



PL.11 13/14
Planning Committee
Date 11 December 2013

Subject: Planning applications for determination

Report by:

Director of Regeneration and Planning

Contact Officer:

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Purpose / Summary:

The report contains details of planning applications that require determination by the committee together with appropriate appendices

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

Equality and Diversity including Human Rights : The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment : None arising from this report.

Climate Related Risks and Opportunities : None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

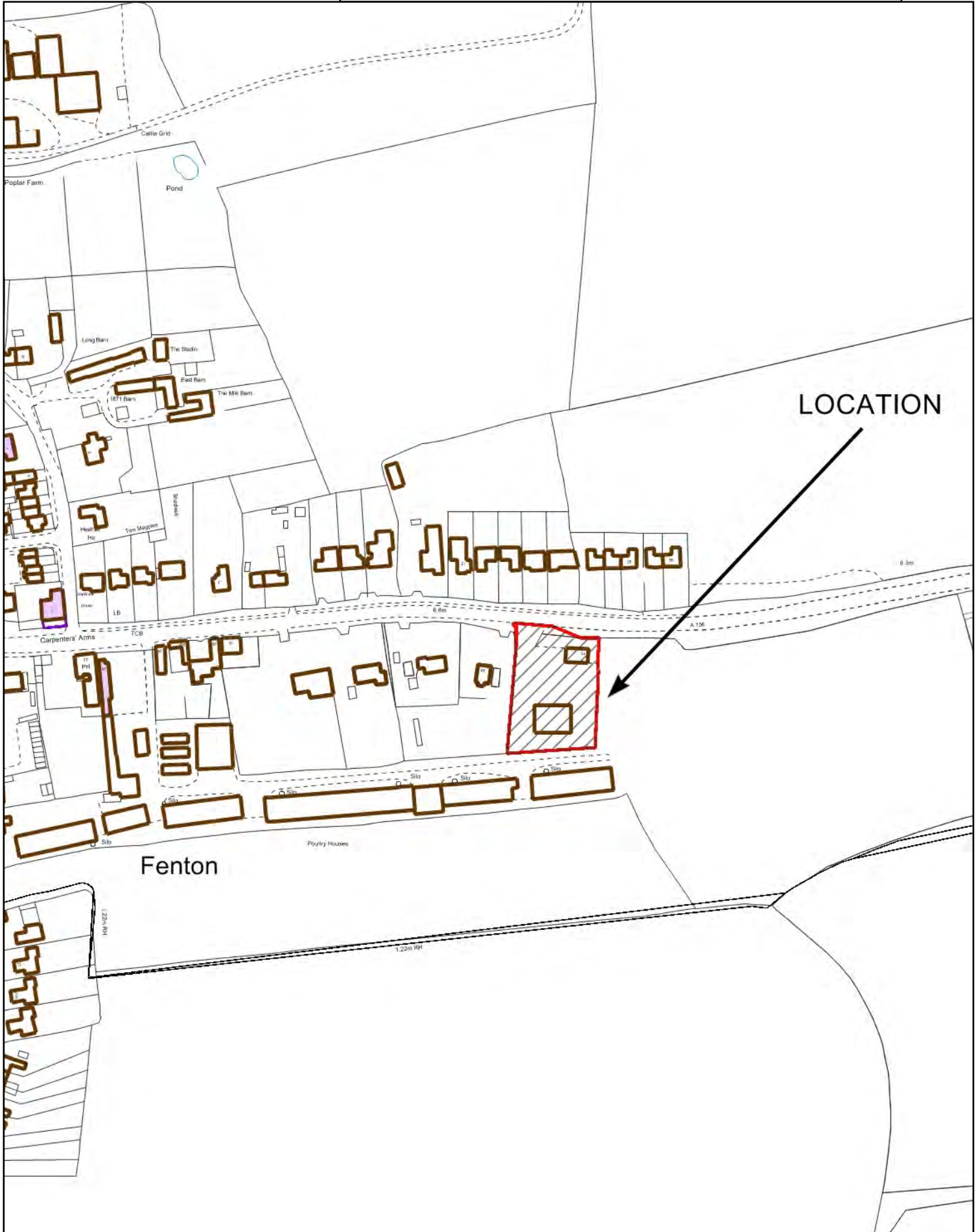
Yes

No

1 - 130564

Planning application for demolition of existing workshop and office building and construction of seven new small business units at 40 Lincoln Road, Fenton.

