

**Guildhall Gainsborough  
Lincolnshire DN21 2NA**

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## **AGENDA**

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

### **Planning Committee**

**Wednesday, 6th February, 2019 at 6.30 pm**

**The Council Chamber - The Guildhall**

**Members:**

- Councillor Ian Fleetwood (Chairman)
- Councillor Owen Bierley (Vice-Chairman)
- Councillor Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Hugo Marfleet
- Councillor Giles McNeill
- Councillor Mrs Jessie Milne
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Thomas Smith
- Councillor Robert Waller

**1. Apologies for Absence**

**2. Public Participation Period**

Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.

**3. To Approve the Minutes of the Previous Meeting**

3 - 15

- i) Meeting of the Planning Committee held on 9 January 2019, previously circulated.

**4. Declarations of Interest**

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

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

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

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

## 6. Planning Applications for Determination

- i) 138607 - Land adj The Limes Hotel Gainsborough Road 16 - 66  
Market Rasen

## 7. Determination of Appeals

67 - 85

- 137793 – Former Brickworks, Land West of Brigg Road
- 136785 – Land at Honeyholes Lane, Dunholme
- 137160 – Hall Farm, Thornton Road, South Kelsey

Mark Sturgess  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 29 January 2019

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in TheThe Council Chamber - The Guildhall on 9 January 2019 commencing at 6.30 pm.

**Present:** Councillor Ian Fleetwood (Chairman)  
Councillor Owen Bierley (Vice-Chairman)

Councillor David Cotton (from item 69)  
Councillor Michael Devine  
Councillor Paul Howitt-Cowan  
Councillor Hugo Marfleet  
Councillor Giles McNeill  
Councillor Mrs Jessie Milne  
Councillor Mrs Judy Rainsforth  
Councillor Thomas Smith  
Councillor Robert Waller

**In Attendance:**  
Mark Sturgess Executive Director of Operations and Head of Paid Service  
Alan Robinson Strategic Lead Governance and People/Monitoring Officer  
Oliver Fytche-Taylor Planning & Development Manager  
Russell Clarkson Development Management Team Leader  
Jonathan Cadd Principal Development Management Officer  
Martin Evans Senior Development Management Officer  
Martha Rees Legal Advisor  
James Welbourn Democratic and Civic Officer

**Also in attendance:** 19 members of the public and press.

**Apologies:** Councillor Roger Patterson

**Membership:** Councillor Roger Patterson was substituted by Councillor Paul Howitt-Cowan

### 66 PUBLIC PARTICIPATION PERIOD

There was no public participation.

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

Meeting of the Planning Committee held on 12 December 2018.

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 12 December 2018 be confirmed and signed as a correct record.

## **68 DECLARATIONS OF INTEREST**

The Chairman declared an interest on behalf of all Councillors as the applicant in item 71 was related to a Member of the Council.

The Chairman also declared on behalf of all Councillors for item 74 as the applicant was a Member of the Council, and therefore was known to all Members.

Councillor Giles McNeill declared an interest in item 73, 138494 – Land off the Hawthorns Nettleham, as the item had been discussed at a meeting of Nettleham Parish Council. He had taken no part in discussions at that meeting, and therefore was able to take part, and vote on this item.

Finally, the Chairman declared an interest on behalf of all Members of the Planning Committee as a letter had been posted recorded delivery lobbying Members on item 74, 138563, Land off Dunholme Road, Scothern.

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

There was no update this month.

**Note:** Councillor David Cotton arrived during this item.

## **70 138576 - LAND ADJ 25B CHURCH ROAD STOW**

The Chairman introduced application number 138576, an application for approval of reserved matters for the erection of 2no. dwellings considering access, appearance, landscaping, layout and scale, following outline planning permission 134537 granted on 29 July 2016 – a resubmission of 138097.

The application was presented to committee as the applicant was from the immediate family of a Councillor. There were no updates to this report from the case officer.

There was one public speaker on this item – Mrs Tracey Coulson, representing the applicant. She highlighted the following points:

- This was a resubmission of a previously refused application from the planning meeting held on October 17 2018;
- Following this previous meeting, the applicants had listened and amended the scheme as necessary. The applicant had looked to reduce the size of the two dwellings, and provide a greater separation distance between plots. The ridge heights had been reduced on both plots;
- The overall floor area for both properties had been reduced to 70 metres squared;
- Comment had previously been made around the properties being three stories high; the properties were actually two stories in height, but with the addition of 'attic trusses'; these provided additional living space;

- It was hoped that the reduction of the ridge heights for both properties would afford an acceptable height of the development;
- The plot sizes were generous in nature and similar to the adjacent properties, as well as those opposite;
- The proposed sites were to stand around 9.5 metres from the ground to the top of the ridge height, and would not dominate the landscape;
- There were no issues in relation to listed or important buildings during the outline application, and no archaeological concerns;
- Ecology and protected species would have been considered by the case officer at the outline stage of planning; no further reporting was asked for;
- The existing hedge had been removed, but it was proposed to plant a new hawthorn hedge, set further back from the road. A grass verge was also proposed;
- New trees to the south of the site would soften the development;
- It was provisionally proposed to connect into the existing foul water drain to satisfy the requirements for surface water discharge. There would also be a shallow rainwater basin; full details would be provided in discharge of planning conditions, following the reserved matters stage of the application. Percolation tests had been carried out on site;
- The proposed dwellings were set back 18-19 metres from Church Road; the size and the scale of the dwellings were in keeping with the surrounding area.

Following on from the speaker's comments, it was noted by a Member that the resubmission had not had any objections from the Parish Council.

The application was proposed, seconded and voted upon and approved unanimously.

It was therefore **AGREED** that the application be **GRANTED**, subject to conditions.

## **71 138491 - LAND TO WEST OF A1133 NEWTON ON TRENT LINCS**

The Principal Development Management Officer introduced planning application 138491 – land to the west of the A1133 Newton on Trent, Lincolnshire. This was an outline planning application for a mixed use village extension comprising of up to 325no. private and affordable dwelling units of use Class C3, community meeting rooms of use Class D1, with ancillary pub-café with use Class A4 and sales area with use Class A1, new landscaping, public and private open space with all matters reserved; a resubmission of 134411.

There were a number of updates to the application, listed below:

- There was a slight amendment to 'reason for refusal no.2' – the second sentence should read:

*“insufficient evidence has been provided to determine whether development would sterilise mineral resources within the mineral safeguarding area, and it has not been demonstrated that development could not be reasonably sited elsewhere.”*

The rest of the reason for refusal remained as printed;

- There was an error on page 45 of the agenda pack for this meeting in relation to West Lindsey District Council's (WLDC) consultation responses – it should have outlined that 76% of letters sent to households from WLDC supported the proposal, with 24% objecting. This did not change the nature of the recommendation;
- There were a number of additional responses:
  1. The Trent Valley Drainage Board noted an open water course to the southern boundary; consent would be required if development were within 9 metres of the top of the water course. Surface water run-off must not exceed 1.4litres per second per hectare. An area of open space alongside any maintained water course should be 9 metres in width and be provided to allow access for maintenance to the said watercourse. None of this information changed the recommendations within the report;
  2. The agents and applicants team provided an initial response to the concerns of the mineral waste authority, and indicated that a further report was yet to be completed. However, in summary that the key points which would be explored in more detail would be that mineral extraction from the site was likely to be restricted by physical and environmental constraints, such as the A1133 road to the east, existing flood defences to the west, Newton on Trent to the south and the east, and a power line crossing the site.

The Lincolnshire County Council (LCC) mapping was based on rather a large scale and included generalisations. Therefore, whilst it was possible that there may be sand and gravel of up to 6 metres underlying the site this may not be specifically the case for the application site as a number of test pits dug in 2015 indicated that this was limited to 1 metre. Sustainable drainage ponds could result in extraction of significant deposits should they be found.

Latest LCC figures show that the land bank was 8.25 years, which was above the 7 years required by the National Planning Policy Framework (NPPF) so extraction is not necessary;

- Planning officers were recommending a technical reason for refusal; if the applicant wanted to provide additional information following determination of the decision, this could be considered;
- Further information was supplied on the consultation process, and how it was conducted in a positive manner and without bias;

There were no speakers for this report, therefore Members and officers provided comment:

- The application was not mentioned in, and was contrary to the Local Plan;
- Newton on Trent is a small village and proposal would more than double the scale of the village. The application site fell within category 6, and paragraphs 79, 88 and 114 of the examination report of the Central Lincolnshire Local Plan (CLLP). When weighing up these against the positive weight of development, the officer recommendation was supported;
- The NPPF does indicate that in certain circumstances, large scale developments were often the best way forward. The difference between this application, and a development such as the 'urban extension' in Gainsborough would be the sustainability of facilities. The connections, bus services and facilities available in Newton on Trent were very limited. The enhancements suggested by the applicant were not sufficiently robust to accommodate the volume of extra residents;
- The benefits of the large scale development were outweighed by the location of the plans;
- Some concerns raised with reference to applicants running their own consultation and vote even given the professional qualifications of those running it;
- The proposal was to enhance the bus service in Newton on Trent; the current bus service was the 106. This proposal would involve a considerable sum of money being put forward for a minibus service, partially timetabled, partially call connect linking up with the existing commercial 100/106 service run by Stagecoach. The main commercial service could connect with the minibus at Saxilby, but as outlined within the report these measures are not deemed sufficient to create a sustainable alternative to the car for most;
- The scale of the development would lead to considerable numbers of people using their cars in the area;
- The amount of cars coming into the area as a result of the application would exacerbate traffic issues at the junction of the A57 and the A1133;
- The Post Office and the store had gone, and the local school was oversubscribed;
- The site was initially brought forward as part of the Local Plan process, but was rejected.

There were no further questions or comments and it was therefore moved, seconded and voted upon that permission be **REFUSED**, as per the officer recommendation in the report.

## **72 138494 - LAND OFF THE HAWTHORNS NETTLEHAM**

The Chairman introduced application number 138494, an outline planning application for the

erection of up to 63no. dwellings with garages, access roads, footpaths and open space- access to be considered and not reserved for subsequent applications at land off The Hawthorns Nettleham.

There were no officer updates for this application, so Members first heard a number of speakers to the application. The first speaker was Councillor John Evans from Nettleham Parish Council. He raised the following points:

- The first area of concern from Nettleham Parish Council was related to policy H1 of the Nettleham Neighbourhood Plan (NNP), which stated that *'housing sites should be restricted to a yield of 50 homes, unless it can be demonstrated that their proposed numbers can be satisfactorily incorporated into the community, and also their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topology and landscape settings.'*

Whilst acknowledging an that an indicative drawing had been supplied, the 25% increase in housing numbers from the CLLP and the Neighbourhood Plan could not be accounted for until a detailed plan had been seen. However, an outline permission for 50 dwellings would be supported;

- Avoiding 'planning creep' was desirable. A final detailed plan with extra dwellings would not be wanted;
- The second area of concern was around footpaths. The proposal mentioned footpaths, and this was to be applauded as they were a feature of the NNP. However, footpaths should form part of a Section 106 agreement, so that when the application moved to a detailed stage, they were not forgotten or ignored. Nettleham Parish Council would want footpaths defined as 'all-weather' with a minimum width of 2 metres to encourage cyclists and horse riders;
- The final area of concern was play equipment. The nearest playground was on Larch Avenue, built some 15 years ago. This was approximately a 100 metre walk from vehicular access to this site. The area comprised of one slide, two climbing frames and other childrens' rides, and was a small site that catered for around 40-50 houses. To double the amount of houses using that site was wrong, and the new site should have its own play area.

The second speaker was Mr Phil Scrafton, agent for the applicant. He raised the following points:

- The application responded to material planning and amenity considerations satisfactorily;
- The number of houses for development within the NNP was an indicative figure, therefore it was the applicant's view that 50 houses was not intended to be an upper limit;
- Paragraph 10.2 in the adopted Local Plan clarifies the above issue; the 50 houses in the NNP was an estimate based on the size of the site, the assumption of the development area, and the net residential density;



- Paragraph 10.2 goes onto say that developers should produce the most appropriate design led solution, and they need not be constrained by the indicative figure;
- Other schemes in Nettleham have been able to deliver more dwellings on a site that had a lower indicative figure; for example there were 36 additional dwellings at Deepdale Lane which made 'effective and efficient use of that land';
- Development was restricted to 20 dwellings per hectare, with the footpaths and open space being incorporated;
- Whilst the figure of 1,811 square metres of open space within the report was not incorrect, it only referred to the area identified south and west of the new access road. An additional swathe of open space was included northwards of the site. Including this area extended the provision, going beyond the 0.2115 hectare provision. The applicant was happy to be bound by this higher figure;
- The construction management plan was an important mechanism needed before the commencement of any development. It would ensure the proper control of building activities such as the hours of work, so that residential amenities were protected as much as possible. This would be controlled through a planning condition;
- A direct connection could be made to the adjacent watercourse at a restricted greenfield equivalent rate; no additional burden would be put onto existing Anglian Water infrastructure. Sustainable drainage principles had been met;
- A planning obligation had been agreed in principle which provided for 16 affordable units and the desired footpath through the site and the neighbouring field, ending at Nettleham Beck;
- This was precisely the type of development the planning process should be aiming to deliver.

The final speaker on this item was Councillor Angela White, who raised the following issues:

- There was inaccurate information in the report regarding Nettleham's schools. There were two schools in Nettleham; Nettleham C of E Junior School, and the Nettleham Infant School;
- The report states that Nettleham Primary School was incapable of expansion; this was incorrect, and the school had had no consultations with the education authorities;
- There should be further clarification on why the section 106 money was going to a school in Lincoln rather than remaining in the village. This was the second occasion this had occurred; previously monies had been granted to Monks' Abbey Primary School in Lincoln;
- This application was designated within the NNP.

**Note:** Following her speech, Councillor Angela White left the chamber and did not return.

Officers were then given the opportunity to respond to the comments raised by the public speakers:

- The 50 dwellings yield in the NNP was an indicative figure; developers could be allowed over this figure provided that they could show policy H-1 of the NNP was being met;
- The NNP explained that the figure of 50 dwellings for this site was based on residential density in Nettleham. The density given by the application was similar to the figure given in the NNP, and the surrounding neighbourhoods;
- There was an equipped play area in the proximity of the site and the development would be liable for Community Infrastructure Levy (CIL) funding, creating funds for the parish council to invest;
- It was recognised that there would be a requirement for a contribution to school provision that would be secured through a Section 106 legal agreement; this was advised by the Local Education Authority (LEA) on the basis that capacity would free up places at the Nettleham schools if children have capacity at schools nearer to them;
- A public footpath was proposed all the way from the northern boundary, as is required by the NNP. It was proposed that this be secured through Section 106 monies;

Members were then to provide comment and ask questions of officers. Information from this discourse is documented below:

- The NNP outlines a plan of 50 dwellings for this site; granting more dwellings on this application could encourage other developers to always go above the indicative figure suggested;
- The NNP had a notional limit of no more than 20 dwellings per hectare, and does not limit developers to 50 dwellings. The application must demonstrate that properties blend into the community;
- There had to be fluidity within the Local Plan, but a 26% uplift in the number of dwellings was considerable;
- A different interpretation of an indicative number of dwellings for this site around 50 would be somewhere between 45 and 55 dwellings.

Members then discussed the amount of dwellings they would like to see on the site. An amendment to the application was proposed, seconded and voted upon and approved; the amendment changed condition 12 in the report to read:

*“the development shall comprise of a maximum of 50 dwellings.”*

The amendment then became the substantive recommendation. This was then voted on, and:

It was therefore **AGREED** that planning permission be **GRANTED**, subject to the conditions in the report (as amended). There would be a delegation to the Chief Operating Officer to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:

- The construction of 16 affordable homes with tenure to be agreed at reserved matters. This is an indicative number dependant on the dwelling number applied for at reserved matters,
- An NHS contribution to create additional consultation space at the surgery. Based on an indicative number of houses and their size, which would only be determined at reserved matters, this could amount to £39,847.50
- An LCC Education contribution towards additional classrooms at the Carlton Academy, Lincoln. Based on an indicative number of houses and their size, which would only be determined at reserved matters stage this could amount to £135,517.00
- Open space on the site including a management and maintenance plan.
- Pedestrian footpath from the south boundary of the site to the Nettleham Beck and then south to the Anglian Water Sewage Works (see plan J1727 SK12 dated December 2018).

### **73 138563 - LAND OFF DUNHOLME ROAD SCOTHERN LINCOLN LN2 2UD**

The Chairman introduced application number 138563, an outline planning application to erect 6no. dwellings with all matters reserved – a resubmission of 136727 - at land off Dunholme Road, Scothern, Lincoln LN2 2UD.

Prior to receiving updates from officers, the Chairman read out a statement regarding the proposed financial contribution from the developer to the local community, should the application be approved. The contribution had been referred to within the application, but should not form part of the decision to be made by committee. As acknowledged by the agent in recent correspondence, it could not be a material consideration for the planning application – therefore it was not a matter that should be discussed further or give weight to, as only material planning considerations can be taken into account in the determination of planning applications.

There was one update to the application from the Senior Development Management Officer, which was an additional letter of rejection from a resident – the points listed were:

- 10% growth in the numbers of dwellings had already been exceeded;
- There were existing problems in the village with traffic speed;
- The money offered to the village should not come into the equation;

This late update did not change the officer recommendation in the report.

The first speaker on this application was Councillor Cathryn Nicoll from Scothern Parish Council. She made the following points:

- Following a parish council meeting on 22 November 2018 Scothern Parish Council submitted comprehensive comments against this application;
- The offer of £150,000 for the village hall had been noted, but not considered as part of the application as this was a private arrangement, not a statutory S106 planning agreement or Community Infrastructure Levy (CIL);
- This was development outside of the continuous form of the village. The development area could not be considered infill, as it was within the Manor's parkland; the site was bounded by areas used for sheep grazing at this current time;
- The CLLP identified Scothern as requiring 10% residential development, which would equate to 36 dwellings. Planning had already been granted for over 70 dwellings;
- The Manor House had been on the application site since the 13<sup>th</sup> century. The park attached to the house was detailed in probate will as being of historic importance, and was catalogued extensively in the Scothern Neighbourhood Plan;
- Information had been distributed to residents by the applicant; many residents had not received this, and Scothern Parish Council were unsure whether all dwellings had received this information. The analysis of the responses was within the Design and Access statement for the application;
- There were already ample properties of the same type under construction opposite this proposed development, and 8 large dwellings were being constructed at the east side of the village.

The second speaker was Mr Andrew Clover, speaking on behalf of the applicant. He raised the following points:

- The growth level for Scothern, identified in the Local Plan had been reached, therefore policy LP2 outlined that clear local support was required for any further applications to be successful. A questionnaire had been sent to 364 properties in the village, with 105 responses received. 70 of these responses had been in favour of the proposals. This level of support was similar to an application approved in Marton, and greater than an approved application in Scothern itself. These were approved under officer's delegated powers;
- An inspector stated in a recently allowed appeal in Langworth that applications approved before the Local Plan was adopted should not be included in growth figures. If this appeal was given weight, then this would equate to a growth level of 33 dwellings remaining in Scothern – this had not been referenced in the report;
- There were no brownfield or infill sites available in the village. Allocated sites were all on the edge of the village;

- In terms of the Heritage Impact Assessment, no substantial harm would be caused to the Manor House. Any harm arising from development would be outweighed by the benefits to the village;

The third speaker was Mr Steve Taylor, a supporter of the application. He raised the following points:

- Policy LP15 of the Local Plan outlined support for community facilities, and this was not referred to in the officer's report. Over the past three years, Scothern had had developments approved, but received no money for community facilities. The philanthropy associated with this development was positive. The late Councillor Stuart Curtis instigated this way of funding community facilities as a way of resolving the lack of planning monies, and to make sure there was a sustainable, fit for purpose village hall;
- Under policy LP15, it was possible for developments to pool together planning monies for community facilities. If the applicant was prepared to work with WLDC on the provision of Section 106 monies, then this should be taken into account. This would not be dissimilar to applications within Gainsborough, such as the recent hotel development;
- The application could be deferred to allow further thought as to how the section 106 agreement could be used for cumulative effect of 70 dwellings in Scothern;
- Village halls should not be left to rot and collapse; if facilities at Scothern Village Hall cannot be improved soon, the prospect of non-viability and closure was real.

The final speaker was Councillor Robert Waller, who stood down from his role as Planning Committee member for this item and spoke as Ward Member. He raised the following points:

- This application was first submitted as outline planning application 136727 and was subsequently withdrawn following the death of district Councillor Stuart Curtis, who had been a supporter;
- Councillor Waller had been lobbied by both supporters and objectors of this application on numerous occasions;
- This application was somewhat different in that the developer had entered into a unilateral agreement with the village hall. This should not have any bearing on the decision of the committee; in fact some residents had seen this as an attempt to 'buy' the planning permission;
- The application was perceived by objectors not to be in accordance with Scothern Neighbourhood Plan and contrary to the CLLP, and policies LP2, LP4, LP26, LP55 of the Central Lincolnshire Local Plan;
- Residents in favour of the application saw that the 6 dwellings was a small price to

pay to give the village hall a new lease of life. The development was on the edge of the village and would provide funds to the upkeep of the Manor House;

- Some letters of support were from outside of the county;
- No objections had been raised from LCC Highways, the Drainage Board, or from ecology advisers;

**Note:** Following this speech, Councillor Robert Waller left the Chamber for the remainder of this item.

Following on from the public speakers on this item, the Development Management Team leader and the Legal Adviser provided feedback on the points raised:

- Reference had been made to a unilateral agreement; this was not a part of the planning application under consideration and was not a material planning consideration before the Committee today. The decision reached at committee would need to be taken against the Local Plan, adopted policies and the Scothern Neighbourhood Plan;
- Obligations and financial contributions within a Section 106 agreement were subject to three legal tests. In this instance, a contribution to a village hall would not meet those tests – planning obligations need to mitigate developments, in this case being six homes;
- A private agreement was not a planning obligation; this was something entered into between the developer and a village hall trust outside the planning process.

Members then provided comment on the application, and asked questions of officers. The following information was highlighted:

- There was merit in taking into account the heritage on the site, as there was a threat to the historic nature of the property;
- During development of Burton Waters, it was decided that the provision and adaption of a 'meeting place' was beyond the scope of an application for 295 dwellings; the application before Members tonight was for only 6 dwellings;
- Planning Officers reiterated the statutory tests for a lawful S106 planning obligation. Within the adopted Local Plan, there was the adopted supplementary planning document that addressed funding for the village hall to be made through raised CIL monies;
- Views were raised as to whether it was the right development, but in the wrong place;
- If a Councillor were not involved in the application, then it would have been decided under officer delegations, and would have been refused as being contrary to both the Local Plan, and the Scothern Neighbourhood Plan;

- Both residential development sites in proximity to the application had been allocated within the Neighbourhood Plan and were accounted for in growth levels and the village growth allowance had already been significantly exceeded.

Members then moved and seconded two separate motions; one in support of the officer recommendation of refusal, and one for a site visit. The vote on refusal was taken first, and therefore it was decided that permission be **REFUSED**, as per the officer recommendation in the report.

#### **74 DETERMINATION OF APPEALS**

**Note:** Councillor Robert Waller returned to the Council Chamber.

The appeals reported for January's meeting were noted.

The meeting concluded at 8.26 pm.

Chairman

# Agenda Item 6a



① 70-P-Location Plan  
1 : 1250



## **Officers Report**

### **Planning Application No: 138607**

**PROPOSAL:** Planning application for development of a dry leisure centre, together with external sports pitch.

**LOCATION:** Land adj The Limes Hotel Gainsborough Road Market Rasen LN8 3JW

**WARD:** Market Rasen

**WARD MEMBER(S):** Cllr Hugo Marfleet, Cllr John McNeill, Cllr Thomas Smith

**APPLICANT NAME:** West Lindsey District Council

**TARGET DECISION DATE:** 18/02/2019

**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** Rachel Woollass

**RECOMMENDED DECISION:** Grant permission

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#### **Executive Summary**

The application is presented to committee as West Lindsey District Council are the applicants.

The proposed development would provide a leisure centre (use class D2 – Assembly and Leisure).

Leisure facilities will include a fitness studio, exercise studio, four court indoor sports hall, changing facilities and a reception/café together with an external 3G pitch. The opening hours would be 7am-10pm, 7 days a week including bank holidays. The centre would be closed Christmas Day, Boxing Day and New Years Day.

The proposal site lies adjacent to the main built up area of the settlement and forms part of a larger Green Wedge allocation (under policy LP22 of the Central Lincolnshire Local Plan).

The proposal site is approximately 3 hectares, however the footprint of the built form would only equate to 0.2 hectares. This would however be a potential departure to policy LP2, on the basis the site would exceed 2 hectares, although the policy says support would be “unlikely” on larger sites, but does not preclude it.

The proposal would be in accordance with policy LP9 due to its very nature of it being a leisure facility. It offers a wide ranging set of facilities which will have health and wellbeing opportunities throughout.

The proposal is compliant with policy LP15 as the proposal is for a leisure facility, and the policy supports new community facilities, in principle. The proposal is situated on the edge of the settlement but is easily accessible by foot, cycle or car.

The proposed development would have an impact on the physical reduction of designated Green Wedge Land, however, this physical reduction would not be considered to be significant – the application proposes a single building retained in spacious grounds. It would not lead to the coalescence (actual or perceived) of Market Rasen and Middle Rasen or loss of their separate physical identities.

In visual terms the proposed development would also not lead to any coalescence of the two settlements. The application site is located within an enclosed landscape with no long distance views and no intervisibility with Middle Rasen.

Considering the very contained area of potential visual impact it is concluded that the impact of the proposed development on the Green Wedge as a whole would be negligible. It is evident that the key area providing separation between the two settlements is the open countryside to the west.

It is assessed that the landscape and visual effects of the proposed development would be limited to the very local area.

When considering the impact upon the identified sensitive receptors, it has been judged as no more minor-moderately adverse and are limited to those in very close proximity to the site, with prolonged views. The impact on the overall receptors is no more than negligible.

The proposal would be in accordance with policy LP24 as the proposal includes provision for an outdoor sport and recreational facility.

The need has arrived from research from the project team at WLDC which has identified a case for better leisure provision in Market Rasen. The need also arises from the fact the Council can no longer operate at De Aston Sports Centre due to the limited opening hours with no scope to improve these and other operating difficulties particularly safeguarding.

None of the alternative sites assessed are considered to be sequentially preferable to the application site which lies in an edge of centre location, immediately adjacent to Market Rasen's developed footprint and within easy walking distance of bus services. There is also scope for improved links to the town centre both in terms of walking and cycling.

The pre-application community consultation indicates some support for the proposal. There were many comments received at this consultation regarding the omission of a swimming pool. Whilst there were many comments for the swimming pool this is not part of the proposal and overall it can be considered that there is some positive support for the leisure centre. There is also a level of objection with the main concerns being highway safety, noise, light pollution, design and need.

The traffic likely to be generated by the proposed development is considered to be modest when compared to larger sites and the ability to provide good access and visibility, on-site parking and pedestrian linkages to the town are important aspects in support of the scheme.

The Lead Local Flood Authority have been consulted on the application and have no objections to the drainage strategy following some minor amendments of the drainage plans.

The proposal is within Flood Zone 1 and therefore at the lowest risk of flooding. A flood risk assessment has been submitted with the application and concludes that in accordance with the requirements of the NPPF and local Planning Policy documents, the impact to / from the proposed development has been assessed for all potential forms of flooding and concluded to be low.

There were disparities between the Public Protection Officer and the information collated in the Noise Assessment. Most concerns have been addressed but conditions are recommended to monitor and mitigate if necessary should unacceptable levels of noise arise. The noise report does conclude that the level of noise impact due to proposed operations will be suitably low at the nearest noise sensitive receptor properties with the recommended noise mitigation measures.

There is to be external lighting and this will need to be conditioned so as to control the lighting levels during the hours of darkness.

The proposal is considered to be of an innovative design which sits sympathetically within the site.

The proposed development will result in some minor adverse heritage impacts but elsewhere landscaping, including along boundaries and visual buffers resulting in benefits.

The site area being proposed for development is, in ecological and landscape terms, fairly isolated being surrounded on three sides by housing and a school, with improved grazing land to the west separated from the site by a strip of gardens. The potential for wildlife to reach the site is limited by its position. The proposed development will not change this.

The proposed development would have no known impact of buried archaeology.

The proposal is deemed to be in accordance with policies LP1LP13, LP15, LP17, LP21, LP22, LP24, LP25 and LP26 but would be a possible departure to policy LP2

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**Description:**

The application site is located on the western edge of the market town of Market Rasen. It is located on the southern side of Gainsborough Road and comprises two large fields of unmanaged grassland totalling approximately 3 hectares. The Limes Hotel and associated grounds are to the west, with a small part of the curtilage of the Limes Bungalow adjacent to the south western edge of the site. There are dwellings served off Dear Street next to the north eastern boundary of the site, although the majority of the eastern boundary is with land forming part of the grounds of the Market Rasen Church of England Primary School. A playground /area of open space

runs along the entirety of the southern boundary beyond which are semi-detached dwellings facing Coronation Road. There are groups of trees along the western and southern boundaries with smaller numbers along parts of the eastern boundary.

The application seeks permission for the development of a 'dry' leisure centre, together with external sports pitch (falling under use class D2 (assembly and leisure) of the Use Classes Order 1987 (as amended)).

**Relevant history:**

98/P/0403 – Outline planning application to erect class A1 food store with associated parking and servicing. Permission refused 27/11/98

98/P/0819 – Outline application to erect 18,000sqft gross food retail store and access road. Permission refused 09/03/99

99/P/0085 – Outline planning application for retail development and access road. Permission refused 30/06/99

M00/P/0238 – Outline planning application for retail development (Resubmission of application 98/P/0819 – refused 09/03/99). Deemed refused 01/10/08

135624 – Outline planning application for the erection of 61 dwellings with access to be considered and not reserved for subsequent applications. Application withdrawn by the applicant.

137182 – Outline planning application for the erection of 50 dwellings with access to be considered and not reserved for subsequent applications – resubmission of 135624. Permission refused 29/03/18

**Representations received (in summary):**

**Market Rasen Town Council:** The council supports the application and also local residents concerns on traffic management. We do hope that the District Council will take into account the community's views on traffic management and that a traffic survey is conducted at the beginning of the development to address the issues.

The council are keen for the site to be developed and feel that security measures need to be put in place i.e. CCTV and lighting.

With regard to this application, residents have raised concerns application details are difficult to access due to the WLDC website not being user friendly and that no hard copy of this application has been sent to the Town Council.

20<sup>th</sup> December – have no comment to make.

**Local residents:** Letters of support received from **Alder House (Caistor Road); 8 Wold View (Rothwell)**. In summary –

- After visiting the public consultation it looks an amazing development;
- delighted to see much needed investment in to Market Rasen;
- The dry facilities are very welcome and with hope, an increased population we will also see a swimming pool added to the town's amenities.

Objections received from **2a Kilnwell Road, Wingfield (Dear Street), The Bungalow (Dear Street), The Limes Bungalow (Gainsborough Road), Barton House (Gainsborough Road), Aspbury Planning (on behalf of client – address not provided)** with concerns being (in summary) –

Site location and need:

- No need for a dry Leisure Centre;
- Viability concerns – see little incentive for the local population to pay membership or usage fees;
- No swimming pool;
- Why do we need a full size football pitch?;
- Could be built on land at Gallamore Lane Industrial Site;
- Question the sequential test for alternative sites submitted by the applicant;
- There is no justification to demonstrate that it is essential for this leisure development to be located on the application Site when there are significant areas of Market Rasen which are not designated as Green Wedge, particularly to the east.

Character and appearance / Impact on Green wedge:

- Building is too high – will look out of place;
- Design is harmful / out of kilter;
- Would be a significant and harmful intrusion;
- It is green space;
- Would conflict with the purposes and aims of the Green Wedge contrary to policy LP22;
- Development in this location would also result in the reduction and the change in character of an important green space which provides the community with a direct link to the open countryside and informal recreational opportunities;
- Any future expansion would increase built form causing a negative impact on the functions and aims of the green wedge;
- Would set precedent for further loss of green wedge;
- Contrary to the development plan;
- Once the development commences, the site will be unprotected against future development;
- Will not preserve and enhance the quality of [the surrounding] environment;

Surrounding amenities

- With no details or relevant supporting assessments or evidence of appropriate mitigation, consider the proposal will be likely to have a potentially unacceptable and significant harmful impact on the Residents living adjacent to the development site;
- The Impact of noise on local neighbours is totally unacceptable as is the lighting and opening times. We do not need football matches and resulting bad language on any of the day of the week;
- Use of carpark will impact amenities at Wingfield;
- Light pollution to neighbours will arise from artificial lighting;
- What provision for security fencing along our borders?;
- Security issues with the access;
- Concerned with opening on Sundays or Bank Holidays

Highways, Drainage & Environmental Impacts:

- Highway issues especially during race days;

- Traffic survey should be conducted on race days and holiday periods;
- No pedestrian footpath down side of scout hut or band room except for access which is quite narrow and is a locked gate to keep school field secure;
- Car parking could be used by travellers unless there is some form of security;
- Drainage issues (previous development has been refused permission on these grounds);
- concerns drainage swale could overflow and flood neighbours – overflow should be directed onto carpark;
- Inadequate and insufficient information submitted;
- All assessments carried out in the driest years, the area is flood risk;
- Great Crested Newts which exist in this field have not been mentioned

14/01/19 – A re-consultation was sent to the property of **Wingfield** due to their proximity with the development as the car park layout was amended. Their response is as follows –

Sorry, I see no amendments to the layout of the car park in the documents provided by the developer. I do see a useful suggestion from the Environmental Planning Officer, though.

I still see a 1.5 metre fence along my boundary, which will not prevent excessive noise from the car park reaching my bedroom windows. Were that to be at the edge of the car parking spaces, especially those suggested by the Planning Officer, I might be much less concerned.

I have noted the drainage bund, which only covers a small part of my property and will not prevent it from flooding. It needs to cover all the way from the pitch.

There is still no protection for my property against rubbish infiltration from the proposed footpath.

I have also noted the suggestion that full lighting of the car park will start at 6.00 am in winter; I have no desire to be woken up at 6.00 am every day!

I still oppose the development.

A further objection was received following this initial comment with more detail and a diagram regarding noise.

**LCC Highways: 20/12/18** - No objection to the principle of development, the likely impact of the traffic generated from the development proposal is minimal and has been fairly represented in the submitted Transport Assessment. Access point is acceptable, a scaled access drawing will be required with the following amendments:

- The footway link from the site must extend out onto the public highway and provide a tactile crossing point to the existing footway on the Northern side of Gainsborough Road. This crossing point must meet minimum pedestrian visibility requirements in line with Manual for Streets. The existing footway arrangement will therefore require alteration.
- The triangle will require removal from the give way markings shown.

- The existing drainage arrangement will require alteration. The portion of access that falls within the public highway will require draining to the existing cross fall of the A631 whilst the drainage of the remainder of the access road will need to be privately managed.

The existing access to the development site will require removal once the new access has been brought into use.

#### *Drainage*

The revised drainage strategy will require assessment upon submission.

17/12/18 –

#### *Travel Plan*

In principle the Travel Plan has the key areas covered. I have two main comments about the plan.

Firstly, reference the Target. On page 11 it states that the Travel Plan will use the 2011 census as the benchmark against which targets will be determined; the next sentence states that the initial aim will be to reduce private car use to below the levels predicted by the TRICS data and based on the 2011 census data achieve a private car mode share of less than 74% - reduction of around 10%. Very confusing. The target is therefore not based on the Census data which would give a target of 56.61. The latter would be potentially be difficult to achieve. I am happy to accept the first target but it just needs to be clearer in the document.

Also, page 16 discusses have a travel plan working group. Given that the majority of users will be customers; that there will be few staff, I'm not sure it is realistic for the leisure facility to have a working group.

These issues could be addressed by the Travel Plan Coordinator

**Ancholme IDB:** The application may increase the impermeable area to the site and the applicant will therefore need to ensure that any existing or proposed surface water system has the capacity to accommodate any increase in surface water discharge from the site.

**Public Protection:** 21/11/18 Nuisance – There is potential for Noise and Light Nuisance – required clarification of elements in the noise and lighting reports

11/12/18 - I am currently working upon a fuller response but require the following:  
NB references are to requirements around noise and light assessment/impacts unless otherwise clear in the reference (points of clarification summarised below)

1) Explanation and justification for the marked differential in the agreed monitoring locations as against those used is required along with an explanation and assessment of differentials that are likely to have resulted

2) For there to be wider assessment around change in noise and light impact: were the proposed car parks to be relocated (and better controlled)

- 3) It is not clear to how ambient/background noise is or has been appropriately assessed or utilised to mitigate or negate impact(s) especially in relation to the summarisation at Table 4.1 accordingly a visual representation of these impacts would be helpful in the demonstration of differential between the existing and the proposed (see 8 below)
- 4) Assessment of impact from the 5 a side pitch appears to have escaped consideration and needs addressing
- 5) I would like to see the inclusion in the reports assessment as to impact upon potentially sensitive residences at Coronation Road
- 6) I see no reason in view of the distances involved that plant ought not to be inaudible at NSR's and am concerned as to mention of roof mounted plant in respect of this.
- 7) I am particularly concerned as regard statement at Item 6 - Existing Lit Environment - of the Lighting Impact Assessment
- 8) Detailed and comparative Plans depicting and limiting anticipated noise impact across the applicant site, The Limes, Wingfield and Coronation Road as compared with existing are required and should take account of 1 through 7 above.
- 9) Detailed and comparative Plans and illustrative elevations depicting and limiting anticipated light impact across the applicant site, the elevations of the proposed build, The Limes, Wingfield and Coronation Road as compared with existing are required and should take account of 1 through 7 above

Further response including that to additional information supplied 9/1/2019 (Noise and Lighting)

#### *Noise*

#### *Figure C3: sound propagation model*

The image is illegible and is requisite of being replaced

#### *Monitoring locations*

I am not inclined to accept the explanation given for the changed locations as set out at S6 of the updated report and remain unsatisfied that monitoring data provides for a true reflection of background noise impacting the deeper site.

Monitoring ought to have been agreed as representative or otherwise addressed, however attenuation over distance ought to negate any additional adverse effect from the A631 (Gainsborough Road) impacting deeper into the site.

#### *Limiting Noise Levels in relation to Plant*



A condition ought to be attached to any grant of permission limiting plant noise so as not to exceed background noise.

Any reference to 'should' ought to be conditioned as a 'shall' requirement.

### *Barrier construction*

Landscaping proposal is for a native species hedge that would appear to effectively prevent any maintenance undertaking.

This anomaly needs addressing.

A condition ought to be attached to any grant of permission requiring a system of management that effectively maintains the fence and its attenuation properties. This would necessarily appear to imply ensuring a means of access and/or material properties that provide for significant longevity with minimal to no maintenance.

### *Car Park Noise*

Impact on bedrooms at the NSR ought not to have a great deal of impact in view of time constraint apparent on closing of the venue.

A condition ought to be attached to any grant of permission specifying earliest opening and latest closing time

### *3G Pitch*

I have concerns as regards the following extract from the noise impact assessment:

#### *'7.2 Noise Impact Calculations*

*We have used the Sport England guidance typical measured free field noise level of 58dB LAeq, 1hour at 10 metres obtained from the side-line at the half way point of an Artificial Grass Pitch (AGP).*

*The guidance notes that noise levels at this location were found to be the highest and states that a 1-hour reference period is typical for the duration of an AGP session. The Guidance states that when a site is in an open location, noise levels of 50dB LAeq, 1hour can be achieved at a distance of 40m at 1.5m above the ground.'*

in as much as the word 'can' is subjective; there is no assurance that 50db LA<sub>eg</sub> 1 hour will be achieved. This needs to be assured by way of condition attached to any permission.

### *Lighting*

#### *Illustrative Lux impact*

The illustrative Lux impact on elevations of the proposed leisure centre has not been provided as was requested

### *Impact*

A condition ought to be attached to any grant of permission requiring all external and outwardly facing internal lighting to be agreed in writing prior to installation and use

The condition shall ensure that maximum Lux levels are not exceeded, and that:

Positioning, timings and intensity appropriately reflect outcome of review of the above and in order that none:

- shall exceed that set out in the lighting assessment
- or
- cause levels to exceed those illustrated in the lighting plan 'Horizontal Illuminance Levels'.

#### *Anti-Social Behaviour*

The potential for anti-social behaviour has been acknowledged but apparently deferred, however access points for both the footpaths are significantly removed from the proposed leisure centre and will likely be logistically problematic in policing and securing. Ability to manage access would appear to be key to usability and viability of the centre and as such the addressing of the potential for unauthorised access and anti-social behaviour ought to be addressed prior to determining this application.

#### *Contamination*

As previously recommended, a contaminated land condition ought to be attached to any permission granted.

**Environment Agency:** Does not wish to make any comments on this application.

**Public Rights of Way:** The Definitive Map and Statement shows Definitive Footpath (Market Rasen) No.168 in the vicinity of the site although this would not appear to affect the proposed development.

**Natural England:** Has no comments to make on this application.

**Market Rasen C of E Primary:** The Governing Body of the school fully support the proposal and feel it will have significant benefits for the children at the school and the wider town.

**Lincolnshire Police:** Does not have any objections to this development. Offers guidance relating to perimeter fencing, lighting, windows & doors, reception areas, alarms, CCTV, and cycle storage.

**Conservation Officer:** The site is just beyond the Market Rasen Conservation Area, and close to 38 Dear Street and The Elms, both Grade II listed buildings. The Limes is to the west of the site. The site itself is a very pleasant green field seen upon leaving and entering Market Rasen Conservation Area from the west. The proposed Leisure Centre and associated works for car parks etc. has followed the pre-

application advice given regarding siting to ensure that as much green space and trees are retained on the northern side of the site to minimise any impact there will be. I am pleased to see that the green space is maximised and that the new building is sited well away from the Gainsborough Road. The leisure centre block is set away, as best it can be, from 38 Dear Street and The Elms. I am content that whilst this application will change the setting of the conservation area and wider setting of the listed buildings that any harm that can be mitigated has been wherever possible, and that any limited harm is offset by the public benefit of this proposal.

The proposed design has a more detailed architectural elevation on its north side with vertical timber cladding above a yellow brick. The quality of the build is crucial to success and I would advise that sample panels to show brick, colour, mortar, timber and its finish are necessary, as are full landscaping details with conditions to ensure that any new trees will be retained.

**LCC Archaeology:** Having considered the findings of the archaeological desk-based assessment submitted in support of this application, this office is satisfied that the proposed development would have no known impact of buried archaeology.

#### **Relevant Planning Policies:**

Planning Law<sup>1</sup> requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017); and the Lincolnshire Minerals and Waste Local Plan.

#### Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP6: Retail and Town Centres in Lincolnshire

LP9: Health and Wellbeing

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP15: Community Facilities

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP22: Green Wedges

LP24: Creation of New Open Spaces, Sports and Recreation Facilities

LP25: The Historic Environment

LP26: Design and Amenity

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

#### National guidance

National Planning Policy Framework (2018)

National Planning Practice Guidance

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<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

The new NPPF was published in July 2018. Paragraph 213 states:

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

Neighbourhood Plan – The site is not within a designated Neighbourhood Area and there is no applicable Neighbourhood Plan that can be taken into consideration with this application.

### **Main issues**

- Principle
- Green Wedge, Landscape and Visual Impact
- Highways
- Drainage
- Residential Amenity
- Design
- Impact on the Conservation Area and Listed Buildings
- Ecology
- Archaeology

### **Assessment:**

#### Principle

The proposal is for a new leisure facility (use class D2) that will provide a wide range of facilities for sporting activity.

Leisure facilities will include a fitness studio, exercise studio, four court indoor sports hall, changing facilities and a reception/café together with an external 3G pitch.

The leisure centre has been arranged over two floors. The building footprint will amount to 1350sqm and the overall external gross area for both ground and first floor amounts to 1880sqm.

The proposal site lies adjacent to the main built up area of the settlement and forms part of a larger local 'Green Wedge' designation (CLLP policy LP22 applies).

Policy LP2 sets out the main spatial strategy and states that to maintain and enhance their roles as market towns, Caistor and Market Rasen will be the focus for significant, but proportionate, growth in housing, employment, retail and wider service provision.

Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint of Caistor and Market Rasen. However, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these

market towns may also be considered favourably, though these are unlikely to be supported if over 50 dwellings / 2 ha per site.

Paragraph 17 of the NPPF states that the development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area.

Policy LP2 is consistent with the NPPF and is given full weight.

The proposal site is approximately 3 hectares – and policy LP2 indicates sites over 2ha are “unlikely” to be supported. However the built form itself would only equate to 0.2 hectares with the majority of the site remaining as spacious grounds. Due to the size of the overall site, it may be considered a possible departure from policy LP2. Policy LP9 states that the Central Lincolnshire authorities will expect development proposals to promote, support and enhance physical and mental health and wellbeing, and thus contribute to reducing health inequalities.

Paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Paragraph 92 “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of... community facilities...”

Policy LP 9 is consistent with the NPPF and is given full weight.

The proposal would be in accordance with policy LP9 due to its very nature of it being a leisure facility. It offers a wide ranging set of facilities which will have health and wellbeing opportunities throughout.

Policy LP15 states that all development proposals should recognise that community facilities such as leisure facilities..., ...are an integral component in achieving and maintaining sustainable, well integrated and inclusive development.

The policy states that *“Proposals for new [stand-alone] community facilities will be supported in principle...”*

They should meet criteria relating to [proportionate] accessibility, adaptability for future expansion, and *“Where applicable, be operated without detriment to local residents: this especially applies to facilities which are open in the evening, such as leisure and recreation facilities.”*

Subject to the criteria, the principle of this leisure development will therefore accord with policy LP15.

Paragraph 83 of the NPPF states that planning policies and decisions should enable:

c) sustainable rural tourism and leisure developments which respect the character of the countryside

Policy LP15 is consistent with the NPPF and is given full weight.

The proposal is compliant with policy LP15 as the proposal is for a leisure facility. The proposal is situated on the edge of the settlement but is easily accessible by foot, cycle or car.

The proposal is situated on land located within a Green Wedge. Policy LP22 states that Green Wedges, as identified on the Policies Map, have been identified to fulfil one or more of the following functions and policy aims:

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

Within the Green Wedges planning permission will not be granted for any form of development, including changes of use, unless:

- a. it can be demonstrated that the development is not contrary or detrimental to the above functions and aims; or
- b. it is essential for the proposed development to be located within the Green Wedge, and the benefits of which override the potential impact on the Green Wedge.

Development proposals within a Green Wedge will be expected to have regard to:

- c. the need to retain the open and undeveloped character of the Green Wedge, physical separation between settlements, historic environment character and green infrastructure value;

- d. the maintenance and enhancement of the network of footpaths, cycleways and bridleways, and their links to the countryside, to retain and enhance public access, where appropriate to the role and function of the Green Wedge;

- e. opportunities to improve the quality and function of green infrastructure within the Green Wedge with regard to the Central Lincolnshire Green Infrastructure network and Biodiversity Opportunity Mapping.

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes

Policy LP22 is consistent with the NPPF and is given full weight.

Supporting paragraph 5.7.4 states

*“Whilst the purpose of Green Wedges is to protect the open and undeveloped character of areas within them, it is not intended that they should operate as an absolute restriction on all development proposals. There are also various ‘non-open space’ uses that already exist. As such certain types of development may be acceptable, so long as they are not detrimental to the character, role and function of the Green Wedge within which they are situated. This is provided for*

*in part a) of the policy and may include agricultural and forestry related development, green space, outdoor sport and recreation uses, the re-use of rural buildings and extensions or alterations to existing dwellings.”*

In this case the proposal includes dedicated outdoor sport and recreation provision, an accepted use within the Green Wedge. The impact upon the “green wedge” and ensuing assessment as to whether it complies with policy LP22, will be discussed in further detail later in the report.

Policy LP24 states that the Central Lincolnshire Authorities will seek to:

- reduce public open space, sports and recreational facilities deficiency;
- ensure development provides an appropriate amount of new open space, sports and recreation facilities; and
- improve the quality of, and access to, existing open spaces, sports and recreation facilities.

Paragraph 92 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

Policy LP24 is consistent with the NPPF and is given full weight.

The proposal would be in accordance with policy LP24 as the proposal includes an outdoor sport and recreational facility.

There have been concerns raised that housing and retail applications have been refused on this site and therefore this proposal should follow suit. However each application is taken on its own merit. A housing scheme and retail scheme are very different forms of development to a leisure facility in their context and impact. The report will assess the impact in its context.

#### *Need*

A Statement of Need has been provided with the application.

The need has arrived from research from the project team at WLDC which has identified a case for better leisure provision in Market Rasen. The need also arises from the fact the council can no longer operate at De Aston Sports Centre due to the limited opening hours with no scope to improve these and other operating difficulties particularly safeguarding.

Until recently leisure opportunities had been provided for the residents of Market Rasen and Caistor by means of sports facilities at De Aston School and Caistor Yarborough School. Each of these offers were very limited and restricted to out of school hours.

There were also issues around safeguarding.

The Statement of Need concluded:

- Overall, Market Rasen and the surrounding area has moderate areas of deprivation with some indicators falling into the top 30% most deprived in England
- Below Lincolnshire average for health status with 77.1% rating their health as good or very good
- Almost 50% of residents rate their day to day activities as limited
- Market Rasen has lower socio economic classification percentages than other areas of the District, ie Welton
- 5 mile catchment population of 7,500 (16+), some demand for 'better playing facilities' and 'sports and leisure hall' provision
- Low – middle participation rates locally
- 2000 club members, which is high for the area
- Some demand for longer opening hours (500 people 16+)
- De Aston Sports centre is the main leisure facility locally, but there are many issues relating to the site, including opening hours, relationships with the school and general aesthetics
- A recent report identified that there are other facilities locally that are underutilised, but it is not clear whether these meet current demand/requirements (even if fully utilised)
- Residents of Market Rasen need to travel for at least 30 minutes to access larger facilities both in and outside of the district (questionable whether they would travel this far)
- Due to the issues with current provision in Market Rasen, lower participation rates and length of travel time to nearby facilities a strong case could be made for improved provision in this area, which if successful would help to increase participation further.

#### *Sequential Approach*

A sequential test has been undertaken to consider the most appropriate site for the proposal.

The definition of a “main town centre use” in the glossary to the NPPF includes “leisure”; “more intensive sport and recreation uses”; and “health and fitness centres”. Therefore, the application proposal is considered to constitute a main town centre use. The application site lies approximately 150 metres walking distance from the nearest defined centre which is Market Rasen Town Centre.

Policy LP6 is engaged. This states that a retail hierarchy will be used and development proposals for retail and/ or other town centre uses will be directed to the Tier 1 to 4 centres. Market Rasen falls within tier 2 of the hierarchy.

Development proposals will need to be appropriate in scale and nature to the size and function of the relevant centre and to the maintenance of the retail hierarchy as a whole.

Development proposals for main town centre uses in out-of-centre and edge-of-centre locations will be required to demonstrate their suitability through a sequential site test in line with the NPPF



In terms of the area of search for the sequential assessment, the exercise has focused on potential opportunities either within or adjoining the built-up area of Market Rasen in the context of the key criteria.

The applicants state that in assessing potential alternative sites, and having regard to flexibility and viability, they removed the overflow parking spaces (38 of the 102 spaces proposed), acknowledging sites in defined centres typically have better accessibility by non-car modes, but nevertheless recognising that access by car and the availability of adequate off-street car parking are important requirements for many leisure centre visitors. The application site is extensive, covering approximately 3ha. Circulation space within the leisure centre building itself has been minimised to create an efficient building footprint and maximise the area of the site that can be given over to landscaping. On this basis, whilst an element of landscaping will still need to be maintained, the minimum site area requirement for the purposes of the sequential test has been reduced by approximately one third to 2 hectares (sufficient to allow for the footprint of a 2-storey leisure centre building, an expansion zone, a 3G pitch, an informal 5-a-side pitch (now removed from the proposal), 64 parking spaces and provision of landscaping within the immediate curtilage of the leisure centre building). It is this figure which has formed the basis of the sequential test.

Sites allocated for residential uses in the CLLP beyond the existing developed footprint have not been assessed as part of this exercise. These sites are planned specifically to deliver housing in line with housing land supply targets identified in the Local Plan.

Ten sites were looked at within the sequential test area.

The Sequential Test concluded:

The application proposal is for a leisure centre development and associated facilities including car park provision, means of access and landscaping on land off Gainsborough Road, Market Rasen. As it is unnecessary for applicants to consider the disaggregation of their development proposals, a search has been undertaken for alternative sites capable of accommodating the entire leisure centre facility including the outdoor sports pitches and the 'expansion zone'. The applicant has shown flexibility in its site area requirements by reducing the number of parking spaces and the amount of land given over for landscaping. A search for sequentially preferable alternative sites has therefore been undertaken for sites capable of accommodating a leisure centre facility with a site area of 2ha (a reduction of 1ha).

There are no sequentially preferable sites to accommodate the proposed leisure centre development that are available, suitable or viable. In terms of the built-up area of Market Rasen, introducing leisure centre on the former Market Rasen Social Club site and on land adjacent to Market Rasen Railway Station would not be suitable or viable, the site would not be capable of accommodating a leisure centre without significant compromise on the range and type of facilities it could provide. Sites assessed adjacent to the northern and eastern boundary of Market Rasen's developed footprint have relatively poor connections to the town centre compared to the Gainsborough Road site and also have limited access by public transport and on

foot. The site to the north of Market Rasen on Caistor Road is also affected by significant flood risk issues. Sites further from Market Rasen's developed footprint along Gallamore Lane have been assessed. Some of these sites were also affected by flooding. Given the distance of these sites to the town centre and a lack of public transport provision, it is considered that these sites are unsuitable for a leisure centre.

Whilst some third party representations have put forward that development to the east of Market Rasen would be preferable, they do not set out any evidence to demonstrate that there are readily available or suitable sites to accommodate the development, or otherwise any evidence contrary to the approach taken within the sequential test submitted with the application.

The sequential approach ruled out the east due to poor connections. Two sites in the east were included in the sequential test. Other land was discounted due to it being within a flood zone.

Therefore, none of the alternative sites assessed are considered to be sequentially preferable to the application site which lies in an edge of centre location, immediately adjacent to Market Rasen's developed footprint and within easy walking distance of bus services. There is also scope for improved links to the town centre both in terms of walking and cycling.

#### *Impact on Town Centre Uses*

The applicants have included an assessment on the impact of other town centre uses. They have also looked at other facilities further afield. There are health and fitness facilities located further afield in Caenby, Caistor and Gainsborough but their distance means that they are unable to provide a convenient and accessible service to Market Rasen residents. Similarly, these facilities have their own localised catchments which will largely be unaffected by the application proposal.

The proposed leisure centre will have a small café within the reception area, but this will primarily serve visitors to the leisure centre. The café is an integral part of the leisure centre offer, but its small scale means that it is unlikely to have a draw outside of that created by the Leisure Centre. This means that some of the many visitors that will frequent the Leisure Centre will comprise the customer base of the reception café.

There are 7 cafes and restaurants in Market Rasen town centre along with 5 pubs which serve light snacks and teas/coffees. The provision of a single small café catering specifically for visitors to the Leisure Centre will have little if any impact on town centre facilities, who will be catering for a different market to that of the reception café - tourism visitors, shoppers and those who work in or close to Market Rasen town centre. The small café will raise no concerns over town centre vitality and viability.

Any impact arising from the proposed Leisure Centre will be of a negligible scale and would not raise any concerns over town centre impact. The location of the application proposal – within 200 metres of Market Rasen town centre, may result in spin off benefits to retailers and services in the town centre as those attending the

Leisure Centre will (due to the advantages of convenience and proximity), have the opportunity to undertake other tasks (such as make purchases and orders, collect goods, book services and appointments etc) as part of the same visit/trip to the Leisure Centre.

Following the sequential approach and impact on other uses, it is deemed the proposal would accord with policy LP6 of the Central Lincolnshire Local Plan.

### *Community Consultation*

Evidence of community consultation has been submitted in support of the application. The applicants, West Lindsey District Council (WLDC), had been consulting widely upon the development of a dry leisure centre and associated 3G pitch off Gainsborough Road in Market Rasen.

The consultation was undertaken using a wide variety of media:

- A dedicated webpage was hosted on the Council’s website from the 10<sup>th</sup> September 2018. This contained images of the consultation boards to be used at the public consultation event, information on the site, frequently asked questions and an on-line survey form (link: [www.west-lindsey.gov.uk/mrleisure](http://www.west-lindsey.gov.uk/mrleisure))
- 500 leaflets were delivered in Market Rasen promoting the on-line and public consultation together with 30 posters which were displayed in shops and retail outlets.
- Information and the survey was provided to 246 members of the Citizen’s Panel that live in and around Market Rasen
- A public consultation event was held at Festival Hall in Market Rasen on the 19<sup>th</sup> September 2018. This was attended by 87 members of the public and was supported by West Lindsey District Council Officers and Members. Members of Market Rasen Town Council were also present in support.
- Meetings have been attended with Market Rasen Town and Middle Rasen Parish Council, being those most impacted by the development of the leisure facility.
- Engagement has taken place with the adjacent primary school who are very keen to see the development come to fruition and have already made contact with Everyone Active regarding using the centre every week during term time for P.E. lessons
- Engagement has taken place with De Aston School (which is currently the site for a limited community leisure offering – this will transfer to the new site on opening). A letter in support of the development from the Head of De Aston school is attached at Appendix 1 of the Community Consultation. Also attached at Appendix 2 is a letter from a current user of the limited facilities at De Aston.
- Extensive newspaper coverage was achieved with the leisure development featuring in both print and website form. The consultation was featured in the Lincolnshire Reporter (online) and Market Rasen Mail (online and in print).
- A radio interview was given on the day of the public consultation event to encourage residents to attend or visit the webpage to provide their responses.
- Engagement has been sought on social media, through promotion on the council’s Facebook and Twitter accounts.

– Some residents have independently launched their own Facebook group – Residents who support the new Market Rasen Leisure Centre. This has been used to promote the consultation and currently has 257 members.

The applicant's community consultation concludes:

*“In line with the National Planning Policy Framework (2012) and the Localism Act, West Lindsey District Council has committed to this open and transparent consultation on its development proposals, which enabled all parties to view, comment and provide feedback on the proposals.*

*Feedback has indicated that there is clearly support for a leisure development in Market Rasen. From the responses analysed an average of 70.9% of people responded positively, offering complete or qualified support over the four categories assessed.*

*There were comments raised regarding the desire for a pool, and whilst this is important feedback for the Council and can be fed into future plans, these comments do not relate to the proposals upon which the Council were consulting at this time.*

*There is very clear support for the development to occur at the proposed site with 84% of respondents commenting positively.*

*In terms of concerns raised these have mostly been related to the design of the building. The leisure centre has been designed specifically to take into account the rural setting and the site's adjacency to the conservation area. The building has been set back to maintain the greenness at the front of the site.*

*Other concerns raised centre around the road network adjacent to the proposed development. A full traffic impact assessment has revealed no real issues regarding this and Highways have been supportive in pre-planning engagement.”*

The consultation indicates support for the proposal. There were many comments received at this consultation regarding the omission of the swimming pool and wanting the provision of a swimming pool. Whilst there were many comments for the swimming pool this is not part of the proposal and overall it can be considered that there is some positive support for the leisure centre. However there are objections to the proposal with regards to highways, noise, light pollution, design and need.

Following conclusion of the publicity period of this application, and at the time of writing, only seven representations have been received from, or on behalf of, local residents. Of these, two express support for the proposals.

#### Green Wedge, Landscape and Visual Impact

Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made

features within the landscape and townscape which positively contribute to the character of the area.

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes

Policy LP17 is consistent with the NPPF and is given full weight.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application.

The application site is located adjacent to the Market Rasen Conservation Area, which covers the town centre and contains a number of Grade II listed buildings and two Grade II\* listed buildings. The nearest include (all Grade II) a listed building at 38 Dear Street (adjacent to Gainsborough Road), a brick wall at 23 Dear Street and The Elms located to the northwest of the site and surrounded by a private garden on the other side of Gainsborough Road.

The Limes Hotel is on the western boundary. It is a Victorian country house set in gardens with various outbuildings and an established garden with an avenue border of lime trees. The Limes Cottages (part of the Limes complex of buildings) is cited to the west of the application site.

An Important Open Space (IOS) is located within the ground of Market Rasen Primary School grounds adjacent to the eastern site boundary. To the south, there is an area of public open space, which includes a skate park and a play park.

There are no Public Rights of Way (PRoW) within the site. Several PRoW are located around the site, however, only one PRoW is located within the Theoretical Zone of Visual Influence (set out within the LVIA): PRoW MaRa/168/1. To the west of the site, there is a Cycle Route connecting Middle Rasen with Market Rasen along A631.

There would be a formalisation of an existing footpath route across the adjacent primary school site to provide a direct pedestrian connection from the application site to the adjacent school and into the town centre.

There are no scheduled monuments on site or within the study area within the LVIA.

The West Lindsey Character Assessment 1999 provides a character assessment at district level. The application site and the landscape between Market Rasen and Middle Rasen fall within Landscape Character Area (LCA) 11 Heathland Belt.

Its key characteristics of relevance are as follows:

- *“Large conifer plantations on acidic soils formed on areas of covers and;*
- *Gorse, birch trees and acid grassland indicate heathland character within the agricultural landscape;*

- *Mix of arable fields and pastures with patchy clumps of hedgerows and few hedgerow trees;*
- *Distinctive lines of oaks, straight ancient hedgerows and small deciduous woodlands near Holton le Moor;*
- *The fringes of Market Rasen and Caistor have a relatively wide range of land uses.”*

The principles for accommodating new development, and are summarised as follows:

- *“Any new development on the fringes of Market Rasen or Caistor should be accompanied by mass planting which is designed to help integrate the development with the surrounding landscape pattern. It should include elements such as mixed woodland, hedgerows and hedgerow trees (predominantly oaks);*
- *Further development on the prominent higher ground to the east should be discouraged as it may affect the wider landscape setting of the Wolds' escarpment; the flatter, relatively wooded areas are more suitable for accommodating change;*
- *Existing building materials are predominantly dark brick with pantile or slate roofs; many buildings are rendered white, particularly in the Market Rasen area;*
- *The dispersed pattern of development on the fringes of Market Rasen (individual industrial buildings, farms and cottages should be retained and linear development discouraged so that the striking, abrupt entrance to the historic town centre is conserved;*
- *Development should be avoided on heathland areas to preserve this limited habitat type;*
- *The choice of colours or materials for large scale agricultural or industrial buildings should take account of their backdrop and wider landscape setting so that they can be integrated successfully into the landscape.”*

The Landscape Sensitivity of this LCA are:

*“This landscape of acid heathland and agricultural land, between Caistor and Market Rasen is dominated by large conifer plantations of mainly Scots pine and Corsican Pine. Views are relatively contained and there is some capacity to accommodate change.*

*The most sensitive parts of the landscape are:*

- *Existing open heathland and pastures, such as Linwood Warren;*
- *Approaches to Caistor and Market Rasen where there are pressures for a mixture of land uses, including golf courses, nurseries, light industrial areas and recreational uses;*
- *Woodland edges - these structure views (particularly towards the Wolds) and form a dark backdrop to most views within this area;*
- *Species-rich ancient hedgerows.”*

Considering the susceptibility/value and thus the sensitivity to the proposed development, the loss of the pasture land but with the constrained opportunity for views, it is considered that the landscape has a medium sensitivity.

Green Wedge is a local planning designation and is not related to any special qualities or value of the landscape (unlike an AGLV designation). Its main aims are to provide sufficient physical and visual separation to prevent coalescence of settlements and protect their separate physical identities by keeping land permanently open and undeveloped.

While Green Wedge is not a landscape designation the presence of landscape features (for instance vegetation) and therefore character does have impact on the visual separation of settlements.

The landscape within the Green Wedge between Market Rasen and Middle Rasen is not uniform in character and its contribution to visual separation varies across the designated land. This Green Wedge is also not related to any clear landscape boundaries or features on the ground.

The key sensitive receptors identified in the LVIA include:

- Users of PRow footpath MaRa/168/1. This is the only PRow with potential views of the application site;
- Residents in close proximity to the site on Mill Road, Dear Street and Gainsborough Road;
- Users of green open space and playground to the south of the site. In the summer months, views of the application site are filtered by tree planting along site boundary. Views of the entire application site will be possible in winter months;
- Users of the open space associated with the adjacent Primary School;
- Users of Important Green Space on the eastern boundary of the site.

The key receptors include residents within the study area to the east and south of the application site.

Residents on the most northern section of Dear Street are the only properties on Dear Street with views into the application site. These properties are cited on the eastern boundary of the site with some of the properties facing into the northern section of the application site with views over the open grassland towards the treed western boundary of the site and the Limes Hotel.

Residents further east/southeast on Dear Street do not experience views into the application site due to existing built form and vegetation.

A small number of residents on Mill Road experience limited visibility of the application site through a short gap in the built form between the school buildings and neighbouring properties. The views experienced are glimpsed views through boundary fencing and existing vegetation which screen views of the majority of the site.

Other residents south of the site on Coronation Road face south with north facing gardens, therefore views are focused away from the application site.

The residential receptors are considered to be high sensitivity.

Users of the adjacent school playground currently experience clear views into the southern portion of the application site. From the playground, the Limes Hotel and its associated buildings, which sit on the site boundary are visible through the play equipment, set against the mature vegetation which surrounds them. On the edge of the field, the view of the site is clear, but set in the context of settlement edge with the properties along Coronation Road visible to the south and the church to the north. The road is glimpsed as traffic becomes visible above and through the boundary vegetation. The viewers' attention is not on their surroundings, as they are focussed on experiencing play and therefore have a medium sensitivity to the proposals.

Users of Public Open Space adjacent to the southern site boundary experience filtered views north into the site through gaps in the trees planted along the southern boundary of the site. Due to the nature of the space (a playpark and skate park) the viewer's focus is not on their surroundings and therefore they are considered to have a medium sensitivity to the proposals.

Users of PRow Mara/168/1 are the closest in proximity to the application site. Users of this footpath travelling north, experience a contained short view over a small agricultural field looking north east towards the mature heavily treed and vegetated western edge of the Limes Hotel.

Users of the bridleway PRow Mara/171/2 experience views east over an open agricultural field that is bound by trees and mature existing vegetation. Further east, lines of linear trees and vegetation appear as a denser vegetated boundary to the Limes Hotel and encloses the views, restricting longer views beyond.

Users of wider PRows including Bridleway Midd 171/1 and Footpath Midd 181/1 to the west of the application site experience wide, open views across agricultural fields towards the application site and Market Rasen. Due to the distance from the site, flat topography and intervening vegetation the application site is not distinguishable within the views from these PRows.

Users of the PRows are generally enjoying their surroundings and therefore are considered to have a high sensitivity to the proposals.

With regards to road users, as they move east, distance views towards the built edge of Market Rasen are restricted by dense, tree lines treed and vegetated linear property gardens (such as the Limes Hotel) and field boundaries that run north-south. As users move further east along the road the views become more contained and focused along the road due to strong vegetation and built form that line the road.

The built edge of Market Rasen is heavily screened and is not apparent until the user reaches the application site's northern edge where there is a break in vegetation and the properties on Dear Street become apparent on the entry into the town. At this point users experience an open view south into the application site over grassland with a few scattered trees. Views further south and east are obscured by built form and mature trees and vegetation that form the site boundaries. This view is for a short period of time as the user travels along the road into Market Rasen.



Users travelling west along Gainsborough Road experience a short-contained view due to existing mature trees and vegetation that forms the eastern boundary of the Limes Hotel. Partial views are visible of a small section of the northern edge of the application site which is screened by existing built form in the foreground.

Due to the transient nature of the views experienced whilst driving the receptors are considered to have a low sensitivity.

In the short term the potential effects on landscape character and specific landscape features (outside of the green wedge analysis) associated with the proposed development will be from clearance works, excavation and construction activities.

The following mitigation measures are proposed during construction of the proposed development:

- To safeguard the existing vegetation to be retained, protection zones would be created and fenced off to ensure that vegetation would be protected in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction;
- Construction and security lighting would be shielded where possible and directed downwards to minimise light pollution and would be minimised out of working hours;
- Security site hoarding would be provided where required around the perimeter of the site, in order to restrict public access during construction works. This hoarding will be set back from Gainsborough Road in order to retain an open aspect to the north of the site during construction;
- Restriction of hours of working to the day.

In the longer term, once the proposals are operational, the potential effects on the landscape character are likely to be:

- Change of site use and appearance of built form to the southern section of the application site;
- Increased movement of traffic around the entrance to the proposed development on Gainsborough Road and movement of traffic around the site, mainly in the southern section;
- Increase in visitors to the proposed sports centre;
- Internal movement within the site and active use of facilities and external sports pitches;
- Introduction of lighting to sports centre and external facilities/sports pitches;
- Appearance of new landscaping including trees, shrubs and grassland/wildflower areas.

The principal aim of mitigation measures is to avoid, minimise and compensate for the potential adverse landscape and visual impacts.

The following mitigation measures are proposed once the proposed development is operational:

- Proposed landscaping to the northern section of the site and around the car park areas with trees, shrubs and grassland/wildflower areas mixes;
- Vehicle movement kept to the access road and predominantly the southern section of the site around the building and car parking areas.

The landscape proposals have been created as part of the proposed development, which utilise the following objectives:

- A strong sense of arrival - on arrival visitors will be able to absorb a sense of character;
- Ensuring good visibility across the site to maintain the existing character;
- Ensuring privacy is well considered for The Limes Hotel and residents on the eastern boundary off Dear Street;
- Creating good access and movement patterns;
- Improving green infrastructure and biodiversity across the site;
- Creating opportunities to improve health and well-being with access to well-equipped sports facilities for all;
- Improving connectivity to and from Kilnwell Road, the school, scout hut and town centre.

Following the officer's own site visit, viewing both the site and its surroundings, they did not experience anything that would contradict with the LVIAs assessment, and would otherwise conclude with its findings.

The proposed development would have impact on the physical reduction of designated Green Wedge Land, however, this physical reduction would not be significant. It would not lead to the coalescence of Market Rasen and Middle Rasen or loss of their separate physical identities. Whilst other applications have been refused on this site due to the allocation of the green wedge, the nature of those developments was significantly different. This application differs from these by a reduced building footprint and the use proposed. There is significantly more landscaping with this application with approximately 0.2ha of built development out of approximately 3ha of the total site. Over 90% of the site would not be built development. In other words, the physical intrusion within the gap would be significantly less, with only one single building being set within the site, and that the nature of the use, as a leisure use, is more compatible with the function and aims of the green wedge.

One of the functions and policy aims set out within policy LP22 is the:

*“Provision of an accessible recreational resource, with **both formal and informal** opportunities, close to where people live, where public access is maximised without compromising the integrity of the Green Wedge;”*

The application proposes a 'low density' development comprising a formal recreational resource, and in this regard compliments the intended function of the green wedge.

Lighting, both of the facility and floodlighting of the pitches, will introduce a lighted facility within an otherwise “dark” corridor formed by the green wedge. Nonetheless,

it sits immediately adjacent the developed footprint of the settlement (i.e. it is not in isolation), and lighting would take place outside of daylight hours, whereby experience of the green wedge would be more limited. A planning condition which limits the hours of artificial lighting, would further mitigate any such impact.

Considering the very contained area of potential visual impact it is concluded that the impact of the proposed development on the Green Wedge as a whole would be negligible. It is evident that the key area providing separation between the two settlements is the open countryside to the west. A visual diminishment of the Green Wedge within the application site would not therefore be material for the purpose of this designation.

There would also be no significant impact on the sense of approaching or leaving Market Rasen due to the vegetated and highly enclosed character of the approach.

In the context of the policy LP22 Green Wedges, the proposed development would maintain the physical identity and would not lead to the coalescence of settlements.

Due to its location, limited visibility and due to suburban context it can be designed, as part of the detail so as to not cause harm to the character of the Heathland Belt LCA. It would not detract from the rural setting of Market Rasen, which is defined by open countryside, and would not affect the integrity of Green Wedge. It would also provide public access through the site which is located among a variety of public uses and enhance accessibility to the public green.

It is assessed that the landscape and visual effects of the proposed development would be limited to the very local area.

There would be no substantial impact upon the identified key landscape characteristics. These are in the main retained and enhanced, particularly the strong vegetated boundaries which contain the site. There is a loss in part of the pasture land which is the main land use typology of the site, although the frontage is retained as open.

The proposal would have a direct physical impact on the Green Wedge through the reduction of the overall area however this will not lead to coalescence between Middle and Market Rasen.

Due to the enclosed nature of the site, there will be no visual coalescence either. The strong mature vegetated boundaries prevent visual connectivity with the wider landscape particularly to the west. The openness and integrity of the wider Green Wedge is not affected and the rural setting of the settlement remains.

Overall it is concluded that there will be a low effect on the site and a negligible effect on the wider landscape character on completion.

When considering the impact upon the identified sensitive receptors, it has been judged as no more minor-moderately adverse and are limited to those in very close

proximity to the site, with prolonged views. The impact on the overall receptors is no more than negligible.

Whilst landscape proposals have been provided and are acceptable, the management detail of these have not been provided. Therefore a management plan will be required prior to first occupation.

The principle of leisure use would accord and would even potentially enhance the area in accordance with the third key function of LP22 – creating an accessible recreational resource with formal opportunities. The development is of a low density, still quite ‘open’ in its nature. It is deemed to be a more compatible use with the green wedge designation than the previous applications for retail and housing.

Overall, it is considered that landscape, visual impacts would not be significant, and that encroachment into the green wedge would not fundamentally undermine its functions and aims. The development would retain the open and undeveloped nature of the green wedge and accord with criteria (c-e) of policy LP22. The proposals would be in general accordance with policies LP17 and LP22.

### Highways

The site is proposed to have vehicular and pedestrian access at Gainsborough Road and with pedestrian linkages towards the Town centre at Kilwell Road.

The application has been supported by a Transport Assessment.

Transport data has been collected at the following locations and the format of data collection is as follows,

- A631 Gainsborough Road/Dear Street – 12 hour manual classified traffic count
- A631 Gainsborough Road/John Street – peak period manual classified traffic count
- John Street/Chapel Street/Mill Road/Kilwell Road - peak period manual classified count
- A631 Gainsborough Road - Traffic Speed Survey

These data were collected in June, 2016 and used to determine the effects of the proposals on the local road network.

Recent accident data from the A631 corridor east and west within 500m of the proposed site access show that there has been a total of 7 accidents in the past five years.

There have been no accidents at the location of the proposed site access or immediately to the west of the site.

In terms of weekday traffic growth, movements are forecast to increase by 13.6% with a similar daily increase at the weekend by 2025.

Advice to the company providing the transport assessment in respect of the likely use of the site has been provided by Sports & Leisure Management (SLM) which has

stated that the weekday use of the site is likely to amount to 135 people (270 person trips).

A majority of the daily trips are anticipated to occur in the evening and with around two thirds of the level of the weekday traffic over each of the weekend days (244 trips).

The distribution of TRICS trips through the day generally supports the SLM advice, with at least half of the traffic occurring after the evening peak hour.

The site has the ability to accommodate in excess of 85 parking spaces with room for servicing and coach parking.

There is no footpath on the south side of Gainsborough Road adjacent to the east of the proposed site despite the close proximity to the town centre and therefore the scheme will incorporate a dropped kerb pedestrian crossing, to the west of the site access.

It is also proposed for a pedestrian link to be provided through the School site to Kilnwell Road which would give access not only to the school but to the other Town centre facilities.

The nearest Bus Stops to the site are east and west along the A631 and within 500m of the entrance, offering services between Grimsby, Lincoln and Caistor.

Policy LP13 states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy LP13 is consistent with the NPPF and is given full weight.

The summary of the Transport Assessment is as follows –

There is to be vehicular and pedestrian access at Gainsborough Road and with the proposal also providing pedestrian linkages towards the Town centre at Kilnwell Road.

There are expected to be ten employees on site at any time.

A 64 space car park adjacent to the main building with provision for disabled driver and bus/coach parking spaces is proposed and with a further overspill parking area of 21 spaces, giving a total provision of 85 car parking spaces.

The key findings are as follows,

- Average dry weather speeds in both directions were below 31mph and that the maximum 85<sup>th</sup> percentile speed was 35mph in a westbound direction

- The peak periods on the local road network have been shown to be 0800 hours to 0900 hours on the weekday morning and between 1600 hours and 1700 hours in the afternoon/evening
- The traffic at the A631/Dear Street junction is represented by over 91% cars and light goods vehicles, with around 2.3% of traffic made up of buses, motorcycles or cyclists
- There have been no accidents at the location of the proposed site access or immediately to the west of the site
- Baseline traffic has been uplifted by 12.8% in the morning peak period and 13.1% in the afternoon/evening to deliver the 2025 forecasts
- Advice in respect of the likely use of the site has been provided by Sports & Leisure Management (SLM) which has stated that the weekday use of the site is likely to amount to 135 people (270 person trips)
- A majority of the daily trips are anticipated to occur in the evening and with around two thirds of the level of the weekday traffic over each of the weekend days (244 trips)
- By comparison from TRICS based on a 1,545m<sup>2</sup> gfa fitness suite, that the development would generate a total of 461 vehicular trips in a weekday with 17 vehicle trips in the morning peak hour and 47 vehicle trips in the evening peak hour. On this basis the expected use of the site as a community facility is expected to generate less than half of the Fitness Centre person trips predicted by TRICS – therefore as a ‘worst case’ the latter has been used in the assessment of junction capacity and material impact when dealing with forecasts of vehicular traffic
- From the position of the site between the Town and Middle Rasen to the west and based on local count data around 60% of traffic to/from the site is forecast to travel to/from the town This means that of the total generated traffic there would be anticipated to be an additional 10 trips in the morning peak hour and 28 trips in the evening peak hour through the Town
- The forecasts predict that the peak period traffic through the Town past the Market Place will be less than 3% and that the closest junction to the proposed development, at the A631/Dear Street, the ratio of flow to capacity (RFC) will be no more than 0.22 – well within its capacity
- At the site access, the Stopping Sight Distance, plus bonnet length, is calculated as 48m which is defined by the speeds approaching the access from the A631. This means that the visibility, wholly within the current 30mph speed limit, is deemed acceptable both east and west from the proposed access and is not reliant upon third party land to achieve safe egress from the proposed site
- Guidance provided by the Institution of Highways and Transportation (IHT) suggests that in terms of commuting, walking to/from schools and recreational journeys, walk distances of up to 2,000 metres should be ‘considered’, with the ‘desirable’ and ‘acceptable’ distances being 500 and 1,000 metres, respectively
- For non-commuter journeys, walk distances of up to 1,200 metres can be ‘considered’, with the ‘desirable’ and ‘acceptable’ distances being 400 metres and 800 metres, respectively
- Bus Stops and key community facilities, including schools, all lie within this catchment of the site

The traffic likely to be generated by the proposed development is modest when compared to larger sites and the ability to provide good access and visibility, on-site parking and pedestrian linkages to the town are important aspects in support of the scheme.

There is no evidence that the proposals will adversely affect nearby junction capacity.

The Local Highways Authority (LCC) have been consulted on the application and whilst there were some minor amendments to the path and road layout, they have no capacity or highway safety concerns.

The path and road were subsequently amended and are acceptable.

A Travel Plan has also been submitted as part of the application.

The role of the TPC is,

- To be the key decision maker on day-to-day matters of implementation of the Travel Plan
- Liaison with visitors/employees as well as external organisations, stakeholders, Local Authorities and public transport operators
- To provide a point of contact for visitors/employees on travel advice
- To promote the use of travel modes other than the car, including the distribution of publicity material and travel information
- Ensuring that all relevant information is provided to visitors/employees and that up-to-date information is clearly displayed on the Travel Plan notice boards
- To coordinate measures for existing and new visitors/employees, including informal car sharing schemes, bicycle training, bike maintenance sessions, etc.
- Data collection, surveys, monitoring and report production

LCC Highways required some clarification over the Travel Plan and it was subsequently amended. There were no further comments on the Travel Plan and conditions were recommended.

The proposal, subject to conditions, is considered to be in accordance with policy LP13.

#### Drainage

Policy LP14 is for Managing Water Resources and Flood Risk. This policy provides a list of criteria for the adequate disposal of surface and foul waters. This policy is consistent with paragraph 165 of the NPPF and is therefore given full weight.

#### Surface Water

The proposed Market Rasen Leisure Centre site covers a total area of approximately 3.03ha, of which an area of 2.19ha will be considered for development. The total impermeable area on site is approximately 1.33ha.

The surface water runoff from site is proposed to discharge into the nearby public surface water sewer and consequently to the River Rase, at a rate equivalent to annual average greenfield run-off rate,  $Q_{bar}$ . The greenfield run-off rate from the 2.19ha developable site has been calculated to be 3.49l/s using the online HR Wallingford Greenfield Run-Off Estimation Tool. The discharge from site is proposed to be restricted to 5l/s, as this is the practical minimum discharge rate used to minimise the risk of blockages in vortex flow control devices. Both the proposed connection and discharge rate will be subject to an agreement with the Local Lead Flood Authority and Anglian Water.

Due to the shallow installation of the public sewer, the mode of discharge will require a pumped solution.

Two options have been considered for the surface water network downstream of the proposed pump:

- Option 1 is to pump the surface water to a private manhole on site and then discharge via gravity to the public sewer. Two different pipe sizes have been considered to account for alternative gradients and alternative covers to the pipes. This mode of connection to be installed within the public highway will require adoption and will therefore be subject to S104 and S106 approvals by Anglian Water.
- Option 2 is to pump surface water from site directly to the public sewers and will therefore be subject to S106 approvals by Anglian Water.

The agent confirms that a pre-developer enquiry was submitted to Anglian Water. Their response confirmed there is sufficient capacity within the surface water public sewers to accommodate the discharge rate of 5l/s from the proposed development. However, as different options for the surface water connection to the public sewers have been considered, further discussions with Anglian Water will be required. The proposed point of connection (as requested by Anglian Water) will be within Gainsborough Road, near the junction of Dear Street at Manhole Ref: 4252. This will be subject to S104 and S106 agreements and the validity that other methods of surface water discharge are not viable, such as evidence of infiltration being insufficient for the use of soakaways.

The Microdrainage Network Module has been used to establish the overall attenuation volume required to accommodate storm events of return periods up to 100 years plus 20% climate change event. This has been calculated to be approximately 1,051m<sup>3</sup>, which is to be accommodated in two interconnected 1.1m deep dry ponds, a swale and permeable pavement within the car park spaces.

Additionally, a sensitivity test of the proposed system was undertaken for the 1 in 100 years storm plus 40% climate change event to ensure that no flooding to any proposed or existing properties both on and off site will occur. This shows flooding events just before the proposed swale's headwall that will convey into the dry attenuation ponds via a shallow swale along the eastern site boundary and a minor flooding event within the car park which will convey towards the lower northern area of the site.

The drainage consultants upon considering the site constraints, utilisation of two interconnecting detention ponds has been proposed for the storage of surface water,



which will be utilised simultaneously during heavy storm events. Other storage structures such as permeable surfacing with a wrapped stone sub-base for parking spaces in the car park area have also been proposed.

The strategy proposes to control the runoff to the above discharge rate via a vortex flow control chamber and a pump downstream of the detention ponds.

#### Foul Drainage

The development proposes to accommodate a gravity foul water drainage system on site, which will connect to the 375mm public combined water sewer to the north of the site. The utility survey indicates that the public combined sewer just opposite of the site boundary is mostly located within private land with the exception of a length of the sewer to the north-east and another to north-west corners of the site boundary, which are both located under Gainsborough Road. Therefore, the foul water from site is proposed to be discharged to this sewer via a direct connection to the north-east of the site. The connection will be subject to S106 and S104 Agreements with Anglian Water.

The agent has confirmed that a pre-developer enquiry was submitted to Anglian Water. Their response confirmed there is sufficient capacity within the combined water public sewers to accommodate the foul water flows from the proposed development. The proposed point of connection (as requested by Anglian Water) will be within Gainsborough Road, near the junction of Dear Street at Manhole Ref: 4201.

The Lead Local Flood Authority have been consulted on the application and have no objections to the drainage strategy following some minor amendments of the drainage plans. These were amended and a condition to be attached.

The proposal is within Flood Zone 1 (low probability) and therefore at the lowest risk of flooding. A flood risk assessment has been submitted with the application and concludes that in accordance with the requirements of the NPPF and local Planning Policy documents, the impact to / from the proposed development has been assessed for all potential forms of flooding and concluded to be low.

#### Residential Amenity

Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Policy LP15(g) sets out that *“Where applicable, [new community facilities] be operated without detriment to local residents: this especially applies to facilities which are open in the evening, such as leisure and recreation facilities.”*

The main concerns with regards to the proposal are noise and lighting.

A Noise Assessment was submitted with the application. Clarification was sought from the Public Protection Officer, as per their consultation response, on elements of the report. An amended Noise Assessment was subsequently submitted.

This concludes the following –

#### *Noise from Fixed Plant*

Limiting plant noise levels have been given to aid in the specification of plant and any noise mitigation measures required so that Local Authority target requirements can be satisfied at noise sensitive receptors when assessed in accordance with BS 4142:2014.

#### *Noise from Car Park*

The change in existing ambient noise levels as a result of car park movements are classified as ‘slight’ at the nearest NSR on Dear Street in accordance with the effect descriptors in IEMA Guidelines where no mitigation measures are considered.

A ‘non-significant’ change in ambient noise levels at the nearest NSRs will be achieved with the installation of a proposed 1.5m high acoustic barrier between the proposal site and the nearest NSR on Dear Street.

#### *Noise from 3G Pitch*

Noise associated with the 3G outdoor Pitch will meet the Sports England target criteria of  $\leq 50\text{dB LAeq}$ , 1hour to avoid ‘moderate annoyance’ to those at the nearest NSR (i.e. Lime Country hotel) and NSRs on Dear Street and Coronation Road.

#### *Overall Conclusion*

The report concludes that the level of noise impact due to proposed operations will be suitably low at the nearest noise sensitive receptor properties with the recommended noise mitigation measures.

The noise monitoring survey took place along the eastern and western boundaries, approximately in the centre of the site. The report explains that “access to locations further south within the proposal site was attempted by the survey engineer however vegetation overgrowth prevented this.”

The Public Protection Officer has queried the locations of the monitoring stations (as this may pick up traffic noise from Gainsborough Road). Therefore it would be appropriate for a condition to be attached that further monitoring shall take place during the operation to ensure that the use stays within stated acceptable levels, and allow for further noise mitigation to take place if that was found to be otherwise.

Amendments and alterations to the proposed layout have taken place, to further minimise the impact upon residents.

The 5 a side pitch has been removed from the application as this would have been likely a noise nuisance to its nearest sensitive receptor.

Concern was raised with regards to the nearest property to the carpark (Wingfield) and its proximity. It was initially 16.8m from the property. This was amended to 26m which, along with the acoustic fence proposed, is now deemed acceptable. A re-consultation was sent to this property regarding this change in the carpark and the response received was that they still objected on the basis of noise to their bedroom and that they couldn’t see any change. A further detailed objection was received which gave details of noise at 20m away from the carpark. The carpark is however

26m away. The Public Protection Officer concludes that the impact on the bedrooms at the nearest sensitive receptor ought not to have an impact given the opening times. The opening times can be conditioned.

A condition can also be attached to limit plant noise so as not to exceed the background noise.

The landscape management plan will need to address the maintenance of the acoustic fence. This should also be conditioned.

### *Lighting*

Under policy LP26, development proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how the following matters have been considered, in relation to both the construction and life of the development: (q) Increase in artificial light or glare.

A Lighting Assessment was submitted with the application. Again the Public Protection Officer sought clarification of some points, detailed in the consultation response, and a subsequent amended Lighting Assessment was submitted.

The amended assessment concludes the following –

The minimum average illuminance levels and uniformity values required in various areas of the proposed site, in accordance with the BS EN 12464-2 (2014) and the SLL Code for Lighting documents, are compliant as detailed below:

- • Entry road 14 lux average / 0.32 uniformity
- • Car parking area 17 lux average / 0.26 uniformity
- • Building Perimeter 15 lux average / 0.13 uniformity
- • Football Pitch 230 Lux average/0.7 uniformity

The maintained illuminance values are calculated using a maintenance factor of 0.9.

This considers light losses due to dirt accumulation on the floodlight front glass & lamp lumen depreciation, ensuring that the minimum requirements for safe play are achieved.

The use of the luminaires selected ensures that horizontal & vertical overspill containment is maximised.

As 2.3 Lux maximum vertical illuminance will be projected towards any residential property windows, specifically the Limes country house, the system will comply with the requirements for an environmental zone E2 location. The illumination at the Limes country Market Rasen House hotel is largely down to the sports lighting which will only be used intermittently. The sports pitch lighting must only be used up to 2300hr in the evening to pass the post curfew lighting levels.

The general external lighting without the sports pitch passes the post curfew levels. Upward waste light will also be minimised and at the floodlight elevations used 0.3% will be projected into the atmosphere.

All design calculations have been undertaken using an open, unobstructed site, the values of overspill will be further reduced by any existing mature trees, natural screening or purpose built physical site boundaries.

The report concludes that the lighting for the pitch must only be used until 2300hrs, however the closing time for the centre is 10pm. Therefore as there will be no necessity for the 3G pitch to stay illuminated after this time the lights should be conditioned to be switched off by 10:15pm in order for the safe access back to the carpark and the in the interests of residential amenity. This would be in line with the Public Protection Officer's comments on the 3G pitch.

The Public Protection still has concerns over the lighting of the building through the hours of darkness. Some lighting will be required for the CCTV, however a condition can be attached to approve the installation and use of lighting prior to occupation.

### Design

The Leisure Centre has been arranged over two floors in order to maximise external space and minimise the visual impact of the sports hall. The building footprint will amount to 1,350sq.m and the overall external gross area for both ground and first floor amounts to 1,880sq.m. The proposal is located centrally within the site to introduce a setback open landscaped buffer in order to minimize the visual impact from Gainsborough Road. The 3G pitch is proposed to be located to the south of the site behind the Leisure Centre building as this will create minimum disruption in terms of both residential amenity and environmental impacts.

The proposed vehicle entrance is off Gainsborough Road and has been designed to satisfy the relevant highway standards. The entrance road provides a link through a natural buffer at the front of the site which will comprise existing and proposed vegetation. The main parking areas are located to the north of the building. Of these spaces, two are dedicated for electric car charging stations and five as disabled parking bays. There is an additional overspill car park provided immediately to the east of the building for particularly busy periods of the day. A dedicated coach drop off and delivery space are also provided to the front of the building.

To encourage other modes of transport besides the private car three new pedestrian routes would be created. A dedicated pedestrian pavement will be provided enabling direct access from the north via Gainsborough Road. A central access east of the site would create a pedestrian link to Kilnwell Road between the existing Scout Hut and the C of E Primary School. The distance of this route from the site to the town centre would be around 200m. The third new pedestrian route is proposed from the recreation open space and skate park to the south of the site. These footpaths would deliver direct routes through the site to the entrance of the Leisure Centre building. This improved connectivity will maximise sustainable transport modes and improving accessibility to a recreational resource which will contribute towards promoting a healthier lifestyle. In terms of the appearance of the Leisure Centre building, the upper level is proposed to be clad in timber which overhangs the groundfloor. The vertical timber fins help to break up the elevation and the limited and natural materials palette compliments the rural characteristics of the site.

In terms of operational aspects, there will be roof level plant and ventilation units which will be fully enclosed. Floodlighting shall be provided to the proposed 3G sports pitch in line with the FA Guidance. There will also be external lighting to paths and walkways, the car park and the building perimeter. Luminaries installed shall have either limited or no upward light component in accordance with the dark sky compliance.

Policy LP26 states that all development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy LP26 is consistent with the NPPF and is given full weight.

The proposal is of innovative design which sits sympathetically within the site. Materials have been considered within the context of their surroundings and are acceptable. A condition will be required for the exact detail of this material.

Whilst there have been concerns received from residents regarding the design, it is not felt that this would be detrimental, and is otherwise sympathetic to the character of the area. The design has been informed by its surroundings.

The design is found to be in accordance with the criteria of LP26.

#### Trees

A tree survey has been submitted with the application. Each individual semi-mature or mature tree of significance that could be impacted by any proposed new development within the field area was identified, visually inspected and classified within the tree survey.

It states that once a final detailed development proposal has been prepared, it will be necessary to prepare a more detailed constraint and tree protection plan showing details of the protective fencing, ground protection measures and identify any canopy work that may be required.

This can be conditioned.

One tree is proposed to be removed which is situated in the middle of site. This would be acceptable.

#### Impact on the Conservation Area and Listed Buildings

A Heritage Impact Assessment has been submitted as part of the application.

Policy LP25 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

Paragraph 185 of the NPPF states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment.

Policy LP25 is consistent with the NPPF and is given full weight.

The Heritage Impact Assessment concludes that the application site is of low heritage significance and contains no designated assets, it is however of townscape value and it helps to provide the setting for the Market Rasen Conservation Area and helps to contribute to its special character. The site also provides the setting for a number of other designated (and non-designated) heritage assets which have a visual connection with it.

The openness of the site and the rapid transition from semi-rural to urban landscape character helps to define the western gateway to the town and its conservation area. The siting of the proposed development seeks to protect the openness of the approach to the town by setting development well south of the Gainsborough Road frontage. This arrangement also helps to minimise the impact the proposed development might have upon distant view of the Parish Church and other designated assets.

The proposed building is the equivalent of three storeys in height with a car park to the north and an external sports pitch to the south. Although both the carpark and sports pitch are low level, proposed external lighting will result in operational effects which will affect the character of the site, particularly at night.

On balance, the proposed development protects distinction between town and countryside along the important Gainsborough Road frontage. The proposed development will result in some minor adverse heritage impacts but elsewhere landscaping, including along boundaries and visual buffers resulting in benefits. The scheme will result in minor adverse impacts on the historic environment and should therefore be seen as resulting in 'Less the substantial harm'.

The Conservation Officer has been consulted on the application and is content that whilst this application will change the setting of the conservation area and wider setting of the listed buildings, that any harm that can be mitigated has been wherever possible, and that any limited harm is offset by the public benefit of this proposal.

The proposal would be deemed in accordance with policy LP25 of the Central Lincolnshire Local Plan.

### Ecology

The application has included an Ecological Assessment and a review of the Ecological Assessment. The review was commissioned of the assessment as this formed part of the previous application for this site. As part of the review, the site was inspected on the 3<sup>rd</sup> August 2018.

Policy LP21 states that development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features

proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings.

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity

Policy LP21 is consistent with the NPPF and is given full weight.

The review states that after reviewing the original CBE Consulting reports of 2016 and completing an inspection of the site area in August 2018 along with an assessment of the new conceptual development plan I can confirm the following:

a) The 2016 Extended Phase 1 Habitat Survey report was prepared using the most recent legislative guidance current at that time and is still an accurate description and assessment of this site. The publication of NPPF 2018 has not substantially changed the legislative context for ecological assessment. The findings and more significantly the conclusions reached within this report are still valid and applicable in regards to the new development layout provided. In addition, the recommendation made within the final section of this report are also still applicable.

b) The bat activity survey completed in August 2018 in accordance with the recommendations within the 2016 Extended Phase 1 Habitat Survey report identified a low level of foraging activity around the boundaries of the site area, in particularly the western boundary. No roosting activity was identified associated with any of the trees at the site. The proposed development is unlikely to have any significant impact on the use of the boundary areas by foraging bats as the majority of the trees are being retained.

c) The BS5837 Tree Survey report and plans were prepared using the most recent 2012 guidance. The findings and more significantly the conclusions reached within this report are still valid and applicable in regards to the new development layout provided. In addition, the arboricultural recommendations made within the original 2016 report have now been amended within the table in section 5 of this report.

The site area being proposed for development is in ecological and landscape terms fairly isolated being surrounded on three sides by housing and a school, with improved grazing land to the west separated from the site by a strip of gardens. The potential for wildlife to reach the site is limited by its position. The proposed development will not change this.

A third party has claimed the presence of great crested newts (GCN) on the site. The site has been surveyed by a qualified ecologist. Whilst the report advises there are record of GCN in the area, it concludes

*“The terrestrial habitat within the area surveyed has some limited potential to support amphibians but due to the isolation of this area it is not clear where any such species could commute into the site from. It is considered very unlikely that the site area is of potentially high value to GCN and the potential for this species to be present within the site is considered to be very low. Further surveys for amphibians are not recommended.”*

In addition, the current status of biodiversity within the site is limited by its current / former use predominantly for sports / recreation with a small area of grazing at the northern end adjacent to Gainsborough Road. As was noted in the original 2016 ecological appraisal “*Overall diversity is quite limited due to the current and historic uses of this land and there is no evidence of any significant plants, plant communities or habitat present.*”

The proposed new Leisure Centre scheme will potentially result in a number of benefits to the landscape and local ecology not incorporated into the original housing development scheme. The new scheme has significantly more landscaped open space than the previous scheme proposed for this site which was assessed within the original 2016 reports. These open spaces, if sympathetically landscaped, should maintain foraging habitat for local wildlife and corridors through the landscape.

There is potential to enhance biodiversity through appropriate landscaping which incorporates the following:

- The open grassland areas not used for sport / recreation purposes should be seeded with a diverse sward that includes wildflower mixes suitable for the soil type. These should be sensitively managed to enable the wildflowers to fully establish by setting seed and colonising effectively.
- The proposed attenuation areas should be designed to retain water where practical in some small areas to create seasonal shallow wetland areas where a range of different plant species could thrive. A landscape specification which use a suitable species rich wetland grass and wildflower sward should be incorporated into these areas.

The proposal subject to conditions regarding the landscaping scheme to be implemented shall be in accordance with policy LP21 of the Central Lincolnshire Local Plan.

#### Archaeology

An Archaeological Report was submitted with the application.

Policy LP25 states that development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance.

Paragraph 185 of the NPPF states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment.

The Archaeological Report concludes that there is no evidence of prehistoric activity within the study area, suggesting a negligible archaeological potential for this era.

There is limited evidence of Roman activity within the study area. Despite the presence of an extensive Roman pottery industry in the town, this is focussed to the southeast of the proposed development area, with only one residual potsherd found within the search area, suggesting a negligible archaeological potential for this era also.



There is no physical evidence of early-medieval activity within the study area, with only placename data implying the presence of a settlement during this period, again suggesting a negligible archaeological potential.

There is an increase in activity within the study area during the medieval period, with the town being recorded as a prosperous settlement in the Domesday Book of 1086. The historic core of the town however is located some distance to the southeast of the site, around the parish church of St. Thomas. The current site however appears to be in an agricultural zone, as attested by the presence of ridge and furrow indicated by the NMP aerial photographic overlays (Figure 3).

The post-medieval period witnessed a dramatic increase in activity within the study area. A developing population and introduction of the railway to the town led to the widespread construction of mid-18th–early-19th century residential dwellings, commercial buildings, public houses and an improved infrastructure, generally focussed to the east of the proposed development area. The archaeological potential for this era is however low, as there is no evidence for archaeological activity of this date on the site itself, which is likely to have remained as agricultural land throughout this period.

The only HER entry pertaining to the modern period is the War Memorial at Chapel Street, c.0.41km southeast of the proposed development, suggesting a low archaeological potential for this period. Historic mapping indicates that the site was open agricultural land, within the southern part of the site being developed as a playing field with tennis courts in the later 20<sup>th</sup> century.

The LCC Archaeological Officer has considered the findings of the archaeological desk-based assessment submitted in support of this application, and is satisfied that the proposed development would have no know impact of buried archaeology.

The proposal is therefore deemed to be in accordance with policy LP25.

#### *Other matters*

Concern has been raised regarding viability. With respect to this proposal whilst need would be a consideration, there is no requirement within policy to assess the viability of such a scheme. However within the documents it is clear that the proposal for a dry facility has been assessed as being viable whereas a scheme with a swimming pool would not, at this time, be viable. The application therefore seeks permission for a dry facility. The application is determined on this basis and future expansion would need to be subject of a separate application for planning permission.

Should the determination be that the proposal is approved, it would not mean that the site would be unprotected against future development. Any further application for development would be assessed on its own merits.

With regards to the security, the gate to the skate park will be locked after hours. There is also proposed to be CCTV around the site. The Lincolnshire Police raise no objection to the application and offer guidance on security measures. The applicant will need to take note of these measures however the fact that specifically anti-social

behaviour has not been addressed by the applicant could not warrant the refusal of the application when security measures are to be utilised as per the submission details.

The opening hours are proposed as 7am-10pm 7 days a week including bank holidays. The centre will be closed Christmas Day, Boxing Day and New Years Day. This should be conditioned, in the interests of amenity.

A third party has cited that the car park could be used for gypsy/traveller accommodation. The application does not propose provision for traveller / gypsy provision.

An objection has been received that insufficient and inadequate information has been provided. However, it is considered that the application contains sufficient information in order to make an informed decision.

It is recommended a contamination condition be added by the Public Protection Officer.

The possibility of litter on the path has been raised – the requirement for litter bins can be conditioned as part of wider landscaping proposals.

### **Conclusion**

The proposed development would provide a leisure centre (use class D2)

Leisure facilities will include a fitness studio, exercise studio, four court indoor sports hall, changing facilities and a reception/café together with an external 3G pitch.

The proposal site lies adjacent to the main built up area of the settlement and forms part of a larger Green Wedge designation.

The proposal site is approximately 3 hectares, however the built form would equate to 0.2 hectares. This would however be a potential departure to policy LP2, although the policy says support would be “unlikely” on larger sites, but does not preclude it

The proposal would be in accordance with policy LP9 due to its very nature of it being a leisure facility. It offers a wide ranging set of facilities which will have health and wellbeing opportunities throughout.

The proposal is compliant with policy LP15 as the proposal is for a leisure facility. The proposal is situated on the edge of the settlement but is easily accessible by foot, cycle or car.

The proposed development would have impact on the physical reduction of designated Green Wedge Land, however, this physical reduction would not be significant. It would not lead to the coalescence of Market Rasen and Middle Rasen or loss of their separate physical identities.

In visual terms the proposed development would also not lead to any coalescence of the two settlements. The application site is located within an enclosed landscape with no long distance views and no intervisibility with Middle Rasen.

Considering the very contained area of potential visual impact it is concluded that the impact of the proposed development on the Green Wedge as a whole would be negligible. It is evident that the key area providing separation between the two settlements is the open countryside to the west.

It is assessed that the landscape and visual effects of the proposed development would be limited to the very local area.

When considering the impact upon the identified sensitive receptors, it has been judged as no more minor-moderately adverse and are limited to those in very close proximity to the site, with prolonged views. The impact on the overall receptors is no more than negligible.

The development would amount to a formal, accessible recreational resource, that would positively contribute towards one of the functions & aims of the green wedge allocation.

The proposal would be in accordance with policy LP24 as the proposal is for an outdoor sport and recreational facility.

The need has arrived from research from the project team at WLDC which has identified a case for better leisure provision in Market Rasen. The need also arises from the fact the council can no longer operate at De Aston Sports Centre due to the limited opening hours with no scope to improve these and other operating difficulties particularly safeguarding.

None of the alternative sites assessed are considered to be sequentially preferable to the application site which lies in an edge of centre location, immediately adjacent to Market Rasen's developed footprint and within easy walking distance of bus services. There is also scope for improved links to the town centre both in terms of walking and cycling.

The community consultation has shown some support for the proposal. There were many comments received at this consultation regarding the omission of the swimming pool and the community wanting the provision of a swimming pool. Whilst there were many comments for the swimming pool this is not part of the proposal and overall it can be considered that there is some positive support for the leisure centre. There is also a level of objection with the main concerns highway safety, noise, light pollution, design and need.

The traffic likely to be generated by the proposed development is modest when compared to larger sites and the ability to provide good access and visibility, on-site parking and pedestrian linkages to the town are important aspects in support of the scheme.

The Lead Local Flood Authority have been consulted on the application and have no objections to the drainage strategy following some minor amendments of the drainage plans.

The proposal is within Flood Zone 1 and therefore at the lowest risk of flooding. A flood risk assessment has been submitted with the application and concludes that in accordance with the requirements of the NPPF and local Planning Policy documents, the impact to / from the proposed development has been assessed for all potential forms of flooding and concluded to be low.

There were disparities between the Public Protection Officer and the information collated in the Noise Assessment. Most concerns have been addressed but conditions are recommended to monitor and mitigate if necessary should unacceptable levels of noise arise. The noise report does conclude that the level of noise impact due to proposed operations will be suitably low at the nearest noise sensitive receptor properties with the recommended noise mitigation measures.

There is to be external lighting and this will need to be conditioned so as to control the lighting levels during the hours of darkness.

The proposal is of innovative design which sits sympathetically within the site.

The proposed development will result in some minor adverse heritage impacts but elsewhere landscaping, including along boundaries and visual buffers resulting in benefits.

The site area being proposed for development is, in ecological and landscape terms, fairly isolated being surrounded on three sides by housing and a school, with improved grazing land to the west separated from the site by a strip of gardens. The potential for wildlife to reach the site is limited by its position. The proposed development will not change this.

The proposed development would have no known impact of buried archaeology.

The opening hours proposed are 7am-10pm 7 days a week including bank holidays. The centre will be closed Christmas Day, Boxing Day and New Years Day.

In final conclusion, it is considered that the proposed development would bring significant benefits in bringing a formal recreational resource to this market town, where there has been an identified deficiency.

Development would take place within an allocated green wedge – but its visual impact, and overall effect would be minimised due to the low density nature of development. Its use would complement the function of the green wedge.

It is concluded that the benefits of the development outweigh any perceived harm that would arise.

Subject to the below conditions it is considered on balance that the proposal would be acceptable and would not have an unduly detrimental impact on the character of

the area, highway safety/capacity, the principles of the Green Wedge, residential amenity, ecology, flood risk and drainage in accordance with policies LP1, LP13, LP15, LP17, LP21, LP22, LP24, LP25 and LP26 including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance.

**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 (save for enabling and tree removal already agreed in writing) until a Construction Method Statement has been submitted and agreed in writing by the local planning authority.  
The approved statement(s) shall be adhered to throughout the construction period.  
The statement shall provide for:

- (i) the routing and management of traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) wheel cleaning facilities;
- (vi) measures to control the emission of dust and dirt;
- (vii) details of noise reduction measures;
- (viii) a scheme for recycling/disposing of waste;
- (ix) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

**Reason:** In the interest of the amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

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

3. The tree protection measures shall be carried out in strict accordance with details within Tree protection Root Barrier Plan and Specification Rev 00 dated 28<sup>th</sup> January 2019.

**Reason:** To ensure that adequate measures are taken to preserve trees and their root systems whilst construction work is progressing on site in accordance with policy LP17 of the Central Lincolnshire Local Plan.

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

2001 Rev No P02 dated 30.11.18  
20-001 revision 2 dated 12.09.2018  
20-002 revision 2 dated 12.09.2018  
20-100 revision 3 dated 12.09.2018

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

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

**5.** Prior to the commencement of construction of any buildings, the vehicular access to the development shall be improved in accordance with amended drawing number SK004 B.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site.

