with the application include:

- Noise Assessment
- Air Quality Assessment
- Minerals Assessment
- Geo-Environmental Desk Study
- Flood Risk Assessment and Drainage Strategy
- Fuel Storage Feasibility Assessment
- Ecological Appraisal
- Tree Survey
- Landscape and Visual Impact Assessment
- Lighting Specification and Assessment
- Lighting layout
- Transport Statement
- Topographical Survey
- Assessment of Need
- Embodied Carbon Statement

**Screening/EIA Assessment:**

## Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

### Relevant Planning History

An application for pre development advice on the proposals was submitted in 2020 (Ref: 140974). The response from West Lindsey was that it was:

*"highly unlikely to be supported... It is accepted that there are benefits from the development of the site although it is considered they would not outweigh the harm that would arise to the character and appearance of the site and wider area and would also undermine the Green Wedge. Furthermore no compelling case has been made for the permanent loss of the best and most versatile agricultural land."*

131496: Planning application for construction of a 20MW solar farm and associated works. This covers a larger area of land than the application site which comprises the south eastern section of the larger area.

Planning permission refused 17.11.2014 :

*1. The development proposed would be visually intrusive and would compromise the undeveloped break between settlements resulting in harm to the character and landscape setting of the area including to the Area of Great Landscape Value and to nearby settlements. This would be contrary to the West Lindsey Local Plan (First Review), particularly policies STRAT12, STRAT13 and NBE10, and provisions of the National Planning Policy Framework.*

Appeal dismissed on 10.09.2015

*Extracts below from Paragraph 28 of the decision letter are reproduced below*

*"development would have a moderate adverse impact on the character and visual qualities of the site"*

*"I am not satisfied that it has been shown to be necessary to use this area of BMV land "*

**Representations, in summary (full representations are available on the application webpage)**

### **Riseholme Parish Council and Burton-by-Lincoln Parish Council**

Riseholme Parish Council and Burton by Lincoln Parish Council jointly instructed a planning consultant to prepare a representation to the application strongly objecting to the proposal. A summary of the main reasons for objection is set out below with full details available to view on our website.

- Harmful impact on the appearance and function of the Green Wedge
- Harmful impact on the rural landscape and surroundings
- The development should have been pursued at a strategic level via representations to the Central Lincolnshire Local Plan Review
- Lack of sequential test for retail elements
- Highway Safety Concerns
- Loss of agricultural land
- Increased noise, disturbance and pollution to existing residents and neighbours
- Within a Minerals Safeguarding Area

**Nettleham Parish Council:**

Nettleham parish council strongly objects to this application for a lorry park, service station, drive through development at the A15/A46 roundabout at Riseholme Road. The A15, which is a major highway Link to the Humber Bridge and the port of Immingham, has a narrow single carriageway and carries a great deal of heavy freight. Development on the site of this application will seriously disrupt the flow of traffic causing considerable delays and potential accidents (with particular risks to pedestrians and cyclists) on this very busy and dangerous road. This application site is in the Nettleham to Burton Green Wedge and therefore is in contravention of policy LP 22 of the Central Lincs Local Plan policy, and S63 of the Revised CLLP which prohibits development in the Green Wedge unless it can be shown to be essential to be located in the Green wedge, which clearly this is not. This proposed site is also only two miles away from a newly approved site on the Lincolnshire Showground for a similar roadside service station, so the justification of essential need is not supported. The site will also have significant visual impact on the approach to Lincoln being set at the top of the Lincoln Ridge on a major highway intersection. No development on green wedge land the outside of the western A 46 Lincoln bypass on has been allowed since the opening in 1984, and we strongly object to this potential precedent being set.

**RT HON Sir Edward Leigh MP** : I share my constituent's concerns, Mr Foster , Chairman of Riseholme Parish Council and fully support his objection.

**Residents:**

1 Greetwell Lane, Nettleham : I would like to support this project for the following reasons. The new fuel tank would meet the growing demand due to an increase of homes being built in Lincoln and the surrounding area. The development is future proof with many electric car charging stations as well as solar panels. And most importantly it will grow the local economy and provide jobs however I do have one concern. Due to the busy nature of the road I suggest banning right turns out of the petrol station to avoid accidents. This would be ok as there is a roundabout a few minutes away further down the road allowing for traffic to use it to turn back around.

24 Sherbrooke Street, Lincoln: Please ensure the ponds and wildlife provision quoted are put in place to ensure sufficient green space remains.

5 Keeble Drive, Washingborough: if this application is to go ahead, I suggest the following.

1. The access/egress road from the site should be slip road on and off from the A46 south of the Riseholme roundabout on the dual carriageway.
2. The A46 should be dualled from Riseholme to Wragby roundabout as part of the project, the main route for east to west bound lorries at this moment from my observations. This will change when the rest of the east link road is completed to A46 at Pennell's.
3. If access/egress is not to be changed and remains on A15 this should be via traffic lights.
4. As suggested in other comments a better site would be at the south end of Lincoln on the A46 just before it meets with both the proposed finished eastern link road (next phase) and the western bypass to accommodate lorries going both ways. Again using slip road on and off before the roundabout so that the thorpe turnoff overbridge and Pennell's roundabout could be used for lorries in both directions?

**Objections** have been received from:

The Fives , Riseholme Lane; 7 Parker Way Nettleham; 16 Scothern Lane;  
8 Riseholme Lane; 28 Riseholme Lane; Applegate House, Main Street Burton  
White House St Georges Lane; George House, St Georges Lane; 138 Caistor Road  
Laceby; Beechcroft St Georges Lane; High Trees St Georges Lane;  
Dentons Cottage 1 Hillside Cottages Main Street Burton; Groveside St Georges  
Lane; 27 Torrington Road, Lincoln; 5 Nocton Drive, Lincoln; 10 The Courtyard  
Portland street, Lincoln; 18 Pine Close, Lincoln : 13 Pine Close; Holme Rise  
Riseholme Lane; 3 Westhall Road Welton; Formans House Grange Farm St  
Georges Lane; 2 Esher Road Sudbrooke; The Old Post Office Middle Street Burton;  
41 Washdyke Lane Nettleham; 480 Burton Road; 5 Cottingham Drive; 33 Hawthorn  
Road; St Nicholas's Church Caenby Road; Dalefield St Georges Lane; Hillcrest.  
Hillcrest Plough Hill, Potterhanworth; 13 Green Way Sudbrooke; 4 May Crescent,  
Lincoln; 10 Lincoln Road, Welton;; 1 Grange Cottage, St Georges Lane, Kennel  
Cottage Main Street, Burton; 44 Long Leys Road, Lincoln; 4 Lawson Court  
Dunholme; Lakeview, Riseholme Lane; Groveside, St Georges Lane; 12 The  
Avenue Ingham; 6 Riseholme Lane; Mexborough House Main Street Burton; 2 New  
Farm Cottage St Georges Lane; 39 Riseholme Road, Lincoln; The Old Rectory  
Riseholme Lane; Ridgeway, St Georges Lane ; 4 Grange Farm, St Georges Lane; 7  
Lacy Close Nettleham; 2 St Johns Road; 10 Stapleford Avenue, Lincoln; 33 All  
Saints Lane Nettleham; 3 The Cloisters Greetwell Gate, Lincoln; Lakeview,  
Riseholme Lane; 4 Lawson Court Dunholme; 1 Grange Farm Cottages St Georges  
Lane ; Groveside, St Georges Lane; 12 The Avenue, Ingham; 6 Riseholme Lane;  
Mexborough House, Main Street, Burton; 39 Riseholme Road, Lincoln; The Old  
Rectory, Riseholme Lane; 1 Greetwell Lane, Nettleham; Walnut Garth Main Street  
Burton; , 154 Nettleham Road, Lincoln; 61 All Saints Lane Nettleham; Ridgeway St  
Georges Lane;  
4 Grange Farm Cottages St Georges Lane; No 2 Cottage Heath Lane, Welton Cliff,  
Lincoln; 69 Nettleham Road, Lincoln; Tvinde Main Street Burton;  
6 Riseholme Lane: 4 Brigg Road Grange De Lings; 1 Hillside Cottages Main Street  
Burton; 20 Riseholme Lane; 42 Riseholme Lane; 25 Pietermaritz Street;

The objections made are summarised below with full details available to view on our website:

- Danger to highway safety. This particular roundabout /junction is one of the busiest and most congested on the by-pass. This would be better and safer if placed at either Thorpe Lane end of the road or A158 Wragby Road junction, both of which suffer from much less congestion.
- Contrary to the Central Lincolnshire Local Plan. The location is in Green Wedge a designation championed and strengthened by the CLLP. The proposed Lorry Park would degrade the Lincoln Green Wedge, further overload the Lincoln Bypass, and thereby damage quality of life at a time when many new developments have been planned including a swathe of housing running alongside Ermine East between the bypass from Riseholme roundabout to Burton Road.
- Having read the Recommended Main Modifications to the Central Lincolnshire Local Plan which is currently in consultation (from 13th Jan 2023) I cannot see that the Green Wedge has been modified or removed.
- If a lorry park were appropriate on the A46 ring road bypass, there are far more suitable areas which are not as close to residential areas, such as the Teal Park commercial area or close to where the proposed Eastern Bypass meets the A46 which is again a mainly commercial area.
- Detailed concerns in relation to assumption and conclusions within the Assessment of Need submission and the Landscape and Visual Impact Assessment
- Increased noise, disturbance and pollution to existing residents and neighbours
- Too near to residential housing. There is potential risk to life if there are any explosions on site.
- No development outside ring road. Sets a precedent for future developments.
- As one of many local residents in close proximity to the proposed site, I have concerns on the environmental impact this development will have on the local area. My primary concern stems from the sub 100m proximity to existing residential accommodation, which could be closer to 60m once the housing project on the Ermine West estate is completed (Lincoln City Council Planning Reference : 2017/1393/RG3). This proposal does not seem to have accounted for that proposal, which I understand is already approved (and has a play park, and SUDS feature across the road adjacent to this site).
- This development is unnecessary and against the objective of awareness of climate change it will also present a serious traffic problem. The intense pollution caused by waiting traffic will be beyond regulatory standards this therefore must be refused on health and safety reasons.

- Protection of the Northern approach to the City of Lincoln is essential. The first main view of the Cathedral West and Central Towers is impressive from this location and from any direction benefits from like views which maintain a public perception of Lincoln as an important historic city. The proposed development is sited at a critical point where this view unfolds to the visitor. A petrol station/coffee stop/ Lorry Park and associated commercial signings together with increased traffic congestion at this point is inappropriate and will potentially undermine Lincoln's attractiveness and its tourist economy.
- It is always cheaper for any business or company to build on a green wedge site, than on a brown field site
- The consultation and engagement process was a disingenuous exercise, merely done by the presenters to complete a "tick box". It is within this context that the reports that have been lodged must be viewed.
- Archaeology: The Roman Road A15 is constantly revealing important archaeology/artefacts. This development would destroy potential future finds.
- Drainage - The planning proposal contradicts itself. Applicant's Drainage report recommends HGV hardstanding to take advantage of natural gradient fall away for surface water (implicitly stating this will be significant). But it also observes gradient of site is from SW to NE orientation. This takes the natural drainage towards the A15.

#### **City of Lincoln Council :**

We have reviewed the representations that have been made on this application and note that Lincolnshire County Council, as Highway Authority, has objected to the proposals. We also note the objection made on behalf of Burton-by-Lincoln and Riseholme Parish Councils and the City of Lincoln Council finds little within the content of that extensive objection to disagree with. The site is outside of the Lincoln Urban Area and is consequently Countryside as defined by Policy S1. Development as proposed is contrary to the relevant policies in the Local Plan (as identified in Part 8 of the policy) by reason of this designation. The proposal is located within an area identified as Green Wedge within the Local Plan, Policy S63, and the land is identified as such because of the role it plays in protecting the character and setting of the City, the views on the approach to the City of Lincoln Cathedral and also because of its wider landscape value. There is no ambivalence in terms of the land being of a lesser quality than other parts of the Green wedge – this is not "grey wedge" and you will appreciate that the boundaries of the green wedges were drawn up on a very site specific basis because of the value of those particular areas. The setting of Lincoln, also identified in Policy S58, is highly valued and the siting of a commercial facility such as this, in all likelihood lit for 24 hours a day, would harm the setting of the City and the long range views of the Cathedral, particularly for vehicles heading south along the A15.

There are a large number of houses within the City immediately south of the A46 directly opposite the proposed location for the development. Noise and disturbance to the occupants of these houses occurs now as a result of the traffic using the A46 but the proposal will generate an increase in vehicle movements and will serve as an attractor for vehicles. The impact on residents of the City will be harmful and would be contrary to Policy S53.

Overall the City of Lincoln Council considers that the benefits of the proposal are limited and do not outweigh the conflict with the Local Plan. The development is not sustainable would harm the setting of Lincoln and harm the amenity of residents of the City. The City of Lincoln Council accordingly objects to the application.

### **LCC Highways:**

#### **28.02.25 : Recommendation: Approve with conditions.**

In February 2023, the Highway and Lead Local Flood Authority recommended that the Local Planning Authority refuse the application on the grounds of inadequate provision for safe and suitable access to the site for pedestrians and cyclists, and the negative impact the development was expected to have upon traffic flows at the Riseholme roundabout. Since this time, the applicant has submitted further technical information and evidence to support their application which addresses these concerns.

The site is located directly north of Riseholme roundabout, with vehicular and pedestrian access served from the A15. Vehicular access will be via a priority T-junction and the construction of a ghost island right-turn lane for those travelling southbound and entering the site, designed in accordance with Design Manual for Roads and Bridges guidance. A 4.5m x 90m visibility splay can be achieved in both directions at the proposed access. Swept path analysis has been provided to demonstrate that an articulated vehicle, the largest vehicle expected to visit the site, can undertake manoeuvres to enter and exit the site in all directions. Walking, wheeling and cycling access will be facilitated through the widening of the existing footway between Riseholme roundabout and the site entrance and the construction of a refuge on the A15 to enable a staggered crossing of the road. In addition, the applicant has committed to providing additional 'pedestrians crossing' signage on Riseholme roundabout.

Personal Injury Accident data has been interrogated, which demonstrates 34 collisions over a 5 year period (recorded as 25 slight, 9 serious and 0 fatal). 20 of these collisions are no longer valid as data points following the Riseholme roundabout improvement scheme. Of the remaining collisions, 11 occurred on the roundabout arms (8 slight and 3 serious) and 3 occurred on the circulatory (3 slight). Three of the remaining collisions involved pedestrians (2 slight and 1 serious), however these were not clustered together and there were no patterns among the collisions.

A robust Traffic Generation and Junction Modelling note has been submitted, to support the Transport Statement, which models for a worst-case additional traffic flow and vehicle queueing of the food retail offer being a McDonalds drive-thru (however it should be noted that we are advised that McDonalds are not being considered for this site). This demonstrates that the proposed development will result



in a minor increase in the ratio of flow to capacity, queues and delays on the A15 and Riseholme roundabout. As such, the impact of the development cannot be considered to have a severe impact on highway capacity.

The development proposes 90 car parking spaces, 40 HGV parking spaces, 2 coach parking spaces, 2 caravan parking space and 18 motorcycle spaces, which is considered an acceptable provision for the intended use. 12 cycle parking spaces will be provided.

Deliveries and refuse collection will be undertaken via a dedicated bay area within the site, outside of peak hours.

This is a greenfield site within Flood Zone 1 and is at low risk of surface water flooding. The proposed Drainage Strategy utilises Sustainable Drainage Systems; namely a green roof, rainwater harvesting tanks, rain gardens, swales and attenuation basins. Water will be discharged directly to the ground via infiltration.

Prior to commencement on site, we request that the applicant submit a Construction Management Plan to detail how surface water will be managed during the construction phase and how construction activities will be managed to minimise the impact on the highway network. Prior to site occupation, we request that the applicant submit a business Travel Plan, to be enacted in perpetuity.

To mitigate the impact of the development, we request the following highway improvements:

- A ghost island right-turn lane on the A15;
- A 2.5m wide refuge island for pedestrians and cyclists on the A15;
- Widening of the existing footway on the A15 to 3m between Riseholme roundabout and the pedestrian crossing point to the site; and
- 'Pedestrians crossing' signage at Riseholme roundabout.

Planning Conditions: In the event that permission is to be given, the following planning conditions should be attached:

Highway Condition 00 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be 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 on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

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

Highway Condition 21 No part of the development hereby permitted shall be occupied before the works to improve the public highway (in accordance with drawings SCP/200411/SK02 Rev M, SCP/200411/SK06 Rev B and SCP/200411/SK07 Rev C) have been certified complete by the Local Planning Authority

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

Highway Condition 27

The permitted development shall not be occupied until those parts of an approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

Highway Condition 33

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

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

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

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

Informatives are also recommended.

The Executive Portfolio Holder for Highways and Transport wishes to make the following comments:

The proposed development is within a designated green wedge, contrary to Policy S63 of the Central Lincolnshire Local Plan. Concern remains for pedestrian and cyclist safety as a result of the development proposals. We request the delivery of a pedestrian footbridge across the Riseholme roundabout to provide safe access for the benefit of the community.

#### 15.02.23 Recommendation of refusal.

This proposal will generate increased pedestrian and cyclist movements across the A46 and A15, which are heavily trafficked and high speed strategic roads. No adequate provision is proposed to accommodate safe and suitable access to the site for pedestrians and cyclists. In addition, Riseholme roundabout was recently subject to improvements for the expeditious movement of traffic. The proposed junction will have a negative impact upon traffic flows.