RECOMMENDED DECISION: Grant Planning Permission



Officers Report

Planning Application No: 130564

PROPOSAL: Planning application for demolition of existing workshop and office building and construction of seven new small business units

LOCATION: 40 Lincoln Road Fenton Lincoln LN1 2EP

WARD: Torksey

WARD MEMBER(S): Cllr S F Kinch

APPLICANT NAME: John Kinch Group

TARGET DECISION DATE: 01/01/2014

DEVELOPMENT TYPE: Minor - all others

RECOMMENDED DECISION: Grant Planning Permission

Introduction:

This application is presented to the Planning Committee for determination as the applicant is an elected Member of West Lindsey District Council.

Site and surroundings: The application site is located on the eastern edge of the settlement of Fenton. Fenton is located on the A156, the main route between Gainsborough and Lincoln. To the north and west of the site is housing and to the south a run of poultry units. Access to the land to the east, which is also in the control of the applicant, runs through the application site. Planning permission for this land was granted in 2012 for 3 standalone business units (Classes B1 and B8) totalling 1115 sq. metres. No work has commenced. The application site itself sits at a level between 0.5m and 1 metre below the A156 and contains two brick buildings, one used as an office and the other currently used for vehicle storage, with associated vehicular hard standing areas. There are also three steel containers on the site. The northern boundary of the site with the A156 comprises a tall hedgerow with small trees and the western boundary with the adjacent residential property 38 Lincoln Road comprises a low hedge and fence. The entire site is located within Flood Zone 2.

Proposal: 7 small two storey business units (B1 - Business / B8 – Storage and distribution) ranging in size from 73 sq. metres to 117 sq. metres in two blocks. The total floorspace is 723 square metres. The first comprising a run of three units is located towards the northern end of the site in a roughly rectangular shape with the central one projecting in gable form to the front and rear. This unit has an eaves height of 5 metres rising to a ridge of 8.5 metres with the remaining two in the block measuring 3.4 to eaves and 6.5 to ridge. The larger block containing 4 units is located at the southern end of the site in an inverted L shape with two gable projections along its length. The gabled units have an eaves height of 5.3 metres rising to a ridge of 8.6 metres with the intervening units having an eaves height of 3.4 metres and a ridge of 6.8 metres. The existing access is to be utilised. The supporting information to the application states that proposed employee numbers are 7 full-time and 7 part-time.

Relevant history:

128151 – Permission for three B1/B8 units.

M01/P/1053 – Planning permission to allow 3 metre high open storage on the site was granted in April 2002.

98/P/0305 – Planning permission for an office building was granted in June 1998.

Representations:

Chairman/Ward member(s): No comments received

Parish Council: No comments received

Local Residents: 2 letters have been received from 27 and 35 Lincoln Road **objecting** to the application on the following grounds:

- Detrimental impact on houses in the immediate vicinity and on the village as this will result in 10 industrial units served by a single access opposite existing housing.
- There are existing problems for the residents in attempting to enter or exit from their houses along this busy stretch of road which is dangerous
- The entrance to a large industrial estate should not be within the village but in the form of a slip road arrangement
- No economic benefit to Fenton as it does not have a shop or public house open at lunchtimes
- Economic benefit outweighed by social impacts
- Inadequate consultation undertaken by WLDC as the effects will be felt beyond those residents consulted.
- Light Industrial Use can involve the use of machinery and times of operation are vague
- Will transform a quiet crime free rural community into one living on an industrial estate together with the pollution and crime that follow it./
- WLDC have in the past objected to residential development on the grounds of lack of facilities in the village.
- Increased noise, dirt and pollution to residents opposite.
- No point in residents commenting if objections are ignored as they were last time
- Hours of use restrictions should be applied
- The use should be relocated outside the village

LCC (Highways) No objections subject to imposition of conditions in relation to access improvement and ensuring the availability of manoeuvring, parking and turning areas whilst the premises are in use.

