



PL.12 12/13
Planning Committee
Date 6 February 2013

Subject: Planning applications for determination

Report by:	Director of Regeneration and Planning
Contact Officer:	Nick Ethelstone Area Team Manager 01427 676629
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

Item 1 - Planning Application No: 128623

PROPOSAL: Planning application for new office accommodation block and upgrade to existing access

LOCATION: Land off Main Street, Torksey, LN1 2EE

RECOMMENDED DECISION: Grant with Conditions

Item 2 - Planning Application No: 129187

PROPOSAL: Planning application for erection of 6no. retail units; units 1 and 2 for Class A1 and units RU3-RU6 for use classes A1, A3 and A5-together with associated access, car parking and landscaping.

LOCATION: Junction of Carr Lane and Lea Road Gainsborough Lincolnshire

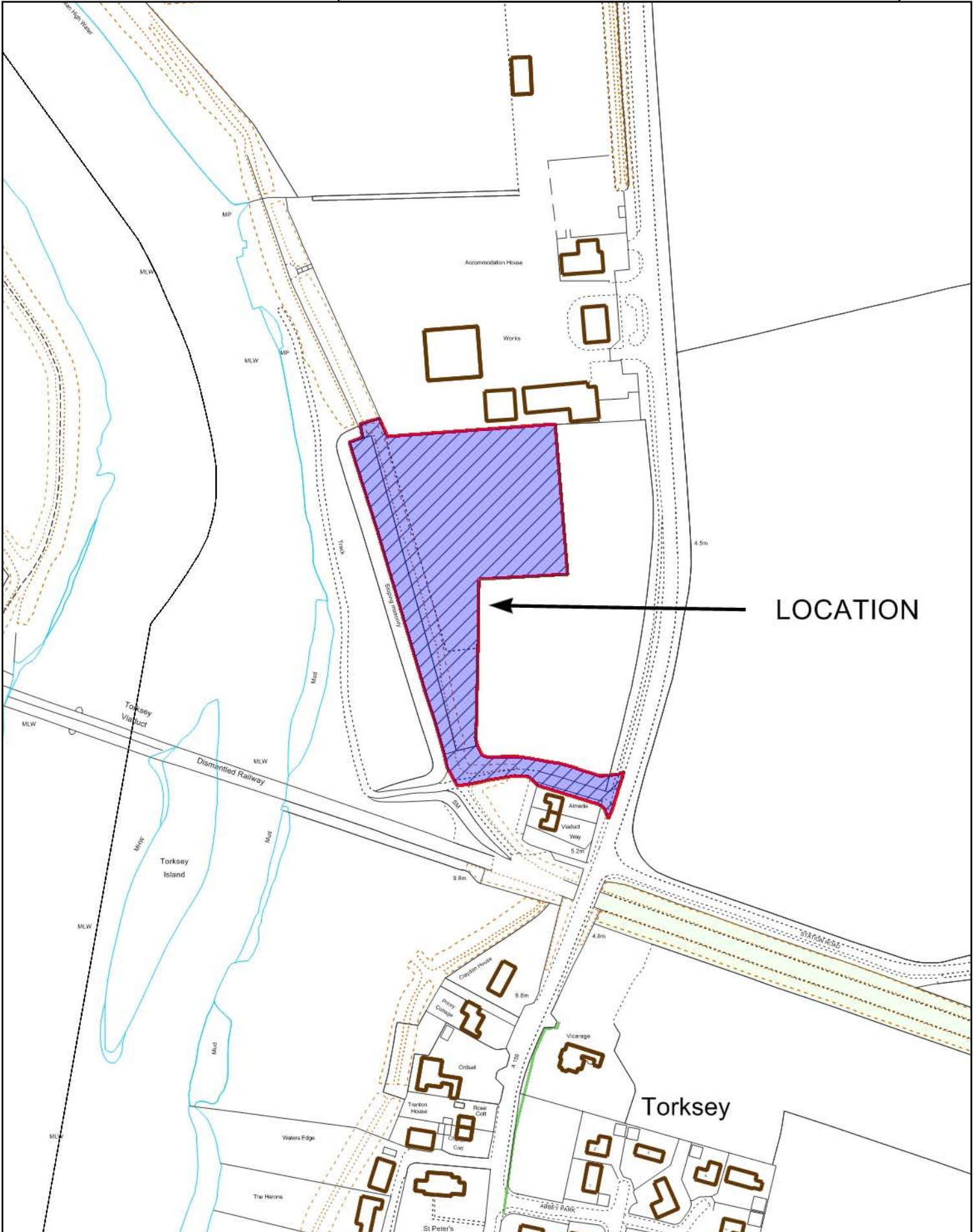
RECOMMENDED DECISION: Grant permission subject to conditions and the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 to secure the advertising of employment opportunities associated with the development to the local area.

Item 3 - Planning Application No: 128652

PROPOSAL: Planning application for change of use of roof space above garage and store into accommodation for staff members of the John Kinch Group.

LOCATION: The Elms, Residential Park, Torksey Lock, Torksey, Lincoln, LN1 2EH

RECOMMENDED DECISION: Grant permission



Officers Report

Planning Application No: 128623

PROPOSAL: Planning application for new office accommodation block and upgrade to existing access

LOCATION: Land off Main Street Torksey LN1 2EE

WARD: Torksey

WARD MEMBER(S): Councillor S F Kinch

APPLICANT NAME: Trustees of F Wraith 1994 Settlement

TARGET DECISION DATE: 13/07/2012

DEVELOPMENT TYPE: Minor - Offices

CASE OFFICER: Zoe Raygen

RECOMMENDED DECISION: Grant with Conditions

Description: The application site is located north of the village of Torksey consisting of a large area of gravelled hard standing that slopes up to the flood defences of the River Trent along the western boundary. The remaining boundaries consist of a 3 metre high fence which consists of precast concrete posts with a metal mesh infill with minimal soft landscaping to the perimeter. The site is accessed from an existing lane to the south that joins onto the main road.

To the north of the site there is a business use in the form of Elliott hire that operates a modular cabin hire business. To the south of the site adjacent to the access road is a pair of semi detached houses set back from the main road.

The application proposes the erection of an office block to the south of the site to facilitate the use of the site as a whole for a new business. The building consists of eight purpose built modular cabins with the external walls consisting of plastisol covered panels to a height of 7.7 metres. The roof would have a slate effect pitched roof. Windows and doors would be aluminium faced timber.

The proposal also seeks to provide 7 staff car parking spaces and three visitor spaces accessed via an improved access road to the south of the site.

Torksey is an archaeologically important area. The remains of Roman buildings lie to the south of the modern village on the area which is also scheduled as the Medieval town. The proposed development site is within an area of sensitive archaeological remains.

Relevant history: No relevant planning history

Representations:

Chairman/Ward member(s): None received

Parish/Town Council/Meeting: The access to the new building needs to be secured against the general public being able to gain access to the river bank or flood plain, the old railway bridge and the gardens of properties backing onto the river. The bank between the proposed development and the river is being used as a tip and needs clearing on health and safety grounds. My Council has no criticism of the proposed building designs

Local residents: Mr & Mrs Green, Almeda, Main Street Torksey – Objects to the development on following grounds

- Access close to boundary causing noise, disturbance, vibration and loss of privacy resulting from use
- Resident often homebound leading to greater impact
- Sense of enclosure from new boundary treatment and loss of amenity
- Siting of development on elevated ground level will lead to overlooking affecting privacy and amenity from overlooking from offices and drivers using access road
- Elevated position will detract from character of the area
- Impact of security lighting
- Potential for increased criminal behaviour
- Removal of hedgerow will be detrimental to character and appearance of area
- No buffer zone between the road and Almeda
- No amenity for pedestrian access
- No visual impact assessment of the development
- Insufficient parking provision
- Visibility display not properly designed for HGV's
- Considerations of access to riverside
- Slate roof not in keeping with vernacular red clay roof tiles

Petition received objecting on following grounds (100 signatures)

- Proposed building will sit prominently in the landscape
- Loss of hedgerow
- Removal of hedgerow will make north side entrance of Torksey Village part of a linear industrial development marring the landscape
- Areas of archaeological significance are to be developed
- Increased potential for criminal activity
- Increase in level of HGV

LCC Highways: No objections subject to the addition of standard conditions regarding the implementation of the upgraded access and visibility splay

Environment Agency: The proposed development will only meet the requirements of the National Planning Policy Framework if conditions are applied which require the development to be carried out in accordance with the Flood Risk Assessment, including the recommendations for floor levels,

and easement between the flood defences and the development, details of surface water disposal to be submitted and a scheme to mitigate against the potential damage from flood water inundation to be submitted.

Archaeology: No objections subject to compliance with Written Scheme of Investigation

Building Control: None received

British Waterways: No comments to make

Relevant Planning Policies:

National guidance

National Planning Policy Framework

East Midlands Regional Plan

20 – Regional priorities for employment land

West Lindsey Local Plan First Review 2006

STRAT 1 – Development requiring planning permission

STRAT 15 – Employment allocations

Main issues

- Principle of use
- Effect on residential amenity
- Effect on visual amenity
- Effect on highway safety
- Effect on archaeology
- Effect on flood risk

Assessment:

Principle of use

Policy STRAT 15 Employment allocations allocates the site under To(E)1 for B1 and B2 uses subject to a number of site development requirements and meeting four criteria relating to integrating the use satisfactorily to the surrounding area and ensuring that the vehicular access is of an acceptable standard. The justification for this allocation states that it is based around existing employment activity. The expansion of that employment activity will help to boost the rural economy, re use previously developed land and create economies of scale by business clusters being established. This conforms to the National Planning Policy Framework which seeks to support the sustainable growth and expansion of all types of business and enterprise in rural areas.