#### **LCC Archaeology :**

16.06.2025 :The report is up to standard. I mentioned to the applicant and the archaeological contractor previously the contents of the attached email. Although the trenching has demonstrated the lack of significant archaeological remains in most of the red line boundary. There is an area to the north which hasn't been trenched and where known remains of a Romano-British enclosure may extend to. The area of this enclosure is just outside of the red line boundary, to the north. We will need to have input on a Construction Management Plan (CMP) which should be conditioned, to ensure that there are no ancillary construction activities or heavy vehicle/plant tracking happening in this area, or if it does that it is appropriately mitigated (matting, fencing off of areas...). The areas immediately adjacent to the A15 and the Lincoln bypass also have potential for human remains which may lay outside of the trenches, so it would be beneficial to require archaeological monitoring and recording of construction works in these areas to ensure that if any such remains are disturbed that they are dealt with appropriately.

If permission is granted, this could all be achieved with appropriate condition wording. Including our standard archaeological scheme of works condition wording, as well as a condition for a CMP which we should be consulted on to ensure that construction works don't unwittingly damage known archaeological remains immediately outside of the proposed application site.

20:02:2025 : After my comments on the re-consultation, I had been in contact with the applicant and their archaeological contractor. We agreed the attached WSI, works were undertaken last week, and I will be waiting for the report before providing informed recommendations. There did not appear to be much on site, however.

It is important to note that immediately to the north of the red line boundary there is a known Romano-British enclosure which was recorded in a 2014 archaeological evaluation. Therefore, we will also have to consider any potential associated works or operations outside the red line boundary in our recommendation, as these could potentially impact the known archaeological remains bordering the north of the site.

05.01.2023: The proposed development is located directly adjacent to the Ermine Street Roman Road, close to the major Roman city of Lindum Colonia (modern day Lincoln). Ermine Street was one of the principal highways within the province of Britannia and Roman activity is often found adjacent to it, particularly on the approach to known settlements.

When the A46 Lincoln bypass was constructed part of a Roman inhumation cemetery was discovered to the west of Ermine Street in this area during excavation for a new drainage ditch. However, records are not sufficiently detailed to be certain whether this was within the application site but there is a high potential for further human remains to be found here. Previous archaeological investigations have also revealed Roman pottery as surface finds within this field and a possible earlier (i.e. pre-Roman) prehistoric enclosure has also been identified during a previous geophysical survey within the northern part of the application area.

There is thus a high potential for the proposed development to have an impact on the below ground remains of archaeological interest as construction will involve significant groundworks to construct petrol tanks, new buildings, SUDs, services, and landscaping works. In accordance with the NPPF (paragraph 194) and Central Lincolnshire Local Plan (Policy LP25) it would usually be expected that a programme of field evaluation should be carried out on such a site prior to determination in order to provide the local planning authority with sufficient information to make a reasoned decision regarding the potential impacts of the proposal on the historic environment. However, it is understood that there are a number of site access issues that may mean that it is not possible to carry out any field evaluation prior to determination of the proposed application.

Recommendation: if the site access issues cannot be resolved it is recommended that the developer be required by appropriate conditions to carry out a programme of archaeological trial trenching in accordance with a written scheme of archaeological investigation approved by the local planning authority prior to any development commencing. The results of this trial trenching should be submitted to the local planning authority prior to any development or other groundworks in order that a mitigation strategy can be agreed, if necessary, to record or protect any archaeological remains that would be impacted by the proposed development.

**Environment Agency:**

17.04.2025 : Foul drainage We have reviewed the revised flood risk assessment (FRA) and drainage strategy undertaken by SCP [ref: JGB/220608/FRA, Version 1, dated 03 April 2024] and consider that it satisfactorily addresses our earlier concerns as the FRA confirms that foul water will be discharged to the public foul sewer. Subject to the groundwater and contaminated land condition below, we therefore withdraw our previous objection, dated 25 January 2023.

However, the evidence available to us demonstrates that the Canwick Water Recycling Centre (WRC) is at or near its permitted limits and that additional flows could lead to it exceeding these, which could cause pollution of the receiving watercourse. Anglian Water Services (AWS) is legally obliged to operate within permit limits and the Environment Agency will take all necessary action to ensure that the receiving watercourse is protected.

AWS has not yet demonstrated how it would manage the additional flow from this development if there is no capacity at the WRC to treat it. We encourage the council to liaise with AWS and ensure that acceptable plans are in place for how foul water, which cannot be treated at the WRC without causing pollution, would be managed in advance of planning permission being determined.

25.01.23: We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system in circumstances where it may be reasonable for the development to be connected to a public sewer, but inadequate justification has been provided for the use of a non-mains system. We recommend that the application should be refused on this basis.

Reason. Private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems. This objection is supported by planning practice guidance on non-mains drainage which advises that the first presumption must be to provide a system of foul drainage discharging into a public sewer (ref ID 34-020- 20140306). According to our maps the nearest Anglian Water Foul sewer and Surface water sewer network is less than 200 meters distance South from the perimeter of the proposed development on Woodbourne Close.

**Tree and Landscape Officer** 03.04.2024:

The scheme is good, as it incorporates many natives along with ornamentals for screening and amenity, and for better integration with the sites' countryside surroundings. There is a good range of species for varied expected sizes and longevity. The schedule and specification details provided on sheet 3 of 3 and also on the 'Single Sheet' are suitable, though there is no mention of the management of the meadow seeded areas. Meadow/wild flower seeded areas require quite specific management regarding mowing timing (depending on seed mix used and time of year of flowering), mowing frequency and heights. If these are not appropriate for the meadow mix and good management of meadow areas, then the wild flowers will disappear within just a few years.

Conclusion

The species and positions are appropriate. Please note: the intended sizes of many of the trees are quite large at 16-18cm girth (4-4.5m high), and whilst these will provide instant impact for screening and feature, their size means they are far more prone to transplanting stress and will require good aftercare to minimise deaths. Although the specification on sheet 3 of 3 lists watering “as necessary” this is quite vague, and one person’s “as necessary” might be different to another person’s “as necessary”. Watering should be carried out regularly until trees/shrubs are established, which is usually between 3 to 5 years after for planting (large trees usually take the longest to become established). Watering is especially important during periods of prolonged dry weather and hot weather. Additionally, checks should be made to ensure their bases/root balls remain firm in the ground and checking of tree ties and stakes be done so they remain firm without cutting into the trees or damaging bark by rubbing. All stakes and ties should be removed once established. The plans/sheets should be amended to include this additional information. Further information required regarding the maintenance regime for the meadow areas, because if the area is not appropriately managed for the type of meadow seeding used then the flowers will disappear within 3 or 4 years.

**WLDC Public Protection:**

I have reviewed the information supplied by the applicant, and I have the following comments to make –

Contaminated Land A Phase I Geo-Environmental Desk Study by EPS referenced UK22.6102 dated 12th October 2022, I am satisfied with the report providing the recommendations in Paragraph 5 (a) and (b) and are followed.

Air Quality The report submitted by Delta-Simons referenced Project No: 20-1578.01 dated October 2022, I would recommend that paragraph 6.0 Mitigation and Residual Effects construction phase are incorporated in a construction and method statement as detailed below: -

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

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials;
- c) Storage of plant and materials used in constructing the development
- d) Wheel cleaning facilities;
- e) Measures to control the emission of dust and dirt;
- f) Details of noise reduction measures;
- g) A scheme for recycling/disposing of waste;
- h) The hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036

Noise A noise assessment has been carried out by SLR referenced 403.064499.00001 Version No: 02 dated October 2022. I note from the above report noise from idling refrigerated HGVs, has not been included in the assessment since HGVs will be provided with electrical plug-in points. The assessment concludes noise from this proposed development is unlikely to cause any change in behaviour or affect the acoustic character of the area.

I have no comments to make.

Planning Statement I note from the above planning statement by Rapleys referenced KRM/20-00601, dated 7 December 2022 that paragraph 7.52 refers to rainwater harvesting. Whilst the report refers to the use in terms of flood risk and drainage. However, any uses of this proposed system including flushing toilets the applicant should consider, if this meets the definition of a private water supply under the Private Water Supplies (England) (as amended) Regulations 2016. As such, it may be required to be risk assessed and sampled prior to use.

**LCC Minerals and Waste:**

22.02.23: The proposed site is located within a Minerals Safeguarding Area for Limestone. Applications for non-minerals development (subject to specified exemptions) within a minerals safeguarding area are required to be accompanied by a Minerals Assessment in accordance with Policy M11 (Safeguarding of Mineral Resources) of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) adopted June 2016.

**Lincolnshire Fire and Rescue:**

27.01.23: The Fire Authority object to the application on the grounds of inadequate water supply for firefighting purposes.

It is the opinion of the Fire Authority that in order to remove the objection the following measures are required.