Public Protection: Prior to demolition of existing buildings a scheme for protecting neighbouring properties from noise and dust should be approved by the Local Planning Authority. A scheme for the handling of asbestos currently on site should be approved prior to development. Limitations on the operational hours of development and of the units themselves should be

considered in order to protect neighbouring residential properties. Further details of surface water disposal to include the results of percolation tests should be submitted for approval.

Archaeology: No objections.

Relevant Planning Policies:

The Development Plan

West Lindsey Local Plan First Review 2006

STRAT 1 Development Requiring Planning Permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 12 Development in Open Countryside

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

CORE 10 Open Space and Landscaping within Developments

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm>

NBE 10 Protection of Landscape Character in Development Proposals

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE 14 Waste Water Disposal

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE 17 Control of Potentially Polluting Uses

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

The above policies were saved in 2009 but the weight afforded to them must be considered in the context of their conformity with the National Planning Policy Framework 2012. The policies have been assessed and are where they are not considered to be compliant with the National Planning Policy Framework it will be noted in the report

Other relevant policy, guidance and material planning considerations

National Planning Policy Framework 2012

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

Technical Guidance to the National Planning Policy Framework

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2115548.pdf>

Draft Central Lincolnshire Joint Core Strategy (2013)

The weight afforded to this Plan has increased following the approval of the Draft by the Central Lincolnshire Joint Strategic Planning Committee on 8th July. The Strategy has been out to further consultation and following this was formally submitted to the Secretary of State on 21st October 2013. The next stage is an Examination In Public which is expected in February 2014.

Main issues

- Principle of Development
- Impact on Character, Appearance and Visual Amenities of Area
- Impact on Residential Amenity
- Drainage
- Highway Safety

Assessment:

Principle – This can be considered a brownfield site as it is a previously developed one. The neighbouring site to the east has also been granted planning approval for B1/B8 use and so the principle of development on this site can be supported. The issue relates more to the type of development proposed.

Policy STRAT 12 of the Local Plan, is a prohibitive policy controlling development in the open countryside, allows development which meets objectives supported by other plan policies. Guidance contained within the National Planning Policy Framework (NPPF), which is a material consideration in determining planning applications, introduces a presumption in favour of sustainable development through seeking to build a strong economy, support vibrant communities and protect the environment. Paragraph 19 states; ‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.’

Paragraph 25 relates to the sequential approach which is applied to main town centre uses, it states; ‘This sequential approach should not be applied to applications for small scale rural offices or other small scale rural developments.’ Although there is no definition in the NPPF of what is classed as ‘small scale’. Paragraph 28 supports a prosperous rural economy, it states that economic growth in rural areas in order to create jobs and prosperity should be supported, including the sustained growth and expansion of all types of businesses in rural areas including well designed new buildings.

Given both the national and local policy support for economic growth and job creation, this carries significant weight in the determination of this application. Whilst the site is not located in a highly sustainable location it is on the main trunk route linking Gainsborough and Lincoln, and guidance contained within the NPPF supports small scale development in rural areas which may not necessarily be readily accessible by public transport. The proposal for small scale business units can therefore be supported in principle.

Visual Impact of the development on its surroundings - The design of the buildings has taken into account its location on the edge of a residential

settlement next to the open countryside in terms of its form and scale which is “rural” in character, not dissimilar to farm buildings found within the working rural landscape. It is considered appropriate within its setting. To provide some context the tallest building on the site has a ridge height of 8.6 metres which is not much higher than might be found on a traditional two storey farm house. The main building materials are reclaimed brick and clay pantiles. The northern block, which is the one nearest to the A157 (Lincoln Road) is set back within the site behind the existing hedgerow and small trees. Design interest is created by the use of a central gable which sits above the ridge of the connecting brick buildings and which on its upper section is clad in vertical treated timber panels. The simple scale and detailing together with a limited palette of materials is considered appropriate to its surroundings. The existing hedgerow along the front is to be retained as are the two existing trees on the south eastern corner of the site. A detailed landscaping scheme has also been submitted. In order to ensure a high quality environment is created and the visual amenities of the surrounding area are protected it is also considered necessary to prevent by condition materials and equipment from being stored outside the units. Subject to this and the imposition of conditions requiring materials to be submitted for approval and the implementation of the proposed landscaping there is no reason to withhold consent on the grounds of injury or harm to the character of the site and wider area.