One of the site development requirements relates to the use of the site and states that the use be B1 and B2 uses with B2 uses only on the northern half of the site. The application proposes the erection of an office block under a B1 use to facilitate the use of the remainder of the site under its established use as B8 for the storage and distribution of modular buildings. Although the site has no planning permission for use as B8 the applicants have submitted sufficient detail to demonstrate that part of the site has been used for that purpose over the last ten years. On the balance of probabilities, therefore it appears that the site has been used for storage and distribution. No evidence has been found to contradict this assertion. No breaches have been pursued and no enforcement action taken.

It is concluded therefore that the proposed use would meet this requirement and that the principle of the development on the site is acceptable subject to meeting other development criteria and Policy within the Local Plan

Effect on residential amenity

Objection to the proposal has been received from the occupants of the neighbouring dwelling (Almeda) principally relating to the siting of the access and the building and their consequent impact on their amenity in terms of potential for overlooking and loss of privacy, noise, disturbance and vibration.

One of the development requirements listed is that the access is from the existing adjacent employment operation. In this instance that solution has not been possible as the development is to be used by a separate new business and there is no connection between the sites. Instead the application proposes the upgrade of an existing access to the south of the site adjacent to the residential property known as Almeda. This existing access currently receives very little traffic and there will be an increase in the amount of vehicles using the access. There will on average be 5 HGV movements per day and in the first instance vehicular movements associated with 10 members of staff, although this will increase as the business expands, as well as visitors to the site. There will therefore be an impact on the neighbouring residents from the increase in vehicles using this access over and above those that use it now.

The proposed route of the road will be 9.5 metres from the side elevation of the property which contains a bedroom and office window. The distance between the road and the house allows the provision of a significant area of planting together with a boundary fence and acoustic fence to mitigate against the noise and disturbance caused. It also needs to be borne in mind that the access is an existing one and could be used now for vehicular traffic with out the provision of any mitigation measures.

Planning decisions need to be made in accordance with the development plan unless material considerations indicate otherwise. In this instance while the plan states that the access should be from the adjacent site it is considered that the benefits to the local and wider economy from a new business locating on this site outweigh this requirement. The level and type of vehicle

movements anticipated at the site mean that impacts caused from locating the access to the south of the site can be mitigated through the provision of landscaping and acoustic screening.

The building itself will be sited 92 metres north west from the rear elevation of Almeda. While the building is two storeys and will be at an elevated level due to the rise in land levels from the main road, it is considered that the considerable distance between the properties will ensure that harm will not be caused to the amenity of the residents of Almeda through overlooking or an overbearing presence.

The objector has also raised the issue of the loss of privacy caused by the drivers of HGV lorries using the access. While these drivers will be at an elevated level, the landscaping will mitigate the potential for overlooking and the vehicles will not be stationary on the access and therefore the opportunity for overlooking would be minimal.

It is concluded therefore that the proposal would not be unduly harmful to the amenity of the neighbouring residents.

Effect on visual amenity

Objections have been received from the neighbouring residents at Almeda regarding the impact of the new office building, given its elevated position and the design of the building. They are also concerned about the loss of the hedgerow to the front of the site, required for the visibility splay, which they consider to be an important part of the character of Torksey, particularly when entering the village. These views are also raised in the petition.

The proposed building will occupy an elevated position due to the rise in land levels and the requirement in the Flood Risk Assessment to increase floor levels. The building has been designed to utilise high quality modular buildings which will also serve to demonstrate the benefits of the buildings to the clients. In addition the buildings are constructed from a higher percentage of recycled/recyclable materials and therefore in this regard are more sustainable than traditional construction. General details of the materials are supplied and are acceptable but further detail of the finish and colour of the panels and the roofing could be the subject of a condition. In addition the site development requirement for landscaping on the southern boundary can be controlled through the addition of a condition and could be extended to include the site as a whole to also provide some softening of views into the site particularly around the area for the storage of the buildings

The site is not within an area with any special designation or of landscape value and therefore while the buildings will be visible it is considered that they will not be unduly harmful to visual amenity.

The hedge will need to be removed to accommodate an appropriate visibility splay to satisfy the requirements of the Highway Authority. Requirements to provide landscaping elsewhere on the site should mitigate against this loss

Effect on highway safety

The access to be upgraded is an existing one and the Highway Authority is satisfied that the proposed works are acceptable subject to standard conditions securing the implementation of the works. The transport statement submitted with the application states that trip generations to the premises are relatively low and therefore it is considered that highway safety will not be harmed.

Effect on archaeology

Following lengthy discussion and negotiation the applicants have now submitted a Written Statement of Investigation (WSI) or Specification for Archaeological Mitigation Scheme which the Historic Environment Officer is happy will ensure that the development can go ahead without significantly harming the archaeology. The developer has specified that the car parking areas and the access road will be constructed using a geo textile grid that allows the road to be built off the existing ground with minimal excavation (<10mm) to reduce any disruption to any potential archaeological remains. A condition will be required to ensure that the WSI is adhered to and that the report is submitted to the local archive.

Effect on flood risk

One of the development requirements is that a detailed Flood Risk Assessment be submitted to demonstrate that the site is not at risk from flooding and that any mitigation measures required will not increase the risk of flooding elsewhere. The submitted FRA has been assessed by the Environment Agency who confirms that they have no objections subject to the addition of conditions.

It is considered therefore that the proposed new building will not have a harmful impact on flood risk.

Other matters

The final site development requirement relates to land contamination. However the site was cleared by Shell when they ceased operating on site and the development area is not within the area of oil storage and therefore it is not considered necessary to add a condition relating to contaminated land

Conclusion and reason for decision

The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 – Development Requiring Planning Permission, STRAT 15 – Employment allocations of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework. In light of

the above assessment, it is considered that the proposal is acceptable subject to certain conditions. With the conditions in place, the development accords with the allocation in the local plan providing a new business in a rural area with, in the first instance 10 new jobs, the visual intrusion would not be significant, residential amenity can be preserved, highway safety would not be endangered, impact on archaeology and flood risk would be mitigated.

Recommended Decision : That planning permission is granted subject to the following conditions

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

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

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

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

2. No development shall commence until a scheme detailing the disposal of surface water drainage from the site (including the results of soakaway tests) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment in accordance with the National Planning Policy Framework and the West Lindsey Local Plan First Review 2006 Policy STRAT 1

3. No development shall take place until details (including the colour) of all external and roofing materials to be used have been submitted to and approved by the Local Planning Authority and the development shall be carried out only using the agreed materials.

Reason: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact and to accord with policy STRAT 1 – Development requiring Planning Permission of the West Lindsey Local Plan First Review June 2006.

4. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, CORE 10 and RES 1

5. No development shall take place on site until details of the acoustic fence and landscaping adjacent to Almeda, Main Street, Torksey have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented on site prior to the use first being brought into use.

Reason: To ensure that noise and disturbance from traffic movements do not cause harm to residential amenity in accordance with policy STRAT 1 – Development requiring Planning Permission of the West Lindsey Local Plan First Review June 2006.

5. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with policy STRAT 1 – Development requiring Planning Permission of the West Lindsey Local Plan First Review June 2006.

6. No development shall take place on site until the applicant has secured the implementation of a programme of archaeological work in accordance with the agreed written scheme of investigation prepared by Pre Construct Archaeological Services Ltd dated August 2012.

Reason: To record existing features of historical interest in accordance with Planning Policy Statement 5 Planning for the historic Environment policy STRAT 1 – Development requiring Planning Permission of the West Lindsey Local Plan First Review June 2006.

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

7. The development shall only be carried out in accordance with the approved Flood Risk Assessment (June 2011/10-3181/R undertaken by Holmes-Ward Cole Consulting Engineers) and the following mitigation measures detailed within the Flood Risk Assessment shall be implemented prior to the development being occupied:

- An 8 metre easement will be maintained between the existing flood defences and the development
- Finished floor levels are set no lower than 7.60m above Ordnance Datum (AOD)

Reason: To avoid flooding and prevent pollution of the water environment as recommended by the Environment Agency and in accordance with West Lindsey Local Plan First Review Policy STRAT1

8. Prior to work commencing on site details of a scheme to mitigate against the potential damage from flood water inundation to the building has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being occupied and maintained at all times

Reason: To avoid damage from flooding as recommended by the Environment Agency and in accordance with West Lindsey Local Plan First Review Policy STRAT1

9. 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: 6824W/PP/02B, 6824W/PP03C, 6824W/PP/04 dated 18 May 2012. 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, unless otherwise agreed in writing by West Lindsey District Council as Local Planning Authority.

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 June 2006.

10. The vehicular access shall incorporate 10 metres radii tangential to the nearside edge of the carriageway of Main Street and the minimum width of the access shall be 6 metres.

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 STRAT 1 of the West Lindsey Local Plan First Review June 2006.

11. Before the access is brought into use all obstructions exceeding 1 metre high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing number 6824W/PP/02B dated 18 May 2013 and thereafter the visibility splay shall be kept free of obstacles exceeding 1 metre in height.

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 STRAT 1 of the West Lindsey Local Plan First Review June 2006.

12. Prior to any of the buildings being occupied the private drive shall be completed in accordance with the details shown on drawing number 6842W/PP/02B dated 18 May 2012.

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 STRAT 1 of the West Lindsey Local Plan First Review June 2006.

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

13. The development shall not be brought into use until the surface water drainage as approved under condition 2 of this permission has been provided. It shall thereafter be retained and maintained.

Reason: To avoid flooding and prevent pollution of the water environment as recommended by the Environment Agency and in accordance with West Lindsey Local Plan First Review Policy STRAT1

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

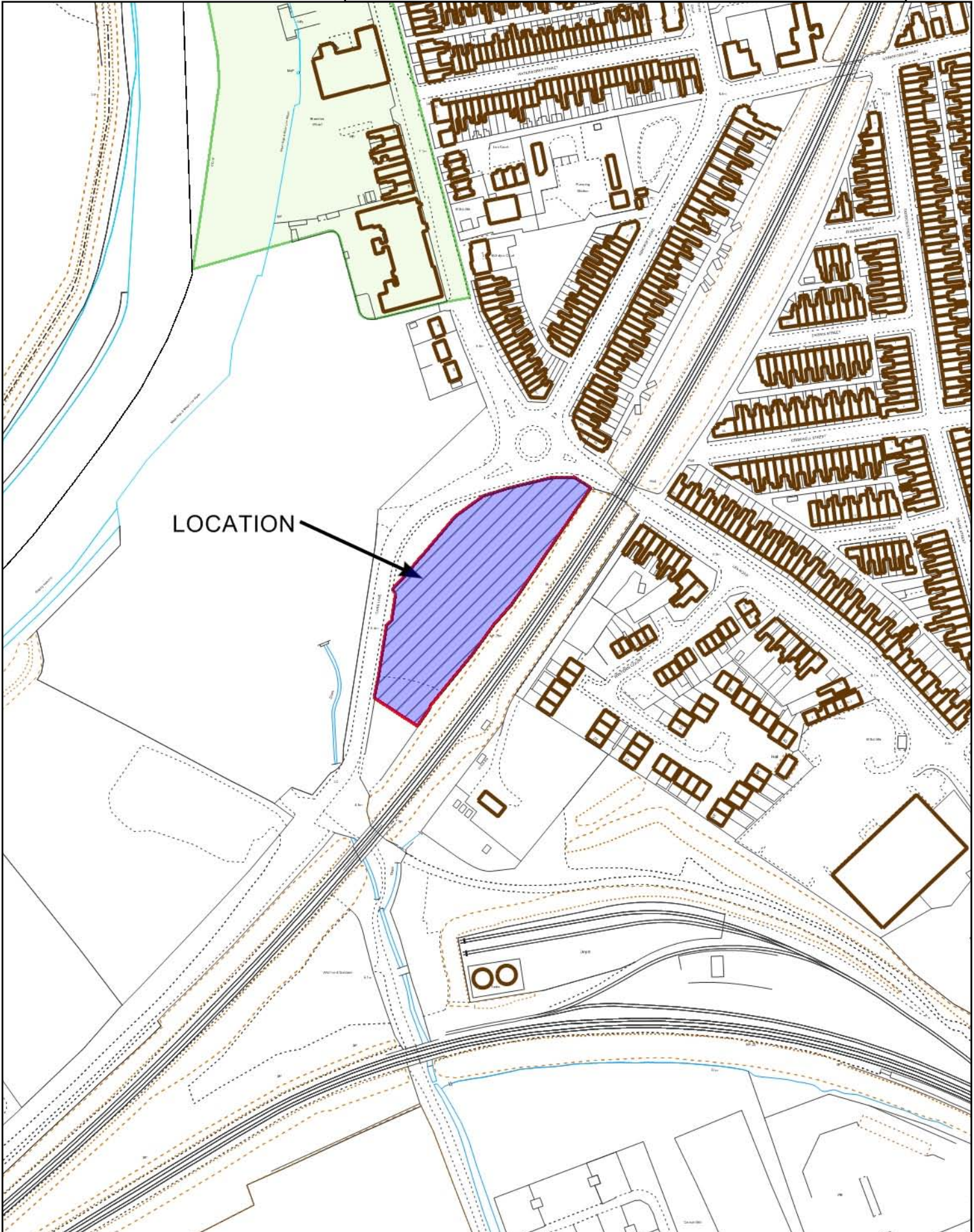
Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, STRAT 12 and CORE 10.

15. The arrangements shown on the approved plan 6842W/PP/02B dated 18 May 2012 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of Main Street and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the requirements of Policy STRAT 1- Development requiring planning permission of the West Lindsey Local Plan First Review 2006.

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



Officer's Report

Planning Application No: 129187

PROPOSAL: Planning application for erection of 6no. retail units; units 1 and 2 for Class A1 and units RU3-RU6 for use classes A1, A3 and A5- together with associated access, car parking and landscaping.

LOCATION: Junction of Carr Lane and Lea Road Gainsborough
Lincolnshire

WARD: Gainsborough South West

WARD MEMBER(S): Councillors Rainsforth and Young

APPLICANT NAME: M F Strawson Ltd.

TARGET DECISION DATE: 04/01/2013

DEVELOPMENT TYPE: Small Major - Retail Dist & Service

CASE OFFICER: Simon Sharp

RECOMMENDED DECISION: Grant permission subject to conditions and the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 to secure the advertising of employment opportunities associated with the development to the local area.

Description

- Site** - The site is currently vacant and characterised by flat cleared land. It was previously developed and occupied until approximately 5 years ago by the Edlington Graders engineering works. The works were demolished to make way for road improvements, specifically the construction of a roundabout. The application site comprises of the land that was not taken up by the roundabout and realigned approach roads.

The site is within the settlement of Gainsborough, adjacent to the main north-south thoroughfare, the A156, and approximately 1km south of the town centre. A railway line on an embankment borders the site to the south. To the north and west is vacant land and to the east a predominantly residential area dating from the late nineteenth and early twentieth centuries.
- Proposals** – To erect two buildings to create six, single storey retail units with a combined floorspace of approximately 1524 sq. m GIA (gross internal area), the smallest unit offering 97 sq m and the largest 641sq m. The proposed uses are A1 (shops) for the two largest units and A1 (shops) and/or A3 (restaurants and cafes) and A5 (hot food takeaway) for the four smaller units.

The buildings would be steel framed with a brick riser but with the majority of the external skin being flat panel cladding. The development would be served by 68 parking car parking spaces, 5 cycle stands and

two service yard areas. Vehicular access is proposed from a single access point from Carr Lane whilst there are two proposed pedestrian and cycle access points.

The proposed layout plans include hard and soft landscaping, specifically on the site frontage.

The relevant plans and particulars were received on 5th October 2012 with the exception of the Flood Risk Assessment and the Transport Statement addendum, both of which were received during the processing of the application.

Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011:

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 history

This proposed development was the subject of pre-application advice. The officer's response to the applicant is now in the public domain as it was included within the formal application particulars. Some of the comments within that response differ quite markedly to the contents of this report. However, the comments at the pre-application stage were given "without prejudice" and the overall conclusions remain the same.

There is no formal planning history pertaining to this site that does not relate to its former use.

Representations

Neighbour/Interested party representation – Objection received from Church Street Cycles, Church Street:-

- As a shop keeper offering service and retail in Gainsborough town centre, I would like to object to the proposed development. It is not required. Gainsborough town centre has many empty shops and redundant buildings that require redevelopment. The site on Lea Road is too far away from the town centre. Footfall is poor enough without giving shoppers a reason not to come into town.

An objection received from Planning Prospects on behalf of Marshall's Yard. Object-

- The scheme offers the opportunity to be combined into one, two or three units with no restriction on the goods sold in a location that is out of centre and nearly out of town.
- The site could scarcely be more peripheral, the community to the north of the A631 (Bridge Road) would be drawn to the town centre rather than this site, the community to the east is separated from the site by the railway line and distance. The proposal cannot be considered as consistent with serving only a local need and therefore is contrary to policy RTC6 of the West Lindsey Local Plan First Review 2006.
- As a result the scheme would rely on and be dominated by car borne trade, this is reflected in the projected modal split in the Transport Statement and the provision of 68 parking spaces.
- There is no wider need in Gainsborough for retail development beyond that already permitted and schemes seeking to enhance the town centre. The Central Lincolnshire City and Town Centre Study (May 2012) is clear that, even under a high population growth scenario, there is no quantitative need for convenience retail development over and above commitments until approaching 2031. This means that sales attracted to the current proposal would eat into turnover needed to keep existing shops in the town centre trading at a healthy level.
- The proposal is three times bigger than the upper end of the scale cited in emerging policy CL20 of the Draft Central Lincolnshire Core Strategy whereupon a "robust assessment" of impact, including on that of the town centre, is required.
- The National Planning Policy Framework requires at paragraph 24 that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. The Central Lincolnshire City and Town Centre Study (May 2012) noted that the proportion of town centre units vacant at July 2011 was much higher than the national average. A cursory examination of units currently being marketed in locations sequentially preferable to the current proposal identifies a selection that would be suitable to accommodate elements of the scheme.
- Furthermore, in terms of other opportunities, the Central Lincolnshire City and Town Centre Study (May 2012) identifies key opportunity sites in each of the town centres which should be prioritised as locations to accommodate future development. For Gainsborough, the Study notes that the greatest future opportunity lies in the potential to refurbish the Lindsey Centre, its car park and the adjacent Belton's Printing premises. The latter now being vacant removes one obstacle to this development.

- The proposal is poorly related to the permitted Sustainable Urban Extension off Foxby Lane and commensurably too large; it needs a neighbourhood of at least 3750 population to support it.

Comments received from Kerry Ingredients (UK) Ltd. Carr Lane:-

- We have significant vehicle movements, the majority of which are on Mondays to Fridays between 6am and 4pm; we can have 40-50 heavy vehicles and 20-40 cars within that 10 hour slot. The site does operate 24/7 so there are significant movements outside of this time. Whilst not an objection, we would not want the proposed development to impact adversely on our business particularly with regards to bulk and employee traffic movements.

Environment Agency – No objection subject to conditions requiring mitigation measures identified in the Flood Risk Assessment to be implemented, for the development to be served by a sustainable surface water scheme and for an investigation of contaminants to be carried out with the appropriate subsequent mitigation given the previous use of the site.

Health and Safety Executive – The proposed development does not lie within the consultation distance of any major hazard sites or major hazard pipelines within West Lindsey, so there is no need to consult HSE in this case.

LCC Highways – No objection subject to conditions requiring access, parking and pedestrian routes and cycle stands to be provided to LCC standards before first use of the development.

LCC Historic Environment Team – Whilst the site is within the area of the port of Gainsborough, the majority of it has been disturbed by modern deposits relating to the former works and its demolition. Therefore no further archaeological input is required on this site.

Network Rail – Advised the local planning authority of a series of requirements in the interests of safety during construction and subsequent operation of the development.

WLDC Environmental Protection – Comments as follows~

- Contaminated land – Proposed development would be located within 50m and 250m of an area of potential contaminating use which may have led to localised ground contamination. Therefore recommend a suitable contaminated land condition.
- Surface water drainage – The proposal includes drainage of surface water through the mains sewer. Recommend that a Sustainable Urban Drainage system is considered and mains sewers are only considered as a last resort.

- Cooking fumes – Recommend a condition requiring a scheme for the extraction and filtration of all cooking fumes to have been submitted to and agreed before development commences with fumes conveyed to a point at least 1 metre above the ridge of the building.

Development Plan policies

- East Midlands Regional Plan 2009

http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

- 1 - Regional Core Objectives
- 2 - Promoting Better Design
- 3 - Distribution of New Development
- 4 - Development in the Eastern Sub-area
- 19 - Regional Priorities for Regeneration
- 22 - Regional Priorities for Town Centres and Retail Development

- **West Lindsey Local Plan First Review 2006**

STRAT 1 Development Requiring Planning Permission

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

SUS4 – Cycle and pedestrian routes in development proposals

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm>

SUS5 – Cycle parking facilities

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm>

SUS7 – Building materials and components

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm>

MT 1 Market Towns

<http://www2.west-lindsey.gov.uk/localplan/written/cpt5.htm>

CORE 10 – Open Space and Landscaping within Developments

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

RTC 6 – Neighbourhood retailing

<http://www2.west-lindsey.gov.uk/localplan/written/cpt10.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. This is because, although adopted in 2006, the plan was adopted under the 1990 Act and not the 2004 Planning and Compulsory Purchase Act 2004. Therefore, the Local Plan does not benefit from the 12 month period of full weight afforded

to plans adopted under the 2004 Act (para 214 and footnote 39 of the NPPF apply).

Other plan policies

National

- National Planning Policy Framework (2012)
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Practice Guidance on Need, Impact and the Sequential Approach (2009)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7781/towncentresguide.pdf
- Technical Guidance to the National Planning Policy Framework (2012)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2115548.pdf>

Local

- Draft Partial Central Lincolnshire Joint Core Strategy (2012)
<http://www.central-lincs.org.uk/>

These plan policies are afforded little weight given that the plan policies have been the subject of objections following the initial consultation. The Plan is due to undergo an Examination in Public later this year.

- Gainsborough Regained – The Masterplan 2007
<http://www.west-lindsey.gov.uk/searchResults.aspx?qsearch=1&keywords=gainsborough+regained>
- Programme of Development 2008
<http://www.west-lindsey.gov.uk/searchResults.aspx?qsearch=1&keywords=programme+of+development+2008>
- West Lindsey Employment Land Review 2010
<http://www.west-lindsey.gov.uk/searchResults.aspx?qsearch=1&keywords=employment+land+review>
- West Lindsey Corporate Plan 2011-2014

<http://www.west-lindsey.gov.uk/your-council/how-the-council-works/key-plans-policies-and-strategies/corporate-plan/105221.article?tab=downloads>

- Central Lincolnshire City and Town Centre Study Final Report (2012)
<http://www.central-lincs.org.uk/>

Assessment

Introduction

The site is previously developed and, although marketed for a number of years and in a prominent location next to a junction on the main north-south thoroughfare through the town, it has remained vacant. The site is also within a town that regional and local policies identify as a priority for regeneration and within a ward that is characterised by particularly high levels of deprivation in terms of employment and education and skills as recorded in the national Indices of Deprivation (policies 4 and 19 of the Regional Plan, policy MT1 of the Local Plan Review and Gainsborough Regained refer).

However, national, regional and local policies, including those within the development plan (policy 22 of the Regional Plan), advise that retail development such as that applied for here, should preferably be located within town centres to ensure the future viability and vitality of these centres as the heart of the community.

The assessment will therefore consider the location of the site in relation to the town centre, the availability of town centre sites, the flexibility of the development proposed to locate within the town centre and the impact based upon the scale of the proposal, the neighbourhood it could serve and existing neighbourhood provision. It will consider the weight afforded to policies such as RTC6 of the Local Plan Review against the provisions of the National Planning Policy Framework (NPPF).

It will then, as a separate consideration, weigh the outcomes of that assessment against the need for regeneration of key sites within the town and, specifically, the area of the South West Ward within which the site is located and the potential that the development can provide to aid this regeneration and fulfil the Council's corporate growth objectives.

Other material considerations include flood risk (NPPF and its accompanying Technical Guidance refer), residential amenity (policy STRAT1 of the Local Plan Review refers), highway safety (STRAT1 of the Local Plan Review refers) and design (policy 2 of the Regional Plan, policy STRAT1 of the Local Plan Review and section 7 of the NPPF all refer).

Principle of the development – retail policy

The retail uses proposed are main town centre uses as defined by Annex 2 of the NPPF. Paragraph 24 of the NPPF states that local planning authorities

should apply a sequential test to planning applications for main town centre uses assessing whether there are suitable and viable sites that are available in the town centre. There are no longer any equivalent policies left in the Local Plan Review but policy 22 of the Regional Plan broadly echoes this approach.

The Town Centre is defined in the Local Plan Review but the NPPF recommends defining a primary shopping area within which there are primary and secondary frontages. However, the Central Lincolnshire City and Town Centre Study, commissioned by this Council amongst others and undertaken by WYG, states that the identification and designation of shopping frontages is of limited merit and, in many cases, is being recognised as unnecessarily restrictive when seeking to introduce new uses into vacant town centre properties. It therefore recommends a primary shopping area very similar to the town centre area defined in the Local Plan Review. This reflects the concentration of town centre uses within the town, this area being the focal point for public transport provision (with the notable exception of Lea Road railway station) and the historic town centre location.

The site is not within this town centre, nor is it considered to be within an edge of centre location, the latter being defined in Annex 2 of the NPPF as a location that is well connected and up to 300 metres of the primary shopping area. Specifically the site is approximately 1km from the town centre and there are barriers, such as the busy A631 (Bridge Road), which prevent good connectivity by non-car modes to the town centre. Linked trips are highly unlikely and the site is considered to be out of centre, albeit within the settlement limit and the main built up area of the town.

In this context, it is noted from a visual inspection of the town centre properties and a subsequent examination of the web-pages of commercial property agents that there are a number of available, viable and vacant properties that are suitable for the uses proposed. These include, as at 31st Dec 2012; 228 sq m ground floor currently A1 (shop) use at 11-15 Silver Street; 248 sq. m of A1 (shop) use at 16, Silver Street; 241 sq m of A2 (financial and professional) use at 10 Silver Street; 191 sq m of A1 (shop) at Church Street; 232 sq m of A2 (financial and professional) in the Market Square (east side); a variety of ground floor office suites at Pattern Store, Station Approach; 215 sq m of A1(shop) use at 8, Market Street and between 400 and 500 sq m of floor space within a ground floor unit on the junction of Spring Gardens and North Street. Given the range of floorspaces available and the floorspaces proposed, it is considered that all but the largest unit could be accommodated without any flexibility required on format or scale. The Belton's site referred to in an objector's representation is no longer available and nor is the Council owned land in the Caskgate Street area of the town centre. However, given that some of the available properties in the town centre have first floor space, there appears to be no reason why the larger floorspaces proposed could not be split over two trading floors, such flexibility allowing them to be accommodated in the town centre.

Furthermore, there are edge of centre sites that are within 300m of the bus station and the Silver Street area of the town centre which are available on

Bridge Street. A similar consideration would apply to an area of land on North Street opposite the football ground that is available, within 300m of the defined town centre, suitable for A1 use but without any permission for such a use.

In addition to the sequential approach, the NPPF also cites retail impact as an important material consideration for main town centre uses outside of the town centre. The NPPF provides that proposals in excess of 2,500 sq m of floorspace should be accompanied by a retail impact assessment. The aggregated floorspace of the proposal (1524 sq m) falls significantly short of this threshold and the lower threshold cited in the emerging Core Strategy is afforded little weight. However, the floorspace does fall over the suggested threshold in the Central Lincolnshire City and Town Retail Study of 400-500 sq m which justifies a lower threshold specifically for Gainsborough and, in this context, it is considered that the impact needs to be assessed.

There is no comparable policy in the Local Plan to paragraph 25 of the NPPF but part (i) of policy RTC6 is considered to be relevant insofar as it states that A1 retail development proposals (of which the majority of the proposed floorspace falls) could be permitted if the proposal is commensurate in scale to and serves a local need only. Specifically, it is reasonable conjecture to assert that there is potential for A1 retail space to not have an impact on the existing retail offer, including the town centre, if the development proposed is commensurate in scale to the neighbourhood it is designed to serve taking into account the existing retail offer in that area.

The area that could be served, taking into account a reasonable walking distance of 300m to 500m and barriers to connectivity, is considered to be from the A631 in the north, to Sandsfield Lane in the east, to the River Trent in the west and Lea Road Bridge in the south (south of the railway station): the area beyond the River Trent is largely unpopulated, open countryside; the A631 is a busy road and the Trinity Street shopping area already serves the population to the north of this road; the land to the east of Sandsfield Lane rises sharply creating a topographical barrier that would dissuade customers from the residential areas to the east from journeying down the hill to the site and, finally; the area beyond Lea Road Bridge is significantly over 500m away. The area within these boundaries has a population significantly less than that needed to support a Local Centre as defined by the NPPF (the scale of the proposal being similar to that of a Local Centre described in Annex 2 of the NPPF). Specifically, the Central Lincolnshire City and Town Retail Study states that a population of 5,000 is normally required to support a Local Centre (paragraph 5.62 refers) whereas the population of the neighbourhood here is less than half of this. The area also already contains retail uses including shops offering convenience goods ranging from “The Corner Shop” on the junction of Strafford Street and Stanley Street (less than 100 sq m) to “Aldi” on Lead Road (approximately 1000 sq m GIA). Comparison goods outlets range from the furniture store on the corner of Trent Street and Ashcroft Road (less than 100 sq m GIA) to B & Q on Lea Road (approximately 2000 sq m GIA). Hot food retailers include “The One” on the corner of Ashcroft Road and Lea Road opposite the application site. A total of 11

different retail properties that are currently trading were counted by the case officer during his most recent site visit on 14th January 2013.

Furthermore, the Central Lincolnshire City and Town Centre Study concludes that, even through the application of a higher population growth scenario that includes the ambitious growth objectives of Gainsborough Regained – The Masterplan (doubling the size of Gainsborough from 18,000 to 36,000 population), the need for convenience goods floorspace derived from an estimated expenditure surplus of £8.0m at 2011 (beyond the expected benchmark turnover of existing stores), growing to £27.7m at 2031, will be extinguished by the existing commitment at Tesco, Trinity Street. This permission remains extant and there is no reason to state that it would not be implemented in the period up to 2031.

The need for comparison goods floorspace is different; the same growth scenario outlined above results in an expenditure surplus at 2031, but the appropriate locations for floorspace to serve this need would largely be within the town centre, to accord with paragraph 24 of the NPPF, supporting its vitality and viability at the heart of the community and its public transport system, or planned within the Sustainable Urban Extension which will deliver the bulk of the planned growth. This is certainly to be the case for the Southern Extension off Foxby Lane as shown within the masterplan included in the application particulars for this site. This planned neighbourhood is also divided from the application site by the topographical barrier of Foxby Hill and is over 500m away in any case, although it is likely that the planned new bus route linking that neighbourhood to the town centre will pass along Lea Road and Ashcroft Road.

In the light of this assessment of the neighbourhood context and the need it is reasonable to assume that there will be an impact on existing retail areas, given that linked trips to the town centre are highly unlikely, the development is not commensurate in scale to the area that could be reasonably served by it, and there is an existing, diverse, retail offer within the area.

However, given the relatively small scale of the proposal compared with the with floorspace that exists within the town centre (199 units with a total gross floorspace of 52,600 sq. m in 2011 quoted in the Central Lincolnshire City and Town Retail Study), the quality of offer in terms of recently built purpose built floorspace that can attract national and local retailers alike within the town centre (such as Marshall's Yard) and its recent ability with this offer to reclaim leakage of spend from elsewhere (the strengthened profile reflected it in rising significantly in the Venuescore town centre rankings from 611th in 2007 to 354th in 2010), it is considered that the impact on the town centre will not be as significant as stated in the objections received. It is also considered that

In terms of the impact on the local neighbourhood retailers, it is unlikely that the development will impact on the two largest outlets, B & Q and Aldi; the former has a large car park and a much larger floorspace than the largest unit proposed. Neither does it trade, in terms of format and scale, as a store that primarily serves the local neighbourhood. The Aldi store is, again, significantly larger than the largest store proposed (approximately 1100 sq m against 641

sq m respectively). Furthermore, some of the retailers such as the hot food takeaway and T-shirt printing business opposite the site may actually benefit from linked trips with the retailers within the site. Specifically, examination of the site context also reveals that the roundabout layout adjacent to the site includes pedestrian crossings to current standards with tactile dressings, dropped kerbs and central refuges. Safe access by foot to the site is therefore possible and the A159 is not the barrier that the A631 is to the north (as referred to previously in the assessment of the neighbourhood catchments). There are also segregated pedestrian footways and cycle stands within the site following desire lines from the Lea Road frontage to the unit entrances, although it is considered that the provision of both of these features prior to the first use of any of the units is required to make the development acceptable. This can be secured by conditions.

The existing retailers could also benefit from the car parking available for those not coming by public transport, walking or cycling as these retailers currently abut a roundabout and the nearby on-street parking is also in demand from residents.

Finally, although the format and scale of the stores could be accommodated within units in or on the edge of the town centre, in reality the units within the application site are likely to attract a different kind of retailer who would not necessarily be attracted to the town and edge of centre sites. These could include retailers who major on specialist bulky goods such as office furniture and other similar markets.

Therefore, there is potential for the site not to have a significant impact on the town centre and local retailer and actually have some benefits.

Principle of the development – regeneration

The site has been marketed by a local land agent that specialises in commercial lettings and sales since 2009 for a range of employment uses. Indeed the marketing particulars clearly demonstrate that no use was discounted. The location of the site adjacent to a residential area but also on an “A” classified road, near to general industrial uses such as Kerry Foods and opposite a mixed use allocation in the Local Plan Review (site G(M)5 includes commercial, leisure and residential uses based around a marina) means that a variety of uses could be appropriate in planning terms.

However, no interest has been expressed and the site was acquired by the applicant in 2012. The planning application particulars appear to indicate that the proposal is speculative rather than with specific tenants in mind; the site is already being marketed as a retail park and section 19 of the application form does not provide any indication as to how much employment could be created. Nevertheless, using the Employment Densities Guide 2nd Edition (2010) by Offpat/HCA it is estimated that the floorspace proposed would produce the equivalent of around 50-70 full time jobs. It could be contended that this employment may merely be relocated from an existing town centre location if an existing retailer relocates to the site or that the net increase in employment is neutral if competition from the site causes a town centre

retailer to decline or go out of business completely (this is certainly a concern expressed by both objectors). Indeed, in the context of the conclusions of WYG in the Retail Study this is likely to reduce the net increase in employment within the town as a result of the site development, but it is this case officer's view that the quality of the floor space on offer and the ability of some of the floor space to serve the local population and attract retailers with a specific offer that currently do not trade within the town, will result in a net employment increase. This employment will also be within walking distance of many residents, in a ward which, as already outlined in this report, experiences higher than average levels of deprivation; the Indices of Deprivation records that, in Gainsborough, six of the eleven Super Output Areas (sub-areas of the wards) are ranked in the worst deprived 20% nationally. These Indices also recorded particularly high levels of deprivation in terms of employment (six SOA's in the worst 20%) and education and skills (eight SOA's in the worst 20%). The planning system cannot guarantee that employers will employ people from this local area, but the Council corporately seeks to ensure this is the case and it is reasonable and necessary to require the advertising of employment locally. This can be secured through a section 106 agreement which would meet the requirements of Regulation 122 of the Community Infrastructure Regulations 2011.

Furthermore, there are a number of vacant sites within the locality, including the G(M)5 marina allocation and the former Gainsborough Waterside Enterprise Centre further north on Lea Road. These sites were not redeveloped during peaks in the economic cycle such as during the mid 2000s and their continued neglect and vacant state will, it is suggested, dissuade developers from investing in the area and not assist in its regeneration to reverse the deprivation experienced and meet the corporate objectives of the Council and the Regional and Local development plan policies relating to growth. Specifically, policy MT1 of the Local Plan Review and 4 and 19 of the Regional Plan identify that such growth can only be fulfilled if areas of the existing town, including those outside of the town centre but still within its core (such as the application site) are regenerated. Policy 1 of the Regional Plan also provides priority for the regeneration of disadvantaged areas and the reduction of inequalities in the location and distribution of employment, housing and health. The justification for policy MT1, in paragraph C21, states that there is a plan objective to introduce the overall regeneration of Gainsborough by bringing back into valuable use, vacant, previously developed land and to complete the regeneration of the Riverside which will be a catalyst to wider regeneration. Gainsborough Regained the Masterplan echoes these comments and, whilst the site is not a riverside location, it adjoins such locations which are, as noted at the beginning of this paragraph, vacant. Regeneration is part of the growth objectives which will greatly assist in addressing the challenges Gainsborough currently faces by creating a 'critical mass' needed to support future investment across a range of services.

This is a finely balanced issue and, in the context of paragraph 214 and footnote 39 of the NPPF, it is acknowledged that the weight afforded to paragraph 24 of the NPPF and the sequential approach to main town centre uses is considerable. However, the NPPF not only includes the town centre

policies (paras 23 to 27) but there is also, at the heart of the NPPF, a presumption in favour of sustainable development (paragraph 14 refers). The three dimensions of sustainable development are defined as the economic, social and environmental roles (paragraph 7 refers). There is also the core NPPF principle in paragraph 17 of encouraging the effective reuse of previously developed land and, in paragraph 21, the need to identify priority areas for economic regeneration and environmental enhancement which this development has the potential to do. The development proposed and policy MT1 of the Local Plan First Review and policies 4 and 19 of the Regional Plan have real conformity and synergies with the NPPF.

Drainage and flooding

There are three different issues that need to be considered relating to flood risk; the sequential preference for sites not at high risk of fluvial flooding, the risk of surface water flooding and the need for foul water to be disposed of via the public sewer. These matters are partially addressed in policy NBE14 relating to waste water disposal, but the main policy considerations are now included within the National Planning Policy Framework and its accompanying Technical Guidance.

With regards to flooding, it is noted that the development proposed falls within the “Less Vulnerable” classification as defined in the NPPF’s Technical Guidance, Table 2. The site falls within flood zone 3a - High Probability, as defined by the Environment Agency’s flood zone maps. This comprises of land assessed as having a 1 in 100 or greater annual probability of river flooding, the probability of flooding events in this case derived from the River Trent.

The main thrust of the NPPF, stated in paragraph 101, is to locate development in areas which are at lowest probability of flooding (zone 1), the so called “sequential test.” Therefore, whilst the vulnerability of the proposed uses would not be any greater than the last, general industrial use and table 3 of the NPPF’s Technical Guidance states that “less vulnerable” development is appropriate in zone 3a, nevertheless the note to table 3 still states that the sequential test needs to be passed.

In this context, it is considered appropriate to restrict the area of search to that “appropriate for the proposed development” (para 101 NPPF). This is considered to be the area proposed to be served by the development and in need of regeneration benefits. In this context, such an area is restricted to between the A631 to the north and Lea Road Bridge to the south, the River Trent to the west and Sandsfield Lane to the east, rather than the default area of the whole district. Having examined the findings of the West Lindsey Strategic Flood Risk Assessment, there is no evidence to suggest that the site is at any less risk of fluvial flooding than other sites available in the area of search that are available and appropriate; such sites are limited to those on the riverside on the west side of Lea Road to the north of the site.

In terms of surface water drainage, the location of the site within flood zone 3a means that a site specific flood risk assessment is required. Such an FRA has been submitted with the application which the Environment Agency considers to be NPPF compliant. It identifies mitigation in the form of the setting of ground floor levels to 250mm above existing site levels and flood resilient construction to be used to a certain level above ground level. No proposed datums are specified and the Environment Agency's suggested condition is a little imprecise as it does not quote the level above ordnance datum (AOD). A condition is therefore suggested with more precision so as to prevent unnecessary flood risk to occupiers of the development and nearby residential properties. It is recommended that a developer will need to demonstrate that the discharge rate from the site will be limited to 10 l/s including during and following a 1 in 100 year rainfall event (allowing a 30% additional increase for climate change). Such a system will inevitably require some permeable surfaces and on site attenuation, but it is considered that there is scope for both within the submitted layout (such as storage areas within the hard and soft landscaping and the use of permeable paviers to permit permeability in addition to permeability within the soft landscaped areas.

Finally, with regards to foul drainage, Circular 3/99 advises that mains drains should be used where practicable. Policy NBE14 of the Local Plan First Review echoes this sequential approach, such drainage is proposed here and the Central Lincolnshire Water Cycle Study also shows there is capacity at the sewage treatment works for over 1,000 houses (section 5.2 refers) which is significantly more capacity than would be required for this commercial development.

Access and highway safety

This consideration is included within policies STRAT1, SUS4 and SUS5 of the Local Plan First Review and also the NPPF, its policy on the presumption in favour of sustainable development afforded significant weight here. Part 7 of the County Council's guidance note provides their parking standards. It states that for non-food retail there should be a provision of 1 car parking space per 20 sq m of gross floor area (GFA) and 1 space per 14 sq m for non-food retail. Therefore depending on which type of retailing was carried out, the requirement for parking within the development would range from 76 to 108 spaces based on the total 1524 sq m GFA proposed. The 68 spaces proposed is under the lower level but the LCC standards do state that context and the ability to reach the site by non-car modes needs to be taken into account. Indeed, this ability to be reached by the local community by foot or bicycle is one of the reasons for supporting the principle of the development. Therefore, despite the fact that one of the objectors has noted that the modal split within the Transport Statement favours car use and therefore, in their mind, clearly demonstrates the real target market for the development, the relatively low provision of parking spaces, the pedestrian connectivity to the surrounding community, the provision of pedestrian routes within the site and the provision of cycle stands all demonstrate that there is potential for access to the site to be sustainably multi-modal. The completion of the cycle stands

and pedestrian routes before first use of the units and their retention thereafter needs to be a condition of any approval forthcoming to provide this potential for sustainability.

The vehicular access, in terms of visibility onto Carr Lane, the capacity of Carr Lane and the junction with Lea Road and Ashcroft Road and the width and radii of the access and manoeuvring areas within the site, has been checked by LCC Highways and is considered acceptable.

Design

Good design is one of the core principles of the NPPF (section 7 refers) and the framework differs little from the criteria detailed in policies STRAT1 of the Local Plan First Review and policy 2 of the Regional Plan. Significant weight is therefore afforded to parts of the STRAT1 as a development plan policy in addition to policy 2 of the Regional Plan.

Paragraph 58 of the NPPF provides a useful framework for assessing the design of the proposed development:-

- *Will it function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development?*

The ability to access the site by a variety of transport modes from the surrounding area and the provision of open space within the site in a neighbourhood that lacks such a provision will mean that the development will add to the quality of the area. The internal spaces proposed and the juxtaposition of the units will also provide flexibility to permit adaptation in response to the changing demands of the community served by the development.

- *Is there a strong sense of place, using the buildings to create an attractive and comfortable places to visit?*

The building housing the smaller units is positioned so that it will be a view stop to views from the north along Lea Road and also from the end of Ashcroft Road. It also fronts an area of open space that will be within the public domain that will be on the desire line between the main pedestrian entrance to the site and the entrances to the retail units. The sense of place does need to be strengthened, however, from that shown on the submitted plan. The proposed boundary treatment on the public frontage is rather weak at the moment and does not echo the railings and walls that are typically found around surrounding landmark buildings and spaces within the area such as the former Gainsborough Waterside Enterprise Centre (GWEC) on Lea Road. It is considered that such a boundary treatment is needed to preserve this prevailing character and define the area of open space between the road and the buildings within the site.

- *Does the proposal optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks?*

The site will include an appropriate level of hard and soft landscaping within open spaces. The percentage of the site to be covered by

buildings is not significantly different to other public and commercial buildings in the area such as the aforementioned GWEC, St. John the Divine Church on Ashcroft Road and Benjamin Adlard School on Sandsfield Lane. The level of soft landscaping accords with the principles of policy CORE10 of the Local Plan Review; this landscaping is focused on the public perimeter of the site to enhance the balance between the natural and built environment in the area.

- *Does the development respond to local character and history, and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation?*

The site has been cleared of buildings as has the land to the north. The area was once characterised by nineteenth century buildings, predominantly of red brick and slate that were associated with the industrial and port use of the town. These include port warehouses such as those that remain further north along the waterside, public buildings such as GWEC and the St. John the Divine Church and terraced houses. It is not appropriate to replicate these buildings as they would not provide the serviceable, flexible and functional floorspace that twenty-first century retailing needs. However, the palette of materials and details, including use of red brickwork as well as boundary treatments are important. Some of these are included within the application particulars, some are not., but the approval of those that are not can be a requirement of a condition.

Other matters

The site has very low potential for significant **archaeological remains**. The adjoining railway line meant that Network Rail was consulted. They have advised of a series of informatives that any developer should be advised of to safeguard **railway safety**. The former use of the land as an engineering works provides potential for ground contamination as does the presence of former contaminative uses in the locality. As result it is considered necessary that no development takes place until an investigation into **contamination** of the site has been undertaken. This can be secured by condition.

Residential amenity is a consideration detailed in policy STRAT1 of the Local Plan Review. The buildings are of a height and distance away from surrounding properties so as not to have an impact in terms of overlooking or overshadowing. There will be noise and disturbance from the 24/7 heavy goods vehicle movements to and from the Kerry Foods site, the traffic on the A159 and the freight trains using the railway line adjoining the site. Fumes are a possibility from the hot food uses proposed and a condition is considered necessary to respond to this matter.

Conclusion

The application has been considered against the provisions of the development plan in the first instance and specifically policies 1 - Regional Core Objectives, 2 - Promoting Better Design, 3 - Distribution of New Development, 4 - Development in the Eastern Sub-area, 19 - Regional Priorities for Regeneration

and 22 - Regional Priorities for Town Centres and Retail Development of the East Midlands Regional Plan 2009 and saved policies STRAT 1 Development Requiring Planning Permission, SUS4 – Cycle and pedestrian routes in development proposals, SUS5 – Cycle parking facilities, SUS7 – Building materials and components, MT 1 Market Towns and CORE 10 – Open Space and Landscaping within Developments and RTC6 – Neighbourhood retailing of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These considerations include the National Planning Policy Framework (2012) which has been afforded significant weight here, the Practice Guidance on Need, Impact and the Sequential Approach (2009) as it is relevant to the application of retail policy, the Technical Guidance to the National Planning Policy Framework (2012) pertaining to flood risk, Gainsborough Regained – The Masterplan 2007, Programme of Development 2008 and the West Lindsey Corporate Plan 2011-2014 specifically relating to regeneration and growth, the Central Lincolnshire City and Town Centre Study Final Report (2012) relating to retail evidence and policy in Gainsborough and the West Lindsey Employment Land Review 2010 relating to employment land statistics. The Draft Partial Central Lincolnshire Joint Core Strategy (2012) was also considered but little weight afforded to it.

In light of this assessment it is considered that the development is acceptable subject to the imposition of conditions.

The site is previously developed and, although marketed for a number of years and in a prominent location next to a junction on the main north-south thoroughfare through the town, it has remained vacant. The site is also within a town that regional and local policies identify as a priority for regeneration and within a ward which is characterised by particularly high levels of deprivation in terms of employment and education and skills as recorded in the national Indices of Deprivation. The need to regenerate this prominent site and the lack of development that has come forward in previous years are therefore afforded significant weight as material considerations. The site is visually prominent within the townscape being on a junction on a major thoroughfare. Its development therefore has the potential to enhance the image of the town as somewhere where people want to invest and be a catalyst for further investment and regeneration.

It is acknowledged that such uses should normally be sequentially located within the town centre and properties are available which are largely suitable and viable within Gainsborough town centre for the scale of the uses proposed. However, the overriding separate regeneration considerations and the fact that the layout and location of the development will have some benefit to the local area and existing and new retailers to the town are afforded significant weight.

In all other respects including design, flood risk, highway safety and residential amenity, the development is acceptable subject to conditions.

Recommendation: Grant permission subject to conditions and the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 to secure the advertising of employment opportunities associated with the development to the local area.

Time commencement condition

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 relating to requirements prior to development commencing

2. Notwithstanding the details provided within the submitted application form, no development shall take place until a scheme for the disposal of surface water from the site based upon the principles of sustainable drainage, including mitigation for a 1 in 100 year rainfall event (plus 30% allowance for climate change) and a maximum discharge rate off site of 10l/s has been submitted to and approved in writing by the local planning authority.

Reason – A sustainable approach to the management and disposal of surface water is preferable to discharge to the mains sewer to accord with the principles of sustainable development set out in the National Planning Policy Framework 2012 and to minimise the impact of flood risk.

3. No development shall take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the local planning authority.

Reason: The development would be located within 50m and 250m of an area of potential contaminating use which may have led to localised ground contamination. The last use of the site also has the potential to have resulted in ground contamination. An assessment is therefore required to safeguard human health, protect the water environment and identify potential contamination on-site in accordance with saved policies STRAT1 and NBE19 of the West Lindsey Local Plan First Review 2006.

4. No development shall take place until a specification for the external facing materials of the buildings hereby approved and the materials for the hard landscaping and pedestrian footways within the site marked hatched in red on the approved drawing 1329 /A1/26 A dated July 2012 and received on 5th October 2012 have been submitted to and approved in writing by the local planning authority.

Reason: A general palette of materials has been referred to in the application particulars but control of the exact specification including colour and texture is required given that the site is in a prominent landmark location adjacent to a junction on the main north-south thoroughfare

through the town and near to a Conservation Area. The details are therefore required to accord with saved policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

5. Notwithstanding the details shown on the approved layout plan 1329/A1/26 A dated July 2012 and received on 5th October 2012 no development shall take place until details of a boundary treatment consisting of railings mounted on a dwarf wall and set between brick piers to be erected between points A-B, B-C and C-D on the same said plan has been submitted to and agreed in writing by the local planning authority.

Reason: The low steel, post and chain fence proposed on plan 1329/A1/26 A is considered to be inappropriate in this prominent landmark location as it would result in the over dominance of parked cars within the site when viewed from public vantage points outside of the site and it does not reflect the traditional boundary treatment for publicly accessible buildings in the area. The condition is required to accord with saved policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

6. No development of the buildings marked as units RU1 to RU6 on the approved plan 1329/A1/26 A shall take place until details of their finished floor levels expressed as a level Above Ordnance Datum (AOD) has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of minimising the impact of flooding and to accord with the National Planning Policy Framework and its accompanying Technical Guidance (both 2012).

Conditions relating to requirements following the commencement of development

7. Prior to any of the development hereby approved being first brought into use, the vehicular access, parking and manoeuvring areas marked hatched in green on the approved plan 1329/A1/26 A shall have been completed to the surface macadam course indicated on the same said plan. The specification of the access within the adopted highway shall have been previously submitted to and agreed in writing by the local planning authority.

Reason: In the interests of highway safety and to accord with saved policy STRAT1 of the West Lindsey Local Plan First Review 2006.

8. Prior to any of the development hereby approved being first brought into use, 5 cycle stands shall be provided within the development at the location shown as "x" on the approved plan 1329/A1/26 A. The stands shall thereafter retained.

Reason: To maximise the potential for non-car modes of travel to and from the site in the interests of sustainability and to accord with policy

SUS5 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework (2012).

9. Prior to any of the development hereby approved being first brought into use, the surface water drainage scheme, the details of which were required to have been previously submitted to and agreed in writing by the local planning authority, shall have been completed in accordance with the approved scheme and thereafter retained.

Reason – A sustainable approach to the management and disposal of surface water is preferable to discharge to the mains sewer to accord with the principles of sustainable development set out in the National Planning Policy Framework 2012 and to minimise the impact of flood risk.

10. Prior to the first use of any of the buildings hereby approved the areas marked cross hatched in blue on the approved plan 1329/A1/ 26 A shall have been landscaped with trees and other plant species the details of which shall have been previously submitted to and approved in writing by the local planning authority. The scheme shall also include a plan for the subsequent management and maintenance of this landscaping requiring the planting to be retained.

Reason – This is a prominent corner site next a junction on the main north-south thoroughfare through the town and soft landscaping is required to ensure there is an appropriate balance between the natural and built environment in the interests of the visual amenity of the area, biodiversity and to accord with saved policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

11. Any remediation of contaminants identified by the contaminated land assessment required to be submitted to and agreed in writing by the local planning authority, as referred to in condition 3, shall be carried out in complete accordance with the approved timetable of works.

Reason: The development would be located within 50m and 250m of an area of potential contaminating use which may have led to localised ground contamination and an assessment is required to safeguard human health, protect the water environment and identify potential contamination on-site in accordance with saved policies STRAT1 and NBE19 of the West Lindsey Local Plan First Review 2006.

12. The buildings hereby approved shall be faced in the materials as per those required to be submitted to and agreed in by the local planning authority as referred to in condition 4.

Reason: A general palette of materials has been referred to in the application particulars but control of the exact specification including colour and texture is required given that the site is in a prominent landmark location adjacent to a junction on the main north-south thoroughfare

through the town and near to a Conservation Area. The details are therefore required to accord with saved policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

13. The pedestrian walkways marked hatched in red on the approved plan 1329/A1/26 A dated July 2012 and received on 5th October 2012 shall have been surfaced in accordance with the approved details required by condition 4 prior to any of the units hereby approved being first used and thereafter retained.

Reason: The completion of these areas in appropriate materials is required given the prominent location of the site in the interests of the visual amenity of the area whilst the necessity to complete them prior to first use of the buildings is in the interests of sustainability to foster the maximum number of non-car trips to and from the site. The condition is therefore required to accord with saved policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

14. The wall and railings, the details of which are required to have been submitted to and agreed in writing by the local planning authority, as referred to in condition 5, shall be erected prior to the first use of any of the buildings hereby approved and thereafter retained.

Reason: The low steel, post and chain fence proposed on plan 1329/A1/26 A is considered to be inappropriate in this prominent landmark location as it would result in the over dominance of parked cars within the site when viewed from public vantage points outside of the site. The condition is required to accord with saved policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

15. The 2400mm high palisade fence annotated as to be erected on the southern boundary on plan 1329/A1/26 A shall be erected between points E-F on the same said plan prior to any of the buildings hereby approved being first use and shall thereafter be retained.

Reason: In the interests of railway safety and to accord with saved policy STRAT1 of the West Lindsey Local Plan First Review 2006.

16. The development shall be completed to include the following flood mitigation measures:-

- Finished floor levels as per those agreed to discharge condition 6.
- A construction specification as specified in section 8.6 of the Flood Risk Assessment received on 7th December 2012 to a height of 1500mm above the abovementioned, approved finished floor levels.

Reason: To minimise the risk of flooding to employees and customers of the retail units hereby approved and to accord with the provisions of the National Planning Policy Framework (2012) and the accompanying Technical Guidance.

17. Prior to the use of any of the units hereby approved for restaurant/cafe (A3) or hot food takeaway (A5) uses there shall be submitted to and approved in writing by the local planning authority details of extraction equipment for cooking fumes derived from that use at that unit. The approved equipment shall be installed prior to the first use of the unit it is intended to serve for restaurant/cafe (A3) or hot food takeaway (A5) use and thereafter retained.

Reason: In the interests of residential amenity and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

Informatives

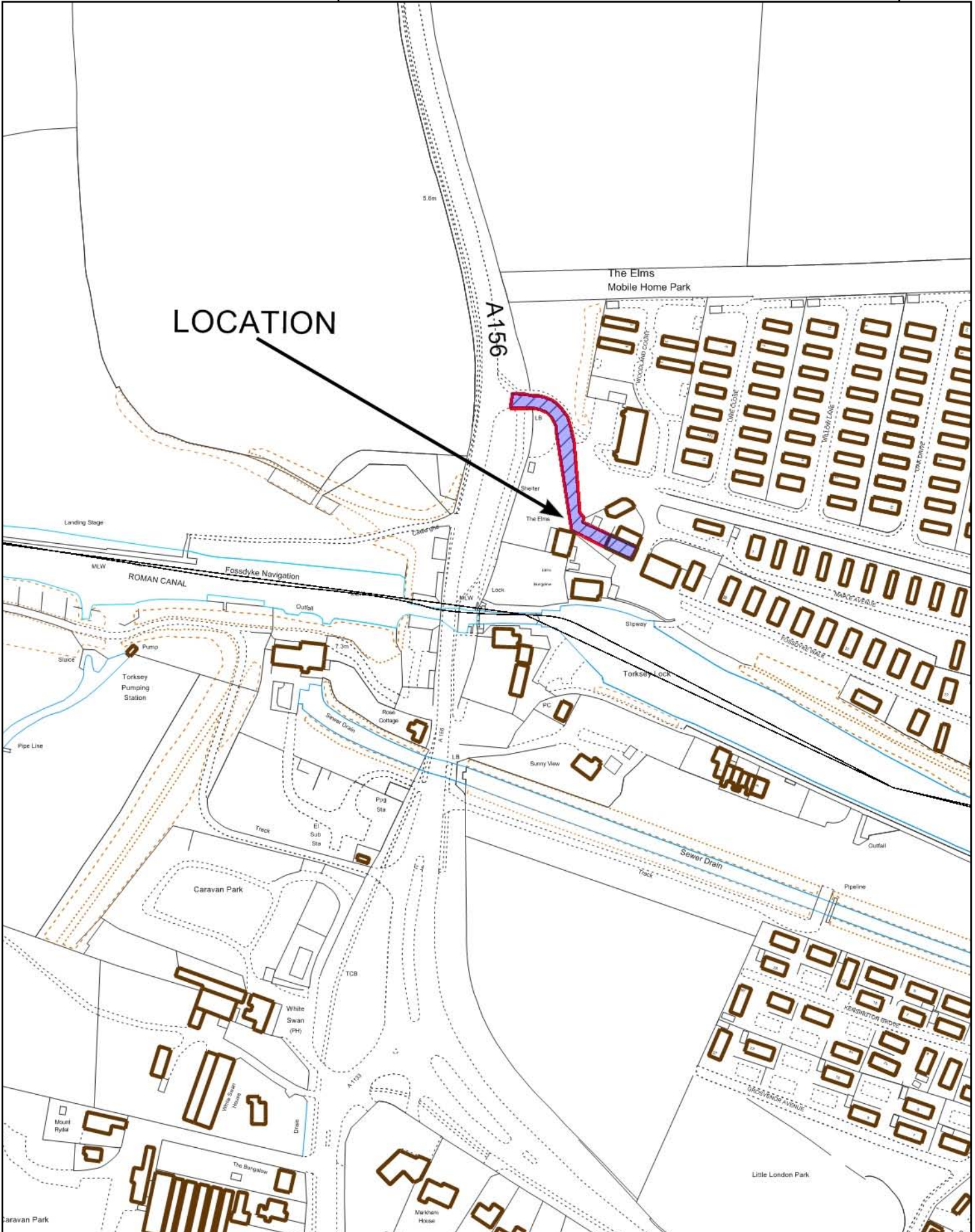
Network Rail

Human Rights Implications:

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

Legal Implications:

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



Officers Report

Planning Application No: 128652

PROPOSAL: Planning application for change of use of roof space above garage and store into accommodation for staff members of the John Kinch Group.

LOCATION: The Elms Residential Park Torksey Lock Torksey Lincoln LN1 2EH

WARD: Torksey

WARD MEMBER(S): Cllr J. Kinch

APPLICANT NAME: Mrs T Coulson, JKG Ltd

TARGET DECISION DATE: 26/06/2012

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Trowsdale

RECOMMENDED DECISION: Grant permission

Description:

The planning application seeks permission to increase the height of a storage building on site to create a one bedroom flat. The storage use will remain on the ground floor of the building.

Currently the building measure 15.5m by 6.75m. Height to ridge is 5.8m. The proposal will increase the height of the building to 7m to create a flat over the store. A new entrance door, lobby and utility room will be created on the ground floor of the building leading to the upstairs flat. It is proposed that new brickwork will match the existing building and existing tiles used to re-roof the building.

The site is within the curtilage of the Elms residential mobile home park and close to the park office, stores and car park.

The Elms is a retirement home park with over 500 retired residents some with mobility issues. The supporting statement with the planning application says that a review of emergency procedures on the site has recently been carried and identified that two on-site wardens are required to assist in any evacuation and help with the day to day operational needs on site such as call out should any resident need emergency services.

Currently there is a flat in the main office. This proposal will provide a second flat for warden use.

A letter from the local GP practice supports the provision of a second warden.

The application is supported with a petition from residents.

Relevant history:**Representations:**

Chairman/Ward member(s): No comments received

Parish/Town Council/Meeting: No comments

Local residents: No adverse comments received.

LCC Highways: No comments received

Environment Agency: Following reconsultation with additional information the EA withdraw its objection subject to the LPA attaching a planning condition for the development to be carried out in accordance with the FRA and supplementary information received.

Archaeology: No comments received

Building Control: No comments received

Relevant Planning Policies:National guidance

The National Planning Policy Framework (NPPF) provides the national overview of planning policy and gives a presumption in favour of sustainable development.

West Lindsey Local Plan First Review 2006

Policy STRAT1 – Development Requiring Planning Permission

Policy STRAT3 – Settlement Hierarchy

Policy STRAT7 – Windfall and Infill Housing Development in Subsidiary Rural Settlements

Policy STRAT 9 – Phasing of Housing Development and Release of Land

RES1 – Housing Layout and Design

Main issues

- Principle of development

The NPPF provides a national overview of policy and gives a presumption in favour sustainable development. Policy STRAT3 of the Local plan identifies Torksey as a subsidiary rural settlement within the settlement hierarchy meaning that there are only limited services and facilities available in the settlement meaning that new housing development is not normally permitted unless there is clearly defined local need.

- Need

Supporting information with the planning application provides details of need for a further warden flat on site. The background for the need has come about through a review of emergency procedures on site and daily operational on site assistance for residents. The owners of the park have consulted with agencies including the local medical practice that support the need for an

additional warden on site. The statement of need submitted with the application is considered to be reasonable given the size of the residential park and special needs of the occupants many of whom are vulnerable elderly residents with mobility issues.

- Flood Risk

A revised Flood Risk Assessment has been submitted with the planning application with supplementary information submitted to address initial objections from the Environment Agency. The revised details were required to comply with the requirements set out in Paragraph 9 of the Technical Guidance to the National Planning Policy Framework to identify the extent of potential flooding, structural stability of the building in the event of an extreme flooding event and access and egress from the building.

The application site is located within Flood Zone 3 on the Environment Agency's indicative flood maps. This means that the site is at the highest risk of flooding. In this area, the Tidal Trent Flood Risk Management Strategy indicates typical flood levels of 6.9m AOD and 7.1m AOD for the 1% (or one in 100 years) and 0.5% (or one in 200 years) annual probability breach in this location. An extreme flood level predicted by the EA could reach 8.04m AOD in a one in 200 year event.

The finished floor level of the warden's flat is 8.74m AOD which means that the accommodation would not flood in any extreme scenario.

The EA has reviewed the information with the planning application and although the accommodation would not have a safe means of access and egress in the event of a breach of flood defences locally, it is satisfied that a 24hr duty officer is needed on site to ensure the safety of residents at the park including evacuation procedures in the event of a flood warning.

Given the justification of need to provide on-site warden accommodation it is considered that the sequential test is satisfied due to the particular set of circumstances to provide a local as well as functional need for the accommodation.

It is recommended that should planning permission be given that a condition that the development is carried out in accordance with the revised FRA as recommended by the EA is attached to any permission.

Conclusion and reason for decision

A clearly defined local need has been demonstrated for the accommodation. The accommodation will not result in any adverse impacts on the character and appearance of the area and complies with the National Planning Policy Framework and Policies STRAT1 – Development Requiring Planning Permission; STRAT3 – Settlement Hierarchy; STRAT7 – Windfall and Infill Housing Development in Subsidiary Rural Settlements; STRAT9 – Phasing of

Housing Development and Release of Land and RES1 – Housing Layout and Design of the West Lindsey Local Plan First Review 2006.

Recommended Decision : That planning permission be granted subject to the following conditions:

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

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

Reason: To conform to 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. The development shall be carried out in accordance with the Flood risk Assessment (FRA) (May 2012/TMArchitectural) and the Supplementary Information (November 2012). Specifically:
 - the living accommodation shall be at first floor level with finished floor levels set no lower than 8.740m above Ordnance Datum;
 - flood resilient construction shall be incorporated as detailed in both documents;
 - the Flood Emergency Evacuation plan included in the Supplementary Information, Appendix D, shall be implemented

The mitigation measures shall be fully implemented prior to occupation.

Reason: To reduce the risk of flooding to the proposed development and future occupants and enhance the structural stability of the building in accordance with Policy STRAT1 of the West Lindsey Local Plan First Review 2006

3. 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: TMA/1041/01A and TMA/1041/02A dated 06 November 2012. 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, unless otherwise agreed in writing by West Lindsey District Council as Local Planning Authority.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with policy STRAT 1 – Development requiring planning permission of the West Lindsey Local Plan First Review 2006

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

4. The residential accommodation shall be only occupied by a member of staff employed at The Elms Residential Park together with members of his/her immediately family and no other persons.

Reason: The site is in an unsustainable location where new windfall residential development is restricted to cases where it is required to meet an essential local housing need as in this case in accordance with Policies STRAT1; STRAT3; STRAT7 and STRAT9 of the West Lindsey Local Plan First Review 2006.

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