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

**Lincolnshire Wildlife Trust:**

03.04.24

Lincolnshire Wildlife Trust wishes to maintain its HOLDING OBJECTION in regard to the above planning application following our previous comments submitted in January 2023

The applicant has since submitted a Biodiversity Net Gain assessment, however, there remains some discrepancy around the inclusion of the woodland. The maps provided differ in their inclusion of this habitat which is included in the BNG

assessment under 'offsite habitats' yet falls within the red line boundary of several maps of the site. Its inclusion within the red line boundary warrants this habitat be incorporated into 'onsite habitats'. This parcel of woodland has been assessed as 'lowland mixed deciduous woodland' and as such is a priority habitat of high distinctiveness. We strongly encourage the applicant to include this in their onsite BNG assessment and include this area in the forthcoming habitat management and monitoring plan to ensure the site achieves the stated biodiversity units. This will ensure that the priority habitat does not become degraded through the increase in footfall as a result of the development.

Subject to permission being granted Lincolnshire Wildlife Trust request a condition be placed upon this application for a habitat management and monitoring plan (HMMP) for the full 30- year period required by the Environment Act, Policy S61 and in accordance with the Biodiversity Net Gain legislation to ensure the stated biodiversity values and habitat conditions are achieved as stated in the documentation provided.

Given the proposed development is sited within the Burton to Nettleham Green Wedge we want to see the applicant make significant efforts to the quality of the habitats created and see they are appropriately managed into the future.

30.01.2023

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

**Principal Ecology and Wildlife Officer ;**

24.07.25

This is now acceptable.

As this is pre statutory this can be dealt with via condition if a s106 is not being provided for other matters. The following conditions will need to be applied.

1. No development hereby permitted must take place until a written Habitat Management and Maintenance Plan [HMMP] in accordance with the [Statutory Biodiversity Metric] dated [08/07/2025] and prepared by [Christopher Barker] is be submitted to and approved in writing by the Local Planning Authority. The HMMP shall relate to all 'significant' biodiversity gains on site and must be strictly adhered to and implemented in full for a minimum of 30 years following the completion of the development. The HMMP document must be produced in accordance with sections listed below:

- 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.
- e. the management measures to maintain habitat for a period of 30 years from the end of initial habitat creation.
- f. the monitoring/reporting methodology and frequency in respect of the retained, created and/or enhanced habitat to be submitted to the local planning authority on years [1, 5, 10, 15, 20, 25, 30] All reports must be submitted no later than September 1<sup>st</sup> on each reporting year (reports may be produced by those meeting the definition of a competent person as defined by the statutory Small Site Metric user guide)
- g. the mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Policy S61 of the Central Lincolnshire Local Plan 2023-2043.

1. No development shall take place until a written Ecological Mitigation & Enhancement Plan (EMEP) in accordance with [Ecological Appraisal] dated [16 August 2024] by [CBE Consulting] is submitted to and approved in writing by the local planning authority. The EMEP shall include: -
  - A plan showing habitat protection zones
  - Details of any precautionary method statements for protected species
  - Details of a sensitive lighting strategy
  - Details of educational signage across the site and leaflets to be provided to all occupants as to the enhancements for wildlife within the wider development.
  - 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 (swift )bird boxes Total across site to be equal to number of structures
    - 1x Owl and 1x kestrel tree/post mounted boxes
    - 1x Woodpecker and 1 x tree creeper post/tree mounted boxes

- Integrated bat boxes Total across site to be equal to number of structures
- 2 bee/insect bricks/ free standing insect hotels per structure

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 the National Planning Policy Framework and local policy S60 of the Central Lincolnshire Local Plan 2023.

07.07.2025 There are 2 errors in this metric that needs addressing . One the applicant has used the temporary pool classification for the attenuation ponds; this is inappropriate that designation is designed for unique pools find in the south west of England (there share Mediterranean qualities). If they are likely to be wet for the majority of the year they can be included as ponds. Pre and post development areas do not match.

Generally I am not concerned over the proposal and can't see a reason why a HMMP couldn't be conditioned if the applicant is unwilling to provide a draft upfront (if this were statutory, we would be securing by a s106 and requiring a monitoring fee but as this was submitted before statutory BNG we could simply condition)

**Cycling UK (Lincolnshire):** I wish to object to the application 146036 on behalf of our members. Due to the fact it will increase traffic and danger due to its proximity to the roundabout on the A15/A46 Lincoln Western Bypass. Which cyclists have to cross from the A15 cycle track. This already a dangerous roundabout for Non-Motorised users, due to bad design and lack of Non-Motorised users light crossing. I also believe it would have a knock on effect on the nearby residential areas near the school, with increased congestion and speeding traffic. Please keep a copy of this objection in case of any future legal action or litigation.

#### **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 – 2040***

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy

S6 Design Principles for Efficient Buildings

S8 Reducing Energy Consumption – Non Residential Development

S20 Resilient and Adaptable Design

S21 Flood Risk and Water Resources

S35 Network and Hierarchy of Centres

S47 Accessibility and Transport

S49 Parking Provision  
S53 Design and Amenity  
S57 The Historic Environment  
S58 Protecting Lincoln , Gainsborough and Sleafords Setting and Character  
S60 Protecting Biodiversity and Geodiversity  
S61 Biodiversity Opportunity and Delivering Measurable Net Gains  
S63 Green Wedges  
S66 Trees, Woodland and Hedgerows  
S67 Best and Most Versatile Agricultural Land

<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 49 states

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 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 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

<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>

#### Emerging policy

The Minerals and Waste Local Plan is in the process of being updated and consultations were sent out with a deadline for submissions of September 2024.

LCC are currently in the process of updating the draft plan and following this a further round of consultation is to take place. There is no document to be able to comment on.

#### Other:

[Government Written Ministerial Statement \(WMS\) \(Future of Freight Plan, 'Planning reforms for lorry parking' Written Ministerial Statement \(8 November 2021\)\)](#). The WMS commits to updating Highways Circular 02/2013 to ensure future decision making supports the needs of the sector. This Circular was updated on 23/12/2022 (DfT Circular 01/2022 Strategic Road network and the delivery of sustainable development).

#### **Main Considerations:**

- Principle of development including impacts on Green Wedge
- Visual impacts on character and appearance of site including the setting of the city of Lincoln
- Impacts on the living conditions of existing residents to the east and south
- Highway Safety:
- Drainage :
- Ecology, biodiversity, and Net Gain:
- Climate change / Energy Efficiency
- Minerals:
- Sequential Test (Retail)

#### **Assessment:**

##### **Principle**

As the site falls within the countryside policy S5 (Development in the Countryside) Part E is relevant which applies to non - residential development. It is supportive provided set criteria are met:

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

The development is not considered to enhance the rural economy and there is no established business or natural feature. This criteria is not met.

*b) The location of the enterprise is suitable in terms of accessibility;*

As discussed later in this report vehicular access to and from the site subject to recommended conditions would be acceptable in highway safety terms as would access for pedestrians and cyclists. This criteria can be considered as having been met.

*c) The location of the enterprise would not result in conflict with neighbouring uses;*

Whilst it is noted that the existing A46 road generates noise and traffic during its normal operation , nevertheless a 24 hour road service area with cars and Heavy Goods Vehicles arriving and leaving would be likely to impact on existing dwellings to the east and dwellings to the immediate south of the A46. In addition there is the potential for additional traffic to be generated not currently present on the A46 due to the facilities being provided on the site itself. Illumination would also be required. On this basis it would be reasonable to conclude that there could be conflict with existing and approved dwellings meaning that this criteria would not be met.

*d) The development is of a size and scale commensurate with the proposed use and with the rural character of the location.*

The site is currently undeveloped, and the proposal would result in a large scale development including 2 buildings 2 petrol forecourts , large areas of hardstanding and HGV parking and illumination and signage that could not fail to have an adverse impact on its current rural character. This criteria is not met. It would also additionally conflict with S53 described below.

To conclude on this issue only 1 of the 4 required criteria would be met by the proposal and it would therefore be contrary to policy S5.

Green wedge impacts and designation :

Policy S63 is applicable to Green Wedges. As identified on the policies map, they fulfil one or more of the following functions and policy aims:

- Prevention of the physical merging of settlements, preserving their separate identity, local character and historic character;
- Creation of a multi-functional 'green lung' to offer communities a direct and continuous link to the open countryside beyond the urban area;
- Provision of an accessible recreational resource, with both formal and informal opportunities, close to where people live, where public access is maximised without compromising the integrity of the Green Wedge

- Conservation and enhancement of local wildlife and protection of links between wildlife sites to support wildlife corridors.

The 'Central Lincolnshire Green Wedge and Settlement Breaks Review April 2016' (the Review) forms part of the CLLP evidence base for Policy S63. This included an option to review retention of identified areas as Green Wedges with the application site identified as one such area " I4 ". Paragraph 5.17 of the Review states: *"Due to the relatively flat and open nature of the majority of this GW, the built up area of Lincoln, particularly Lincoln Cathedral, can be seen from within all the GW zones. The Cathedral provides a strong visual connection to the City and provides a key landmark when travelling through the GW. This contributes to a perception that Lincoln is moderately close"* The application site I4 is specified with the recommendation that *"careful consideration "* should be given to retention as it is *"part of Lincoln's rural hinterland, it contributes to the character and setting of Lincoln"*. Careful consideration was subsequently applied in the decision to retain it as Green Wedge.

As part of the evidence supporting the update of the now extant CLLP adopted 2017, a Green Wedges Evidence Report was published in March 2022 to provide background information and justification for policy S63. This considered the evidence report from 2016 and concluded at section *"3.5 The review undertaken to inform the adopted Local Plan is considered to be thorough and robust and to continue to continue to be applicable today. It is therefore felt that a revised Green Wedge review is not required at this time."* This is set out simply to restate the importance of site and its contribution to the aims of policy S63 has been considered detail prior to adoption of the Central Lincolnshire Local Plan contrary to arguments put forward in support of the application.

Policy S63 states that Within the Green Wedges planning permission **will not be granted for any form of development**, including change of use, **unless**:

*a) it can be demonstrated that the development is not contrary or detrimental to the above functions and aims; or*

*b) it is essential for the proposed development to be located within the Green Wedge, and the benefits of which override the potential impact on the Green Wedge. (Officer underlining).*

The policy therefore sets out a clear presumption against development unless it is able to demonstrate that the development meets with criteria (a) or (b).

Assessing criteria (a), The first function and aim is " Prevention of the physical merging of settlements, preserving their separate identity, local character and historic character; "

This is not a development that readily meets the functions of the green wedge. It represents a readily perceptible physical intrusion within the green wedge in a prominent location that reduces its "gap" with Lincoln and also harms its historic

character and setting. The local and historic character of Riseholme would not be preserved by an expansion to the west of the A15. There would be a reduction in the perception of open space particularly to vehicles travelling along the A15. It would on balance lead to an erosion that runs counter to the principles and aims of the Green Wedge.

The second function and aim is : "Creation of a multi-functional 'green lung' to offer communities a direct and continuous link to the open countryside beyond the urban area"

There are no public rights of way that currently allow access to the application site. It is noted that the roadside services buildings and associated infrastructure once built would allow public access however it would not be to a "green lung" but to petrol filling stations , drive thru coffee shops , and large areas of hardstanding . On balance it is considered some limited harm will arise to this function and aim.

The third function and aim is "Provision of an accessible recreational resource, with both formal and informal opportunities, close to where people live, where public access is maximised without compromising the integrity of the Green Wedge;

There is no public access to the site currently and in order for this to be provided it requires roadside services buildings and associated infrastructure including 2 petrol filling stations that would allow access to a relatively small outdoor picnic area and play area and internal pedestrian paths. Some limited harm is therefore considered to arise.

The final function and aim is the "Conservation and enhancement of local wildlife and protection of links between wildlife sites to support wildlife corridors".

It is accepted that with the imposition of conditions relating to the submitted ecological appraisal , discussed below, that harm would be minimised although this does not automatically translate to protection or enhancement.

Overall, therefore, the development would be contrary to and undermine the functions and aims of the Green Wedge and would erode its continued effectiveness.

*b) it is essential for the proposed development to be located within the Green Wedge, and the benefits of which override the potential impact on the Green Wedge. (Officer underlining).*

Under criteria (b) it is essential to consider whether or not the development is "essential" ...

#### Essential Need

There are no specific policies that address the provision of roadside service areas and Lorry parks. Section 9 of the National Planning Policy Framework is titled promoting sustainable transport and paragraph 11(e) is relevant. Policies should " provide for any large scale transport facilities that need to be located in the area and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy" (Officer underlining)

### Essential Need

There are no specific policies that address the provision of roadside service areas and Lorry parks. Section 9 of the National Planning Policy Framework is titled promoting sustainable transport and paragraph 11(e) is relevant. Policies should "provide for any large scale transport facilities that need to be located in the area and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy" (Officer underlining)

The accompanying footnote (46) states "Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user".

There is no definition of large scale facilities set out. although as the site area is greater than 1 hectare it would qualify as a "Major Development" as defined in Article 2 of the Development Management Procedure Order.

The planning application is supported by a 'Statement Relating to an Assessment of Need'. This looks at the sites location and accessibility , traffic flows and existing roadside service provision amongst other matters including an examination of alternative locations which are limited to roundabout locations. Reference is made in the alternative locations to land "located in the green wedge in an area that was deemed to meet the criteria for green wedge designation within the Central Lincolnshire Green Wedge and Settlement Breaks Review April 2016" as a way of discounting various locations. This is notwithstanding the application sites location within an identified green wedge.

This statement also omits the location of newly built roadside services approximately 3.5km north of the site located at the junction of the A15 with the A1500 and to the east of Riseholme College. Planning permission was originally granted in December 2022 (Ref: 145260) for a Hybrid planning application comprising: (1) full planning application or a petrol filling station (Sui Generis) with rapid electric vehicle charging facility and retail kiosk (Use Class E), alongside a drive- thru coffee shop (Use Class E / Sui Generis) with associated access, parking, servicing and landscaping areas; and (2) outline planning application for an additional drive-thru facility (Use Class E / Sui Generis) with associated parking, servicing and landscaping areas (with all matters reserved for future consideration). This omission weakens the efficacy of the document as this can serve "need" Identified within the document.

Whilst it is accepted that there is a desire for such facilities to be provided nationally, and the document is noted however it is considered that whilst need has been demonstrated nevertheless it does not constitute "essential" need required by policy .

It would therefore be contrary to policy S63 (b).



In conclusion there is no policy support for the principle of development in a countryside location and falling within a protected and sensitive landscape important to the rural hinterland and setting of Lincoln.

Detailed impacts of the proposal are discussed below.

### **Visual Impacts on the character and appearance of the site including the setting of Lincoln**

Policy S53 requires development that contributes positively to local character, landscape and townscape.

The site falls within the Limestone Dip Slope as set out in the West Lindsey Landscape Character Assessment. This is noted as a large scale arable landscape with a key characteristic identified as “Important views to Lincoln Cathedral particularly from Ermine Street “. The description goes on to identify Ermine Street (A15) as the most prominent route and “runs due north-south across the area” with “Lincoln Cathedral centred on the line of Ermine Street”.

The site is currently arable land and consequently any development however limited would lead to a change in its character and appearance.

A new access will be created to the site which includes a new roadside service area building with a footprint of almost 600 sq. metres (33.5m x 17.7m ) with approximately 43 associated parking spaces with its own “drive thru” lane, and a coffee shop serving food and drink with a footprint of 217 sq. metres with 29 associated parking spaces and “drive thru” , and an 8 pump petrol filling station with canopy and an HGV petrol filling station and 31 HGV parking spaces and hardstanding for internal vehicular circulation. Coach parking is also provided. This will irrevocably change the character and appearance of the site. This adverse change would be further exacerbated by the signage and illumination required to service the development. This cannot be considered a positive response to local character, landscape or townscape. It would be contrary to policy S53.

Policy S58 seeks to protect the character and setting of Lincoln. The objections made by the City of Lincoln touch on one of the defined key characteristics identified:

“ The setting of Lincoln, also identified in Policy S58, is highly valued and the siting of a commercial facility such as this, in all likelihood lit for 24 hours a day, would harm the setting of the City and the long range views of the Cathedral, particularly for vehicles heading south along the A15.”

The case officer has considered these comments and agrees that it would be contrary to policy S58.

## **Impacts on living conditions of existing dwellings to the east and on approved and built dwellings and those currently being constructed to the south of the A46**

The transport statement includes traffic projections for the am peak period which is 0900-1000 and the pm peak period of 1700-1800. These are split into two, with the first traffic generated by the roadside services and the second looking particularly at Heavy Goods Vehicle (HGVs) movements based in part on the proposed provision of 31 HGV parking spaces . 122 arrivals and 125 departures are expected between 9am and 10am with 135 arrivals and 134 departures between 5pm and 6pm. 6 HGV arrivals and 6 HGV departures are expected between 9am and 10 am with 7 arrivals and 6 departures between 5pm and 6pm.

Whilst the existing trunk roads generate impacts from usage, nevertheless this will be a new facility in its own right in a specific location with a 24 hour operation and illumination in proximity to existing housing. Whilst it is accepted that the majority of customers will come from existing traffic flows , nevertheless there will be a proportion that will be additional to existing traffic that will lead to an increase in associated noise and activities. HGVs will also be able to stay overnight .

It would therefore be reasonable to conclude that it would not be compatible with neighbouring land uses and could result in conflict with existing uses. There would therefore be an adverse impact on neighbours contrary to policy S53.

### **Highway Safety**

Policies S47 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.

The large number of objections to the proposal on the grounds of highway safety to all users including pedestrian and cyclists is noted. This was reflected in the original recommendation from the Highways Authority to refuse permission on the grounds of inadequate provision for safe and suitable access to the site for pedestrians and cyclists, and the negative impact the development was expected to have upon traffic flows at the Riseholme roundabout.

As the highway authority have confirmed technical reports and additional information have been submitted that now address the concerns raised. Subject to the completion of a section 106 planning obligation which delivers a pedestrian refuge on the A15, widening the existing footway to 3 metres and the provision of "pedestrian crossing" signage it is considered that highway safety concerns have been satisfactorily resolved and do not represent a reason to withhold permission.

The location and numbers of parking proposed is:

- 31 HGV spaces along the northern section of the site
- 6 car parking spaces for staff north of HGV Petrol Filling Station (PFS)
- 2 Coach parking bays
- 2 Bays for caravans

26 car park spaces to west of the car PFS and 7 Electric Vehicle charging bays to the east

5 Electric Vehicle charging bays to the south of these spaces

14 spaces to front of main roadside services building

Parking Area to the Front of the Drive Thru Coffee is 7 spaces with ranks north providing 21 car parking spaces and 8 Electric Vehicle charging bays

Policy S49 in relation to parking provision for non-residential development states “*All other types of development should incorporate a level of car parking that is suitable for the proposed development taking into account its location, its size and its proposed use, including the expected number of employees, customers or visitors.*”

No objections have been raised to this parking provision by the Highways Authority.

The proposed parking provision is therefore considered satisfactory. It would accord with policies S47 and S49

### **Flood Risk and Drainage**

A Flood Risk Assessment and Drainage Strategy has been submitted.

The site falls within flood zone 1 which is land with a probability of 1:1000 of river or sea flooding (low - all land outside flood zones 2 and 3).

The proposed Drainage Strategy utilises Sustainable Drainage Systems; namely a green roof, rainwater harvesting tanks, rain gardens, swales and attenuation basins.

Water will be discharged directly to the ground via infiltration

with testing proposed in future. The strategy also discounts discharge into a water course (ditch) as it is 500 metres to the east of the site at the far end of St. Georges Lane. Nevertheless the strategy also labels it as a "back up option".

The Environment Agency initially objected to the application due to the use of non mains drainage disposal for foul which was subsequently amended to mains disposal.

The imposition of a condition requiring drainage details to be submitted to and approved in writing by the local planning authority would be a satisfactory way of dealing with this issue. It would therefore be in accordance with policy S21.

### **Ecology, Biodiversity and Biodiversity Net Gain.**

Policy S60 protects biodiversity and geodiversity. In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), for developments received from February 2024.

The application was submitted before BNG was mandatory for Major development in February 2024. Nevertheless policy S61 also applies which requires development proposals to ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale.

It also sets out 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.

It is noted that Lincs Wildlife Trust placed a holding objection in January 2023 until further ecological information was submitted to demonstrate no harm to protected species would occur. Following this an Ecological Assessment was submitted, and the findings are summarised below:

A review of the available data confirms that the site is not a Statutory or Non-Statutory site of ecological significance. There are no Statutory sites within a 1km radius. There is only one geological site listed within 1km. The survey has identified the following habitats within the site area:

- Cultivated arable land with narrow field margins
- Unmanaged road verge
- Boundary hedgerow (off site)
- Boundary trees (off site)

Cultivated Arable Land with narrow field margins; The field margins are narrow, less than 1m along the eastern and southern field boundaries. Many of the field margins are quite bare having been treated with herbicide and the majority of marginal vegetation growth is along the eastern boundary.

Unmanaged Road Verge : Species diversity across this area is limited and no rare or unusual plants or plant communities were identified.

Boundary Hedgerows There is a boundary hedgerow along the southern boundary of the survey area.

Hedgerow Regulations A measure of statutory protection is afforded to hedgerows under the Hedgerow Regulations 1997, where any ecological or archaeological features are defined as being 'important'. A hedgerow is identified as being 'Ecologically Important' if has existed for 30 years or more and satisfies at least one of specified criteria.

Each hedgerow is given a grade using HEGS with the suffixes '+' and '-', representing the upper and lower limits of each grade respectively. These grades represent a continuum on a scale from 1+ (the highest score and denoting hedges of the greatest nature conservation priority) to 4- (representing the lowest score and hedges of the least nature conservation priority)

Hedgerows graded 1 or 2 are considered to be a priority for nature conservation. The hedgerows on the site were graded 3 "moderate value"

**Birds:** The local area supports a range of bird species which includes some Schedule 1 species. During the inspection of the cultivated land which supported a crop in June which had been harvested by August. The bare ground provided little cover and there was no evidence of any ground nesting birds. Measures to avoid disturbance to any nests or nesting activity will need to be considered within any development .

**Reptiles:** The walkover survey of the field was completed on a grid pattern (as far as was possible) looking for evidence or indication of reptiles. No sightings or physical evidence of reptiles was seen during the inspection and the site is considered to be sub-optimal habitat for reptile species

**Amphibians:** The walkover survey of the field was completed on a grid pattern (as far as was possible) looking for evidence or indication of amphibians. No sightings or physical evidence of amphibians was seen during the inspection

**Bats:** There are no building structures within the site that could offer potential roost locations

**Invertebrates:** The area assessed is a field of cultivated land supporting cereal crops and does not appear to support a diverse range of flora.

**Mammals:** During the inspection of the survey area a thorough search for evidence of badger was completed. No significant established tracks or trails indicative of badger activity were found within the field or the small area of broadleaved

Subject to work taking place in accordance with the recommendations of the Ecological Assessment no harm is considered to arise to biodiversity, and it would be in accordance with policy S60.

### **BNG**

A biodiversity calculation has been submitted. The onsite baseline is 8.32 habitat units and 0.30 hedgerow units. On site post intervention there will 9.23 habitat units and 2.79 hedgerow units . This represents a 10.96% increase in habitat units and a 828.67% increase in hedgerow units. It will therefore exceed the policy requirement. If the application were to be recommended for approval this could be delivered by imposition of a condition requiring details of a Habitat Management and Maintenance Plan for a 30 year period.

### **Heritage Assets**

Policy S57 requires that proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

Due to the location of the site and history of previous finds in the vicinity there is a high potential for the proposed development to have an impact on the below ground remains of archaeological interest as construction will involve significant groundwork. The trial trenching requested by LCC Historic Services was carried out and the results submitted. This demonstrated the lack of significant archaeological remains within most of the application site although concerns were raised in terms of potential impacts adjacent the application site. This is capable of resolution through archaeological input on a Construction Management Plan and archaeological monitoring and recording of construction works in these areas. These can be imposed by condition and subject to this it would accord with policy S57.

### **Energy Efficiency / Climate Control**




Policy S8: requires all non-residential development proposals to include an Energy Statement which confirms that all such non-residential development proposals:

1. Can generate at least the same amount of renewable electricity on-site (and preferably on-plot) as they demand over the course of a year, such demand including all energy use (regulated and unregulated), calculated using a methodology proven to accurately predict a building's actual energy performance; and
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 70

kWh/m<sup>2</sup>/yr. No unit to have a total energy demand in excess of 90 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 building, with no deduction for renewable energy generated on site).

The applicants have submitted an Energy Statement that follows the SAP route to compliance as set out in the Central Lincolnshire Energy Efficiency Design Guide 2023 "Routes to compliance decision tree - non-residential buildings"

If the requirements are met it leads to an "automatic compliance" with S6 Design Principles for Efficient Buildings"

Theme	Design element	Recommended specification
	Airtightness (m <sup>3</sup> /h/m <sup>2</sup> )	<1
	Ventilation system	Mechanical ventilation with at least 85% heat recovery.
	Walls (w/m <sup>2</sup> .K)	<0.15
	Ground floor (w/m <sup>2</sup> .K)	<=0.1
	Roof (w/m <sup>2</sup> .K)	<=0.1
	Windows and doors (w/m <sup>2</sup> .K)	0.8
	Heat supply system	Heat pump, < 45C flow temperature for space heating.
	PV installed - 1 storey building	50% roof area
	PV installed - 2 storey building	80% roof area
	PV installed - 3 storey + building	Roof area for PV generation maximised

The scheme submitted has the following values:

Airtightness : Infiltration rate - 1.00 m<sup>3</sup>/h/m<sup>2</sup>

Ventilation: Heat Recovery Efficiency of 85%

Walls: 0.15 w/m<sup>2</sup>.K

Ground Floor: 0.1w/m<sup>2</sup>.K

Roof : 0.1w/m<sup>2</sup>.K

Heat Supply System : Air Source Heat Pump Used (flow temperature tbc)

PV Installed: This exceeds 50% of roof area.

Accordingly this meets all the required criteria.

It would therefore comply with policy S6. The total energy demand has been calculated as 107.4 kWh/m<sup>2</sup>/yr with the energy generated by the photovoltaic panels being 167.4 kWh/m<sup>2</sup>/yr. Although this would be in excess of the 90 kWh/m<sup>2</sup>/yr allowed this is considered acceptable due to the automatic compliance route taken.

### Sequential Test

Objections to the proposal have raised the lack of a sequential test to justify the town centre uses in an out of centre location. This arises with reference to policy S35."Development proposals for main town centre uses in out-of-centre and edge-of-centre locations will be required to demonstrate their suitability through a sequential

site test in line with the NPPF". This is noted ; however this is a roadside services facility which will charge a premium price which is evidenced in terms of the price of fuel and consumables compared to other locations which must affect the attractiveness of what is on offer. It is also noted that the original application for roadside services on the Lincolnshire Show ground (Ref: 145260) included 2 drive thru coffee shops totalling 365 sq. metres, also considered the application of the sequential test and concluded on the specific circumstances of the case that

*"The sequential approach, and statement by the applicant ..... is considered acceptable and the findings considered appropriate"*

In this particular case it is considered that the evidence submitted does not demonstrate that the sequential test has been met which weighs against the application in terms of potentially undermining the vitality of town centres. A retail offer within the green wedge would also not be considered "essential" as required under policy S63(b)

### **Minerals sterilisation**

As the site is located in a Minerals Safeguarding Area, a Mineral Assessment was required and submitted. This concludes that "extraction of limestone reserves at the site location would likely pose unacceptable environmental and social impacts on the local built up area of the Ermine neighbourhood of Lincoln in the context of local and national planning policy. The site is also located within a Green Wedge area of the local plan, which aims to maintain the landscape character and local environmental quality of an area. Use for mineral extraction purposes is unlikely to be able to maintain such characteristics. Mineral extraction would also be difficult given the small scale of the site, and the proximity of existing sensitive features and properties."

No objections have been received from the Minerals Team at the County Council.

It can be concluded therefore that mineral sterilisation would not arise.

### **Loss of agricultural land :**

Policy S67 seeks to protect the best and most versatile agricultural land.

This is land within Grades 1 to 3. Grade 1 is excellent quality agricultural land. Grade 2 is very good quality agricultural land. Grade 3 is good to moderate quality agricultural land. S67 sets out :

*"with the exception of allocated sites, significant development resulting in the loss of the best and most versatile agricultural land will only be supported if :*

- a) The need for the proposed development has been clearly established and there is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations); and*
- b) The benefits and/or sustainability considerations outweigh the need to protect such land, when taking into account the economic and other benefits of the best and most versatile agricultural land; and*
- c) The impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions; and*

*d) Where feasible, once any development which is supported has ceased its useful life the land will be restored to its former use (this condition will be secured by planning condition where appropriate).*

*Where proposals are for sites of 1 hectare or larger, which would result in the loss of best and most versatile agricultural land, an agricultural land classification report should be submitted, setting out the justification for such a loss and how criterion b has been met. "*

There are regional agricultural land classification maps at a scale of 1:250,000 provided by Natural England.

[Natural England Access to Evidence - Regional Agricultural Land Classification Maps](#)

An extract from this is reproduced below with the lighter colour indicating grade 2 agricultural land which the site appears to form part of.



Planning practice guidance cautions that these maps are not at a scale suitable or accurate for assessment of individual fields or sites.

[Guide to assessing development proposals on agricultural land - GOV.UK](#)

Grade 2 is disputed by the applicants who rather than a detailed site investigation have relied on the Natural England open data portal to argue the case that the site should be regarded as "urban" although it is noted this does not fall within the recognised agricultural land classification grades.

[Provisional Agricultural Land Classification \(ALC\) \(England\) | Natural England Open Data Geoportal](#)

This seems a somewhat bewildering response, as the site is evidently not "urban" but comprises agricultural fields. Upon inspection of the Natural England map, it depicts it as Grade 2 land:





<u>Grade</u>	<u>Description</u>
1	Excellent
2	Very Good
3	Good to Moderate
4	Poor
5	Very Poor

<u>Non-Agricultural Land</u>	
	Other land primarily in non-agricultural use
	Land predominantly in urban use

Furthermore, the Natural England mapping indicates that it has a “High likelihood of BMV land”.



#### **Predictive BMV Land Assesment © Defra**

	High likelihood of BMV land (>60% area bmv)
	Moderate likelihood of BMV land (20 - 60% area bmv)
	Low likelihood of BMV land (<= 20% area bmv)
	Non-agricultural use
	Urban / Industrial

It is considered that, in the absence of any site specific evidence from the applicant to suggest otherwise, then the land is likely to comprise BMV land. Its loss is a negative impact that weighs against the development. In conclusion on this issue no need for the development on the best and most versatile agricultural land has been demonstrated and it would be contrary to policy S67.

#### **Objection from Lincolnshire Fire and Rescue :**

Whilst this would be a matter for a separate regulatory regime nevertheless the applicants have submitted an amended plan which shows the installation of one fire

hydrant within 90m of the entrance to the roadside services building and the drive through coffee shop.

### **Planning balance and conclusion**

The proposed development has been assessed against policies S1 The Spatial Strategy and Settlement Hierarchy, S6 Design Principles for Efficient Buildings, S8 Reducing Energy Consumption – Non Residential Development, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S35 Network and Hierarchy of Centres , S47 Accessibility and Transport, S49 Parking Provision. S53 Design and Amenity, S57 The Historic Environment, S58 Protecting Lincoln , Gainsborough and Sleafords Setting and Character, S60 Protecting Biodiversity and Geodiversity, S61 Biodiversity Opportunity and Delivering Measurable Net Gains, S63 Green Wedges and S67 Best and Most Versatile Agricultural Land of the Central Lincolnshire Local Plan 2023, Policy M11 of the Core Strategy. Furthermore, consideration has been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Code, as well as all other material considerations and representations received.

The benefits of the proposal include the provision of services and facilities to passing motorists including provision specifically designed for HGV drivers including a dedicated petrol filling station and overnight parking . The provision of 20 spaces solely dedicated to electrical vehicle charging is considered a benefit. Employment opportunities totalling approximately 65 Full time equivalent jobs will also be created. These benefits are important, and major weight can be attached to them.

Notwithstanding the benefits they are not considered to outweigh the harm caused by its location within the protected Burton to Nettleham Green Wedge for which no essential need has been demonstrated and which will have an adverse impact not only on its current undeveloped rural character but also on the character and setting of Lincoln, undermining the function and aims of the green wedge and will potentially impact on the amenities of existing residents to the east and south and which will be likely to result in the unjustified loss of best and most versatile agricultural land. On balance refusal is therefore recommended

### **Recommendation : Refusal for the following reasons**

1. The application has not demonstrated that there is an essential need for the development to be located within the Burton to Nettleham Green Wedge contrary to policy S63 of the Central Lincolnshire Local Plan.
2. The development would result in a visually prominent and perceptible significant urban expansion into the green wedge, undermining its functions and aims and it would have an adverse impact on the current rural undeveloped character of the site contrary to policy S53 and S63 of the Central Lincolnshire Local Plan.
3. The character and setting of the City of Lincoln will be harmed particularly for vehicles heading south along the A15 contrary to policy S58 of the Central Lincolnshire Local Plan.

4. The 24 hour operation of the road side services area including illumination and signage and attraction of additional traffic not currently on the road network has the potential to adversely affect the living conditions of residents located to the east and south contrary to policy S53 of the Central Lincolnshire Local Plan.

5. The proposed development would be likely to result in the loss of the best and most versatile agricultural land contrary to policy S67 of the Central Lincolnshire Local Plan.

# Agenda Item 6b



## **Officers Report**

### **Planning Application No: WL/2025/00550**

**PROPOSAL:** Planning application for the installation of projector onto the front elevation of unit B.

**LOCATION:** Former Lindsey Centre, Market Place, Gainsborough DN21 2BP  
**WARD:**

**WARD MEMBER(S):** Cllr Miss J S McGhee and Cllr T V Young

**APPLICANT NAME:** Ms Wendy Osgodby

**TARGET DECISION DATE:** 23<sup>rd</sup> July 2025

**CASE OFFICER:** Ian Elliott

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

#### **Site Description:**

The development site is located within the Town Centre of Gainsborough and the Gainsborough Town Centre Conservation Area. The site is located at the former Lindsey Centre, sited between Heaton Street and Market Place. This is within an established urban area consisting of a mixture of retail and office uses taking the form of new and old properties addressing the street frontages. The buildings on the site have been demolished and construction works have almost completed on the overall cinema site.

#### **Proposal:**

The application proposes to attach a projector above the new walkway between the Market Square and the Savoy Cinema building.



#### **Relevant Planning History:**

WL/2025/00013 - Planning application for erection of new substation to replace existing redundant substation – 17/02/25 - Grant with conditions

WL/2024/01025 - Planning application for demolition of the former Lindsey Shopping Centre and proposal to develop multiplex cinema, car parking and commercial units in the following use classes, Class A1 (shops), Class A2

(financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways) and Class D2 (assembly and leisure), together with associated works being variation of condition 10 of planning permission 140235 granted 27 January 2022 - change in design being variation of condition 1 and removal of conditions 7 & 10 of planning permission 147844 granted 14 May 2024 -amendment to design & elevations – 05/03/25 - Grant with conditions

WL/2024/00105 - Planning application for demolition of the former Lindsey Shopping Centre and proposal to develop multiplex cinema, car parking and commercial units in the following use classes, Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways) and Class D2 (assembly and leisure), together with associated works being variation of condition 10 of planning permission 140235 granted 27 January 2022 - change in design – 14/05/25 - Grant with conditions

WL/2024/00534 - Listed building consent for new flashing detail between existing listed building & new development, alterations & repairs to existing roof & construction of new wall - 10/09/2024 - Grant without conditions

140235 - Planning application for demolition of the former Lindsey Shopping Centre and proposal to develop multiplex cinema, car parking and commercial units in the following use classes, Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways) and Class D2 (assembly and leisure), together with associated works - 27/01/2022 - Granted time limit plus conditions

### **Relevant Planning Constraints:**

- Gainsborough Town Centre Conservation Area.
- Town Centre
- Primary Shopping Area
- Setting of Listed Buildings
- Sand and Gravels Minerals Safeguarding Area

### **Representations**

#### **Chairman/Ward member(s):**

**Gainsborough Town Council:** Supports with comment  
Query what times the projector will be on and if it will be used for political gain.

**Local residents:** No representations received to date

**LCC Highways and Lead Local Flood Authority:** No Objections  
Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has

concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The proposal will not affect the public highway.

**Historic England:** Comment

In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

**WLDC Conservation Officer:** No objection subject to a condition

I have no objections to this application subject to the condition that the projector and all related cabling is removed from the building within 3 months of the projector no longer being in use.

**Date Checked:** 15th July 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), the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and the Gainsborough Town Neighbourhood Plan (Made 28<sup>th</sup> June 2021)

Development Plan

- ***Central Lincolnshire Local Plan 2023–2043***

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy

S37 Gainsborough Town Centre and Primary Shopping Area

S53 Design and Amenity

S57 The Historic Environment

S58 Protecting Lincoln, Gainsborough and Sleaford's Setting and Character

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

- ***Gainsborough Neighbourhood Plan (GTNP)***

Relevant policies of the GTNP include:

NPP1 Sustainable Development

NPP5 Protecting the Landscape Character

NPP6 Ensuring High Quality Design

NPP7 Ensuring High Quality Design in Each Character Area

NPP18 Protecting and Enhancing Heritage Assets

NPP19 Improving the Vitality of the Town Centre

Gainsborough Heritage and Character Assessment - Character Area TCA 06:  
Gainsborough Town Centre

<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 within a Sand and Gravels Minerals Safeguarding Area therefore policy M11 applies.

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

National policy & guidance (Material Consideration)

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

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

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

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

Draft Local Plan / Neighbourhood Plan (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 24th September 2024.

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

SM15: Safeguarding of Mineral Resources

**Other:**

Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

**Main Considerations:**

- Principle of Development
- Minerals Resource
- Visual Amenity
- Heritage

**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.

Local policy S37 of the CLLP is mainly based on maintaining the correct balance of retail and non-retail units. Local policy S37 of the CLLP goes on to state that *“Where possible and relevant, development proposals in Gainsborough Town Centre will assist in meeting wider regeneration and investment objectives for Gainsborough”*.

Local policy NPP19 of the GTNP requires development to improve the vitality of the Town Centre.

In summary the submitted design and access statement clarifies that the proposed projector would project a heart onto the Market Place which the general public chose as the logo of the Gainsborough Townscape Heritage Scheme. The signifies the heart of the Town for the people of Gainsborough. The projection would highlight the importance of the heritage of the town and the significance of the historic Gainsborough Market Place. The projection will be a fun and interactive way to celebrate the Town’s heritage.

Whilst modest in scale the purpose of the projector would still play its own part in the overall regeneration of the Town Centre and its heritage townscape. The development would accord to local policy S37 of the CLLP, policy NPP19 of the GTNP and the provisions of the NPPF.

#### Visual Amenity

Local policy S53 of the CLLP sets out 10 criteria based on design and amenity. It is considered that criteria 1 (Context) and 2 (Identity) of policy S53 are the most relevant to the development.

Policy NPP6 and NPP7 of the GTNP sets out criteria to protect the character and appearance of Gainsborough.

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

The projector would be approximately 290mm x 245mm x 70mm in size and be housed in a black aluminium alloy casing. The projector would be clearly visible from the Market Place but has been located in as discrete a place as possible and would not be considered to have an unacceptable harm on the visual appearance of the host building or the Market Place. The proposed development would therefore accord to local policy S53 and S58 of the CLLP, policy NPP6 and NPP7 of the GTNP and the provisions of the NPPF.

#### Heritage

The application site is located in the Gainsborough Town Centre Conservation Area and within the setting of Listed Buildings within the Town Centre area.

Policy S57 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

Policy NPP18 of the GTNP requires development to protect and/or preserve heritage assets.

Paragraph 207 of the NPPF states that *“in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

Paragraph 210 of the NPPF states that *“in determining applications, local planning authorities should take account of:*

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

Section 66 and 72 of the Planning (Listed Building & Conservation Areas) Act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects the setting of a listed building and character and appearance of Conservation Areas.

The application has included a Heritage Assessment by Prospect Archaeology dated October 2019, but this is not specific to the development and is more for the overall development which this development is attached to and is considered to be part of. The Authority's Conservation Officer has no objections to the proposed development subject to a condition requiring the removal of the projector and cabling if it is no longer required or in use.. As discussed in the visual amenity section earlier in this report the projector would be modest and located as discretely as possible.

It is considered that the proposed development would preserve the setting of all the nearby Listed Buildings and preserve the character and appearance of the Gainsborough Town Centre Conservation Area. The proposed development would therefore accord to local policy S57 of the CLLP, policy NPP18 of the GTNP, Section 66 and 72 of the Planning (Listed Building & Conservation Areas) Act 1990 and the provisions of the NPPF.

#### **Other:**

##### Minerals Resource

The site sits within a Sand and Gravels Minerals Safeguarding Area and therefore policy M11 of the Lincolnshire Minerals and Waste Local Plan Core Strategy applies.

In this case the projector would be attached to a building within the town centre and would not be expected to affect any mineral resource. It is not considered reasonable or necessary for a minerals assessment to be submitted with the application.

Therefore, the development would not sterilise a minerals resource and would accord to local policy M11 of the LMWLP and the provisions of the NPPF

#### **Conclusion and reason for decision:**

The proposed development has been assessed against policies S1 The Spatial Strategy and Settlement Hierarchy, S37 Gainsborough Town Centre and Primary Shopping Area, S53 Design and Amenity, S57 The Historic

Environment and S58 Protecting Lincoln, Gainsborough and Sleaford's Setting and Character of the Central Lincolnshire Local Plan 2023-2043 and policy NPP1 Sustainable Development, NPP5 Protecting the Landscape Character, NPP6 Ensuring High Quality Design, NPP7 Ensuring High Quality Design in Each Character Area, NPP18 Protecting and Enhancing Heritage Assets and NPP19 Improving the Vitality of the Town Centre of the Gainsborough Town Centre. Furthermore, consideration has been given to Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Code, as well as all other material considerations and representations received. In light of this the principle of the proposed development is considered acceptable as it is part of the overall regeneration of the Gainsborough Town Centre Market Place. The projector would preserve the character and appearance of the Gainsborough Town conservation area and preserve the setting of the nearby listed buildings. It would not have an unacceptable harmful visual impact or have an unacceptable harmful impact on a minerals resource.

**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 proposed drawings:

- J1808-00146 Rev B dated 27<sup>th</sup> January 2022 – Elevation Plans
- WT150WR Projector Specification

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy S1, S53, S57 and S58 of the Central Lincolnshire Local Plan 2023 and NPP6, NPP7, NPP18 and NPP19 of the Gainsborough Town Neighbourhood Plan.

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

3. The projector and cabling hereby approved must be removed from the building within 3 months of its use no longer being required. Any damage to the building must be repaired to match the existing appearance of the brick and mortar.

Reason: To ensure the projector and cabling is removed in a timely manner once its use has become obsolete and to ensure the appearance of the building is retained to accord with the National Planning Policy Framework, local policy S53, S57 and S58 of the Central Lincolnshire Local Plan 2023 and NPP6, NPP7, NPP18 and NPP19 of the Gainsborough Town Neighbourhood Plan.

**Decision Level: Committee**

**Human Rights Implications:**

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

**Legal Implications:**

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