Residential Amenity – In terms of distance the closest property to the site is 38 Lincoln Road, an extended two storey detached dwelling. There is 7 metres from the side of number 38 to its boundary with the application site. To its immediate east is the proposed access which turns and heads towards the east. This access arrangement was formerly approved to serve the 3 industrial units at the end of the wider site. The nearest building will be unit 7 which is to be sited to the south east of the dwelling running parallel to the side boundary of the rear garden and at its closest will be 2 metres from this boundary increasing to 3.8 metres. There is a distance of approximately 14 metres from the nearest corner of the house to the nearest corner of the proposed building. It will present a blank brick wall for a distance of 16.2 metres at a height of 5.3 metres to the eaves. The distance from the back of 38 to its rear boundary is approximately 33 metres to put this in context. At the bottom of the garden is a treble detached garage and hardstanding. Number 38 is slightly angled away from the application site towards the south west so that its principal elevation faces away from unit 7 although there will be some loss of light and overshadowing of the garage and a relatively small section of the rear garden. The orientation of the existing dwelling and the siting of unit 7 to its south east together with distance separation will ensure that the industrial unit does not appear overly dominant or oppressive in relation to the adjacent residential properties. The other residential properties in proximity to the site are located on the opposite side of the A156 and are set back within long front gardens. They are also at a higher level than the application site and it is considered that there will be no adverse impacts on them in terms of the physical presence of the proposed development.

The proposed use of the site for business, storage and distribution does have the potential to cause harm to residential amenity, particularly to those to the

immediate west of the entrance, from noise and disturbance from vehicles entering and exiting the site and general on site activities. It is therefore considered necessary to restrict the hours of operation (including deliveries) by condition to between 08:00 and 18:00 on Mondays to Fridays, 08:00 and 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays, to protect the residential amenities of surrounding residents. It is also proposed to limit demolition and or construction works to between the hours of 0700 and 1900 Mondays to Fridays and at no time on Saturdays, Sundays and Bank Holidays. In the interests of protecting residential and visual amenities a condition will be imposed requiring details of proposed lighting to be submitted and agreed. Subject to the imposition of the suggested conditions there is no reason to withhold consent on the grounds of harm to residential amenities.

Impact on Flood Risk and Drainage

The site is located within Flood Zone 2. The proposed business units are classed as 'less vulnerable' in Table 2 of the Technical Guidance to the National Planning Policy Framework. Table 3 of this technical guidance confirms that such uses are appropriate development in Flood Zones 2 and 3a. It is not therefore necessary to apply the sequential or exceptions tests. No comments have been received from the Environment Agency. No objection was raised to the 3 industrial units subject to a condition requiring the finished floor levels of the buildings to be 6.9m AOD to reduce any risks to the buildings from flooding. It is proposed to attach such a condition to this consent. The current levels range from 6.93m AOD at the northern end of the site down to 6.36m AOD at the southern end of the site.

In terms of drainage, foul water will be disposed of to the mains sewer which is the preferred option. Surface water will be disposed of to soakaways, however given that this is an area at risk of flooding, soakaways may not be feasible. However a condition will be attached to any approval requiring details of the method for disposing of surface water to be submitted for approval, to ensure there are no increase risks of flooding in the area.

Highway Safety – The Highway Authority raise no objection to the proposals subject to the imposition of suggested conditions which will be incorporated within the decision notice.

Conclusion and reasons for decision

The proposal has been considered against the provisions of the Development Plan in the first instance specifically policies STRAT 1 – Development Requiring Planning Permission, STRAT 12 – Development in the Open Countryside, CORE 10- Open Space and Landscaping within Developments, NBE 10 - Protection of Landscape Character in Development Proposals, NBE 14 - Waste Water Disposal and NBE 17 Control of Potentially Polluting Uses of the West Lindsey Local Plan First Review 2006 (Saved Policies) as well as against all other material considerations. These include the National Planning Policy Framework 2012. Accordingly in light of this assessment, and, subject to the imposition of the conditions above, it is considered that the proposal which will support the rural economy and generate new employment is acceptable. It will not harm the character or appearance of the site and wider area, it will not lead to an increased risk of flooding nor would it have an unacceptable impact on neighbouring residential amenities or compromise the

interests of highway safety. Accordingly a grant of planning approval is considered appropriate.