**6.** Prior to any of the buildings being occupied, the detailed arrangements for the foul and surface water drainage shall be completed in accordance with the details and plans submitted within the drainage strategy (Amended Drainage Strategy Report by Curtains dated 08 January 2019 and drawing MRLC1-CUR-00-00-DR-C9202-P06). The scheme shall be retained and maintained in full in accordance with this strategy.

**Reason:** To ensure the site is adequately drained in accordance with policy LP14 of the Central Lincolnshire Local Plan.

**7.** The arrangements shown on the approved plan SK004 B 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 and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

**8.** The development shall be carried out in strict accordance with the ecological reports (Extended Phase 1 Habitat Survey by CBE Consulting dated 14 October 2016 and Review of Ecological and Aboricultural Reports by CBE Consulting dated 25 October 2018) submitted with the application, including provision of any proposed details of habitat protection/ creation.

**Reason:** To safeguard wildlife in the interests of nature conservation in accordance with LP21 of the Central Lincolnshire Local Plan.

**9.** No development shall be commenced above finished floor level until details of all external wall, roofing and windows to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

**Reason:** To ensure the materials proposed create a positive appearance and safeguard the character of the surrounding area in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

**10.** Prior to occupation, a landscape management plan including ongoing maintenance and management shall be submitted to and approved in writing by the local planning authority. This shall include the maintenance of the acoustic fence.

**Reason:** In the interests of visual and residential amenity in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan.

**11.** The acoustic fence shall be erected as shown on plan SK004 B prior to occupation and maintained and retained thereafter.

**Reason:** In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

**12.** In the event that a complaint is raised to the Local Planning Authority on the grounds of noise within the first 12 months of the development's first use, noise monitoring shall be carried out by a suitably qualified person, subject to a methodology that has been agreed in writing by the Local Planning Authority prior to monitoring works. Should noise be deemed as reaching unacceptable levels (>50dB LAeq, 1hour) by the Local Planning Authority, a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority including a timescale for implementation. Mitigation shall be carried out in accordance with the agreed mitigation strategy.

**Reason:** In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

**13.** Prior to occupation details of the lighting for the site (excluding the 3G pitch) including positioning, timings and intensity, and a final light spill diagram, shall be submitted and approved in writing by the Local Planning Authority. The lighting shall only be in accordance with these approved details.

**Reason:** In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

**14.** If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

**Reason:** In order to safeguard human health and the water environment as recommended by Public Protection.

**15.** The landscaping shall be carried out in accordance with the details submitted on plans 9601 Rev P02 dated 30.11.18 and 2001 Rev P02 dated 30.11.18.

**Reason:** In the interests of visual amenity and biodiversity in accordance with policies LP17 and LP21 of the Central Lincolnshire Local Plan.

**16.** Prior to occupation and notwithstanding the technical details required by the highway authority, the footpath and tactile crossing shall be installed in accordance with plan SK008 A.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site.

**17.** The development shall be carried out in accordance with mitigation measures included in Noise Impact Assessment to inform Planning Application report ref: 21096R01aPKsw by Environoise dated 09 January 2019.

**Reason:** In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

**18.** Within seven days of the new access being brought into use, the existing access onto Gainsborough Road shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.

**Reason:** To reduce to a minimum, the number of individual access points to the development, in the interests of road safety.

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

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

**20.** Construction works shall only be carried out between the hours of 07:00 and 19:00 on Mondays to Fridays; between 08:00 and 13:00 on Saturdays and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

**Reason:** To protect the amenity of the occupants of nearby dwellings in accordance with policy LP26 of the Central Lincolnshire Local Plan.

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

**21.** 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 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 policy LP17 of the Central Lincolnshire Local Plan.

**22.** The use hereby permitted shall not be open to customers outside the following times 07:00 to 22:00 Monday to Sunday and shall not open on Christmas Day, Boxing Day or New Years Day.

**Reason:** To protect the amenities of adjoining properties and the locality in general in accordance with LP26 of the Central Lincolnshire Local Plan.

**23.** The lighting for the 3G pitch shall only be illuminated between the hours of 06:45 and 22:15. The illumination shall be in accordance with details in Lighting Impact Assessment Report Issue P02 by built environment consulting Ltd dated 9<sup>th</sup> January 2019.

**Reason:** In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

**24.** The development shall be carried out in strict accordance with the amended Travel Plan (Framework Travel Plan by Turvey Consultancy Limited dated January 2019).

**Reason:** To ensure that access to the site is sustainable and reduces dependency on the car in accordance with the National Planning Policy Framework.

**25.** Plant noise shall not exceed background noise (41dB LA90(15min) for daytime and 29dB LA90(15min) for night time as per details within the Noise Impact Assessment to inform Planning Application report ref: 21096R01aPKsw by Environoise dated 09 January 2019.

**Reason:** In the interests of residential amenity in accordance with LP26 of the Central Lincolnshire Local Plan.

#### **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



Planning Committee

6 February 2019

**Subject: Determination of Planning Appeals**

Report by:

Executive Director of Operations / Head of Paid Service

Contact Officer:

Mark Sturgess  
Executive Director of Operations / Head of Paid Service  
[Mark.sturgess@west-lindsey.gov.uk](mailto:Mark.sturgess@west-lindsey.gov.uk)  
01427 676687

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

**RECOMMENDATION(S): That the Appeal decisions be noted.**

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial:** None arising from this report.

**Staffing:** None arising from this report.

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

**Risk Assessment:** None arising from this report.

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

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

**Call in and Urgency:**

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

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

**Yes**

**No**

**Key Decision:**

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

**Yes**

**No**

## **Appendix A - Summary**

- i) Appeal by Mrs Heather Sugden against the decision of West Lindsey District Council to refuse planning permission for conversion, alteration and extensions to existing barn structure to create one dwelling with outbuilding to contain stables and garage including installation of new access arrangement from Brigg Road at the Former Brickworks on land west of Brigg Road, Caistor.

**Appeal Dismissed** – See copy letter attached as Appendix Bi.

**Officer Decision** – Refuse permission

- ii) Appeal by Mr Steven Ibbotson (Cyden Homes Ltd) against the decision of West Lindsey District Council to refuse planning permission for 64 dwellings with roads, garages and residential parking including community parking and public open spaces on Land at Honeyholes Lane, Dunholme, Lincolnshire

**Appeal Allowed** – See copy letter attached as Appendix Bii.

**Officer Recommendation** – Grant permission

**Committee Decision** – Refuse permission

- iii) Appeal by KC & VF Knapton & Son against the decision of West Lindsey District Council to refuse planning permission to erect a dwelling for an agricultural worker at Hall Farm, Thornton Road, South Kelsey, Market Rasen LN7 6PS.

**Appeal Dismissed** – See copy letter attached as Appendix Biii.

**Officer Decision** – Refuse permission



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## Appeal Decision

Site visit made on 22 November 2018

by **D Guiver LLB (Hons) Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 28 December 2018

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### Appeal Ref: **APP/N2535/W/18/3210654**

### **Former Brickworks, Land West of Brigg Road, Caistor**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Heather Sugden against the decision of West Lindsey District Council.
  - The application Ref 137793, dated 15 May 2018, was refused by notice dated 16 August 2018.
  - The development proposed is conversion, alteration and extensions to existing barn structure to create one dwelling with outbuilding to contain stables and garage including installation of new access arrangement from Brigg Road.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

### Reasons

3. The appeal site is located in an open field some distance from the market town of Caistor, and therefore it is in the open countryside. The site is readily visible from Caistor Road as it passes a short distance to the east. Policy LP55 of the Central Lincolnshire Local Plan 2017 (the Local Plan) seeks to protect the character of the countryside by limiting the conversion of buildings for residential use to those having architectural merit that are worthy of retention but can no longer be used for the purposes for which they were built or last used, and which are capable of conversion with minimal alteration.
4. The glossary to the National Planning Policy Framework describes previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land. However, excluded from the definition is any land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
5. The field contains an extended, 'L-shaped' derelict red-brick barn. The site historically contained a number of additional buildings but these are now largely demolished and at the time of my site visit there was no physical evidence of other buildings to the north and northwest of the barn. Any buildings in this location have blended into the landscape with the last evidenced use sometime in the first decade of the 20<sup>th</sup> century.

6. The site has the benefit of a prior approval for conversion of the existing barn to a dwelling pursuant to Class Q, Part Three of Schedule Two to The Town and Country Planning (General Permitted Development) (England) Order 2015<sup>1</sup>. The site also benefits from planning permission for the repair and modest extension of the barn and the erection of an additional garage and stable block granted by me pursuant to an appeal against refusal<sup>2</sup>, which is yet to be implemented.
7. The proposal is described as conversion, alteration and extensions to the barn to create a dwelling, the erection of an additional garage and stable block and associated access works. However, while the proposed building on the site of the barn would appear to retain the bulk of the existing footprint it would also significantly increase the volume by the addition of first-floor accommodation. The proposed elevations bear little resemblance to the extant building and the scheme includes an additional large, two-storey element to the west connected to the main building by a circular extension. In addition, a large stable block and separate garage are proposed.
8. Given the agricultural use of the barn and the industrial use of the demolished buildings previously on site it is unclear whether they were within the same curtilage. In such a case the site, insofar as it pertains to the demolished buildings, would constitute undeveloped land. However, in any event the demolished buildings clearly cannot fall within the definition of those having architectural merit that are worthy of retention for the purposes of Policy LP55 of the Local Plan.
9. The proposed works over the footprint of the existing building would amount to a virtually complete rebuild rather than conversion and extension of the existing building. The large extension to the west of the existing barn and the proposed garage and stable blocks should be considered as wholly new buildings notwithstanding the structures that might have once occupied a similar space. The scheme therefore would introduce a significant built form into the open countryside which would have an unacceptable detrimental impact on the open character and appearance of the countryside.
10. While there is disagreement between the parties as to the extent of the overall proposed floor space compared to that approved under the extant prior approval<sup>1</sup> and planning permission<sup>2</sup>, it is clear that the first-floor accommodation at the barn, the western extension and the garage and stable blocks would be development far beyond conversion with minimal alteration. Therefore, the proposal would not accord with Policy LP55 of the Local Plan.

## **Conclusion**

11. For the reasons given and taking account of all other material considerations, I conclude that the appeal should be dismissed.

*D Guiver*

INSPECTOR

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<sup>1</sup> Application Ref 133604

<sup>2</sup> APP/N2535/W/18/319961



## Appeal Decision

Site visit made on 24 September 2018

**by Graeme Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 January 2019

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### Appeal Ref: APP/N2535/W/18/3204838

#### Land at Honeyholes Lane, Dunholme, Lincolnshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Steven Ibbotson (Cyden Homes Ltd) against the decision of West Lindsey District Council.
- The application Ref 136785, dated 18 September 2017, was refused by notice dated 14 December 2017.
- The development proposed is 64 dwellings with roads, garages and residential parking including community parking and public open spaces.

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#### Decision

1. The appeal is allowed and planning permission is granted for 64 dwellings with roads, garages and residential parking including community parking and public open spaces at land at Honeyholes Lane, Dunholme, Lincolnshire in accordance with the terms of the application, Ref 136785, dated 18 September 2017, subject to the conditions set out in the attached Schedule.

#### Procedural Matters

2. A revised and updated National Planning Policy Framework (the Framework) was published on 24 July 2018. The main parties have been given an opportunity to comment on the revised Framework in terms of implications for their respective cases. I have taken the revised Framework into account in reaching my decision.
3. The application was refused with four reasons for refusal, the second of which stated that:

*The site layout fails to take the opportunity for providing an appropriate amount of new open space, sports and recreation facilities, contrary to policy LP24 of the Central Lincolnshire Local Plan.*
4. With regard to this particular refusal reason, the Council noted that, despite an increase in the proposed number of dwellings to 64 from the previously approved scheme for 49 dwellings<sup>1</sup>, the open space provision had not increased proportionally. However, since the application was determined, the Central Lincolnshire Developer Contributions Supplementary Planning Document (SPD) has been adopted<sup>2</sup> by the Council. The effect of this, I am advised, is that the calculation for assessing open space requirements has changed and that, on that basis, the appeal scheme would make adequate open space provision.

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<sup>1</sup> LPA Ref Nos: 131087 (outline) and 136225 (reserved matters)

<sup>2</sup> Adopted 25 June 2018



5. The Council have confirmed that the proposal would now accord with the provisions of policy LP24 of the Central Lincolnshire Local Plan (CLLP) and no longer wish to defend the second refusal reason. I note that the appellant accepts this, and I have not been presented with any further compelling evidence that would lead me to a different conclusion. I have therefore determined the appeal accordingly.
6. A unilateral undertaking prepared pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) (the Act) has been submitted to secure the provision of affordable housing and financial contributions as education, leisure and art contributions. I will return to this matter later.

### **Main Issues**

7. Having regard to the above in relation to the second of the Council's refusal reasons, I consider the main issues to be:
  - The effect of the proposed development on the character and appearance of the surrounding area; and
  - Whether the proposed development would make appropriate provision for affordable housing.

### **Reasons**

#### *Character and appearance*

8. The appeal site is allocated for residential development by CLLP policy LP52, in which the site is described as having an indicative capacity of 49 dwellings. The site is also allocated for residential development 'of approximately 49 dwellings' in the Dunholme Neighbourhood Plan (DNP) by virtue of DNP policy 1. Planning permission was also granted<sup>3</sup> for the erection of 49no. dwellings in 2015 and 2017. There is, therefore, a significant basis upon which to consider that the site is capable in principle of delivering housing development, and that it can do so at a quantum of in the region of 49 dwellings.
9. The settlements of Dunholme and Welton lie close to each other. Indeed, they are separated by a 'Green Wedge' defined by CLLP policy LP22. The purpose of this, CLLP policy LP22 states, is to fulfil one or more of a number of functions and policy aims, but includes the aim of preventing the physical merging of settlements and maintaining their separate identity. The wedge also aims to create a 'green lung' for communities to provide a direct link to the countryside beyond the urban area, to provide an accessible recreational resource close to where people live, and to conserve and enhance local wildlife, wildlife sites and the links between them.
10. Although adopted prior to the adoption of the CLLP, and therefore referring to the concept of 'green wedges' enshrined in the now no longer extant West Lindsey Local Plan (2006), DNP policy 11 identifies a settlement break between Dunholme and Welton. The DNP identifies the gap between the settlements as varying between 500m at the current appeal site to as little as 80 metres on Ryland Road. Proposals that would detract from the purpose of the 'Green Wedge' would not be supported.

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<sup>3</sup> LPA Ref Nos: 131087 (outline) and 136225 (reserved matters)

11. I have been provided with copies of a number of appeal decisions<sup>4</sup> relating to sites on either side of Ryland Road between the two settlements, and on Honeyholes Lane that explore the importance of the settlement break and green wedge in great detail. Whilst I have carefully noted those decisions, I am also mindful that planning permission exists on the appeal site for the development of 49 dwellings and that the site is no longer part of the Green Wedge as defined by CLLP policy LP22. For these reasons, I give these decisions limited weight in my deliberations and find no conflict with the first sentence of DNP policy 11 as the proposal would no more result in the coalescence of the two settlements than the permission previously granted or the allocation of the land for residential purposes.
12. There is much supposition on behalf of both main parties as to how many dwellings the site might have been allocated to accommodate in the CLLP and DNP had permission not already existed for 49 dwellings, or what might have been the outcome of an application for a higher density scheme resulting in a greater quantum of development. It remains the case that permission exists for 49 dwellings though. It is agreed that neither CLLP policy LP52 nor DNP policy 1 are a ceiling on the quantum of development. A proposed increase of 15 dwellings, approximately 31%, against that number would represent a not-insignificant increase in the number of dwellings across the site. However, whilst that may be so, I am not persuaded that the proposal for 64 dwellings would be harmful in the context of the detail of the proposal or the nature of the site's surroundings.
13. There is an extensive local network of public footpaths in the area around the appeal site. I walked those that run along the site's western boundary, and which link with Welton to the north, and also those which run along the southern perimeter of housing in Welton. Across the flat, open field between Welton and Dunholme, the existing housing is barely disguised by the existing denuded site frontage, and is therefore clearly visible.
14. The site's boundaries would however remain unaltered from the approved proposal. This is particularly important because the site is highly visible in the local landscape, not just from Honeyholes Lane along which the site would have a significant street frontage, but also from western and northern viewpoints.
15. Although the proposal would introduce residential development into the foreground from Honeyholes Lane, so too would the approved scheme. In any event, from these views, I am satisfied that the proposal would not adversely affect the extent or function of the green wedge. Moreover, the incorporation of a 5 metre wide landscaping strip along the northern edge of the site, and a substantial landscaped swathe of public open space at the western edge, would reinforce the role of the green wedge beyond the site and allow the site to blend with existing built development to the east, south and west of the appeal site.
16. I note that the Council accept that the appeal proposal would not increase the quantum of development close to the site's northern boundary. The appellant concurs, and I have no reason to disagree. I can also see that the proposed swathe of public open space, along the western boundary and opposite the

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<sup>4</sup> APP/N2535/W/16/3146208; APP/N2535/A/13/2207053; APP/N2535/W/15/3138491 and APP/N2535/W/16/3145353

sports and community complex on the other side of the public footpath, would also reflect the arrangements of the previously approved scheme. Thus, in terms of the proposal's northern and western perimeter areas, and their relationship and interaction with the defined Green Wedge, there would be little or no material difference between the approved and proposed schemes.

17. The Council previously justified the approved scheme in terms of its low density nature being appropriate to an edge of settlement site that marked the transition from open countryside to built-up area and, crucially, one that was, at that time, defined as being within both settlement break and green wedge. The latter is no longer the case, however. It is agreed between the parties that, notwithstanding the additional dwellings, the proposal would be of a density not dissimilar to that of the housing areas to the south and east of the site.
18. From my observations of the areas of housing close to the appeal site, I agree. Moreover, the proposal would also provide an opportunity to soften the approach to Dunholme from the west, where the proposal would largely screen the somewhat stark and imposing presence of Tennyson House with development of a scale and form more consistent with the surroundings, and Dunholme as a whole. Thus, for the reasons I have set out above, the proposed layout, boundary landscaping, approach to the perimeter areas of the site and the overall quantum of the site would achieve a pleasing form of development entirely appropriate to the site's setting and the context of village development around it.
19. Notwithstanding the additional dwellings within the scheme, over and above either the approximate allocations or the approved scheme, I am satisfied that the current proposal would not result in additional, undue or harmful pressure upon the area of land between Welton and Dunholme. The proposal would not result in the coalescence of the two settlements, the site being located at one of the wider points of the settlement break between Welton and Dunholme. Nor would it result in a form or density of development that would materially or harmfully differ from the prevailing pattern of development to the south or east of the site. Thus, I am not persuaded that the presence of an additional 15 dwellings, over and above the 49 that have previously been granted planning permission within the site, would be particularly noticeable or keenly felt.
20. I accept that the scale of development, and the increase in number of dwellings from that previously approved, and allocated within the CLLP and DNP, would go beyond what might be reasonably expected to fall within the approximate scope of the quantum of development envisaged. However, for the reasons I have set out above, I am satisfied that the proposal before me would be an appropriate form of development in its own right. Neither CLLP policy LP52 nor DNP policy 11 preclude development at levels above the indicative numbers set out therein. Although the proposal would exceed the indicative number of dwellings set out this would not amount to the overdevelopment of the site for the reasons I have set out above, nor would it adversely impact on the function of the adjacent 'Green Wedge' or the character or appearance of the surrounding area. There would, as a consequence, be no conflict with CLLP policy LP22 or DNP policy 11.

### *Affordable housing*

21. The sub-text to CLLP policy LP11(c) states that affordable housing should 'integrate seamlessly in to the site layout amongst the private housing'. This, the Council contend in somewhat emotive language, would not be achieved by the proposal and would result in 'virtually self-contained ghettos' that would isolate the affordable housing from market housing, and vice-versa.
22. It is true that the affordable housing would be located in two distinct groupings within the overall development. However, I do not consider it fair to say that this approach would result in the type of 'self-contained ghettos' suggested by the Council. Rather, I am content that the submitted elevations do not appear to distinguish between market and affordable housing in terms other than differing house type and size. Moreover, the cluster of affordable housing at plots 13-22 is little different to the clusters of housing around other culs-de-sac within the scheme, and which are a recurring feature of the proposed layout. With regard to the affordable housing units at plots 47 – 52, these would be at a focal point of scheme's layout at a main transition point from developed area to green swathe. Furthermore, this group also fronts on to two distinct street scenes and features a house-type also employed as a market housing unit.
23. There is no objection to the quantum of affordable housing provision within the scheme, nor to the mix of size or tenure of the affordable housing provision. Thus, I am satisfied that the proposal would contribute to the Government's broad aim, stated at paragraph 59 of the Framework in seeking to not just significantly boost the supply of homes, but also to ensure that the needs of groups with specific housing requirements are addressed. For these reasons, I conclude that the proposal would contribute to the objective of creating mixed and balanced communities sought by the Framework and CLLP policy LP11.

### **Planning obligation**

24. The appellant has submitted a unilateral undertaking (UU), subsequently revised in response to comments submitted by the Council, as a planning obligation pursuant to the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) (the Act). The UU would secure the provision of affordable housing at 25% (16no. units) of the total number of dwellings, financial contributions towards health provision and local highway infrastructure and the provision of on-site public open space. I have considered the UU against the provisions of the Framework and Planning Practice Guidance (the Guidance).
25. I note that the Council's officer report sets out the agreed heads and terms of the section 106 planning obligation. I note, too, the Council's subsequent confirmation that the content of the unilateral undertaking repeats the details previously agreed. There is a shortage of affordable housing within the District and the residential development would deliver an appropriate proportion of affordable housing. So too, with regard to the provision of contributions towards health provision and local highway infrastructure, whilst the UU would also secure the provision, and establish subsequent management, of on-site public open space.
26. I have noted the content of CLLP policies LP12 and LP14 with regard to these matters and, in securing such provision, the proposal would, where necessary and appropriate, align with the aims of the Framework in seeking to meet the

needs of groups with specific housing requirements. The provision of contributions towards health provision and local highway infrastructure would, where necessary and proportionate, offset the additional impact arising from the use of community infrastructure by the residents of the residential development.

27. Thus, I am satisfied that the UU satisfies the statutory tests set out in the Community Infrastructure Regulations and paragraph 56 of the Framework. I have therefore taken its provisions into account in reaching my decision.

### **Conditions**

28. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance. Where necessary, I have made minor amendments to the conditions in the interests of precision.
29. In addition to time limit and plans conditions, which I consider to be necessary in order to provide certainty, conditions relating to materials, landscaping, landscape management plan and timing of works are necessary in the interests of character and appearance, ecology and biodiversity. However, the appellant considers that the suggested landscape management plan condition<sup>5</sup> and northern boundary landscape treatment condition<sup>6</sup> duplicate each other. I agree, and have deleted the northern boundary landscape condition but incorporated elements of it into a revised landscape management condition. I have also amended the suggested landscape implementation condition<sup>7</sup> accordingly to reflect these changes.
30. In addition to a condition regarding a detailed Construction Management Plan (CMP), conditions regarding the laying out of access roads and phasing of streets are also necessary in the interests of highway safety. Surface and foul water drainage conditions are necessary in the interests of minimising flood risk.
31. A condition to ensure that 30% of the total number of homes developed on the site meet higher access standards set out in the Building Regulations is supported by CLLP policy LP14. In order to provide housing that meets the needs of groups with specific housing requirements, a condition of this nature would align with the Government's overall objectives for delivering a sufficient supply of housing, as set out at paragraph 59 of the Framework. I therefore agree that a condition to this effect is both reasonable and necessary.

### **Conclusion**

32. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

*Graeme Robbie*

INSPECTOR

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<sup>5</sup> LPA suggested condition No. 8

<sup>6</sup> LPA suggested condition No. 15

<sup>7</sup> LPA suggested condition No. 14

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) 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 approved plans:
  - 178/002F – Proposed Site Layout;
  - 178/004B – Proposed Site Layout Landscaping Plan;
  - 178/005B – Proposed Site Layout Material Plan;
  - 178/027 – Location Plan;
  - 178/101B – Proposed Plans and Elevations – dH418;
  - 178/102A – Proposed Plans and Elevations – dH418;
  - 178/103B – Proposed Plans and Elevations – dH418;
  - 178/104A – Proposed Plans and Elevations – dH417;
  - 178/105A – Proposed Plans and Elevations – dH407;
  - 178/106B – Proposed Plans and Elevations – dH414;
  - 178/107A – Proposed Plans and Elevations – dH413;
  - 178/108C – Proposed Plans and Elevations – dH409;
  - 178/109A – Proposed Plans and Elevations – dH408;
  - 178/110C – Proposed Plans and Elevations – dH404;
  - 178/111B – Proposed Plans and Elevations – dH402;
  - 178/112B – Proposed Plans and Elevations – dH402;
  - 178/113B – proposed Plans and Elevations – dH401;
  - 178/114C – Proposed Plans and Elevations – dH325;
  - 178/115A – Proposed Plans and Elevations – dH325;
  - 178/116A – Proposed Plans and Elevations – dH325;
  - 178/117A – Proposed Plans and Elevations – sH303 330;
  - 178/118B – Proposed Plans and Elevations – sH320 319;
  - 178/119A – Proposed Plans and Elevations – sB102W sF110;
  - 178/120B – Proposed Plans and Elevations – tH330 202 201 205 and 323W; and
  - 178/150A – Proposed Plans and Elevations – Garages.
- 3) No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the routing and management of construction traffic;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) loading and unloading of plant and materials;
  - iv) storage of plant and materials used in constructing the development;
  - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - vi) wheel cleaning facilities;
  - vii) measures to control the emission of dust and dirt during construction;
  - viii) details of noise reduction measures;
  - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;

- x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site; and
  - xi) measures for tree and hedgerow protection.
- 4) No development shall take place until details of all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.
  - 5) Notwithstanding the submitted details, no development shall take place until a final surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 5 litres per second;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

- 6) No development shall commence until a foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
- 7) No dwellings shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number 178/002F has been completed.
- 8) No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed, and details of the proposed arrangements for future management and maintenance of the proposed streets within the development.

- 9) Notwithstanding the details submitted, no development hereby permitted shall take place until a Landscape Management Plan setting out management responsibilities and maintenance schedules (including arrangements for the replacement of any trees, hedges or shrubs which die, are removed or become seriously damaged or diseased within five years of the completion of the development) for all landscaped areas (excluding private gardens), inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management, has been submitted to, and agreed in writing with, the Local Planning Authority. Development shall thereafter proceed wholly in accordance with the approved details.
- 10) No less than 30% of the total number of dwellings shall be built to the higher access standards of Part M4(2) (accessible and adaptable dwellings) of the Building Regulations, in accordance with the Schedule of House Types (reference 178/B3/Sh-3 20.10.2017).
- 11) No works shall take place involving the demolition of any existing buildings or the loss of any hedgerow, tree or shrub other than outside the bird nesting season (1st March to 31st August), unless a nesting bird survey has been undertaken by a suitably qualified person who has confirmed in writing to the Local Planning Authority that there are no active nests present.
- 12) No dwelling shall be occupied until the estate street(s) affording access to that dwelling has been completed in accordance with the approved Estate Street Phasing and Completion Plan.
- 13) No dwelling hereby permitted shall be occupied until a Travel Plan has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 14) All planting, seeding or turfing comprised in the approved details of landscaping (drawing 178/004B) shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. 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.





## Appeal Decision

Hearing held on 16 January 2019

Site visit made on 16 January 2019

**by Alison Partington BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28<sup>th</sup> January 2019

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**Appeal Ref: APP/N2535/W/18/3208922**

**Hall Farm, Thornton Road, South Kelsey, Market Rasen LN7 6PS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by KC & VF Knapton & Son against the decision of West Lindsey District Council.
  - The application Ref 137160, dated 14 December 2017, was refused by notice dated 9 February 2018.
  - The development proposed is to erect a dwelling for an agricultural worker.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application was submitted in outline with all matters reserved. I have determined the appeal on this basis, treating the plans which show the elevations and floor plans of the dwelling as illustrative.

### Main Issue

3. The main issue in the appeal is whether, having regard to the development plan and the *National Planning Policy Framework* (the Framework) which seek to avoid isolated new homes in the countryside, there is an essential need for a dwelling to accommodate a rural worker.

### Reasons

4. Policy LP55 of the *Central Lincolnshire Local Plan (adopted April 2017)* (CLLP) indicates that new dwellings in the countryside will only be acceptable when they are essential to the effective operation of rural operations. Similarly paragraph 79 of the Framework indicates that isolated new homes in the countryside should be avoided. However, it states that one of the few special circumstances for permitting such homes is to meet an essential need for a rural worker to live permanently at, or near, their place of work in the countryside. This is the only circumstance which is argued in this case.
5. Whilst the Framework does not give any definition of what constitutes an essential need, Policy LP55 sets out the evidence that is required to be submitted with any such application. It is not disputed that adequate evidence has been submitted to satisfy criteria a, c, d and e of this policy.

### *Operational Need*

6. The appeal site forms part of the land holding of Hall Farm, a long established farming business now operated mainly by Mr A Knapton and his son Mr T Knapton, with Mr A Knapton's father now largely being retired, although still living nearby. The farm is a mixed arable and livestock business. It has about 90 beef cattle and grows a variety of crops including wheat, barley, beans, sugar beet and fodder beet. The farmhouse where Mr and Mrs A Knapton live is surrounded by a collection of old and new agricultural buildings used for the cattle as well as the storage of equipment, materials and crops.
7. At the hearing I was told that, although checks on the cattle regularly take place during the evening, the majority of their care takes place during the day. However, out of hours work is also required around once or twice a month when animals are taken to, or bought at, market. In addition, crop spraying and harvesting is heavily dependent on weather conditions and so often requires work either early in the morning and/or late at night.
8. In addition to the main farm, in 2006, the business established Hall Farm Park - a farm based visitor attraction. This is located on land about 700m from the main farmyard and has its own access from Caistor Road. This has three main buildings located in close proximity to each other, and it is proposed that the dwelling would be located close to these, on a corner of a field currently used for open storage.
9. This business has a variety of animals including 30 – 35 breeding ewes, around 10 breeding goats, 2/3 breeding llamas, pigs, ponies, donkeys, chickens, rabbits and guinea pigs. These animals are kept in the livestock building on Hall Farm Park and in the immediately adjoining fields. The evidence shows that visitor numbers have grown year on year, with over 30,000 visitors in 2017/18. As well as the general public it attracts school trips and is an increasingly popular venue for sleepovers for groups such as Beavers and Brownies.
10. During the breeding season which lasts from February until April/May, it is clear that regular out of hours work is required, especially as the business brings in between 20-25 cade lambs that require bottle feeding around every 4-6 hours. However, the breeding season is relatively short, and temporary accommodation could be provided on the site during this time. Outside of this time, whilst regular checks on the animals are required to detect signs of illness, and more intensive supervision may need to be provided for animals that become ill, I was not made aware of any routine checks that are required to be undertaken throughout the night.
11. Whilst it was highlighted that maintenance work as well as cleaning needs to take place outside opening hours, neither of these tasks require a day and night presence on the site.
12. Although a separate business, Hall Farm Park is located on the same holding as Hall Farm, and the key personnel are the same. Given the number of animals across the two businesses it is not disputed that a day and night presence on the site is required. Nevertheless, whilst the buildings associated with Hall Farm Park cannot be seen from the existing farmhouse, it is still within easy reach of them and means that there is a presence on the site to provide 24 hour care when that is required, in accordance with animal welfare guidelines.

Moreover, whilst not in "sight and sound" of the livestock on Hall Farm Park and even though two people are generally required to restrain and treat an animal, I was not made aware of any instances where this has prevented adequate care being provided for the animals, in the 12 years the attraction has been operating alongside the farm.

13. At the hearing various ways the attraction may expand in the coming years were highlighted. These included increasing the number of animals, and the creation of a small caravan and glamping site. It was also stated that there were plans to increase the number of cattle on the main farm. However, no business plan or specific details of these proposals, such as the number and type of animals, the size and location of the caravan site, or the works necessary to facilitate them were provided. As such, I only give these plans limited weight.
14. It was highlighted that at present there are no facilities for staff working at the Farm Park, and that a staff room and office could be provided as part of the house. However, I am not persuaded that the provision of a dwelling is the only way that such facilities could be provided for staff.
15. My attention was drawn to the difficulties in policing this rural area, and the increasing problems with crime. I accept that there would be some security benefits in having a day and night presence on this part of the site, and that it would also enable quick action to be taken in case of a fire. However, overall I am not persuaded that the need to provide security is sufficient to justify the need for an additional permanent presence on the site.
16. Paragraph 79 of the Framework makes reference to "those taking majority control of a farm business". However, whilst this is a family business, with Mr T Knapton fully involved in the running and decision making, there is no indication that at this stage he is taking majority control of the business.
17. Bringing all these points together, whilst I accept that an additional dwelling on the site would be desirable and more convenient, I am not satisfied that the operational needs of the two businesses have established an essential need for this.

#### *Alternative Accommodation*

18. Whilst it might be possible to convert the existing livestock shed at Hall Farm Park, this would require the provision of a replacement building as well as the reconfiguration of the entire attraction. As such, I am satisfied that this is not a realistic option. In addition, the appellant has investigated the conversion of a redundant barn at Hall Farm, but found the historic nature of this building gave rise to a number of difficulties.
19. The appeal site is located close to the village of South Kelsey. Whilst this is a relatively small village, both it and the larger nearby village of North Kelsey have a wide range of properties in terms of size, type and price. Whilst I accept these are not within "sight and sound" of the livestock shed on Hall Farm Park, given there is already a permanent presence on the holding, they provide a convenient location with quick and easy access to the site.

*Size of the proposed dwelling*

20. The indicative plans indicate a 4 bedroomed house with a floor area in the region of 200sqm. The Council have raised concerns regarding the size of the proposed dwelling and how this relates to the enterprise, particularly given that there is already a large farmhouse on the holding. Nevertheless, as this is an outline application with all matters reserved, the scale of the dwelling is not to be determined at this stage. I am satisfied that it would be possible to ensure that an appropriately sized dwelling that provides both for the needs of the occupants and the business, was provided on the site.

*Conclusion on essential need*

21. Notwithstanding the findings regarding the size of the dwelling, given my conclusions regarding operational need and alternative accommodation, overall I consider that an essential need for a new dwelling in the countryside has not been established. Accordingly, the proposal would conflict with Policy LP55 of the CLLP and paragraph 79 of the Framework outlined above.

**Other Matters**

22. It was suggested that the proposal would accord with the criteria set out in part F of Policy LP55 of the CLLP which relates to agricultural diversification proposals. However, the appeal scheme is for a new dwelling not an agricultural diversification project and so has to be judged against Part D of this policy not Part F.

23. Hall Farm Park is clearly a popular and educational visitor attraction which also provides an important source of employment for local people. In addition, the location of the dwelling would be such that there would be very little visibility of it from the nearby road network. These factors, together with the support for the proposal from local people and the Parish Council are matters that favour the appeal scheme. However, they are not sufficient to outweigh the harm I have identified would be caused through the development of a new dwelling in the countryside.

**Conclusion**

24. For the reasons set out above, I conclude the appeal should be dismissed.

*Alison Partington*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Richard Alderson	Brown & Co
Tom Knapton	Hall Farm
Tracy Knapton	Hall Farm
Andrew Knapton	Hall Farm
Cllr Lewis Strange	Councillor - West Lindsey District Council
Cllr Jeff Summers	Councillor - West Lindsey District Council
Jenny Stimson	South Kelsey and Moortown Parish Council

### FOR THE LOCAL PLANNING AUTHORITY:

Russell Clarkson	West Lindsey District Council
Richard Green	West Lindsey District Council

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Section 10 from the Secretary of State's Standards of Modern Zoo Practice submitted by the appellant.
2. List of Yearly Farm Tasks submitted by the appellant.
3. Right Move Search of properties for sale and rent in North and South Kelsey dated 15 January 2019 submitted by the Local Planning Authority.