Recommendation: Grant planning permission, subject to the following conditions

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

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

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

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

2. Notwithstanding the details shown on the approved plans, no development shall take place until further details relating to the vehicular access to the public highway, including materials, specification of works and construction method have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

3. No development shall take place until details of all external walling and roofing materials, including the proposed colour and finish to be used, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the buildings are finished in materials which will help to integrate them into their surroundings, in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

4. No development shall take place until, details of a scheme for the disposal of surface water has been submitted to and approved in writing by the Local Planning Authority. As percolation is part of the disposal system a percolation test in compliance with British Standard BS6297 (1983) shall have been carried out. Where the results of such a test indicate that a percolation system will not function adequately in adverse conditions, then details of an alternative system shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent localised flooding, to improve and protect water quality, and to ensure future maintenance of the surface water drainage system and

to accord with the provisions of the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework

5. No development shall take place until a lighting scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise light pollution and potential glare in order to safeguard the amenity of adjoining residents and to reduce the prominence of the site which is located close to the open countryside and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

6. No development shall take place until, details of the form and position of fencing for the protection of existing trees and hedges on the site have been submitted to and approved in writing by the Local Planning Authority and such fencing shall be erected in the positions approved before the development is commenced and thereafter retained until completion of the development. Nothing shall be stored or placed in any area, nor shall the ground levels within those areas be altered, without prior written approval of the Local Planning Authority.

Reason: To safeguard the existing trees on the site during construction works, in the interest of visual amenity in accordance with policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review (Saved Policies)

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

7. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 2643-19, 2624-20, 2624-21 and 2624-22 date stamped 06 NOV 2013. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

8. The development shall be carried out using the external walling and roofing materials and details as agreed by the Local Planning Authority and referred to in condition 3.

Reason: To ensure an appropriate quality of external facing materials to help the development integrate within this open countryside setting in accordance with Policy STRAT1 of the West Lindsey local Plan First Review 2006 (Saved Policies) and the provisions of the National Planning Policy Framework 2012.

9. The finished floor levels of the seven units shall be at 6.9m above Ordnance Datum.

Reason: To reduce the risk and impact of flooding to the development and future occupiers in accordance with the provisions of the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework

10. Lighting on the site must accord with the approved details referred to in condition 5 above.

Reason: To minimise light pollution and potential glare in order to safeguard the amenity of adjoining residents and to reduce the prominence of the site which is located close to the open countryside and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

11. Demolition and/or Construction works shall only be carried out between the hours of 07:00 and 19:00 on Mondays to Fridays; and at no time on Saturdays, Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.(Saved Policies)

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

12. No operations, including deliveries to and from the site, shall take place on the site outside the hours of 08:00 and 18:00 on Mondays to Fridays, 08:00 and 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of adjoining properties and the locality in general in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

13. The development shall not be brought into use until the areas for parking, turning, manoeuvring, loading and unloading of vehicles as shown on the block plan 2624-22 date stamped 06 NOV 2013 have been provided. Such areas shall thereafter be retained and kept free from obstruction whilst the premises are in use.

Reason: To enable calling vehicles to wait clear of the public highway and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety in accordance with West Lindsey Local Plan Review Policy STRAT1.

14. There shall be no storage of materials, equipment, goods, waste or any other articles on the site, except inside the buildings

Reason: To ensure that the site does not become proliferated with outdoor storage which could harm the visual amenities of the site and the surrounding area, in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

15. All planting, seeding or turfing comprised in the approved details of soft landscaping, shown on drawing number 2624-21 date stamped 06 NOV 2013, shall be carried out in the first planting and seeding season following the bringing into use of any part of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation and shall thereafter be retained in perpetuity.

Reason: To ensure that a landscaping scheme to enhance the development is provided in a speedy and diligent way and that initial plant loss is overcome, in the interests of helping to integrate the approved development within the wider open countryside setting in accordance with Policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the provisions of the National Planning Policy Framework 2012.

16. The hereby approved development shall not be brought into use until the approved surface water drainage details referred to in condition 4 above have been implemented in full. They shall thereafter be retained in perpetuity.

Reason: To prevent localised flooding, to improve and protect water quality, and to ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework.