

AGENDA

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

**Planning Committee
Wednesday, 14th July, 2021 at 6.30 pm
Council Chamber - The Guildhall**

PLEASE NOTE DUE TO CAPACITY LIMITS WITHIN THE GUILDHALL THE PUBLIC VIEWING GALLERY IS CURRENTLY SUSPENDED

This Meeting will be available to watch live via: <https://west-lindsey-public-i.tv/core/portal/home>

Members:

- Councillor Ian Fleetwood (Chairman)
- Councillor Robert Waller (Vice-Chairman)
- Councillor Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Jane Ellis
- Councillor Cherie Hill
- Councillor Mrs Cordelia McCartney
- Councillor Mrs Jessie Milne
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Mrs Angela White

- 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 - 30
 - i) Meeting of the Planning Committee held on 16 June 2021.

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)	142302 - Gallamore Lane, Middle Rasen	31 - 81
ii)	142146 - Fosters Yard, Langworth	82 - 109
iii)	142598 - 3 Southmoor Road, Newton on Trent	110 - 126
iv)	142542 - Scothern Rd, Nettleham	127 - 149
v)	142847 - Cobwebs, Middlefield Lane, Glenthams	150 - 159

7. **Determination of Appeals**

160 - 165

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 6 July 2021

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 16 June 2021 commencing at 6.30 pm.

Present: Councillor Ian Fleetwood (Chairman)
Councillor Robert Waller (Vice-Chairman)

Councillor Owen Bierley
Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Jane Ellis
Councillor Cherie Hill
Councillor Mrs Cordelia McCartney
Councillor Mrs Jessie Milne
Councillor Keith Panter
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Mrs Angela White

In Attendance:
George Backovic Principal Development Management Officer
Ian Elliott Senior Development Management Officer
Martin Evans Senior Development Management Officer
Daniel Evans Senior Development Management Officer
Martha Rees Legal Advisor
Ele Snow Democratic and Civic Officer

12 PUBLIC PARTICIPATION PERIOD

There was no public participation at this point in the meeting.

13 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 26 May 2021 be confirmed and signed as an accurate record.

14 DECLARATIONS OF INTEREST

Councillor D. Cotton declared a non-pecuniary interest in agenda item 6d, application number 142772, in that he was Chairman of the Parish Council, however, he would be retaining his seat as a Member of the Planning Committee, not addressing the meeting as

either a Parish Councillor or Ward Member and considering the item with an open mind.

Councillor R. Patterson clarified for the Committee he was Ward Member for agenda item 6f, application number 142872, however he would not be speaking to the application.

Councillor M. Boles declared a personal interest in relation to agenda item 6a, application number 142225, in that he had previously worked with the applicant however he remained unbiased towards to application and had not undertaken any conversation regarding the application.

Councillor J. Milne declared a non-pecuniary interest in agenda item 6a, application number 142225, in that she had accompanied Sir Edward Leigh, MP, on a site visit and had met with the owner and local residents as a part of that visit. She confirmed she had not participated in any discussion regarding the application and had not formed any opinion. She confirmed she was sitting as a Member of the Planning Committee with an open mind on the application.

15 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard from the Principal Development Management Officer regarding recent changes to Planning Policy. In relation to Neighbourhood Plans, he explained that referendums had been held in Scotton, Bishop Norton, Gainsborough and Laughton. All referendums were successful and these plans would be adopted by Full Council on 28 June 2021. With regard to the Sturton by Stow Neighbourhood Plan, the joint Neighbourhood Plan had been approved for submission and consultation was underway. There was also a consultation on the draft version on a Neighbourhood Plan for Hemswell Cliff.

In relation to policy updates, there had been a written Ministerial Statement which introduced changes to the provision of affordable homes. The written statement would come into effect on 28 June 2021.

A Member of the Committee requested that the link to the Government briefing was shared with Members and it was agreed this would be undertaken.

16 142225 - WILLINGHAM BY STOW

The Chairman introduced planning application number 142225 for change of use of land from agricultural to siting of up to 12no. touring caravan pitches (4no. hardstanding and 8no. grass pitches), 2no. bell tents, 2no. glamping pods, creation of a permanent natural pond, associated access and parking and retention of building for welfare facilities. Members heard from the Development Management Officer that, as the application was still within the publicity period for the re-consultation following the submission of amended information, some additional comments had been received since publication of the committee report pack.

The West Lindsey District Council Environmental Protection Team had recommended that a further condition be added to the decision, wording as follows:

Prior to the commencement of the use hereby permitted the noise management plan, which

details all potential noise impacts from the site and how these will be mitigated and managed shall be submitted to and approved in writing by the local planning authority. Any future mitigation and management, shall be undertaken in accordance with the approved details, and that is in the interest of amenity in relation to the noise impacts of the proposal.

The Trees and Landscapes Officer from West Lindsey had stated, It is unclear why Scots Pine was removed from the landscaping plan, and replaced with blue spruce, but had offered no further comments on the scheme. Lincolnshire County Council had reiterated their original response and stated the following: The consultation response from Lincolnshire County Council remains as no objection.

An additional 12 objections had been received following the submission of amended information from neighbours. The comments were summarised as follows:

The amended proposal did seem to attempt to try and mitigate some of the concerns by residents. However, there were still concerns raised regarding the impact on neighbouring properties, noise, highway safety and flood risk.

There were comments raised regarding the discrepancies in the amended information, with particular regard to the public footpath, consultation with neighbours, and the flood risk assessment. Comments had been raised regarding the existing use of the site, which had never been granted planning permission for a caravan site, together with the welfare facilities, which were built without permission too.

This application had caused great upset for High Street residents, concerns regarding the root system of proposed hedging on boundaries had been raised.

After reviewing the amended plans, we can't see any significant difference to the original documents, therefore our original comments still apply. Additional conditions are suggested in relation to the relocation of welfare facilities, the entry and exit point of the footway leading through the site, and an amended landscaping plan is suggested.

The Chairman noted there were three registered speakers for the application and welcomed the first speaker, Caroline Leak, to address the Committee. She made the following statement.

“The main thing we would like to put across is that we really do believe in what we're trying to create and achieve, which is a place of peace and tranquillity for people to escape to our little side has been running for 22 months, although we were closed due to COVID for eight months of this, we have all five star reviews commenting on the peace and tranquillity cleanliness, excellent customer service and beautiful views.

If we do anything to alter our ethos and current way of running our business we will lose all of our customers. In order to maintain our excellent reputation, we need to keep our business as small and high quality as we can was making the business financially viable.

Initially we will develop the glamping side with two bell tents into camping pods. Each of these are four berth, although we anticipate mainly couples using the bell tents. For the time being, we will continue to run the caravan site as a five pitch certificated location through the Caravan Club, but by applying for 12 pitches, we will be able to expand the caravan site

gradually to the minimum level that will make it financially viable. Twelve pitches is the absolute maximum we would ever expand to and only the four hard standing pitches would be used from November to the beginning of April.

By keeping our business small but high quality, we will be attracting people who want the peace and quiet that we can provide. They're not going to be people who are loud or rowdy, or who will be out late being disruptive. Currently, 91% of our customers have been couples, 6% brought one child and 3% brought two.

If we alter our site and allow it to become busy, noisy and unkempt we will lose all the customers we currently have, many of which returned time and time again. There is no way we would ever replace that customer base with younger families as our site and area simply doesn't meet their needs. We have something that works and reaches a certain target market, and we have no intention of changing that.

We do recognise that there is a high level of objection, particularly on our side of the High Street and we are listening to and addressing people's concerns. However, up to the point of our planning application being submitted, nobody had any complaint about our site. There have been no complaints to highways, environmental protection, the parish council, the local council or ourselves, many people haven't even known that our site exists as it causes so little disruption, and because it's so quiet and peaceful.

We feel that many concerns are based on misunderstanding and misinformation that has been spread about our site, and the effect some believe it will have on the village. Whilst there a strong objection to our site from some, we hope the fact that there has been no objection from over 200 households in our village, means that they have no objection and they trust that we will not be doing anything to disrupt the village way of life, as a letter that those objecting send to every household of them it would.

By locating the 12 caravan pitches directly behind our own house and garden, they have the least visual impact on our neighbours possible. Three of the four adjoining properties to the West have very long gardens with established trees or fencing, which provides them with some privacy. One is separated by established structures, and our garden, all of the properties to the East have either a public footpath or field separating them, and most of them have substantial hedging or fencing already in place, the planting detailed in the landscape plan shows the addition of further screening to any of the properties that may be affected.

Based on data from visitors over the past 22 months, we've run an occupancy level of around 80%. On average two visitors arrive or leave each day, even if we did expand to use all 12 pitches this would mean this number increasing to an average of five visitors arriving or leaving each day. We recognise there is a concern about traffic along the High Street but this is not a big increase. Visitors are asked to leave by 11am and arrive after 1pm and most people stick closely to these times in order to make the most of their stay. These are quiet times of day when there is very little parking or moving traffic on the street, there is the odd time someone arrives when it's more busy than this but it is by no means a norm.

To mitigate the concerns of our neighbours we have widen the entrance to the caravan sites there is now 5.8 metres wide, to provide greater swing into the drive, and even the longest outfits are able to fit completely on the drive without any overhang before having to stop at

the gate. Visitors to the glamping site with arriving cars and will be provided with off street parking. We have altered the surface of the parking area for these cars to grass to minimise noise and improve the area visually. To improve amenity and privacy for 21 High Street, our amended plan showed we will erect a wooden shelter over the brick structure that screens the water and waste areas as well as having the beech hedging to soften the look.

We really do believe our site is a great addition to the area that supports the local economy, in the immediate locality, as well as a wider area.”

The Chairman thanked the speaker and, whilst the desk was being sanitised, Councillor R. Waller declared a non-pecuniary interest in that he was a member of the Caravan and Motorhome Club and it was possible he may use the site in future, although he had not done so to date and had no immediate plans of doing so.

The Chairman welcomed the second speaker to the Chamber and Ms Amanda O’Dell made the following statement.

“On behalf the residents who objected, I would like to say the following. We disagree that the application is supported by LP7, because it does not benefit the local community, as demonstrated by the objections already made by the majority of local residents.

It does not represent the intrinsic natural and built environmental qualities of Willingham by Stow. It is not appropriate for the character of the local environment in scale and nature. Under policy LP 26, we dispute the development respects the landscape, character and identity of Willingham by Stow. We believe that the application does not relate well to our residential village surroundings, and we feel therefore that it cannot be attached full weighting as per planning documents.

Under LP7 we strongly believe the proposal does not contribute to the character of Willingham’s historical heritage of mediaeval field patterns, hedges, borders, ridges and furrow remains. We feel it cannot be attached full weight as a planning document.

Although the officers report acknowledges that the area to the east of Hop Gardens is located in a flood zone, the report fails to point out, adjacent properties fall into high risk category of flooding from surface water, as confirmed on the environmental agencies government website.

The report points out that the site is on a slope west to east, and the flood risk assessment report has already confirmed that any localised flooding will naturally discharge off the site into an easterly direction. A high water table means that even permeable surfaces, just as such as soakaways will be ineffective.

The proposed pond has already been dug out, and has a drainage pipe flowing into it from further up the field. This pond is taking more than surface water.

The National Planning Policy Framework states that development should be directed away from areas of high risk of flooding and ensure that flood risk is not increased elsewhere. We strongly dispute that is consistent with policy LP 14 and the drainage guidance of the National Planning Policy Framework, and should not be attached for weight as planning.

Since this application walkers on public footpath 59 which traverses this field have been stopped, abused, and reported to the place, the footpath gate has been found to be blocked by the applicant at the east end when grazing animals. Residents have suffered abuse by applicants and patrons and have been accused of being abusive. One resident often has trespass on his property

Environmental concerns - the glamping pods are going to be used all year round. The pods and tents, according to the plans are situated to the eastern boundary, the opposite side of the site to the two toilets. They can sleep up to 16 people who would share these facilities along with the caravanners, and we would like to note no external lighting has been applied for. The waste disposal point is situated within visual and auditory range of a neighbouring property, who, on a daily basis, witnesses raw sewage being deposited into the sewer from their bedroom, and their garden.

It is noted in the officer report that the waste disposal point will be enclosed within six months, we do not find this an acceptable timeframe. Please note that metal bins have also been placed there. This adds to noise intrusion.

We note that highways have made no objections. However, in the last week, it is known, a near miss has occurred, and this has been reported to highways. Increasing traffic in this village is not only from the caravans arriving departing, but also from the daily trips out that the holidaymakers do

The applicants have insisted in their comments on the WLDC portal they only want a small site of five caravans and yet, you have the application in front of you today.

We strongly reject the statement that this is an open, honest and transparent application. There has been a clear difference between the public and private face of the applicants. We contest the applicant's assertion to public consultation. There has been no village consultation regarding this application.

The planning application sits in the very heart of our village. Our community, as we know it rests on the decision you made. We understand that West Lindsey development plan is under review. Please do not encourage camping sites in the centre of villages, and in the meantime, please don't do this to us."

The Chairman thanked Ms O'Dell and, after the sanitising of the desk, welcomed the final speaker, Ward Member Councillor Tracey Coulson. She made the following statement.

"Thank you Chair, Committee Members and Officers for this opportunity to talk to you tonight regarding the application before you.

As you are aware, the applicants Mr and Mrs Lee currently have permission to operate a small caravan and motorhome club touring site of up to five caravans in the village of Willingham by Stow. The application before committee this evening is intended to expand this small business venture, as detailed in the officer report for up to a maximum of 12 touring caravans, two glamping pods and two bell tents. The application sits well within our current local plan and meets many other planning objectives and I note the included and recently tonight updated conditions.

Having visited the site a number of times I found the setting tranquil peaceful and charming, visitors enjoy a quiet rural setting the applicants encourage and take bookings for meals at local establishments such as the Half Moon Inn, the Tillbridge Tastery and the Cross Keys for example, as well as offering some of their own homegrown hospitality such as afternoon teas and baked breads. The applicants enjoy sharing information of other local attractions. Sadly this application has not been welcomed by a number of the village residents and is created a serious and sad divide. The objectors to this application have been very vocal and persistent with their concerns, and I've observed genuine stress, worry and anxiety from them over their beliefs around the change to their lives and village the granting of this application would realise for them. A few of the objectors have the gardens backing directly onto the cabin site location. When I first visited the site in the early months of this year I noted how the cabins and toilet waste facility do sit at the end of some of the gardens. The objector concerns unfortunately have spilled over into some behaviour by a few that has resulted in the police being called on more than one occasion. The village is known to have traffic issues along the main road, blessed with an operational village pub and village hall, the fact that these much loved and used facilities are directly opposite to each other and on the doorstep of the entrance to the applicant site is of concern to the objecting parties.

I have been told that residents living directly opposite the entrance to the applicant site have experienced caravanners arriving and opening their gate to better achievement over mobility. I know, however, that the applicants have already done work to increase the entrance, which has been assessed by the caravan and motorhome club as suitable

Objectors to this application are deeply concerned that the addition of more caravans, glamping and bell tents will in their view inevitably lead to increased traffic bottlenecks at arrival times.

Genuinely overcome by the force and extent of the objections the applicants have seen and experienced and being very keen to remain in harmony with the village, they submitted amendments to the original application in an attempt to mitigate some concerns. Included in these amendments were increased screening between the site and resident gardens and screening for the toilet disposal facility. Further to this, I noted on my last visit that the natural increased seasonal flora, fauna tree foliage has added seasonal screening to this. The toilet disposal facility has been used more often than would normally be required as COVID restrictions have meant that the applicants have been unable to open their toilet block. It is expected that visitors going forward will prefer to use the onsite toilet facilities. It has recently been pointed out to the applicant that the banging noise of the waste disposal lid closing after toilet contents have been emptied soundwaves down the neighbour's gardens. Now aware of this, the applicants are fitting rubber stoppers to eliminate this.

I note an enforcement officer has visited the site, recently, and I understand no irregularities were found in what already exists. The applicants present to me as very willing to work with residents to put in place what they can to help ease the impact of their business on them. However I observe that such deep distrust now exists in the hearts and minds of the objectors, making it hard for them to have faith in the applicants assurances, particularly around the fact that the site will remain one of promoting peace and tranquillity. They fear further expansion and have concerns around impact of the existing flooding issues further down the road, while the ground onsite becoming compacted and less porous.

Regardless of the decision by committee tonight I asked that we look at the reasons why this

application was so unpopular with so many people in the village and asked whether amendments to our local plan should be considered where possible to move developments like this away from residence homes. I thank Committee Members and Officers for listening to all sides of the issues around this quite contentious application. Thank you.”

The Chairman thanked Councillor Coulson and the Officer clarified that in his recommendation, LP7 and LP26 had been attached full weight, based on their consistency with national policies. The Chairman then invited comments from Members of the Committee.

Members gave careful consideration to the objections raised by residents although it was noted that the application was in compliance with planning policies, and no objections had been raised by the Local Flood Authority, Highways or the Conservation Officer. In addition, there was positive support from the Growth Team and Visitor Economy Officer. It was acknowledged that it was a finely balanced application.

There was considerable discussion regarding the mitigations the applicants had already put in place to address concerns regarding traffic movement, bottlenecking on the main road and the use of the waste disposal units. There were comments from Members regarding the risk of noise complaints and the potential for unpleasant smells such as fires and barbecues, however it was noted that in order to maintain the certification of the Caravan and Motorhomes Club, the site had to adhere to strict regulations around such matters. Additionally, it was highlighted that it would be an enforcement issue to address should there be such issues in the future.

Members questioned the size and capacity of the proposed cabins and bell tents, on displaying photos of the proposed structures, it was felt that capacity could not be the 16 people as quoted by the objections.

With no further comments, the Chairman noted the recommendation was to defer the decision back to Officers to determine the application following the expiry of the publicity period on 18 June 2021. Should any new material considerations arise within the intervening period, then the application may be referred back to the Committee for further consideration. The Officer recommendation was to grant permission subject to conditions.

Having been proposed and seconded, it was taken to the vote and agreed that, subject to the delegation to Officers as detailed above, permission be **GRANTED** subject to the following conditions.

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

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

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

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

2. Prior to the commencement of the use hereby permitted a Noise Management Plan which details all potential noise impacts from the site and how these will be mitigated and managed shall be submitted to and approved in writing by the Local Planning Authority. Any future mitigation and management shall be undertaken in accordance with the approved details.

Reason: In the interests of the amenity of the occupiers of the neighbouring dwelling(s) and to accord with policy LP26 of the Central Lincolnshire Local Plan and provisions of the National Planning Policy Framework.

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

3. Development shall proceed in accordance with the following approved drawings and shall be for a maximum of 12 touring caravans:

- PL-001
- PL-003
- PL-004 Rev A
- PL-005 Rev E
- Specification of Glamping Pod
- Specification of Bell Tent

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

Reason: For the sake of clarity and in the interests of proper planning and in accordance with the terms of the application.

4. No external lighting shall be installed within the application site unless details have first been submitted to and approved in writing by the Local Planning Authority. Lighting shall be installed in accordance with the approved details.

Reason: To prevent harm to residential amenity and the character and appearance of the area in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

5. All planting, seeding or turfing comprised in the approved details of landscaping as shown on drawing PL-005 Rev E shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and occupiers of adjacent buildings and in accordance with Central Lincolnshire Local Plan Policy LP17 and Policy LP26.

6. The proposed pond hereby approved shall not be lined with any impermeable membrane or other such impermeable material.

Reason: To accord with the recommendation of the submitted Flood Risk Assessment and

to accord with the National Planning Policy Framework and policy LP14 of the Central Lincolnshire Local Plan.

7. Prior to the siting or erection of the Glamping Pods or Bell Tents the proposed parking area and footway within the site serving these facilities shall be completed in accordance with the details shown on drawing PL-005 Rev E.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework and policies LP13 and LP26 of the Central Lincolnshire Local Plan.

8. Within 6 months of the date of this permission the Waste Disposal Enclosure shall be completed in accordance with the details shown on drawing PL-004 Rev A.

Reason: In the interests of residential amenity to accord with the National Planning Policy Framework and policy LP26 of the Central Lincolnshire Local Plan.

9. No trees or hedges shall be removed from the site without the prior written agreement of the Local Planning Authority.

Reason: In the interests of amenity and protection of habitats, in accordance with the provisions of the National Planning Policy Framework and policy LP21 and LP26 of the Central Lincolnshire Local Plan.

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

10. The development hereby permitted shall be used for holiday accommodation only and shall not be used as a persons sole or main residence.

Reason: To ensure the development is not occupied as permanent residential accommodation as this would be contrary to Policies LP2, LP4, LP7 and LP26 of the Central Lincolnshire Local Plan.

11. No caravan shall be sited or stored on site between 31st October in any one year and 1st April in the succeeding year unless they are sited within the hardstanding pitches as shown on drawing PL-005 Rev E.

Reason: To accord with current planning policies and in the interest of visual amenity in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan.

12. No bell tents shall be sited or stored on site between 31st October in any one year and 1st April in the succeeding year.

Reason: To accord with current planning policies and in the interest of visual amenity in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan.

17 142758/142759 - 5-7 MARKET PLACE

The Chairman introduced planning application number 142758 and listed building consent application number 142759 for change of use of first - third floor from offices to 3no. residential apartments, removal of existing and installation of timber shop front, installation of gate, removal of pantiles and installation of slate roof, removal of escape door, facade repair including brick replacement, mortar repair and stone cill replacement, structural works tying in west facade with floor, sash window repair and refurbishment and associated internal and external repairs and refurbishment. With no Officer update and no registered speakers, the Chairman invited comments from Committee Members.

It was confirmed that, had the application not been a West Lindsey District Council application, it would have been decided under delegated authority and, having been moved and seconded, with unanimous Member support it was agreed that permission and consent be **GRANTED** subject to the following conditions.

Conditions for Planning Application No: 142758 only:

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).

2. Development shall proceed in accordance with the following approved drawings:

7327 (08) 04 Rev C

7327 (08) 06 REV D

7327 (08) 08 REV C

7327 (08) 11 REV B

7327 (08) 12

7327 (08) 13

7327 (08) 14

SCH02 Window Repair Schedule

Reason: For the sake of clarity and in the interests of proper planning.

3. Prior to their installation, details of new external doors including elevations and sections at no less than 1:20 scale showing the door frame and cill details, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

4. Prior to its installation, construction drawings for the new shop front at a scale of no less than 1:20, including sections, and details of the recessed doorway floor finish shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed

building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

5. Prior to its installation, details of any new or replacement external staircase shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

6. Prior to the removal of any external bricks and voussoir, a specification for the method of their removal shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

7. Prior to any masonry repairs to the front elevation, samples of the following shall have been submitted to and approved in writing by the Local Planning Authority.

- a. Slate
- b. Stone (for new cills)
- c. Bricks
- d. Voussoir bricks
- e. Mortar biscuits (for repointing brickwork and for pointing new brick tiles beside shopfront) with details of composition;
- f. Brick tiles (ground floor)
- g. Tiles for recessed entrance to the proposed new shopfront

Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

8. Panels of sample repairs for the following shall have been approved in writing by the Local Planning Authority prior to such repairs taking place:

- a. Repointing brickwork (an area 60cm square maximum).
- b. Replacement voussoirs (extent of sample required is 1 no. voussoir replacement).

Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

9. Prior to the removal of any existing internal doors, skirting boards and architraves, details of all new and replacement internal doors, architraves and skirting boards including elevations, sections and profiles at no less than 1:20 showing the location of any proposed new or replacement joinery marked on a plan shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed

building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

10. The following items are to be preserved in situ:

- a. 3no. historic cupboards including their doors and existing ironmongery noted on the approved drawings.
- b. Historic floor coverings including floorboards and lime ash floors.
- c. Original architraves and skirting boards.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

11. Prior to their installation, details of proposed electricity and gas meters, and heating system extract flues and vent location details shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

12. No structural repairs shall take place until a report from a CARE (Conservation Accreditation Register for Engineers) registered structural engineer including:

- a. Exactly what structural defects there are, and;
- b. How these can be addressed, detailing minimum necessary to alleviate any structural issues there may be, and;
- c. Drawings and sections to demonstrate this work.

Has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

Conditions for Listed building consent application No:142759 only:

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. Development shall proceed in accordance with the following approved drawings:

7327 (08) 04 Rev C

7327 (08) 06 REV D

7327 (08) 08 REV C

7327 (08) 11 REV B

7327 (08) 12

7327 (08) 13

7327 (08) 14

SCH02 Window Repair Schedule

Reason: For the sake of clarity and in the interests of proper planning.

3. Prior to their installation, details of new external doors including elevations and sections at no less than 1:20 scale showing the door frame and cill details, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

4. Prior to its installation, construction drawings for the new shop front at a scale of no less than 1:20, including sections, and details of the recessed doorway floor finish shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

5. Prior to its installation, details of any new or replacement external staircase shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

6. Prior to the removal of any external bricks and voussoir, a specification for the method of their removal shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

7. Prior to any masonry repairs to the front elevation, samples of the following shall have been submitted to and approved in writing by the Local Planning Authority.

- a. Slate
- b. Stone (for new cills)
- c. Bricks
- d. Voussoir bricks
- e. Mortar biscuits (for repointing brickwork and for pointing new brick tiles beside shopfront) with details of composition;
- f. Brick tiles (ground floor)
- g. Tiles for recessed entrance to the proposed new shopfront

Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

8. Panels of sample repairs for the following shall have been approved in writing by the Local Planning Authority prior to such repairs taking place:

- a. Repointing brickwork (an area 60cm square maximum).
- b. Replacement voussoirs (extent of sample required is 1 no. voussoir replacement).

Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

9. Prior to the removal of any existing internal doors, skirting boards and architraves, details of all new and replacement internal doors, architraves and skirting boards including elevations, sections and profiles at no less than 1:20 showing the location of any proposed new or replacement joinery marked on a plan shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

10. The following items are to be preserved in situ:

- a. 3no. historic cupboards including their doors and existing ironmongery noted on the approved drawings.
- b. Historic floor coverings including floorboards and lime ash floors.
- c. Original architraves and skirting boards.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

11. Prior to their installation, details of proposed electricity and gas meters, and heating system extract flues and vent location details shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

12. No structural repairs shall take place until a report from a CARE (Conservation Accreditation Register for Engineers) registered structural engineer including:

- a. Exactly what structural defects there are, and;
- b. How these can be addressed, detailing minimum necessary to alleviate any structural issues there may be, and;
- c. Drawings and sections to demonstrate this work.

Has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

18 142929/142532 - CARR LANE, NORTH KELSEY

The Chairman introduced two corresponding planning applications, the first being planning application number 142532 for approval of reserved matters to erect 6no. dwellings, considering access, appearance, landscaping, layout and scale following outline permission 135868 granted 03 May 2018. The second being application number 142929 Outline planning application for residential development of up to 9no. dwellings - all matters reserved being removal of conditions 4, 5 & 6 of planning permission 135868 granted 3 May 2018 - removal of footpath provision and adoptable roads. The Principal Development Management Officer explained that the assumption had been made that the conditions relating to application number 142929 would be removed meaning the recommendation for application number 142532 would stand.

The Chairman invited the registered speaker, Hannah Shepherd, to address the Committee. She made the following statement.

“Thank you. Firstly, if you can just forgive me a few nerves. My architect would have loved to have been here tonight to do this but he’s not available.

So just to say, I have lived within the village of North Kelsey for several years. I’m not a large developer motivated purely by profit but a local resident wishing to provide a long term home for myself and my children, whilst also creating an attractive and sympathetic addition to the village.

I purchased the land with outline planning permission for nine dwellings. This has been reduced to six generous size family homes on the recent application with retention of two thirds of an acre of a paddock. All designs the materials have been sourced to create a traditional looking development, which I hope seeing looks to be an established part of the village. Furthermore, my proposal has been designed in consultation with neighbouring properties. Works within the planning framework and it's received no objections from any relevant authority. 10 comments were received in total over the two applications proportionally to the medium size village of North Kelsey. This does not seem to constitute a groundswell of local objection, many of the comments received are not in opposition of the revised layout, but to the development of the site and flood risk concerns in general. These comments were addressed within the previous application which was subsequently approved.

The resident of Beeches Farm on whom I believe the development has most effect has been in full support of the scheme and have been consulted throughout the design stage. The driveway was put next to his property at his request, and plot one has been positioned in order to allow morning sunlight to his decking area. This support has been voiced to the planning department.

Great care and consideration has been taken to limit the impact on the other neighbouring properties and input was also invited from them at the design stage. I believe the objections received by the counsellor from Back House and Lucas House, represent the vocal minority as they do not reflect the significant support I have received.

As previously stated, I will be living on a development long term so it's very much within my interest to create an area free from flooding issues. And I can assure the council that due

consideration has been given to the importance of this.

Contrary to other information provided the area at the front of the site is not prone to flooding. This is based on my experiences, and has been verified from long term local residents. The flooding mentioned occurs on West Street at times of excessive rainfall. In addition to the extensive flood risk assessments included in the original application, a specialist drainage engineer has designed a scheme presented, which is based on a detailed history of the area, and the results of extensive percolation tests. Through the implementation of an attenuation system, surface water will be released at a controlled rate into the existing ditch to be dispersed ultimately into fields further down Carr Road and away from the village. The scheme will therefore not exacerbate any flooding on West Street but instead divert water flow away from the area of concern. In addition to this, the retention of the paddock area will be an advantage compared with the previous application.

Carr Road is a no through road with a 30 mile an hour limit. The frontage of the development is 70 metres in length. Within this we intend to create three vehicular accesses. Opposite the development there are currently six vehicular accesses serving houses and we do so safely. All of the openings are sufficient width to gain a good viewpoint both ways of Carr Road and turning areas have been provided to ensure all traffic leaving does so in a forward manner. Furthermore, the reduction of plots to six, we'll also see the additional road users reduced by third compared to the previous application.

The footpath remains a condition from the original application for 24 dwellings. It is now not deemed necessary due to the significant reduction in plots. This view is shared by both the highways authority and planning officer reports. There is a wide accessible footpath opposite the development serving this area of the village. The installation of the emitted footpath would run through the area in front of Lakeside Lodge currently landscaped as part of their front garden. This area is a steep bank, and the installation of a footpath would require the bank to be retained and would impact on the attractive look at this property, be disruptive for the residents and the resulting footpath would detract from their privacy.

There is currently no footpath on West Street until the junction with Chapel Street, there does not appear to be sufficient space to achieve this in the area fronting the existing hedging running alongside the Beeches, and this would lead to loss of the drainage ditch which is much needed in the area.

The development of the site will be in conjunction with a reputable local builder construction known for the high quality of workmanship. The schedule of works have again been considered in detail to minimise the impact on surrounding residents. It is our intention to build plots one to four initially with a full driveway including turning area to be installed first, providing a delivery area and much reducing the need for any roadside deliveries. Plots five and six are from holdings area to allow materials to be stored at the rear of the site. Also at the early stages of construction the six foot closed border fencing will be passionate about it to protect the privacy and security of neighbouring properties, and the hedge at the front will be retained throughout the construction work to buffer any noise and dust created from the construction to the houses opposite. I would hope that a considered and sympathetic proposal by a local person such as mine would be embraced by the council and I do thank you all for listening.”

The Chairman thanked the speaker and, with no further comment from the Officer, invited

comments from Committee Members.

In response to a question regarding the originally proposed footpath, it was confirmed that there was an existing footpath on one side of the road but not the other, this was the case along the road. A Member of the Committee enquired whether it would be possible for more than the proposed six dwellings to be agreed at a later date, however it was confirmed it would have to be a new planning application which would therefore re-examine the need for a footpath. The Officer also highlighted that if Members were minded to approve both applications, there would be no requirement to amend any of the recommendations.

Having clarified that the initial application for 9 dwellings would have been included in the 5 year growth plan, it was accepted there were no concerns regarding the level of development, given the reduced number of dwellings.

With both application recommendations having been proposed and seconded, the Chairman took the vote en bloc and it was agreed that permission be **GRANTED** subject to the following conditions.

Application Number 142929

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

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before 03/05/2021.

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

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

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. Void

5. Void

6. Void

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

commenced:

7. Notwithstanding the drainage details submitted, no development shall take place until a 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.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety, amenity and commerce of the residents of this site in accordance with policy LP 14 of the Central Lincolnshire Local Plan.

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

8. The applications shall be in accordance with the recommendations within the Ecology and Protected Species Survey by Scarborough Nixon Associates Limited dated June 2017.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and policy LP21 of the Central Lincolnshire Local Plan.

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

9. No more than nine dwellings shall be erected on the site. There shall be no more than 1000 square metres of combined gross internal floor space on the site.

Reason: For the purposes of proper planning and to ensure that affordable housing is not required.

Application Number 142532

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

None

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

None

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

1. 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:

RDS 11576 03 J RDS 11576 11 A
RDS 11576 04 E RDS 11576 12 C
RDS 11576 05 B RDS 11576 13 A
RDS 11576 06 E RDS 11576 14 A
RDS 11576 07 B RDS 11576 15 E
RDS 11576 08 D RDS 11576 16 A
RDS 11576 09 B RDS 11576 17 A
RDS 11576 10 D RDS 11576 18 C

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.

2. Unless otherwise agreed in writing with the Local Planning Authority, the external materials shall be as stated on the plans.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene in accordance with the NPPF and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

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

3. 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 dwelling 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.

19 142772 - SAXILBY

The Chairman introduced the next planning application for consideration, number 142772 for extension & remodelling of existing bungalow, and erect 1no. 1.5 storey bungalow including garaging & home offices. With no updates from the Officer, the Chairman invited the registered speaker, Mr Carl Medd, to address the Committee. Mr Medd made the following statement.

“Good evening, members of committee. I am the agent for the application in question and speak on behalf of the applicants in full support of the scheme.

We are here this evening because of objections received by neighbours, rather than more disappointingly the parish council. The scheme presented before you all this evening has undergone a rigorous design appraisal prior to the application being lodged. A pre application inquiry was submitted to the local authority planning department to enable us to interact and fully understand how we can positively integrate suitable design to the site. As such, this is not a cold application, which has just landed on the planning department’s desk without any upfront discussions, dialogue or technical inputs.

Following our pre application inquiry feedback from the case officer was digested by the agents, and the applicants, and the number of design changes were implemented to warrant a robust scheme, which you have seen tonight, and which the planning departments support or the case officers. We do understand that neighbours do not like change, however, the resultant layout sighting mass and design of the bungalows in question are all tailored to reflect the immediate surrounding context of properties along Mill Lane. The case officer has made it very clear in his report how the proposals have addressed the constraints and fully mitigate the challenges which were faced in delivering a suitable proposal for this site.

Regarding the comments published by the parish council. I'll be a little critical here so I do apologise if this offends any officers. I do actually wonder if the parish and town council, based on their observations have in fact studied the particulars which form this application. A number of their statements are worryingly incorrect and misleading. For example, the layout does not respect existing patterns of development. The last time I studied the layout, it was as per the case officer’s recommendations from the pre application inquiry, ie, two bungalows, side by side. Unless my eyes are blurred the entire length of Mill Lane comprises this established building rhythm - dwellings, side by side.

The proposed use of materials do not respect the development context is another observation from the parish council. Again, forgive me, but the existing bungalow which we are refurbishing, extending and remodelling is already rendered. Standing at the property and looking along the west side of Mill Lane, three of the four properties immediately adjacent to my client’s site are rendered. This does not include the seven properties, which are directly opposite my client site, which are also rendered. The proposed new build bungalow is also part rendered and references many of the dwellings in close proximity.

Another observation by the parish council is red brick is the predominant material choice along Mill Lane and not white brick. The proposed refurbishment of the existing bungalow introduces red brick detailing also found on countless properties nearby.

We have not indicated anywhere on our drawings, specifications or 3d visuals, the use of

white bricks. So I find the parish councillor's comments flawed and inaccurate with this regard. Overbearing in size and nature, another observation by the parish council. As referenced within the design and access statements and presented by the case officer earlier on the slides, we provided photographic evidence also of an identical relationship to which we propose, of a hipped roof bungalow sitting alongside a gable fronted bungalow. The ridge line is marginally higher as shown earlier by the red line, and it all sits comfortably in the street scene. So it physically exists, the precedent is already there for the relationship of those two types of properties.

I do not believe the parish council have studied the content of the application fully. I think they've quickly skimmed over the drawings and just published fleeting comments, which are not justified, and hold any weight.

Policy LP 26 of the Central Lincolnshire plan design and amenity requires all developments to achieve high quality sustainable design that contributes positively to the character, townscape and landscape. Our proposals meet all of the above criteria, local plan policies and Neighbourhood Plan Guidance and they are fully reinforced by the case officers committee report. I therefore encourage all members to support the application, this evening. Thank you."

With no further comments from the Officer, the Chairman invited Members of the Committee to comment.

Councillor D. Cotton confirmed he was speaking as a Committee Member however he wished to refute the allegations against the Parish Council and stated that the application had been given careful consideration. He raised concerns regarding the impact of increased traffic for the already busy junction however felt on balance the application should be granted. The Officer highlighted that the driveway was wide enough for cars to pass on the driveway, the Highways Agency had not objected to the development and it was conditioned for the driveway to be completed. In addition, there was sufficient space for cars to turn in order to avoid the need to reverse onto the road.

In response to a question regarding CIL contributions, it was confirmed this would be arranged with the CIL Officer however it would only be relevant for the proposed new dwelling. The Chairman summarised the details of the application and, having been moved and seconded, it was agreed that permission be **GRANTED** subject to the following conditions.

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

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

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

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

NONE

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

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

- 055C.2021.05 dated March 2021 – Site Plan
- 055C.2021.03a dated 27th March 2021 – 8 Mill Lane (remodelling)
 - Elevation, Floor and Section Plans
- 055C.2021.01 dated March 2021 – New Dwelling Elevation, Floor and
 - Section Plans
- 055C.2021.04 dated March 2021 – Garage/Office Elevation, Floor and
 - Section Plans

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17, LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 2 of the Saxilby with Ingleby Neighbourhood Plan.

3. No construction works above ground level must take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the new build dwelling and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No occupation of the new build dwelling must occur until the approved scheme has been carried out.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012- 2036 and policy 2 of the Saxilby with Ingleby Neighbourhood Plan.

4. No occupation must take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:

- Type, height and position of all boundary treatments.
- Material finish of all hardstanding (access road, driveways, patios and paths).

The scheme of landscaping must be completed in strict accordance with the approved scheme prior to occupation of each individual dwellings.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site or the surrounding area to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012- 2036 and policy 2 of the Saxilby with Ingleby Neighbourhood Plan.

5. No occupation of each individual dwelling must take place until the shared driveway and individual turning space identified on site plan 055C.2021.05 dated March 2021 has been fully completed and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

NONE

20 142645 - OLD CHAPEL COURT, WADDINGHAM

The Chairman introduced planning application number 142645 for approval of reserved matters to erect 1no. dwelling, considering access, appearance, landscaping, layout and scale, following outline planning permission 138417 granted 26 November 2018 - resubmission of 141752. The Senior Development Management Officer advised Members there was a variation to condition 7, in relation to the area to be protected from development. This area was slightly reduced in size and, as a result of the amendments, it had been agreed with the agent to change the description of the application in line with the most up to date permissions.

With no registered speakers, the Chairman invited comments from Members of the Committee. The Vice Chairman enquired as to why the protected area had been reduced in size. It was explained that the purpose of the protected area was to provide sufficient open space around the protected mill and the Conservation Officer had been satisfied that the change was small enough as to still retain the open space in relationship to the mill.

Members of the Committee supported the proposed design as sympathetic to the area and it was noted that, for clarity, a number of the objections detailed within the report were not material considerations and as such could not be considered in the decision making of the Committee.

With no further comments, the Chairman took the vote and it was unanimously agreed that permission be **GRANTED** subject to the following conditions.

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

NONE

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

1. No development must take place until details of the method of removal of excavated earth from the site has been submitted to and approved in writing by the Local Planning Authority.

This must include details of the use of the earth or where it will be deposited. The development must be completed in accordance with the approved details.

Reason: To ensure the excavated earth is dealt with and removed from the site in an appropriate manner to accord with the National Planning Policy Framework, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and Policy 8 of the Draft Waddingham Neighbourhood Plan.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings (dated 12th March 2021 unless stated):

- AR289(S3)-126 – Site Plan (Excluding indicative landscaping)
- AR289(S3)-124 – North and South Elevation Plans
- AR289(S3)-125 – East and West Elevation Plans
- AR289(S3)-123 – Floor Plans

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 3, 8 and 9 of the Draft Waddingham Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. No development above ground level must take place until details of the external materials listed below have been submitted or inspected on site and agreed in writing by the Local Planning Authority.

Sample panel of at least 1 metre square for brickwork are to be constructed on site before materials are brought to site. The panel will demonstrate the colour and texture of the brick, the mortar colour and style, and the gauge of mortar (see advisory note)

- timber cladding and colour finish
- roof materials
- rainwater goods and downpipes including the colour
- all window and domestic doors including colour and finish

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the setting of the Listed Building to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 8 of the Draft Waddingham Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. No occupation must take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:

- Type, height and position of all retained or new boundary treatments.

- Material finish of all hardstanding (access road, driveways, patios and paths).
- Species, planting height, formation and position of new trees and hedging.
- Turfing

Reason: To ensure that appropriate landscaping is introduced in the interests of visual amenity and the setting of the Listed Building to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 8 of the Draft Waddingham Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. All first floor bathroom and ensuite windows must be obscure glazed and retained as such thereafter.

Reason: To protect the neighbour's private garden area from undue loss of privacy from overlooking to accord with the National Planning Policy Framework, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and Policy 3 of the Draft Waddingham Neighbourhood Plan.

6. No occupation of the dwelling must take place until the access and off street parking space identified on site plan AR289(S3)-126 dated 12th March 2021 has been fully completed and retained for that use thereafter.

Reason: To ensure safe access to the site and the dwelling in the interests of residential amenity, convenience and highway safety to accord with the National Planning Policy Framework, local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and Policy 3 and 8 of the Draft Waddingham Neighbourhood Plan.

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

7. Notwithstanding the provisions of Classes A, AA, B, C, D, E, F, G and H of Schedule Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling hereby permitted must not be extended and no buildings or structures must be erected within the curtilage of the dwellings unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the setting of the listed buildings and the amenity of neighbours and the future residents to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 3 and 8 of the Draft Waddingham Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Notwithstanding the provisions of Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure must be erected within or on the boundary of the site unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the setting of the listed buildings accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 3 and 8 of the Draft Waddingham Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

21 142872 - CLIFF VIEW, AISTHORPE

The Chairman introduced the final planning application of the evening, application number 142872 for front porch and single storey side and rear extensions. It was confirmed that the application was presented for a Committee decision solely because the applicant was related to an Officer of the Council. Had that not been the case, the decision would have been taken under delegated authority.

With no updates, speakers or questions from Committee Members, and having been proposed and seconded, it was unanimously agreed that planning permission be **GRANTED** subject to the following conditions.

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

None

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

None

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

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

Site Location ref. CF36 Rev 1
Proposed Site Plan ref. CF37 Rev 1
Proposed Model CF35 Rev 2
Floor Plans ref. CF35 Rev 2

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policy LP17 and LP26 of the Central Lincolnshire Local Plan.

2. The materials used in the development shall match those stated on approved drawing ref. CF35 Rev 2.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy

Framework and 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:

None.

22 DETERMINATION OF APPEALS

The determination of appeals was **NOTED**.

The meeting concluded at 8.22 pm.

Chairman



Officers Report

Planning Application No: 142302

PROPOSAL: Outline planning application for the demolition of a dwelling and associated outbuildings and to erect a retail food store building and a detached coffee shop drive thru building - access to be considered and not reserved for subsequent applications.

LOCATION: Land off Gallamore Lane Middle Rasen Market Rasen LN8 3HZ

WARD: Market Rasen

WARD MEMBER(S): Cllr S Bunney, Cllr J McNeill, Cllr C E J McCartney

APPLICANT NAME: Mr Keith Nutter

TARGET DECISION DATE: 20/04/2021

DEVELOPMENT TYPE: Major - Retail

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: To grant planning permission, alongside the the signed and certified legal agreement under section 106 of the Planning Act 1990 (as amended) dated 17th June 2021 pertaining to:-

- £5000 for the processing of the alteration to the traffic regulation order and relocation of the existing speed limit terminal signs.
- £5000 for the future monitoring of the required Travel Plan.

This application has been referred to the Planning Committee as it comprises a main town centre use in an out of centre location, and following third party objections from another supermarket operator in regard to the Retail Impact Assessment and anticipated impact upon Market Rasen town centre.

Proposal:

Outline planning permission is sought for the demolition of a dwelling and associated outbuildings in the south east corner of the site and to erect a retail food store building and a detached coffee shop 'drive thru' building with access to be considered. Scale, appearance, layout and landscaping are reserved for a subsequent application(s) – 'reserved matters'.

Description:

The application site primarily comprises a grassed area which slopes down to the north then flattens out, a single two storey dwelling to the south east corner and some hardstanding from the access to the south section of the site. The site has an existing wide gated access off Gallamore Lane. Along the east boundary is a watercourse. The site screened to the north and west by hedging with a mix of hedging, trees and fencing to the east boundary. The south boundary is screened by a high brick wall and fencing. Open countryside sits to the north and west. To the east is a single dwelling (Sunnymede) and open countryside which is allocated for housing (CL1358 – See Planning History Section) in the Central Lincolnshire Local Plan. To the

south is Gallamore Industrial Estate. Public Rights of Way MaRA/169/1 is nearby to the south of the site and runs through Gallamore Industrial Estate. Public Rights of Way Midd/99/2 is approximately 270 metres to the west of the site and travels directly north from Gallamore Lane.

Environmental Impact Assessment:

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 sets out the thresholds for when a development either requires an EIA or not. The proposal is not a Schedule 1 or 2 development (the site is under 1ha, under schedule 2 paragraph 10(b)) therefore a screening opinion is not required.

Relevant history:

132281 - Outline planning application for redevelopment of former plant hire site for residential use, appearance and scale to be considered and not reserved for subsequent applications – 18/12/15 - Granted with Conditions

136342 - Application for approval of reserved matters, considering access, appearance, landscaping, layout and scale - following outline planning permission 132281 granted 18 December 2015 - to erect 16no. dwellings – 26/02/19 - Granted with Conditions

141745 - Pre-application enquiry to erect food store and drive thru – 05/11/20

Conclusion

“The benefits of the development by providing employment opportunities and increasing services to the local area is acknowledged. However it is considered that a retail store and drive thru would comprise a departure from the Development Plan, in this open countryside location. It would need to be clearly demonstrated through the sequential test that there are no suitable sites that are available (or expected to become available) within the town centre, or edge of centre, before an out of centre site such as this could be considered. It will also need to provide a robust impact assessment on the impact on existing town centre vitality and viability.”

Land to the east (Allocation CL1358)

141839 - Planning application to erect 80no. dwellings with associated car parking, gardens, roads, home-zones, pathways (foot and cycle) and public open space – Still under consideration.

Market Rasen Leisure Centre:

138607 - Planning application for development of a dry leisure centre, together with external sports pitch – 07/02/19 - Granted time limit and other conditions

Sequential Test Conclusion:

“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 Test Extract:

“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.”

Representations

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

Middle Rasen Parish Council: No objections with comments

The Council have no objections, but would ask that a S106 agreement is made for provision of a footway/cycle path to Middle Rasen along A46 to join A631, and a request for a condition that the lights do not cause light spill into the next door residential development as identified on the CLLP.

Market Rasen Town Council: Supports

Market Rasen Town Council support this application but would like to see an extension to the proposed footpath to join it to Market Rasen and provide safe pedestrian access from the town.

Local residents: Representation received from (summarised):

Supports

20 Dovecote, Middle Rasen
58 Gordonfield, Market Rasen
49 The Brambles, Market Rasen
32 North Street, Middle Rasen
2 The Homestead, Main Street, Osgodby
82 Lammas Leas Road, Market Rasen
Clunberry, Main Road, Linwood
1 Meadowfield, Middle Rasen
1 Fern Drive, Middle Rasen
35 Fern Drive, Middle Rasen
2 Gallamore Court, Middle Rasen

- Enable more choice and discounted food.
- Help environment as less people will travel out of town.
- Provide employment.
- More facilities to the area.
- Encourage people to use local shops.
- Enable to walk to store instead of using car.
- Great for area and enhance town.

- Will help serve 100's of new homes proposed to north of the town.
- Needed as town growing rapidly.
- Stop people having to travel through town centre to get groceries.
- Asset to community.
- Brings affordable shopping into the town.
- Need competition to keep this market town alive.
- Perfect location for such a development.
- Pedestrian access will be icing on the cake.

Objects

Sunnymede, Gallamore Lane, Middle Rasen

Health and Safety

- Materials could be a potential fire risk.
- Air pollutants from vehicles.
- Increase in litter.
- Anti-social behaviour in car park.

Residential Amenity

- Serious impact on mental health, wellbeing and standard of living.
- Overbearing, out of scale and out of character in terms of appearance compared with Sunnymede.
- Light pollution on dark front and rear gardens.
- Noise pollution from traffic, deliveries, ventilation systems, shopping trolleys, night time staff.
- Loss of view from garden.
- Request, should the development be approved, that the developer build a 2.5 metre high brick wall, at their expense, along the joint boundary with Sunnymede.

Brownfield

- Brownfield references rendered moot by fact site has been enjoyed solely as private residence for many years.

Royal Mail: No objections with comments (summarised)

- Do not object to the principle of the development and support new retail development.
- Concerned in relation to potential travel impacts as a result of their working hours and traffic congestion.
- Request that delivery hours are conditioned to protect Royal Mails delivery fleet from significant delays due to increased traffic on local highway.
- Royal Mail delivery officer located with Gallamore Lane Industrial Estate and additional parking in area may cause increase in parking issues for Royal Mail.
- Royal Mail needs uninterrupted access into and from its site at all times.
- Considers off street parking to development as sufficient.
- Construction Management Plan requested as pre-commencement condition.

TESCO Stores Ltd: Objections (summarised)

- **The Requirement for Robust Assessment of the Significance of Trading Impacts on Market Rasen Town Centre**

The application proposal is for a retail store of 1,858m² gross. That is nearly four times the local threshold of 500m². The Local Plan advocates that a “*robust assessment of impact on nearby centres*” is required for out-of-centre retail proposals “*greater than 500m²*” (policy LP 6). The prospect of there being a significant adverse impact justifying refusal must therefore be a realistic expectation.

- **Inadequate Assessment of Market Rasen Town Centre’s Health**

The Planning and Retail Statement only draws from a very dated and now unreliable assessment of the health of the town centre undertaken for the Council in August 2015. An up-to-date assessment is necessary as the basis against which effects on the vitality and viability of the town centre can then be properly judged.

In assessing the health of the town centre it is important that the role the Tesco store plays is correctly identified. It provides a key destination and attraction that generates footfall supporting the range and diversity of other shops and services across the centre. It is located within a short (less than 300m) and easy walk of the centre’s primary shopping centre. It must be classified as ‘an edge of centre’ store (National Planning Policy Framework (Glossary) definition). As such it is deemed to have a positive town centre function and ‘policy protection’ in the sense that it must be included in the assessment of any trading impacts on the town centre.

- **A Significant Adverse Impact on Town Centre Trading Conditions**

The applicant’s submitted Statement seeks to set the proposal within a very much broader catchment area extending to include Horncastle, much of Louth and extending up to the urban edges of Lincoln, Grimsby, Cleethorpes and Gainsborough. This is a vast catchment area that is wholly untypical of the market that these retailers seek to serve. Those settlements are all around 25km distant and thus at least a 30 minute drive away.

Had the author selected a more appropriate catchment area focused more on Market Rasen itself (for example limited to zone 14 of the Council’s Study) then a catchment population of just short of 25,000 at 2025 would have provided a more realistic and usable study area (subject to the removal of some population near to the Grimsby/Cleethorpes border).

This therefore needs to be considered in the context of, and compared with, the author’s estimate of trade draw from the Tesco store in Market Rasen that sits less than 1.5 km away from the proposal and is very conveniently located within the town’s local catchment area. Applying information available to us to assess impacts from new discounter stores on retailing in modest ‘market towns’ where alternative provision is distant, i.e. well over 20km away, confirms that the impacts on our client’s trading conditions and footfall will be significantly greater than judged to occur in the applicant’s assessment.

However, notwithstanding the applicant's significant under estimate of trade diversion within Market Rasen, they estimate impact on that it has been undertaken in accordance with Guidance Tesco store to be 27.2%. And when the overall impact on all relevant stores in Market Rasen is aggregated, impact still exceeds 22%. Thus, even with all the under-estimation factors and poor judgements put aside, this represents a very substantial diversion of trade. It would cause a substantial reduction in footfall within the town centre thus harming the vitality and viability of shops and services there. It is of a magnitude where a "*significant adverse impact*" would normally be expected to arise and that in turn would justify refusal of planning permission (as per the development plan and paragraph 90 of the NPPF). A final confirmatory judgement can safely be made when the Council is in possession of an up-to-date assessment of the current, post COVID -19 health of the town centre.

- **Employment benefits vastly overstated**

The applicant's Statement asserts that there would be 107 FTE new jobs. Typically around 40 jobs (in total) would typically be created with drive-through restaurants not exceeding 20.

- **Poor Transport Accessibility**

The site has very poor accessibility by non-car modes. In particular the A46, Gallamore Lane, has no bus services running along it. East-west routes run along Gainsborough Road and King Street to and from the town centre. This is confirmed in the applicant's Statement that confirms, "*the nearest bus stop to the site is within 800m ...*". Policy LP 13 of the adopted Local Plan cannot therefore realistically be complied with.

- **Conflict with Open Countryside and Beyond Settlement Boundary**

Whilst the applicant's agent suggests that it's character is influenced by the 'urban fringe', the plan making process would have been aware of this but nevertheless did not exclude it. The full weight of this designation should therefore be applied together with the related breach of developing 'outside the defined Settlement Boundary'.

- **Speculative Development and the Risk of Non-Delivery**

There is no operator associated with the proposal. This is unusual in the context of planning applications for discount food retailing. The Council should recognise the potential lack of delivery risks associated with such a speculative development. That would provide adverse signals of a lack of confidence in the locality it would also lead to 'convert' the development into a potentially less acceptable form.

WLDC Economic Development: Supports

In principle and subject to normal planning considerations, the Growth Team are supportive of this outline development proposal and would make the following comments in respect of the economic benefits it would bring to the Market Rasen area:

The proposed location on the A46 has in part previously been used for commercial purposes and Gallamore Lane Industrial Estate sits to the south

of the site with a mix of retail and industrial uses and whilst serving the immediate catchment area (industrial estate and housing) is connected to Market Rasen town centre via bus and walking routes.

Local employment opportunities would be provided both during construction of the facility and longer term in the retail food store and coffee shop provision.

This proposal would also provide a further food retail offer in the locality for residents as well as serving passing trade on the main A46 route.

LCC Highways/Lead Local Flood Authority: No objection subject to conditions and S106 contributions.

Highways

The Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to the NPPF.

Drainage

This application has provided details to support a site specific sustainable drainage system with a controlled rate of surface water run-off, and therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

Recommended conditions:

- Construction Management Plan
- Timely closure of existing accesses
- 1.8 metre wide footway to connect the development to the existing footway network on the north and south side of Gallamore Lane
- works to improve the public highway by means of a pedestrian refuge island
- Travel Plan
- Surface Water Drainage Scheme

S106 contribution:

- £5000 for the processing of the alteration to the traffic regulation order and relocation of the existing speed limit terminal signs.
- £5000 for the future monitoring of the required Travel Plan.

Environment Agency: No objections with advice

We note that the Suggested Informative Statements and Conditions Report (ref: 169656/1/0114192) from Anglian Water dated 09 February 2021 highlights that the foul drainage from this development is in the catchment of Market Rasen Water Recycling Centre (WRC) which currently does not have capacity to treat the flows the development site.

LCC Archaeology: No objections

The development is located outside of the historic settlement cores of Market and Middle Rasen. The site would have been within the open fields of these settlements in the medieval period so it is unlikely that any remains of this date would be found. There is also no evidence for earlier Roman or

prehistoric settlement nearby, and so in my view there is nothing to justify any archaeological input for this development.

WLDC Environmental Protection Officer: No objections subject to conditions:

Representations received 19th March 2021

Responses received – no comment or objection

Site plan – please consider running this by the Ancholme IDB.

Representations received 12th and 17th February 2021:

Riparian Responsibility

There is no indication of the watercourse on the east boundary on the site.

Assurance of ability to manage riparian responsibilities ought to be required at an early stage and this would entail ability to access and maintain.

Contamination

A comprehensive contamination condition ought to be attached to any permission.

Noise

I agree in principal with the noise assessment, subject to the below, I advise revisiting it at detailed design stage and recommend a condition to this effect.

A decision ought however to be made about the acoustic fence before outline permission is granted as a revision of layout may well be necessary.

I would, regardless, like to see graphical analysis of LAeq and L90 data to visually assess variance across time as against the statistical analysis of noise occurrence that has been provided and for it to be assessed against pre-covid restrictions as regards traffic movements for which I am sure comparative data will be available.

A noise condition would ensure a follow up report. Also and significantly I would like to see:

1. the additional info (a) LAeq Graphs and (b) pre Covid assessment and crucially
2. how the acoustic fence positioning will be managed around Riparian Responsibility in respect of assumptions of its presence (ought to be addressed before granting permission).

Deliveries

I note a delivery vehicle turning as well as a loading area and in it increased potential for noise disturbance especially during sleep disturbance hours (23:00 to 07:00) and through periods of diminishing background noise in the evenings.

At 1.6 of the assessment is an indication of proposed opening hours. These ought to be conditioned and exclude deliveries outside of these hours except for exceptional circumstances.

Assumptions apparent at 4.16 are that delivery vehicles will be unloaded indoors and that deliveries could be made at any time of the day or night. The former ought not to be assumed and if fact then ought to be conditioned, the latter ought to be discouraged and appears substantiated in the table at 4.21 with a 'significant adverse' attributed to night time noise (albeit recommendation at 4.25 is for a restriction against during the hours 23:00 to 05:00 as against the 23:00 to 07:00 I advise so as to minimise potential for complaint as and when the neighbouring proposed development is occupied.

Piling

It is likely that piling will be necessary at this site due to high ground water, a piling strategy ought to be agreed in order to minimise disruption.

Plant

I note assumption at 1.4 as regards location of plant as being west of the store, inference therein apparently being of lesser need to assess and mitigate. This should not to be assumed and ought to be subject of a follow up report/addendum, as appropriate.

Lighting

An illustrated lighting impact plan is needed, one that includes any light spill from internal lighting as may impact outside of the boundary. Need for an hours control on unnecessary and out of hours lighting in the as yet remote location is also apparent. A condition ought to be applied to any grant of permission

Odour

An odour condition ought to be applied in respect of any hot food preparation 'In Store' and the 'Drive-Thru'

Anti-Social Behaviour

Consideration ought to be given as to the management of potential for and of Anti-Social Behaviour, especially on the car park(s) and associated areas out of hours.

WLDC Tree and Landscape Officer: Comments

The northerly and easterly boundaries show adequate planting space for a range of trees and shrubs in addition to the existing hedgerows to create good landscape buffers between the proposed retail site and the adjacent housing allocated site to the east and open countryside to the north.

A line of fastigiate (narrower crown shaped) trees are proposed along the westerly planting area in addition to the existing low-level hedgerow for amenity and screening. Ground cover plants are also proposed along this planting bed, and would be to inhibit weeds and for amenity within the site, as they would not be visible from outside the site and would not contribute to screening or softening of the development. The line of fastigiate trees along the westerly boundary are shown planted in an evenly-spaced line. This gives a regimented line appearance, and would look better if they were more randomly spaced to give a more natural effect, and the trees should not be all

the same species. Something similar to the tree spacing along the easterly side would be preferable for a more natural appearance, particularly due to being on the edge of open countryside and prominent along Gallamore Lane in the approach to the town.

The existing boundary hedgerows have a few thin areas, and there is an opening in the northerly hedgerow. Some infill planting of locally characteristic mixed native species will be required, and details should be given on a landscape scheme in a Reserved Matters application. A scheme of landscaping will be required as part of a subsequent Reserved Matters application.

LCC Public Rights of Way: No objections

Anglian Water: Comments

Representation received 12th May 2021:

Same as 8th February 2021 comment but now states that:

The foul drainage from this development is in the catchment of Market Rasen Water Recycling Centre that will have available capacity for these flows

Representation received 8th February 2021:

Assets

There are no Anglian Water assets within the site boundary

Wastewater Treatment

The foul drainage is in the catchment of Market Rasen Water Recycling Centre which currently does not have capacity to treat the flows. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Used Water Network

The sewerage system at present has available capacity for these flows.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Nexus Planning (on behalf of the applicant): Response to TESCO objections (summarised)

- The Requirement for Robust Assessment of the Significance of Trading Impacts on Market Rasen Town Centre

The submitted Planning and Retail Statement utilises the household survey undertaken in support of the Central Lincolnshire City and Town Centre

Studies of 2012 and 2015, but provides a fully updated position in respect of the trading performance of existing stores through the use of the latest Experian expenditure data and forecasts. In this regard, we note that paragraph 017 of the Town Centres and Retail Planning Practice Guidance recommends that:

‘The impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.’ (Our emphasis.)

Our approach in comprehensively updating the Council’s own evidence base is wholly consistent with this guidance. The impact assessment has been undertaken on a detailed basis and clearly demonstrates that the level of trade diversion occurring from any defined centre will be very limited. In our view, this is unsurprising given that there are no comparable large format grocery retailers located within Market Rasen town centre.

It is relevant to note that the Tesco store at Linwood Road in Market Rasen is accurately categorised as ‘out of centre’, given that the most direct route between the store and the town centre is well in excess of 300 metres.

- **Inadequate Assessment of Market Rasen Town Centre’s Health**
The submitted Planning and Retail Statement draws upon the most recently published health check assessment of Market Rasen town centre, which we have verified through our observations ‘on the ground’ in visiting the centre in December 2020. We believe that the Council’s own evidence is particularly helpful in this instance given that the purpose of Covid-related restrictions is to ensure that there is a lesser amount of activity within any given destination through the temporary closure of businesses. Solely relying on the trading position of a centre within a period of trading restrictions would provide a misleading position.

Notwithstanding this, our December 2020 visit has verified the key conclusions of the Council’s own earlier health check assessment in respect of:

- the pleasant town centre environment;
- the focus of the centre in meeting service and day-to-day needs;
- the limited national multiple offer; and
- the apparent limited number of pedestrian linked trips between the Tesco store at Linwood Road and the town centre to the north.

In reviewing the health of Market Rasen town centre, paragraph 6.15 of our Planning and Retail Statement noted that:

‘..it is widely anticipated that Covid-19 will result in a long-term shift in working habits, with more people working from home, at least on occasion. This will mean less commuting to higher order centres and more convenience goods expenditure being spent closer to home. This, in turn, will be of benefit both to our client’s application proposal (once implemented), but also to existing convenience goods retailers in the

town.’

This commentary is consistent with the findings of the Review of High Street Footfall, which was published by the Government’s High Streets Task Force in September 2020. The Review of High Street Footfall paper identifies that larger town and city centres have been disproportionately impacted by Covid-related restrictions and that, as a consequence of working from home, the local high street has been ‘rediscovered’. Page 48 of the Review of High Street Footfall indicates that a shift to working from home has resulted in more trips to the local high street or town centre now taking place during the week. There is some expectation that this trend will continue even as restrictions are eased.

It is also important to recognise that grocery shopping has been less impacted than non-essential shopping, and that grocers have, overall, secured additional sales. Tesco has been a particular beneficiary of recent changes in shopping habits, with its food and grocery sales increasing by a reported 9.2% in 2020 compared to 2019.

As a consequence, we do not believe that there are any particular long-term concerns relating from Covid-19 which are specific to Market Rasen town centre or to the Tesco supermarket, accepting that this store comprises an out of centre destination. Furthermore, given the location of the Tesco store, it is important to confirm that it is not afforded direct policy protection in terms of the impact test’s objective of safeguarding the vitality and viability of defined centres. We believe this to be a straightforward and widely understood principle.

Should there be any doubt in this regard, assistance is provided by the Inspector in defining the area of particular interest with regard to the retail impacts arising from the proposed erection of a Sainsbury’s superstore at Meols Cop Retail Park in Southport (PINS reference App/M4320/V/1 5/3002637). At paragraph 317 of her report, the Inspector clarifies that: **‘To my mind it is reasonable to surmise that the consideration of town centre vitality and viability in Paragraph 26 [now paragraph 89 of the NPPF] is referring to the PSA, which is the area where retail development is concentrated.’**

We reiterate that Tesco store is located some distance outside the defined Market Rasen town centre boundary.

- A Significant Adverse Impact on Town Centre Trading Conditions
The MRPP letter suggests that the submitted retail impact assessment has overstated the impacts arising at more distant locations and that, as a direct consequence, identified local impacts have been depressed.

This concern appears to be based on two erroneous assumptions. Firstly, the MRPP letter identifies that our assessment assumes that some expenditure could be diverted from the edge of destinations such as Lincoln, Grimsby,

Cleethorpes and Gainsborough to the proposed store. As a consequence, MRPP states that:

‘Those settlements are all about 25km distant and thus at least a 30 minute drive away. This vastly oversized catchment area serves to substantially distort assessment of likely effects.’

To be clear, it is not our case that residents of Lincoln, Grimsby and other relatively distant towns will travel to Market Rasen to shop at a discount food store in large numbers. Instead, we anticipate that the large majority of the turnover of the proposed store will be drawn from Zone 14 (within which the application site lies). Other zones are included in our assessment for completeness in order to help accurately identify the turnover of relevant food stores.

In this context, we believe that some expenditure which originates in locations such as Caistor (which is located within West Lindsey District) will be drawn to the proposed food store, instead of being spent within Grimsby, Cleethorpes, and so on. In addition, it is the case that some local residents are being forced to travel substantial distances as a consequence of the very limited grocery provision in Market Rasen. This is confirmed by the letter submitted in support of the application by the occupant of 1 Meadowfield, Middle Rasen who indicates that ‘...a store like this would certainly help, I know my neighbours and myself go to Lincoln rather than shop here.’

We believe that the findings of the submitted retail impact assessment are entirely realistic and plausible in this context.

Secondly, MRPP assumes that any miscalculation in respect of the quantum of trade diverted from more distant towns will materially affect the level of diversion from the Tesco at Linwood Road. In practice, the level of trade diverted from these destinations has no real bearing on the propensity for Tesco shoppers to be tempted away from that store to shop instead at the proposed new food store.

The robustness of the assumed trade diversion from Tesco needs to be judged on its own merits. In our experience, it would be highly unusual for a store to secure more than 40% of its turnover from a single competitor. Indeed, the level of trade diversion which we have estimated would occur at the Tesco store equates to around one in three of its shoppers being tempted away from their preferred grocery shopping destination. This is despite the fact that the proposed store will carry a more limited product line than the Tesco.

As a consequence of the above, we believe it to be implausible that the Tesco would be the subject of an impact materially in excess of that identified within our retail impact assessment.

- **Employment Benefits Vastly Overstated**

We take this opportunity to provide a revised assessment of the likely jobs supported by the proposal. The proposed food store would have a gross internal area of 1,858 sq.m and the proposed drive-thru would have a gross

internal area of 186 sq.m. Accordingly, the proposed development has an aggregated gross internal floorspace of 2,044 sq.m.

The most circumspect employment density estimate provided by the Homes & Communities Agency Employment Density Guide⁴ in respect of food store and restaurant & café floorspace is one job for every 20 sq.m of net internal floorspace. Applying this benchmark suggests that the proposed development would likely support a minimum of 102 FTE jobs.

We recognise that the application has been submitted without any operator being formally associated with the proposal, and that the above figure is an estimate based on an established indicative multiplier.

This approach is commonplace in such circumstances. Furthermore, whilst we note that MRPP has a more pessimistic view in respect of the likely number of jobs supported by the proposal, its own estimate of 60 jobs still comprises a significant benefit attributable to the development. The exact employment arising from the proposal will be dependent on the end occupiers, but the Council can have confidence that a substantial number of jobs will be supported in practice.

- **Poor Transport Accessibility**

The application site is situated in the northern part of Market Rasen, which is particularly poorly served in respect of its accessibility to grocery provision. The delivery of the food store in this location will mean that shoppers living in this part of the town will be able to meet more of their needs locally, whether such trips are undertaken on foot or by car. We note that the supporting letter submitted by the occupant of 2 Gallamore Court, Middle Rasen identifies that the site comprises the 'perfect location' to deliver better choice to residents. We believe that some visits to the food store could be made on foot, both in respect of nearby residents and employees located at Gallamore Lane Industrial Estate. Furthermore, we note that the Market Rasen area benefits from the 'Call Connect' on-demand bus service, which is available to all residents to allow bus journeys to locations of their choosing. As a consequence of the above, we believe that the proposed development is consistent with the requirements of Central Lincolnshire Local Plan Policy LP13 and its requirement for proposals to offer a range of transport choices.

- **Conflict with Open Countryside and Beyond Settlement Boundary Designations**

The site is predominantly previously-developed in character and is situated opposite an existing commercial estate which accommodates large-format development. The submitted Planning and Retail Statement of January 2021 demonstrates how the proposal addresses the four criteria of relevance to Part E of Policy LP55 of the Central Lincolnshire Local Plan. We remain of the view that the proposed land use represents an appropriate use of the site in this context, and do not believe that the MRPP letter introduces any additional information which requires further consideration.

- **Speculative Development and the Risk of Non-Delivery**

Morbaine continues to engage with interested operators to secure occupation of the proposed development. It can confirm that there is significant interest in the development, and that such discussions are assisted by the generally positive manner in which the proposals have been welcomed by the local community. Morbaine expects to be able to agree terms with interested parties promptly should planning permission be granted for the development.

Summary and Conclusion

We reiterate that the proposal is appropriately located to provide increased customer choice and to ensure that more needs are able to be met locally, therefore removing the requirement to travel further afield. Any impacts which would occur within defined centres are very limited in nature and certainly not of the 'significant adverse' magnitude which could merit the refusal of the application.

Further late representations have been received from Tesco (11th May) and a response from Nexus Planning (17th May) continuing this debate and can be viewed on the Council website.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP6 Retail and Town Centres in Central Lincolnshire

LP12 Infrastructure to Provide Growth

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP16 Development on Land Affected by Contamination

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Development in the Countryside

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

- **Neighbourhood Plan (NP)**

The site is not within an allocated Neighbourhood Area. There is no neighbourhood plan to consider.

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

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

National policy & guidance (Material Consideration)

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

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019.

Paragraph 20 states:

“Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

- a) *housing (including affordable housing), employment, retail, leisure and other commercial development”*

Paragraph 85 states:

“Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) *define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters”*

Paragraph 86 states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

Paragraph 87 states:

“When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility

on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”

Paragraph 89 states:

“When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).”*

Paragraph 90 states:

“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.”

Paragraph 117 states:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”.

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).”

Annex 2 states:

*“**Edge of centre:** For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.”*

*“**Main town centre uses:** Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants,*

bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).”

“Primary shopping area: Defined area where retail development is concentrated.”

“Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

- **National Planning Practice Guidance**

Town Centres and Retail

<https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres#planning-for-town-centre-vitality-and-viability>

- **National Design Guide (2019)**

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

Other:

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (UCO)

<https://www.legislation.gov.uk/ukxi/2020/757/made>

Main issues:

- Principle of the Development
 - Location
 - Central Lincolnshire Local Plan 2012-2036
 - Assessment of Local Policy LP6 of the CLLP
 - Town Centre Sequential Test
 - Town Centre Impact Test
 - Local Policy LP55 Part E
 - Previously Developed Land
 - Concluding Statement
- Community Engagement
- Access

Assessment:

Principle of the Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Location:

Local Policy LP2 of the CLLP defines the developed footprint as:

“throughout this policy and Policy LP4 the term ‘developed footprint’ of a settlement is defined as the continuous built form of the settlement and excludes:

- a) individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;*
- b) gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;*
- c) agricultural buildings and associated land on the edge of the settlement;*
and
- d) outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.”*

Adjacent to the east of the site is housing allocation CL1358 which is currently under consideration in planning application 141839 (80 dwellings). If approved and constructed the application site would be adjacent and opposite the developed footprint of Market Rasen in the form of Sunnymede and Gallamore Industrial Estate.

At this moment in time in accordance with local policy LP2 of the CLLP and the definition of the developed footprint the application site is considered as being in the open countryside.

Central Lincolnshire Local Plan 2012-2036:

Local policy LP6 of the CLLP states:

“The following retail hierarchy will be used by the Central Lincolnshire authorities and their partners to guide investment and other activity to improve the vitality and viability of the identified centres, and in planning applications for retail and other town centre uses (as defined in the NPPF):

Tier	Type of Centre	Role and Function	Location
1	City Centre	Largest centre within Central Lincolnshire, having an extensive catchment and a sub-regional role, providing a wide range of town centre uses.	Lincoln
2	Town Centre	Centres providing a range of facilities and services for a wider catchment area within the main towns and market towns.	Gainsborough Sleaford Market Rasen Caistor
3	District Centre	Centres serving particular areas within the main settlements, typically including a range of services such as banks, building societies, restaurants, library, and usually with at least one supermarket.	Existing locations are all within the Lincoln Area. The potential requirement for new District Centre development serving the proposed SUEs is covered in the individual SUE policies in the area chapters.
4	Local Centre	Centres within the main settlements that serve their locality, typically including a small supermarket and a limited range of other local shops and services such as a pharmacy, sub-Post Office, newsagent, hot food takeaway.	The potential requirement for new Local Centre development for proposed SUEs is covered in the policies for the individual SUEs in the area chapters.
5	Rural Settlements	Small rural centres serving the local population which may include local health and leisure services	Retail hierarchy within rural settlements follows the settlement hierarchy as defined in Policy LP2, other than Market Rasen and Caistor as identified above

“The boundaries of Tier 1 to 4 centres referred to in this table, together with primary shopping areas are defined on the Policies Map.

Development proposals for retail and/ or other town centre uses will be directed to the Tier 1 to 4 centres defined in this policy, and will 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. Within the Rural Settlements, other than Market Rasen and Caistor, the scale of provision should be proportionate and strengthen their roles in providing mainly convenience shopping and local services to meet local needs.

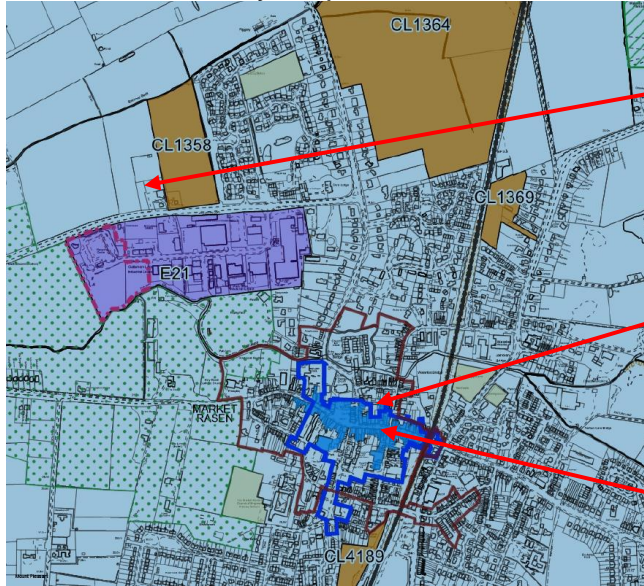
Development proposals for main town centre uses in out-of-centre and edge-of-centre locations will be required to demonstrate their suitability through a sequential site test in line with the NPPF.

In addition, a robust assessment of impact on nearby centres will be required for any edge-of-centre or out-of-centre retail, leisure or office proposal that is located:

- a) within 1km of Lincoln primary shopping area and is greater than 2,500m²;
or*
- b) within 500m of the boundary of a District Centre and is greater than 300m² gross;*

- c) *within 500m of the boundary of a Local Centre and is greater than 200m² gross; or*
- d) *in any other location not covered by a-c above and is greater than 500m².*

Extract from Policy Map 51¹ – Market Rasen



Site

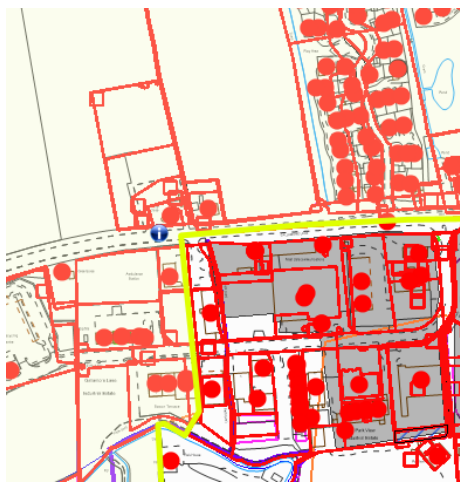
Town Centre (Blue Boundary)

Primary Shopping Area (Shaded Blue)

Assessment of Local Policy LP6 of the CLLP:

Local policy LP6 of the CLLP sets out a hierarchy (pg28 (see above)) “to guide investment and other activity to improve the vitality and viability of the identified centres, and in planning applications for retail and other town centre uses (as defined in the NPPF)”.

Although the site is in the parish of Middle Rasen it is located closer and has more of a physical connection/relationship with Market Rasen, than Middle Rasen village. For reasons of clarity the parish boundary (see highlighted yellow on plan below) of Middle Rasen and Market Rasen runs along the south side of Gallamore Lane from Caistor Road (B1202) and then re-directs south past the east elevation of the Ambulance Station. The application site is partly opposite the boundary.



¹ <https://www.n-kesteven.gov.uk/central-lincolnshire/policies-map-and-interactive-map/>

The hierarchy allocates Market Rasen as a Town Centre and Middle Rasen as a Local Centre. The application site is located approximately 1327 metres (0.8 miles) from the Middle Rasen Local Centre and approximately 480 metres (0.29 miles) from the Town Centre boundary of Market Rasen. The site is additional approximately 640 metres (0.39 miles) from the Primary Shopping Area of Market Rasen which is in and around the Market Place.

In accordance with the UCO the proposed development would introduce a class E (Commercial, Business and Service use) retail and drive through restaurant use onto the site. This application therefore proposes to install a main town centre use onto a site which is more than 300 metres from the Primary Shopping Area (see edge of settlement definition in the national policy section above) of Market Rasen. Therefore the proposed site is considered as being an out of centre location and the application must demonstrate and justify through a full assessment how the application site would pass the main town centre sequential test.

The proposed development would have a total gross new internal floorspace of 2044m². Therefore in line with criteria d) of the Local policy LP6 and paragraph 89 of the NPPF the application must in this case provide a robust impact assessment on the Town Centre of Market Rasen.

The application has included a Planning and Retail Statement (PRS) dated January 2021 by NEXUS Planning which provides an assessment of the sequential test in section 5.0 and the impact test in section 6.0.

Town Centre Sequential Test:

In paragraph 5.21 the PRS clearly sets out the parameters which have informed the completion of the sequential test: These are:

- *at least 0.6 hectares in size, in order to accommodate a materially similar form of development;*
- *within the Market Rasen area, such that any sequential alternative site would serve the same broad catchment area; and*
- *in a visible location which benefits from good access to the transport network in order to meet the needs of prospective operators.*

The sequential test focusses on Market Rasen and included a survey visit in December 2020 by the author. The concentration of the sequential test on Market Rasen is accepted as the site has a closer relationship to and would primarily serve the people of the town.

This survey found only one unit (10 Market Place) within the town centre measuring 280m² and assessed the potential of the Market Rasen Leisure Centre site. The Market Rasen Leisure Centre as witnessed during the site visit is now fully constructed and operational. It is agreed that there are no town centre locations large enough to accommodate the proposed development and the Market Rasen Leisure Centre site is occupied.

It is relevant at this point to acknowledge that the Market Rasen Leisure Centre (136807) recently passed the main town centre sequential test as an edge of centre site.

Considering local knowledge, and having interrogated the Authority's internal GIS mapping system and explored around the Market Rasen area I am unaware of any other sites that it would be appropriate to include within the town centre sequential test.

Therefore, none of the alternative sites assessed are considered to be sequentially preferable to the application site which lies in an out of centre location, opposite to Market Rasen's developed footprint and within easy walking or cycling distance of Market Rasen's residential form subject to highway and pedestrian footpath improvements (see later in report).

Town Centre Impact Test:

Whilst the national threshold for an Impact Assessment is set for proposals that would exceed 2500sqm, which the proposed development would fall below, one is required by virtue of criteria d. of policy LP6 which places a local threshold of 500sqm.

To reiterate paragraph 89 of the NPPF provides the criteria to be met by the impact test. These are:

- a) *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."*

Paragraph 15 (Reference ID: 2b-015-20190722) and 18 (Reference ID: 2b-018-20190722) of the Town Centres and Retail section of the NPPG sets out what it is important to consider and a checklist for its application.

Consider:

- *“scale of proposals relative to town centres*
- *the existing viability and vitality of town centres*
- *cumulative effects of recent developments*
- *whether local town centres are vulnerable*
- *likely effects of development on any town centre strategy*
- *impact on any other planned investment”*

Checklist:

- *“establish the state of existing centres and the nature of current shopping patterns (base year)*
- *determine the appropriate time frame for assessing impact, focusing on impact in the first five years, as this is when most of the impact will occur*

- *examine the ‘no development’ scenario (which should not necessarily be based on the assumption that all centres are likely to benefit from expenditure growth in convenience and comparison goods and reflect both changes in the market or role of centres, as well as changes in the environment such as new infrastructure);*
- *assess the proposal’s turnover and trade draw* (drawing on information from comparable schemes, the operator’s benchmark turnover of convenience and comparison goods, and carefully considering likely catchments and trade draw)*
- *consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities (which may require breaking the study area down into a series of zones to gain a finer-grain analysis of anticipated impact)*
- *set out the likely impact of the proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues*
- *any conclusions should be proportionate: for example, it may be sufficient to give a broad indication of the proportion of the proposal’s trade draw likely to be derived from different centres and facilities in the catchment area and the likely consequences for the vitality and viability of existing town centres”*

Paragraph 6.21 of the PRS states that the only known investment in Market Rasen is the Leisure Centre which is now in an operational position therefore its investment cannot be impacted on.

The PRS sets out the methodology used to assess the impact test with detailed tables in appendix A providing a “*step-by-step retail impact assessment*”.

The Impact Assessment assesses the health of the Town Centre, taking into account previous assessments and their own surveying, finding “*Market Rasen remains a pleasant centre to visit, with a strong community feel*” and that “*Whilst Market Rasen’s vacancy rate appears to have been the subject of a further increase, this is consistent with the position nationwide. Boots remains the highest profile national multiple and the centre remains focused in day-to-day and service uses*”.

It goes on to state “*it is also important to recognise that the foodstore proposed by this planning application would compete against comparable existing main food shopping destinations elsewhere. This includes the Tesco at Linwood Road, and foodstores at Grimsby and Cleethorpes; there is no such comparable offer within Market Rasen town centre itself. There are two important consequences of this:*

Firstly, it is highly unlikely that the implementation of the proposal would materially impact on the trading performance of any retailer located within the town centre. In simple terms, the proposal caters for a different market.

Secondly, we anticipate that the proposal will 'claw back' expenditure which currently originates within Market Rasen and its surrounding area, but which is spend further afield. We believe that this will have benefits for town centre operators. If greater a greater number of convenience shopping trips are undertaken in Market Rasen, this in turn increases the propensity for linked trips to support other facilities in the area..."

Table 8 of Appendix A is considered significant as it provides an estimated trade diversion from all the local supermarkets and convenience stores. Paragraph 6.49 and 6.52 of the PRS concludes that *"no significant adverse impacts arising from the application"* would occur in relation to the impact on trade diversion.

Paragraph 6.54 of the PRS states that the *"coffee shop drive-thru is not of a scale which would have any material impact on Market Rasen"*

Late objections, beyond the statutory consultation period, have been received from Tesco Stores Ltd, who operate a supermarket on Linwood Road, approximately 250-300 metres to the south of the Market Rasen Town Centre designation (an "Edge of Centre" site).

Tesco Stores Ltd claim the Impact Assessment to be inadequate. They claim it uses out of date information by using the Council's own 2015 Assessment. However, the National Planning Practice Guidance states that such tests should be *"undertaken in a proportionate and locally appropriate way"* and should *"draw on existing information where possible"*. It is clear within the Assessment that they have drawn upon existing published information before making there own assessments as to whether there has been any changes.

Tesco Stores Ltd question the catchment area employed for the assessment stating *"catchment areas are typically based on a five minute drive, or exceptionally in rural areas of up to a 10 minutes drive"* and *"had the author selected a more appropriate catchment area focused more on Market Rasen itself... would have provided a more realistic and useable study area.."*

I do not however finding this to be a very compelling argument. *The National Planning Practice Guidance does not set any such parameters and it is for the applicant to demonstrate compliance with the impact test in a proportionate and locally appropriate way.* The objector does not give any explanation as to why a 10 minute drive is "exceptionally" appropriate. In view of the rural nature of the location, and limited alternative provision, a larger catchment would seem to be a more realistic prospect.

But in any event, the applicant's statement does say that *"The type and format of foodstore proposed is such that the development will cater for needs which arise in the local area. Consequently, it is anticipated that the vast majority of customers will be Market Rasen residents, as it would generally be illogical for residents in outlying areas to drive past more convenient options in order to access the site. As we go on to consider in detail... the impacts arising from the proposal would generally be borne by retailers which currently trade*

successfully and would likely continue to do so subsequent to the proposal's implementation."

The Assessment also considers the development will "claw back" convenience expenditure from Market Rasen residents that are travelling further afield for their convenience shopping. This includes from stores in Grimsby and Cleethorpes.

It does consider that the greatest trade diversion would be from the Tesco Store on Linwood Road (-27.2%). Tesco Stores Ltd put forward that the Impact Assessment underestimates the impact on their own trading conditions. However, the Tesco Store is not within the Town Centre, for which the planning system seeks to protect, and the planning system is not devised to regulate competition between rival supermarket operators.

Tesco have commented on the accessibility by non-car modes to the location of the site. At present the site is not served by a pedestrian footpath and only a Call Connect bus service would currently be available to take people directly to the site. The proposal would include the installation of a 1.8 metres wide footpath to connect to the existing footpath to the north of Gallamore Lane and a payment through a Section 106 Legal Agreement to move the 30mph speed limit signs to the west of the site. This would provide a safer environment for the local people who want to walk to the site. Although not necessary or reasonable to make the development acceptable the permission advises that the developer should discuss the imposition of bus stops along Gallamore Lane with Lincolnshire County Council.

It has been demonstrated that the location of the development passes the Town Centre sequential test. Infrastructure has been put forward in the application to provide safe pedestrian access to the site and there is currently a CallConnect bus service which can be used to take residents to the site. Whilst the comments from Tesco are acknowledged it is not considered that the development would not be accessible on foot, by bicycle or through the CallConnect public bus service

Tesco Stores Ltd allege that the applicant overstates the job creation that would arise from the development, at 107FTE. They propose a figure nearer to 40-60 FTE. As stated later in the report the information submitted with the application differs from 40 to 107 job opportunities. Without an end operator, it is not possible to establish the resultant figure but even if employing the objectors more conservative estimate of 40 jobs, this would still be a significant employment generation within the local area that would arise from the development, that can be attributed weight in the overall balance.

Tesco Stores Ltd state that as there is no operator the development is merely speculative and that issues may arise with design and delivery. However, there is no obligation for an operator to be involved at this stage. The Council may only consider the development being proposed, in accordance with the development plan. Any planning application would have a condition requiring a time limit by which development may commence, as is standard, and matters of scale and appearance would be reserved for subsequent approval.

The PRS appears to have been completed in accordance with the guidance set out within the NPPG and provides the relevant information required.

The Town Centre has little comparable comparison goods trading, and conclusions that trade diversion from the Town Centre would be limited, seems reasonable. It also seems a reasonable conclusion that the store would “claw back” leakage from destinations further afield, and which may have spin off benefits for the town centre. The assessment concludes that

“Our assessment indicates that the locally-derived convenience goods turnover of stores within Market Rasen as a whole would increase from around £22.9m to at least £30.4m as a consequence of the application proposal. Within Zone 14, this represents an increase in market share from around 32.5% to around 53.1%.”

It is considered that the proposed development would be likely to increase turnover within Market Rasen and increase the market share.

On this basis, notwithstanding comments received to the contrary, it would be reasonable to conclude, that it would not harm any planned investment within the Town Centre or undermine the vitality and viability of Market Rasen Town Centre.

Local Policy LP55 Part E:

LP55 Part E states that *“proposals for non-residential developments will be supported provided that:*

- a) The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*
- b) The location of the enterprise is suitable in terms of accessibility;*
- c) The location of the enterprise would not result in conflict with neighbouring uses; and*
- d) The development is of a size and scale commensurate with the proposed use and with the rural character of the location.*

This is an outline application with access to be considered therefore not all of the criteria can be fully assessed at this point. The site is on the edge of the settlement opposite an established industrial estate and close to the main residential form of Market Rasen. The sequential and impact test (see earlier in the report) have justified the location of the site in the open countryside on the planned edge of Market Rasen’s developed footprint.

Previously Developed Land:

As identified by the photographs below part of the site includes some hardstanding and has included industrial buildings (now demolished). The submitted design and access statement (DAS) confirms that *“Whilst currently predominantly vacant, at least half the site is brownfield and until recently was occupied with concrete hardstanding and industrial sheds for a plant hire company”*.



Taken during officer site visit 2021



Google Street View 2008²

Although the site includes previously developed land it is considered that the area of previously developed land is less than the half described in the DAS.

Concluding Statement

The application has submitted an acceptable town centre sequential test and robust impact assessment to justify the location of the site and the minimal impact on comparative uses in the town centre of Market Rasen. The proposal would develop an area of previously developed land occupied by a former plant hire company.

It is therefore considered that the principle of the development is acceptable and accords to local policy LP6 and LP55 of the CLLP and the provisions of the NPPF, in particular paragraph 20,85, 86, 87 and 89.

It is considered that policy LP6 and LP55 are consistent with the retail use location and open countryside guidance of the NPPF and can be attached full weight.

Community Engagement

The application has included a Statement of Community Involvement (SCI) dated December 2020 by Counter Context. The completion of a community consultation is not a requirement of policy but was never the less completed. The SCI sets out the consultation activities in section 2. These included:

- Letters to 265 addresses (Residential and Commercial)
- Email and individual briefing to Market Rasen Ward Members
- Email proposal introduction and briefing to Market Rasen Town Council
- Email proposal introduction to Middle Rasen Parish Council
- Press release including in Market Rasen Mail

² <https://www.google.com/maps/@53.3922598,-0.3437038,3a,75y,359.68h,90.6t/data=!3m7!1e1!3m5!1sDnC0SOPQNZCPGOCNlcLbxQ!2e0!5s20090601T000000!7i13312!8i6656?hl=en>

- Consultation website (main source of information due to COVID)
- Facebook advertising campaign

Several methods of enabling the completion of representations was put in place via email, telephone and an online feedback form. The SCI then provides a breakdown of all the feedback received in section 3, although evidence of all the responses received and from which addresses is not provided.

Access

The application has included an indicative site layout plan (ISP) 7536/27 dated February 2021 identifying the position of a new vehicular access off Gallamore Lane which has a national speed limit of 60mph. The site currently has a wide vehicular access to the previous commercial use of the site and a driveway access to The Close (residential dwelling) which is to be demolished as part of this application. Both of the existing vehicular access points are to be blocked off by landscaping as identified by the ISP.

From the position of the proposed access Gallamore Lane runs in a straight line towards Market Rasen and gently runs south west towards Middle Rasen. At the officers site visit the observation views appeared acceptable even at 60mph.

The Highways Authority at Lincolnshire County Council have not objected to the proposed access subject to conditions including the timely closure or block off of the existing access points.

Therefore the proposed vehicular access would not have a severe highway safety impact and would accord to local policy LP13 of the CLLP and the provisions of the NPPF, most notably paragraph 109.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

Other Considerations:

Scale, Appearance, Layout and Landscaping

Details of scale, appearance, landscaping and layout cannot be assessed at this stage as they are reserved for subsequent approval. The application has included the submission of an indicative site layout plan (ISP) 7536/27 dated February 2021 and indicative elevation 7395/24 Rev C dated 18th December 2020 and visual plans 7395/25 dated December 2020.

Scale and Appearance

Objections have been received in relation to the proposal being out of scale and character with the adjacent dwelling.

The indicative plans provide a visual impression of how the built form of the site would look and its scale. The indicative elevation plans indicates that the proposed retail store and drive thru building would be:

	Metres		
	Height	Width	Length
Retail Store	6.5	28	77
Drive Thru Building	5.4	18.2	13

*Measurements taken as you would view the buildings from Gallamore lane

The retail store is indicated to be constructed from:

- Glazed Entrance
- Vertical Timber Cladding
- Buff Facing Brickwork
- Buff Facing Brickwork Plinth
- Buff Composite Cladding
- Timber Screen around Plant

The drive thru is indicated to be constructed from:

- Vertical Timber Cladding
- Buff Render
- Buff Facing Brickwork Plinth

The indicative scale of the buildings is what would be expected from the uses proposed. The location of the buildings accepted through the sequential test would be adjacent the open countryside to the north and west. At present open countryside is also to the east but this could potentially change in the future given that the land to the east is allocated for housing and a full application for 80 dwellings on the site is currently under consideration.

The application included a Landscape and Visual Appraisal (LVAA) by DEP Landscape Architecture Ltd dated 11th January 2021 (2nd Issue) and Landscape and Visual Appraisal (LVA2) by DEP Landscape Architecture Ltd dated January 2021 (4th Issue).

The LVA1 provides a number of maps including a map identifying the position of viewpoint photographs taken and a montage of the photographs take. Given the built form of Market Rasen a high number of the photographs were taken from the north of the site. All of the photographs helpfully identify the extent of the site.

The LVA2 provides the assessment of the landscape and visual impact in line with the guidelines for Landscape and Visual Impact Assessment (GLVIA) 3rd Edition 2013. Appendix 1.0 of the LVA2 sets out the methodology adopted including 9 tables providing the criteria's used. Table 9 displays the criteria used to assess the visual effect.

The conclusion (section 14 - Page 16) of the LVA2 states that (key points):

- *“The site has a ‘Low’ landscape sensitivity to development”.*
- *“The nature and scale of landscape effects resulting from the development is not considered to be Significant”.*

- *“Sunnymede and two farmhouses on elevated land at Skinner’s Lane will experience a change in view. These changes will be discernible during construction and early operational phases but will not occupy an extensive portion of the view. Following establishment of boundary planting, views into the site will be filtered to the extent that new built and landscape elements will not appear out of character, when viewed against the urban fringe backdrop”.*
- *“Users of footpath Midd/99/2 will experience ‘Moderate-Substantial’ adverse visual effects, considered a ‘Significant’ Impact primarily due to the underlying sensitivity of this type of receptor, the proximity to the site and the open nature of existing views. Visual effects will only be experienced over a limited distance (c.300m) when walking in a southerly direction from elevated land, sinking towards Gallamore Lane. The footpath does not connect into a wider footpath at this point and the busy A46 and the Gallamore Lane Industrial Estate feature prominently in the backdrop to existing views. During construction and early operational phase the scale of the impacts primarily reflect the extent of change to the view and the strong contrast compared to the open, arable monoculture in the foreground. The scale of the building and palette of materials indicated in the illustrative proposals reflect those used in surrounding agricultural buildings, therefore if implemented as shown the building will not be out of character with the local landscape context. Once boundary planting has established this will screen car parking and lower-level activity within the site, allowing the built form to become integrated within the wider urban fringe setting”.*

Section 12 (page 15) of the LVA2 provides *“mitigation measures to minimise any remaining landscape and visual effects”*. These include:

- Locating the buildings as far away from Sunnymede as possible
- Landscaping
- Omission of lighting from the northern and western boundaries
- Use of agricultural materials and colours

As part of the officers site visit a number of viewpoints were visited including those put forward in LVA1. To enable some context the structures on Gallamore Lane Industrial Estates were used as focal points alongside the LVA1 photos to gain an understanding of the visibility of the site.

The highways to the north of the site are primarily countryside lanes (Low Lane and Skinners Lane) which are positioned above the level of the site with high hedging and sporadic trees either side. The hedging does have some gaps including field access points but these are limited. The countryside lanes run east to west facing away from the application site.

The built form of Market Rasen and the vegetation to the east of the site would screen the site from Caistor Road. The scale of the development would become more noticeable the closer you get to the site along Gallamore Lane from both directions.

To the south of Gallamore Lane is Gainsborough Road which runs east through the centre of Market Rasen. Gainsborough Road has a long run of linear dwellings to its north side with gaps only appearing as you get closer to the town centre. Views from this point take in Gallamore Industrial Estate which sets a context.

Open views of the site would be expected from Public Rights of Way Midd/99/2 but mainly as you walk south along it. As you walk south along Midd/99/2 there are already views of the Industrial Estate on the other side of Gallamore Lane. Although the proximity of the site would intensify the view of a commercial building it would still be viewed in context with existing commercial buildings.

Sunnymede is the closest residential dwelling to the site. It is acknowledged that a right to a view is not a material planning consideration. As identified in the previously developed land section above the occupants of Sunnymede have lived next door to a large commercial building in the recent past although this building has been demolished from the site.

It is acknowledged with the indicative plans in mind that the proposed development would be visible in differing degrees from local public highways and residential dwellings. It is expected that any visual harms caused by the development are expected to be mitigated by the indicative agricultural concept of the materials proposed and appropriate landscaping (see below).

Layout

The ISP indicates that the proposed retail store and coffee drive thru buildings are expected to be located along the western boundary of the site as far away from Sunnymede as possible. The associated customer onsite road and car parking facilities would then be to the eastern half of the site. The car parking spaces are likely to amount to approximately 120 parking spaces plus 8 disabled parking spaces and 9 parent/toddler spaces (137 in total). Green spaces of mixed size between the on-site road and the existing and potential future dwellings to the east would provide a further landscaping buffer and softening to the site. The delivery area for the retail is indicated to be in the far north west corner of the site and set back further from the east boundary than the indicative shop front.

It is considered that the indicative layout submitted is the best option available to keep the built form of the site as far away from the existing and potential future dwellings as possible whilst providing sufficient parking.

Landscaping

The ISP provides an indication of landscaping including acoustic fencing to the north and east boundaries. The submitted design and access statement indicates that additional planting would be proposed to all boundaries to soften the appearance of the site and provide a better relationship to the open countryside in particular to the north and west.

The Authority's Tree and Landscape Officer has provided landscaping advice in terms of the need for native species and in particular for the trees to the west of the buildings to be planted in a more random arrangement for a more natural effect.

Careful consideration would need to be taken at reserved matters stage to ensure appropriate access and maintenance space remains for the watercourse to the east. The submitted ISP proposes acoustic gates along the east boundary for access and the acoustic fencing/gates set in from the watercourse to allow for maintenance.

Effective landscaping is likely to be an important aspect of the development in terms of visual and residential amenity therefore comprehensive details would be required as part of a subsequent Reserved Matters application.

Residential Amenity

Objections have been received in relation to residential amenity from Sunnymede, Gallamore Lane.

The application site has only one adjoining neighbouring dwelling namely Sunnymede. As already stated the remaining land to the east of the site is allocated for housing in the CLLP (CL1358) and a full application (141839) for 80 dwellings is currently being considered.

The ISP indicates that the proposed retail store and drive thru building can be accommodated over 30 metres from the east boundary therefore the built form is not expected to have a harmful overbearing impact, cause a significant loss of light or have a harmful overlooking impact on Sunnymede or potential dwellings on the allocated housing site.

It is important to additionally consider noise pollution, light pollution, odour and anti-social behaviour from the site.

Noise:

The application has included the submission of a Noise Impact Assessment (NIA) dated December 2020 by Hepworth Acoustics.

Section 4.0 of the NIA sets out noise levels created by the different operations that are associated with a retail store, a drive thru's and their necessary infrastructure. These are

Customer Car Parking (page 10 Paragraph 4.7):

Table 5: Calculated Noise Levels from Customer Car Parking (dB)

Location	L _{Aeq,1hr}
Proposed Residential Development to east/north-east	43
Sunnymede Cottage, Gallamore Lane	37

Paragraph 4.9 concludes that *"car parking noise would not result in any unacceptable impact to residential amenity"*.

Drive Thru Noise (page 11 Paragraph 4.13):

Table 6: Calculated Noise Levels from Coffee 'Drive Thru' (dB)

Location	L _{Aeq,1hr}
Garden area of nearest dwelling	27

Paragraph 4.15 concludes that “noise associated with the ‘Drive Thru’ would not result in any unacceptable impact to residential amenity”.

Delivery/Servicing Noise (page 12/13 Paragraph 4.21):

Table 8: BS 4142 Initial Assessment of delivery noise at the proposed dwellings to north east (dB)

Description	Late Evening	Night-time
Calculated Specific Sound Level outside dwelling	34	40
Acoustic feature correction	3	3
Rating Level at dwelling	37	43
Representative Background Sound Level	41	30
Difference	-3	+13
Likely Noise Impact	'low'	'significant adverse'

Table 9: BS 4142 Initial Assessment of delivery noise at Sunnymede Cottage (dB)

Description	Late Evening	Night-time
Calculated Specific Sound Level outside dwelling	25	33
Acoustic feature correction	3	3
Rating Level at dwelling	28	36
Representative Background Sound Level	40	29
Difference	-12	+7
Likely Noise Impact	'low'	'adverse' but not

Paragraph 4.25 and 4.26 recommend deliveries are restricted between 5:00 and 23:00 hours and “subject to installation of the recommended acoustic fencing and restrictions to the delivery hours, there will be no unacceptable noise impact from delivery activities”.

Noise limits for Mechanical Servicing Equipment (page 14 Paragraph 4.2):

Table 10: Cumulative Buildings Services Plant Rating Sound Levels (dB)

Location	Daytime	Night
Proposed Residential Development	41	29
Sunnymede Cottage, Gallamore Lane	40	30

The NIA concludes on page 14 that with the following mitigation measures the *“development would not result in any unacceptable harm to residential amenity by reason of noise disturbance”*.

- *“The proposed acoustic fencing must be imperforate (i.e. have no holes or gaps) with double-rebated boards or joint cover strips, have a surface mass no less than 10 kg/m², and be at least 20mm thick timber; and*
- *Restrict delivery hours to between 05:00 to 23:00 hours.*
- *Control noise from fixed plant associated with the development to the noise design limits stated above.”*

The EPO has also recommended that delivery hours are actually restricted to 7:00 to 23:00 hours to avoid night time sleep disturbance. The applicant has agreed to these hours in the responses document received 16th March 2021. The other recommendations are expected to be capable of being satisfied through the reserved matters application.

The Authority’s Environmental Protection Officer (EPO) has accepted the principle of the noise assessment subject to *“revisiting it at detailed design stage and recommends a condition to this effect”*. The EPO advises that the detailed design stage needs to include:

- *“the additional info (a) LAeq Graphs and (b) pre Covid assessment and crucially*
- *how the acoustic fence positioning will be managed around Riparian Responsibility in respect of assumptions of its presence (ought to be addressed before granting permission).”*

The need for a pre-covid noise assessment is understood to hopefully enable a more normal background noise reading for the area. The need for acoustic fencing would be required, however its exact position would be considered as part of the reserved matters of landscaping and layout.

Plant machinery can additionally create noise levels on the site therefore the position of the plant must be carefully considered at reserved matters stage. Installing it to the north or west elevation would be preferred furthest away from Sunnymede with the indicative retail building position providing attenuation.

The development would be likely to introduce noise and consequently have a noise impact on Sunnymede but subject to detailed mitigation measures, informed by a further noise report, it is considered that the impact caused is capable of mitigation to avoid a significant harmful impact.

Light pollution:

The application has not included any details on lighting but the submitted design and access statement states that *“Adequate car park and street lighting. The detailed design for this will be carried out at the next stage, but design will emphasise the need to eliminate light overspill beyond site boundaries and in particular to the north and eastern boundaries”* and *“External lighting designed to minimise overspill”*.

It is additionally important to consider harmful light spill occurring on Sunnymede and the land to the east.

As recommended by the EPO external lighting of the site would need to be conditioned on the permission including restrictions on times of operation. The applicant has agreed to a lighting condition in the responses document received 16th March 2021.

Odour:

The EPO has recommended an odour condition *“in respect of any hot food preparation ‘In Store’ and the ‘Drive-Thru’”*. The applicant has responded in the responses document received 16th March 2021 by stating that both buildings will use vent-less extraction ovens that do not extract fumes externally. Following this comment the EPO has no further comments.

It is therefore not considered necessary or relevant to condition odour assessments but it is considered necessary to attach a condition to the permission restricting any vents from being installed prior to planning permission being applied for and given.

Other:

The EPO has suggested given the ground conditions that foundations would have to be completed through a piling method. This can cause a disturbance to the area given the techniques involved in installing a piling system. The EPO has recommended a piling strategy condition is attached to minimise such disruption. The applicant has agreed to a piling condition in the responses document received 16th March 2021.

Anti-social behaviour on the car parking areas has been raised as a concern. Anti-social behaviour is not a planning matter and is the responsibility of the sites operators to control themselves or through police enforcement. The applicant has responded in the responses document received 16th March 2021 by stating *“both discount foodstore operators are experienced in managing their own car parks to avoid any anti-social behaviour without the need for barriers”*.

To further protect the living conditions of Sunnymede a condition will be attached to the permission for the submission of a comprehensive construction management plan.

The proposed development would only as it stands have one neighbouring dwelling (Sunnymede) to the south east corner of site. The siting of the retail store and drive thru in this location is likely to have some impact on the occupants of Sunnymede in particularly in terms of noise and disturbance. However it is expected that mitigation measures and operational conditions are likely to reduce the impact to an acceptable level to not significantly harm the living conditions of Sunnymede or the potential future housing to the east.

Highway Safety

The application has included a Transport Statement dated December 2020 by Turner Lowe Associates December which concludes in paragraph 7.9 that:

“It is concluded that the site is accessible by a choice of modes of transport and that there are no highways/traffic related reasons why the proposed development should not be approved”.

As previously assessed the Highways Authority at Lincolnshire County Council have not objected to the proposed access off Gallamore Lane. For the purposes of pedestrian access and safety the Highways Authority has additionally recommended the following conditions are added to provide:

- A 1.8 metre wide footpath to connect the development to the existing footway network on the north and south side of Gallamore Lane.
- Provision of a pedestrian refuge island to allow safer crossing from the south side of Gallamore Lane (terminates at the entrance to Gallamore Industrial Estate) to the north side of Gallamore Lane.
- Travel Plan
- Construction Management Plan (see residential amenity section above)

These conditions are considered relevant and necessary to provide the appropriate infrastructure to afford future customers the option of walking to the site using a safe environment.

The Transport Assessment includes a plan (2005902/03 dated December 2020) demonstrating the extent of the highways and pedestrian safety works proposed including the re-positioning of the speed limit signs, the pedestrian footpath extension to the north and south of Gallamore Lane and the position of a refuge island to connect the footpaths on the either side of Gallamore Lane.

In addition to the conditions the Highways Authority has requested the following is secured through a Section 106 Legal Agreement:

- £5000 for the processing of the alteration to the traffic regulation order and relocation of the existing speed limit terminal signs.
- £5000 for the future monitoring of the required Travel Plan.

An opinion as to whether these obligations meet regulation 122³ of the Community Infrastructure Levy Regulations 2010 and can be secured through a Section 106 Agreement has been received from the Authority’s Legal Officer. The officer replied in email dated 19th March 2021 that *“I am content that they are both capable of satisfying the reg 122 test and could be included in s106 HOT”*. The agent has agreed to the submission of a draft Section 106 Agreement for our consideration.

The Middle Rasen Parish Council has requested a pedestrian footpath is constructed to connect the site to Middle Rasen. The closest existing pedestrian footpath is to the north of the A46 and terminates at the junction of the A631. This footpath is approximately 1020 metres from the position of the

³ <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122>

proposed access. It would not be reasonable or necessary to expect the developer to install a footpath of such length.

The S106 Legal Agreement has now been signed and certified with a completion date of 17th June 2021.

The outline permission would include an advisory note to consult with Lincolnshire County Council Transportation with regards to the provision of two bus stops on Gallamore Lane.

Archaeology

The Historic Environment Officer (HEO) at Lincolnshire County Council has no objections to the development.

The proposal would not be expected to have an archaeological harm and accords to local policy LP25 of the CLLP and the provisions of the NPPF. It is considered that policy LP25 is consistent with the heritage guidance of the NPPF and can be attached full weight.

Biodiversity

Guidance contained within 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, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)'

Guidance contained within paragraph 175 of the NPPF states that *'When determining planning applications, local planning authorities should apply the following principles'*. The applicable ones to the development are:

a) 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity'.

Local Policy LP21 of the CLLP states that '*All development should:*

- *protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity.*

The application has not included an ecology survey but has included a Biodiversity Enhancement and Management Plan (BEMP) dated January 2021 by professional ecologists at WYG. The BEMP has considered an ecology survey from 2014 and the use of site photos to inform and create the BEMP. Whilst the 2014 is now out of date and a new survey has not been produced the BEMP identifies its authors as suitably professionally qualified ecologists.

Section 3 of the BEMP sets out (summarised):

- retained habitats
- habitats to be created from tree planting, hedgerows, shrubs etc.
- installation of 3 integral or wall mounted sparrow terraces
- installation of 3 small hole bird nest boxes
- installation of 2 integral or wall mounted bat boxes
- Timber acoustic fence to east boundary to include hedgehog highways

Section 4 of the BEMP (Protection, Mitigation and Management) states that the following (summarised):

Construction phase:

- Great Crested Newt non licensed method statement produced by a suitably qualified ecologist and pre-cautionary measures
- Reptile pre-cautionary measures
- Bat complaint lighting where required
- Bird and hedgehog compliant vegetation clearance
- General good practice measures

Operational phase:

- Maintenance of trees, shrubs and hedgerows
- Maintenance and annual checking of bird boxes
- Maintenance and monitoring of bat boxes
- Use of wildlife sensitive lighting

Providing all the recommendations in the BEMP are adhered to and replicated at reserved matters stage then the proposal would not have a harmful impact on protected species and would provide a positive biodiversity net gain in terms of tree/vegetation planting. The proposal therefore subject to conditions accords to local policy LP21 of the CLLP and the provisions of the National Planning Policy Framework.

It is considered that policy LP21 is consistent with the biodiversity guidance of the NPPF and can be attached full weight.

Flood Risk

The application has included the submission of a Flood Risk Assessment and Drainage Strategy (FRADS) dated January 2021 by Waterco Ltd. The site is in flood zone 1 and the FRADS on page 8 concludes that *“the risk of flooding from all sources is low. Therefore, no site-specific mitigation measures are considered necessary”*.

Drainage

The application has included the submission of a Flood Risk Assessment and Drainage Strategy (FRADS) dated January 2021 by Waterco Ltd.

Foul Water:

The FRADS on page 11 states that foul drainage would be connected to an existing foul sewer on the site (subject to a connection investigation survey) or to an existing foul sewer in Gallamore Lane or within Gallamore Lane Industrial Site. The use of an existing foul sewer is acceptable, however further information is required to confirm how and where the development would connect to the local sewer system.

Anglian Water have stated that *“the foul drainage is in the catchment of Market Rasen Water Recycling Centre which currently does not have capacity to treat the flows. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission”*.

Anglian Water has subsequently amended their comment to state that Market Rasen Water Recycling Centre will have available capacity for these flows.

The developer would need to serve notice on Anglian Water under section 106 of the Water Industry Act 1991 to connect to an available existing foul water system.

Surface Water:

Paragraph 80 (Reference ID: 7-080-20150323) of the Flood risk and coastal change section of the NPPG states that *“Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer.”*

In summary page 8 to 11 of the FRADS assesses the ground conditions as unsuitable for infiltration methods (see appendix H - percolation tests) therefore surface water is proposed to be discharged to the watercourse to

the east of the site at a rate of 2 litres per second. Attenuation would be provided within an attenuation tank recommended to be installed in the northern section of the site. The developer would need to gain consent from the appropriate Internal Drainage Board.

The Lead Local Flood Authority have not objected to the proposed subject to conditions.

Therefore it is considered that foul and surface water is capable of being addressed by condition. Subject to the condition the development accords to local policy LP14 of the CLLP and the provision of the NPPF.

It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

Contamination

The application has included a Preliminary Risk Assessment (PRA) dated December 2020 by DTS Raeburn Ltd. The Authority's Environmental Protection Officer has recommended a comprehensive contamination condition is attached to any permission in light of the PRA. . The applicant has agreed to a piling condition in the responses document received 16th March 2021.

Therefore subject to a condition and further intrusive investigation the development would accord to local policy LP16 of the CLLP and the provisions of the National Planning Policy Framework.

It is considered that policy LP21 is consistent with the biodiversity guidance of the NPPF and can be attached full weight.

Demolition

The application includes the demolition of an existing dwelling (The Close). The loss of a single dwelling to the Central Lincolnshire housing supply is a very minor harm caused by the development. It is however acknowledged that the dwelling could be demolished through a demolition notification application where only the method of demolition and restoration of the site can be considered.

The Close is adjacent Sunnymede therefore the demolition works are likely, without mitigation, to disturb and disrupt the living conditions of Sunnymede through noise, dust and vibration. To ensure the demolition works are completed in an appropriate manner a condition will be attached to the permission for the submission of a detailed Demolition Method Statement.

Operational Hours

The agent in email date 31st March 2021 states that:

- Retail Store – Opening hours of 8:00 to 22:00 Monday-Saturday with 9:00 to 18:00 on a Sunday
- Coffee drive thru – Opening Hours of 6:00 to 22:00

These hours are considered acceptable subject to further noise information at reserved matters and appropriate noise mitigation.

Employment

The application form states that the proposed development would provide 40 full-time job opportunities to the local area. Paragraph 1.12 of the PRS states “*the creation of around 107 new jobs*”. The creation of between 40 to 107 employment opportunities to the local area of Market Rasen would be a benefit to the economy of the area.

Royal Mail

As listed in the representations section of this report the Royal Mail who have a delivery office on Gallamore Lane Industrial Estate have raised concerns on the potential traffic impacts on their service and interruption to their access to Gallamore Lane Industrial Estate.

A development of this nature is likely to cause some short term disruption to all users of Gallamore Lane through the construction phase of the site and the implementation of infrastructure such as the pedestrian footpaths and Refuge Island. The proposal would not close Gallamore Lane or obstruct the access to the Industrial Estate.

Tesco Objection

As set out in the representations section an objection has been received on behalf of Tesco Stores Ltd who have a store off Linwood Road, Market Rasen. The entrance to the store is approximately 275-300 metres from the edge of the Market Rasen Town Centre and the Primary Shopping Area and over 500 metres from the Market Place which is the primary part of the Town Centre.

The Tesco representation identified the store as in an edge of centre location whilst the Nexus response refers to it as an out of centre location. Annex 2 of the NPPF defines an edge of centre location as

“For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.”

In accordance with these parameters the Tesco store is in an edge of centre location and not within the Town Centre or Primary Shopping Area.

Paragraph 89 criteria b) of the NPPF states that the impact assessment should assess “*the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).*”

The submitted impact assessment has drawn from existing information such as the Central Lincolnshire City and Town Centre Studies of 2012 and 2015 as guided by paragraph 17 (Reference ID: 2b-017-20190722) of the Town Centre and Retail section of the NPPG.

The Tesco objection additionally mentions the following:

- Open Countryside location of the development
- Employment opportunities
- Poor accessibility by non-car modes particularly bus services
- Lack of a named operator

The “out of centre” location of the site on the planned “edge of the settlement”, highway impacts, employment opportunities have been previously assessed in this report and found to be acceptable.

The lack of a named operator is noted but does not represent a reason to withhold consent

Conclusion and reasons for decision:

The decision has been considered against local policy LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP6 Retail and Town Centres in Central Lincolnshire, LP12 Infrastructure to Provide Growth, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, LP25 The Historic Environment, LP26 Design and Amenity and LP55 Development in the Countryside of the Central Lincolnshire Local plan 2012-2036 and consideration is additionally given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide. In light of this assessment it is considered that the principle of the proposal is acceptable and the location of the site on the edge of Market Rasen has been justified through passing the main town centre sequential test and impact test. The development would benefit the local economy by creating a number of employment opportunities. The position of the proposed access is acceptable and would not have a harmful highway safety impact subject to conditions and final details submitted at reserved matters. Furthermore the proposal is not expected to have a harmful impact on visual amenity, biodiversity, contamination and drainage subject further details submitted via conditions or through a reserved matters application. There will be an impact on the adjacent property known as Sunnymede although subject to the conditions recommended it is considered that this should be capable of resolution at Reserved Matters to avoid a significant impact although it is conceded that this is a finely balanced matter.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter **Special Letter** **Draft enclosed**

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

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

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

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

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

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

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

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

4. No development must take place until a noise impact assessment has been submitted to and approved by the Local Planning Authority. The noise assessment must include any necessary noise mitigation measures and a noise management policy. No operation of the site must occur until all recommended noise mitigation measures have been installed and the site must be operated in accordance with the approved noise management strategy.

Reason: To protect the amenity of the adjacent neighbour from undue noise to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. No development must take place until, a contaminated land assessments and associated remedial strategy by a suitably qualified person with non-technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. (Outcomes must appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:
 - a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
 - b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
 - e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration to accord with the National Planning Policy Framework and local policy LP14 and LP16 of the Central Lincolnshire Local Plan 2012-2036.

6. No development must take place until details of a scheme for the disposal of surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 2 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No operation of the site must occur until the surface water drainage has been fully completed in strict accordance with approved scheme. The approved scheme must be retained and maintained in full, in accordance with the approved details.

Reason: To ensure adequate surface water drainage facilities are provided to serve the buildings and hardstanding on the site, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

7. No development must take place until details of a scheme for the disposal of foul water from the site and a plan identifying connectivity has been submitted to and approved in writing by the local planning authority. No operation of the site must occur until the foul water drainage has been fully completed in strict accordance with approved scheme. The approved scheme must be retained and maintained in full, in accordance with the approved details.

Reason: To ensure adequate foul water drainage facilities are provided to serve the buildings on the site and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

8. No development must take place until a demolition and construction method statement including a construction management plan has been submitted and agreed in writing by the local planning authority. The approved statement(s) must be adhered to throughout the demolition and construction period. The statement must 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) 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;
 - (viii) protection of existing boundary hedging and trees
 - (ix) details of noise reduction measures;
 - (x) a scheme for recycling/disposing of waste;
 - (xi) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
 - (xii) A Piling Strategy, including measures for mitigation, where piling is proposed

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

9. No development must take place unless a non-licenced Great Crested Newt Method Statement has been submitted and agreed in writing by the local planning authority. The development must be completed in strict accordance with the approved method statement.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

10. No development must take place until construction details and position of a 1.8 metre wide footway, to connect the development to the existing footway network on the north and south side of Gallamore Lane has been submitted and agreed in writing by the Local Planning Authority. The works must include appropriate arrangements for the management of surface water run-off from the highway. No operation of the site must take

place unless the footpath has been fully completed, in strict accordance with the approved scheme.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property to accord with the National Planning Policy Framework and local policy LP13 and LP14 of the Central Lincolnshire Local Plan 2012-2036.

11. No development must take place unless details including the position to improve the public highway by means of a pedestrian refuge island have been submitted and approved in writing by the Local Planning Authority. No operation of the site must take place until the refuge island has been completed in strict accordance with the approved details and certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development to accord with the National Planning Policy Framework and local policy LP13 of the Central Lincolnshire Local Plan 2012-2036.

12. No development must take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development to accord with the National Planning Policy Framework and local policy LP13 of the Central Lincolnshire Local Plan 2012-2036.

13. No external lighting must be installed on the site outlined in red on location plan 7536/01 dated November 2019 unless lighting details have been submitted to and agreed in writing with the Local Planning Authority. Such details are a lighting report with an illustrated light spill diagram and operational hours of all lighting. The development must adhere to the agreed lighting plan thereafter.

Reason: To restrict disruption from light spill on the living conditions of the neighbouring dwelling and the open countryside to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

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

14. With the exception of the detailed matters referred to by the conditions of this consent including the reserved matters, the development hereby approved must be carried out in accordance with the location plan 7536/01 dated November 2019 and site plan 7536/27 (strictly vehicular access only) dated February 2021. The works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

15. Apart from the non-licenced Great Crested Newt Method Statement the development hereby approved must only be carried out in accordance with all the habitat and ecological features set out in section 3.0 and all the Protection, Mitigation and Management recommendations set out in section 4.0 of the Biodiversity, Enhancement and Management Plan dated January 2021 by WYG.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

16. No operation of the site must take place until details to permanently close the existing accesses off Gallamore Lane have been submitted to and agreed in writing by the Local Planning Authority. The closure of the two accesses must be completed within seven days of the new access being brought into use and in strict accordance with the approved scheme.

Reason: To reduce to a minimum, the number of individual access points to the site, in the interests of road safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

17. No deliveries must take place on the site between the hours of 23:00 and 7:00.

Reason: To restrict sleep disturbance from vehicle, human and delivery noises on the neighbouring dwelling during the hours stated to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

18. The retail store must not operate outside of the following hours:

- 8:00 and 22:00 on a Monday, Tuesday, Wednesday, Thursday, Friday and Saturday

- 9:00 and 18:00 on a Sunday

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

19. The coffee drive thru building must not operate outside of the following hours:

- 6:00 and 22:00 on a Monday, Tuesday, Wednesday, Thursday, Friday and Saturday
- 9:00 and 18:00 on a Sunday

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

20. No extraction flues, vents or fans must be installed on the site outlined in red on location plan 7536/01 dated November 2019.

Reason: To protect the amenities of nearby properties and the locality from unacceptable odour nuisance to accord with the National Planning Policy Framework and local policies LP26 of the Central Lincolnshire Local Plan 2012-2036.

21. The proposed site outlined in red on location plan 7536/01 dated November 2019 must only be used for the purposes of retail and for a coffee drive thru. Any other uses including those within Class E of the Town & Country Planning (Use Classes) Order 1987 as amended, are prohibited.

Reason: To protect the amenities of nearby properties and to restrict the site from inappropriate uses in accordance with the National Planning Policy Framework, local policies LP6, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

Agenda Item 6b

Fosters Yard Station Road Langworth Lincoln

REF 142146



Officers Report

Planning Application No: 142146

PROPOSAL: Planning application for the removal of all existing buildings to be replaced by 13 no. new rural enterprise units for business use (Class E(g)/B2/B8).

LOCATION: Fosters Yard Station Road Langworth Lincoln LN3 5BD

WARD: Cherry Willingham

WARD MEMBER(S): Cllr C Darcel; Cllr Mrs SC Hill and Cllr Mrs A Welburn

APPLICANT NAME: Emma Truelove

TARGET DECISION DATE: 08/04/2021

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Permission subject to conditions

This application has been referred to the committee because matters are considered to be finely balanced

Description: The site of approximately 0.84 hectares is roughly rectangular in size and is in commercial use with an HGV servicing and maintenance business including an MOT testing station; an auto repair body shop and areas of the site used for outside vehicle storage. There are a number of buildings of varying design, age and condition across the site including 2 semi-circular hanger type buildings. There are also steel storage containers present. The site is located within Langworth and is accessed off Station Road to its south between 2 dwellings "Church View" to the west and a bungalow "The Beeches" to the east.

The southern section of the western boundary of the site is marked by a mix of vegetation and fencing which runs along the rear garden of a detached house "The Sleepers". The northern section of the western boundary runs alongside an area which appears to be in use as a paddock. Nettleham Beck marks the northern limit of the site with open fields beyond. The eastern area of the site runs along gardens and grassed areas serving dwellings off Scothern Lane and Station Road (Camden). The site runs along the rear garden of The Beeches to the south.

There were small pooled areas of water across the site at the time of the officers' site visit. The majority of the site falls within Flood Zone 3 (high probability), with sections in 2 (medium probability). It appears that the site was historically in use as a haulage yard as evidenced by planning history on the wider site.

Proposal: 13 new industrial units (Use Classes E(g) (business), B2 (general industrial) and B8 (storage and distribution)) in two blocks of 5 units and 6 units respectively and two freestanding buildings. The 5 unit block runs parallel to the western boundary and is set back approximately 4 metres. The 6 unit block runs along the eastern boundary set back approximately 3.5 metres.

Units 1 to 5: 50m wide and 12m in length. Eaves height of 2.8 m (along the western boundary) rising to 4.68 m.

Unit 6: This is located in the north western corner of the site with a width of 14.6m and a length of 20.6m. Eaves height is 5.5m rising to 7.27m.

Unit 7: This is located in the north eastern corner of the site with a width of 11.4m and a length of 20.6m. Eaves height is 4.3m rising to 5.35m.

Units 8 to 13: 64m wide and 13m in length. Eaves height of 2.8 m (along the eastern boundary) rising to 4.68 m.

The units will be constructed in matching materials. Blue engineering brick below dpc level with a red brick above dpc level, olive green steel cladding for walls and roof.

Relevant history:

120468 – Outline Planning Application to erect 20 dwellings or less (means of access to be considered). Granted 24.03.09

126878 – Outline planning application to erect 20 dwellings or less (means of access to be considered) – replacement of extant permission 120468. Granted 18.05.11

Bungalow to South:

98/P/0145 - Planning application to erect bungalow, garage and site access for person(s) having an interest in the management of the adjacent haulage yard. Granted 25th June 1998.

138802- Planning application to remove condition 2 of planning permission 98/P/0145 granted 25th June 1998 re: occupancy condition. Granted 19.02.19

Representations:

Cllr Darcel: My big concern, as previously mentioned, is flooding, Last Saturday a number of gardens were flooded on Station Rd and in Scothern Lane, and the residents unable to use their toilets. Apparently it is the 3rd time this year this has happened. One property in Scothern Lane did suffer water seepage into the hall, kitchen, garage and conservatory. On Wednesday the water table in Scothern Lane was still visibly high and close to the driveway surface. What has this to do with Foster's Yard? Foster's Yard is a very important part of the flood plain jigsaw that makes up this particular part of Langworth, stretching from Station Rd to Scothern Lane and including Foster's Yard. If with a modified plan to meet other residents responses and

concerns and a drainage solution that would help relieve drainage problems in Scothern Lane, I am sure most residents would welcome the development. With three alarms so far this year and a development proposal that seem to make matters worse, the application needs to be **rejected**.

One thing was clear, last Saturday computer models did not show any flooding in Scothern Lane and yet No 8 suffered as described above and Nos 4 & 6, and opposite were biting their fingernails. Between the EA, WIDB, LCC and Anglian Water a solution could easily be found that would help protect the site and reduce the flooding risk to nearby residents. The Foster's Yard site is key to any plan to protect Langworth from future flooding but the plan is not there yet.

Langworth Group Parish Council:

08.04.21: At their meeting last Tuesday Langworth Group councillors considered the above application. Although some councillors are pleased that developing this area will tidy it up, they agreed that the concerns of the Witham Internal Drainage Board should not be ignored and those concerns should be addressed. It is also disappointing that the Witham Internal Drainage Board having identified concerns have not visited the site in order to report action (if any) to mitigate the concerns they raised. Clearly they are not the people who will be inconvenienced if the development adds to the flood risk in the area.

- 03.02.21: 1) Fosters Yard has been an industrial site for over sixty years and would benefit from being tidied up.
- 2) The new development has the potential to create employment opportunities which would be welcome.
- 3) Although a majority of the parish council support the application there are serious concerns regarding the poor quality of the flood risk assessment. Flood risk management is important in this area and needs to be addressed if the support from the whole of the parish council is to be achieved.
- 4) Some residents have concerns about the potential for increased noise nuisance.

Local residents:

The Beeches, Station Road: Object

The revised submission does not address the scale massing, overbearing and loss of amenity due to the proximity of the industrial buildings abutting our rear boundary fence. The photos shows the current situation and aspect of our rear garden. As you can see, there is currently a small domestic scale sized building. The proposed commercial shed will be some 15 metres long and extends to over 50% of our rear boundary. The elevation and sectional drawings show that the eaves level of the shed will be above our current fence height which is 1.8 metres. The eaves height of the shed is 3.5 metres rising to almost 4.7 metres. This datum level is +150mm to DPC (4.85 metres above ground level). No dimensions are given of the new shed in relation to our rear boundary but looking at the car spaces provided, proportionally it would suggest it is within 1.5 metres.

Our concerns are that the proposed industrial estate, accompanied with the considerable increase in commercial activities, will have a substantial negative impact on the residential amenity of our property and has the potential to cause significant harm. The proposal is not compatible with neighbouring domestic land uses including noise, fume pollution, overbearing, loss of light and intrusion into our privacy. The general wider area is "residential" in planning use and the proposed enterprise park is in stark contrast to this. Health and Safety - We are deeply concerned as to the health, safety and wellbeing when considering the significant increase in the number of vehicle movements (both cars and Lorries), which will pass within close proximity to the bungalow and immediately across the front of our access. There will be the impact of artificial light or glare and noise of lorry Engines associated with the yard itself. The A158 is an extremely busy road and we regularly struggle to exit our property. The proposal which provides for 80 plus parking spaces, together with lorry deliveries and the alike would make it almost impossible for us to exit our property. There is a high possibility that vehicles will be sitting, with engines running, every day of the week immediately adjacent and within a few metres of our garden and patio areas. The noise, vibration and exhaust fumes from Lorries and cars within feet of our gardens are of great concern, as is the safety of our family and friends and in particular our grandchildren playing in our gardens. Visibility, as you exit our drive, is currently limited but the proposals presented would make the situation quite dangerous for us

Visual Amenity. The proposals do not relate well to the site and surroundings, particularly in relation to density, siting, height, scale, and massing.

Residential Amenity within the planning policy requires proposals to proportionately demonstrate that the following matters have been considered: - including overlooking, overshadowing and loss of light. The proposed industrial warehouse, which almost abuts our rear boundary is significantly higher than our fence and runs the full length of our property. The proposed commercial sheds are positioned within a few feet of our boundary and Will clearly have a devastating and adverse effect on the quiet enjoyment of our gardens and home. A commercial enterprise park together with the overbearing nature of the sheds will seriously impact on the value of our home and our ability to sell the property in the future. The increased intensity of the proposal means it is no longer a small, localised commercial yard with little associated vehicle movement, but becomes an intensive commercial industrial estate with increased noise and light pollution 24 hours a day, 7 days a week, which would be detrimental not just to our own residential amenities, but those in the surrounding area.

Sleepers, Station Road: Object. As much as the improvements to the yard will be aesthetically appealing within the site and as viewed from the A158, the proposed build of Unit 2 (5 workshops) will have an overpowering dominant influence on the view from my property. In specific, a 4.68m tall rear build running adjacent to the entire length of the side boundary of my rear garden (50m) will be seen immediately adjacent to the views from the side

and rear from my kitchen. Additionally, there may be an increased likelihood of flood to my property as a result on this new build without infrastructure changes to cope with proposed 'bund' diverted water volume; this presents an unacceptable risk. Furthermore additional sewage would possibly overwhelm the existing pipe capacity. Finally, noise pollution is also a threat with 5 commercial units backing onto my property reducing my enjoyment in the back of house conservatory or for recreational opportunity in the garden.

The Sidings: **Object** Following lack of response to my original observations and the level of water saturation apparent in the rear of my own and adjacent properties as a result of rainfall in the last couple of days there is no way any development can be feasible without substantial rework to existing drainage and sewage systems. Not only is the level of water in our rear garden already 2 -3 inches deep but the ground floor WC trap constantly bubbles violently as a result of water back up. The paddock behind the rear of ours and 4 adjacent properties also appears as a lake at these times as viewed from above. When will the local and district councils address this adequately to prevent inevitable flooding to local properties.

16 Scothern Lane: **Object** Until such time as a full report is provided on this land in respect of heavy contamination of various substances this proposed development should be withdrawn.

Primrose House, Station Road: **Object** Whilst aesthetically there will be great improvement to the area , we have huge concern regarding a possible increased flooding risk , increased road traffic, as well as noise at weekends encroaching on our relaxation

Camden Station Road: **General Observation** Although at this stage we are open minded regarding the proposed development and can see the potential for enhancing the viability of the village, there are, however, a number of questions that require further clarification.

1. Flooding: Has any research been carried out as to the effect the 900mm surrounding flood protection wall will have on the neighbouring properties should flooding occur? How will water flow be affected by this flood wall? Will adjacent properties be subject to greater water ingress?
2. Noise: The design of the proposed units will amplify any noise when the doors are open. How do the developers intend to prevent excessive noise, from radios, power tools etc., from 14 separate units becoming a nuisance to the residential neighbours? Bearing in mind that this is a mainly residential area, can hours of business be restricted in consideration of the welfare of local residents.
3. Surface water: Once the whole ground area of the site is covered with hard standing there will no doubt be a quantity of surface water produced after any heavy rain. Is it intended that this water will drain into the lagoon shown on the site plan? This water could contain contamination from the industrial units.

What precautions are in place to ensure this water does not reach local water courses and therefore become a hazard to wildlife?

4. Access: The pictures shown of the A158 are totally untypical. Throughout the working day this road is usually subject to a continual flow of traffic in both directions. Entrance and exit from the site, therefore, can be both time consuming and hazardous.

5. Monitoring: Will the West Lindsey District Council monitor the site throughout development and ensure that there are no unauthorised modifications made to the development?

6. Eastern Boundary: Is the eastern boundary taken from the original plans or has the fence line been used? The Camden fence is somewhat to the east of the site boundary. How far inside this boundary will the rear of the units be?

Brook House Scothern Lane: General Observation I do not have any objection to the proposal .However what concerns me is the inadequate sewerage system we have in Langworth. It can't cope. At the start of last year during a time of heavy rain a large amount of untreated sewerage was spilling out of the manhole covers in Scothern Lane. If it hadn't been for residents using their own pumps and sandbags properties would have been flooded. Anglian Water was of little help .A tanker is removing sewerage today due to heavy rain .Given that some of the new dwellings(The Meadows) next to the George and 20 + dwellings on Barlings lane yet to be built .I would not want to see the development go ahead without action by Anglian Water to improve their sewerage system. At a meeting with some residents of Scothern Lane AW said they were unlikely to do any improvements for 10 years. If the proposed development goes ahead I think that Scothern Lane residents' dwellings will be at risk every time there is heavy rain

Church View Station Road: Supports

Please see the included photographs. These offer an overview of Fosters Yard in its current state. With respect to current users, the yard is dirty , scruffy, dusty, has buildings clad with asbestos, with a very poor yard surface, no proper drainage, dangerous uncovered manholes and the amenities are . well let's say they could be much improved.

1) Is the lagoon, is this needed? Is this not taking up space which could be put to better use?

2) Concern- the new plan revision 1 shows a bin area, please can this be discussed as it is very close to and right outside a full time office with windows. What will be put into these bins? The previous position would be preferred.

3) What are the developers proposing as boundary fencing?

4) If the inclusion of a village shop or Post Office is available within this development, we would welcome this to our village.

This is an excellent development, we have seen site photo`s which are 50 years old or older and the basic layout and yard is still the same. Church View is adjacent to Fosters Yard, we have recently purchased this house and are spending considerable funds upgrading and renovating along with the business premises to the rear.

As a business owner to find that Fosters Yard is to be completely revitalized, is very good as it will enhance the properties either side. With 14 units this development will bring businesses into Langworth and help to ensure the Village is moving forward as a community.

3 Providence Row Station Road: **Supports.** The plans for a commercial site can only improve fosters yard. In my opinion it will also be a bonus for the area, and I fully endorse it.

5 Providence Row Station Road: **Supports.** Totally support the proposal of commercial units being built. I have worked from these premises for 60 years and it is in need of modernisation. There has always been a commercial site here long before many of the surrounding houses were built. I have lived in Langworth for 75 years and in the past 10 it feels like it has lost its village feel. If these units they are erecting can benefit the residents of Langworth whether it be for car repairs, fire wood and perhaps a village shop again I can only see as positive. Let's bring the village back to life!!!!

AJB Plant & Commercials, The Foundry, Station Road: **Supports.**

Comments: AJB Plant & Commercials has been trading from Fosters Yard for 11 years and fully support the proposals to improve the site. As well as being a commercial business, the majority of its staff are either from or live in the village. Fosters Yard has been a commercial site for more than 70 years and has provided employment opportunities to those in and around the village of Langworth. The proposals to add more commercial units and improve the appearance of the yard should be welcomed by the increasing number of residents in Langworth as it will, in turn, provide yet more employment opportunities. We are hoping to open a convenience store in one of the new buildings, and wish that we will be supported by the local community. Langworth has lost its identity over the years (having lost its school, post office and shops) and so we believe that this development will go a long way in helping to put the village back on the map. So much already goes into keeping Langworth looking its best with the planting of flower beds, and cleaning up of the area, so this development will go a long way in improving the appearance of the village, especially as the yard is situated on the main road. If the development wasn't to go ahead, there is a chance that AJB would have to relocate. This would be a dreadful shame as we have strong ties to the village, in the fact that we service many local residents' cars and local businesses vehicles

Shane Graves Bodyworks Ltd. Station Road: **Supports.** I cannot see that it is anything but a good thing to regenerate the area. This will smarten up surroundings greatly for the good of the local residents and business

owners alike. As the proposal is to add more units it will also bring more prosperity/opportunities to the area. There has been recent houses built close by and a large development up the road at Sudbrooke under way!
I look forward to seeing it all come to fruition.

LCC Highways:

18.05.21: No issues with the drainage strategy or the Construction Management Plan details. They may need consent from the IDB for discharge into Nettleham Beck though.

07.04.21: Requests that any permission given by the Local Planning Authority shall include the conditions below.

No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development.

The Construction Management Plan and Method Statement shall include;

- phasing of the development to include access construction;
- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Wheel washing facilities;
- The routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- Strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.

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

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an

allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

- provide attenuation details and discharge rates which shall be restricted to 5 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme;

And

- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

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

Highway Informatives

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

There is no precise definition of "severe" with regards to NPPF Paragraph 109, which advises 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." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes

- Whether the level of queuing on the network causes safety issues.

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. This application provides a suitable on site drainage strategy and therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site. Consent from the relevant authority will be required for the discharge into Nettleham Beck

22.02.21: Requests that the Local Planning Authority request the applicants provide additional information as set out below.

No objection in principle to this development. Before the Highway Authority pass final comments it is requested that a site intrusive ground investigation report is carried out to support the proposal of infiltration as the site drainage strategy. Please include a permeable pavement design in line with the hydraulic calculations determined from the infiltration testing and surface water storage requirements for the site.

Environmental Protection:

18.05.21: The demolition method statement provided covers all aspects which I would expect and is suitable for purpose, the applicant should ensure that all recommendations and requirements within the document are adhered to. The noise assessment provided shows that suitable mitigation can be implemented to protect neighbouring sensitive receptors from significant impact by the use of an appropriate boundary fence and suitably designed buildings, and with any external plant required to be designed to operate below recommended noise levels. As such it is fit for purpose and provided the applicant ensures that the recommendations within are followed there should be no adverse impact on neighbours. I trust that suitable conditions can be implemented to ensure the applicant adheres to the details within the reports.

06.04.21: The contaminated land report indicates that generally the site is suitable for the proposed end use provided suitable measures are taken during construction, however further investigation is recommended in a specific area where higher levels of contamination have been noted and there may be further isolated hot spots across the site, not identified by the investigation, which would require further action if found during construction. As such I would recommend that the further investigation is undertaken and once completed a suitable remediation method statement for the whole site is submitted and approved by LPA prior to any construction, and on completion of those works a verification statement will be required.

29.03.21: Further to my initial comments as attached and as discussed the applicants will need to establish that any new development will have no

significant impact upon existing near neighbours from noise, vibration, dust etc. as part of the proposed use of the site. As such a full noise assessment To BS4142 standards will need to be provided to the LPA to demonstrate that the proposed industrial use will be acceptable and any noise etc. created can be suitably mitigated against to protect all near sensitive receptors.

19.01.21: Contamination: a comprehensive contaminated land assessment will need to be undertaken prior to any development, to be submitted and approved by LPA at each stage and any mitigation found to be required is to be agreed by LPA prior to being undertaken.

Demolition: a comprehensive demolition method statement is required prior to any demolition taking place, to include an assessment of existing materials, measures to protect neighbouring premises from noise, dust, and vibration and run off etc. during the demolition process. Measures to be implemented to deal with all forms of waste created, particularly how it is dismantled, stored and disposed of.

Construction: a comprehensive construction method statement is required prior to any construction taking place. To include measures to protect neighbouring premises from noise, dust, vibration etc. Management of deliveries, suitable storage of materials and wastes, protection of the road and paths from mud and surface water run-off.

Post development noise, dust, odour etc.: a comprehensive assessment of the suitability of the built units or requirement of other suitable measures to protect neighbouring premises from any excessive noise, dust, odour etc. created by end users is required. Consideration as to the orientation and location of any openings, any extraction/air conditioning plant, the acoustic properties of construction and insulating material etc. should be taken into account.

External Lighting: details of any external lighting are required to be submitted to and agreed by LPA

General: Working times during demolition and construction should be limited to reasonable periods. No burning to take place on site during either demolition or construction phases. Prior agreement with the LPA on the permitted operational hours of the finished units to be considered.

Environment Agency:

08.04.21: We have reviewed the site plan and consider that it satisfactorily addresses our earlier concerns. Subject to the condition below, we therefore **withdraw our previous objection**, dated 22 January 2021 (our ref: AN/2021/131361/01-L01).

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the following planning condition is included.

1. The development shall be carried out in accordance with the submitted flood risk assessment dated July 2020 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 7.45 metres above Ordnance Datum (AOD).
- Flood resilience and resistance measures shall be incorporated as stated in the FRA.

Reason: To reduce the risk of flooding to the proposed development and future occupants. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

22.01.21: In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is **refused**. The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to consider the impact that the development will have on flood risk elsewhere. Whilst the FRA identifies the flood risk to the site and proposes suitable mitigation it does not consider the impacts that the earth bund and concrete flood wall around the site will have on the existing flood plain. In order to fully assess flood risk we would need the FRA to assess whether flood risk elsewhere will be increased as a result of the development. The applicant should explain why the site requires the earth bund and flood wall, and it must be demonstrated that any loss of flood storage can be mitigated for.

Witham Internal Drainage Board:

24.03.21: I note that they propose to remove the comments about the flood defence which answers one of my comments. I still think they need to address the raising of levels and the impact on the surrounding properties, I am sure that any residents with soggy gardens in the future will be blaming the development. Having said that the EA surface water flood map below would seem to indicate that the site is already higher than the adjacent land and water could be trapped. Having not been to site I do not know if this is representative of the true ground levels and any potential impact.

22.01.21: The site is in Zone 3 on the Environment Agency Flood Maps and at flood risk as identified by the Flood Risk Assessment. The Flood Risk Assessment is included in the Application proposes mitigation by ground raising of the units above the design flood level. However there is no information to assess the impact on the surrounding properties.

The FRA states on the Board minor flood defence a defence level of 7.40m. This is not correct, while some raising was done to that level other lengths were not raised and where recorded as 7.37. The Board did not take on the Future maintenance.

Comment and information to Lincolnshire CC Highway SUDs Support

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water Drainage system. It is noted that the use of SuDS box has been ticked, but no details submitted.

- If soakaways are proposed the suitability of new soakaways, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority.

If the suitability is not proven the Applicant should be requested to Re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be reconsulted.

- Where Surface Water is to be directed into a Mains Sewer System the relevant bodies must be contacted to ensure the system has sufficient capacity to accept any additional Surface Water.
- Any discharge into a water course will require a consent from the Board under the Land Drainage Act. If there is an existing discharge into Sudbrook Beck as a brownfield site any proposed discharge must be limited to 70% of the actual existing rate. If there is no existing discharge the discharge rate must be limited to green field.

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

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority. The applicant proposes ground raising for the units, the LPA must ensure that this will not have a detrimental effect on the neighbouring properties.

Comment and information to Agent/Applicant

Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw distance (9m) of the top of the bank of a Board maintained watercourse. At this location while the Board generally maintains the watercourse form the opposite bank periodic access may be required to undertake maintenance, repair or improvement.

:

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

apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

Wastewater Treatment

The foul drainage from this development is in the catchment of reepham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed Development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A full assessment based on the development type and size has concluded the sewer does not have capacity.

We therefore request a condition requiring a phasing plan and/or on-site drainage strategy.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England Includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable.

We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Suggested Planning Conditions

1. Prior to construction above damp proof course a Phasing Plan setting out the details of the phasing of the development shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved Phasing Plan. Reason: To ensure the development is phased to avoid an adverse impact on drainage infrastructure.

2. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP5: Delivering Prosperity and Jobs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP16: Development on Land Affected by Contamination

LP26: Design and Amenity

Draft Neighbourhood Plan

Langworth Parish Council has approval from West Lindsey District Council for the parish of Langworth and Barlings to be recognised as a designated area for the purposes of producing a neighbourhood plan. It was designated in May 2016. There is no draft plan or policies that can be considered.

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

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

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019. 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)."

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

Main issues

- **Principle**
- **Flood Risk and Drainage**
- **Impacts on the amenities of occupants of nearby dwellings in terms of increased noise and disturbance and visual impact of new buildings**
- **Impacts on existing character and appearance of site and wider area**
- **Contaminated Land**

Assessment:

Principle. Whilst what is actually being proposed is a redevelopment of the site as it exists it is considered helpful to consider Policy LP 5 which supports the "Expansion of Existing Businesses" outside allocated employment sites provided:

- Existing buildings are reused where possible

This is not the case as the site is being redeveloped with 13 new units created.

- They do not conflict with neighbouring land uses

This is considered in the report below under the heading

“Impacts on the amenities of occupants of existing dwellings in terms of increased noise and disturbance and visual impact of new buildings”

- They will not impact unacceptably on the local and /or strategic highway network

No objections are raised by the Local Highways Authority.

- The proposal would not have an adverse impact on the character and appearance of the area

This is considered in the report below under the heading:

Impacts on the character and appearance of the existing site and the wider area.

It can be concluded that principle of development could be supported subject to consideration of the detailed impacts of the proposal including its location in an area at high risk of flooding.

Flood Risk, and Drainage LP14

Under Table 2 of the Flood risk vulnerability classification¹, the general industry and storage and distribution uses proposed fall within the “less vulnerable” classification. Table 3² sets out the Flood risk vulnerability and flood zone ‘compatibility’ which confirms that development within this category is appropriate.

A Flood Risk Assessment was submitted. Flood mitigation is proposed by raising the ground floor level above predicted flood levels to 7.45m ODN. Current site levels range from 7.05 ODN to 7.20 ODN. The proposed units will also incorporate flood resilient works. The ground floor will be constructed with a solid concrete floor with no voids beneath and no low-level wall vents. All service circuits to be routed at first floor level where practical socket outlets, boilers will be a minimum of 0.5m above the raised ground floor level.

Surface Water Disposal:

Planning Practice Guidance³ sets out that:

Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

1. *into the ground (infiltration);*

¹ National Planning Practice Guidance Paragraph: 066 Reference ID: 7-066-20140306 (<https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-2-Flood-Risk-Vulnerability-Classification>)

² See <https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-3-Flood-risk-vulnerability>

³ Paragraph: 080 Reference ID: 7-080-20150323 (<https://www.gov.uk/guidance/flood-risk-and-coastal-change#sustainable-drainage-systems>)

2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Particular types of sustainable drainage systems may not be practicable in all locations.

During the course of consideration of this application a Drainage Strategy (DS) was submitted. Following soil infiltration testing none of the attempted test locations returned positive results. As the underlying soil is not suitable for infiltration it is not possible to incorporate any infiltration SuDS into the scheme design. It is however possible to incorporate source control (water quality) SuDS into the scheme design

- i) Fit water butts to rainwater downpipes on all rear elevations.
- ii) Construct vehicular surfaces in permeable materials with a type 3 granular sub base reservoir layer providing source control prior to discharge.
- iii) Construct a porous under-drain to convey previously filtered rainwater to the flow control.
- iv) Construct an off-line surface water balancing facility prior to discharge to provide attenuation and sedimentation control features.

Surface water from the commercial unit roof areas (0.249 Ha) will discharge directly into the sub base reservoir layer of the main courtyard which will be under-drained by a centrally located perforated twin wall pipe. This will also take runoff from the courtyard access, hardstanding and parking areas (0.415 Ha) which will percolate through the permeable surfacing layers. A slight cross-fall will be incorporated into the surfacing levels to direct flows away from any commercial unit door openings towards the central under-drain. The under-drain will then flow towards the Nettleham Beck where a flow control device, fitted to the outgoing pipe will be incorporated to restrict discharge from the development to the Beck to green field values, specifically the 5.0 l/s default value. This will also provide an “on-plot” source control treatment stage for all roof and courtyard runoff prior to entering the drain. An off-line surface water attenuation lagoon provides additional storage at the flow control location. The lagoon will be dry under normal conditions.

Third parties have raised concerns with surface water run-off, and existing flooding problems. However, the proposals will introduce a positive surface water drainage scheme which accords with today’s Sustainable Drainage System (SUDS) principles, and therefore can be deemed as a betterment, and a matter that weighs in favour of the development.

The Lead Local Flood Authority have no concerns with the drainage strategy concept, with conditions required to ensure a detailed scheme is submitted for

written approval and subsequent implementation in accordance with the details approved.

Foul Water Disposal

Anglian Water have stated foul drainage from this development is in the catchment of Reepham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are however obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

In their Pre Planning Assessment Report (PPAR) to the Applicants dated 4th March 2021 and appended to the Drainage Strategy Anglian Water stated “Anglian Water has assessed the impact of gravity flows from the planned development to the public foul sewerage network. We can confirm that this is acceptable as the foul sewerage system, at present, has available capacity for your site.” It also confirms that the foul flows from the development can be connected to their 150mm diameter foul sewer in Station Road / A158. This would require taking a new foul sewer out of the site, along Station Road and forming a new manhole. The DS proposes that as the existing foul sewer actually crosses through the site prior to discharging to the existing foul water pumping station behind proposed unit 7 it would make better sense to form a new manhole on the line of the existing foul sewer within the site to accept flows from the 14 units. This would negate the requirement to construct a new sewer and manhole within Station Road /A158 and its associated traffic management issues and avoid unnecessary disruption to residents of Langworth and those travelling to and from Lincoln.

This is considered a reasonable proposal and with a condition imposed requiring details to be submitted and agreed in writing disposal of foul sewerage does not represent a reason to withhold consent.

Impacts on the amenities of occupants of nearby dwellings in terms of increased noise and disturbance and visual impact of new buildings

The site currently appears to have no more than 3 to 4 businesses in operation across the extent of the whole site. This proposal represents a major intensification with a threefold increase in units to be provided and potentially an increase in noise and disturbance of the same magnitude. A Noise Impact Assessment (NIA) was submitted during the course of determination of the application. This specifically addressed:

- Noise associated with internal operations
- Noise associated with external service yard operations
- Noise associated with any fixed external plant

It was assumed that the proposed operating hours of the units are to be 0730–1800 hours Monday to Saturday with no Sunday operation.

In order to establish prevailing baseline noise levels at the application site, a noise survey was undertaken on Tuesday 20th April 2021 through to Wednesday 21st April 2021.

Typical background noise levels were measured as follows:

- 45 dB LA90 (15 min) in the daytime period
- 22 dB LA90 (15 min) in the night time period

LA90(15 min) is the measure of background noise level (the sound level exceeded for 90% of the measurement period of 15 minutes).

The maximum predicted levels of noise from the site would increase to 54 dB. BS4142 sets out that a difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context. Whilst a difference of +5 dB is likely to be an indication of an adverse impact, depending on the context. The increase in noise would therefore be considered unacceptable. The NIA sets out mitigation measures that would be required to reduce the noise to acceptable levels:

1. 4 metre solid timber fence along the south-eastern boundary, returning north into the application site yard for circa 10 metres
2. 3 metre infill solid timber fences along the south-western and north-eastern boundaries between the proposed units
3. 3 metre high solid timber fence running along the west of the entrance road for circa 10 metres

With these in place the predicted noise levels would be reduced to an acceptable level. It is important to note that this does not take into account increases in vehicle movements to the site although with a restriction on the hours of use to times assumed by the NIA of 0730–1800 hours Monday to Saturday this would be restricted to day time operation.

Whilst the acoustic fences would not be visible from outside the site from Station Road, there would be impacts from the erection of these fences particularly the 4 m high ones on neighbouring land that would need to be considered. The most impacted would be “The Beeches” to the south which is not surprising as it was originally granted planning permission in connection with the management of the former haulage yard on the site.

The Local Planning Authority has negotiated with the applicant in order to set the acoustic fencing into the application site and off the shared boundaries due to the scale of the fencing proposed.

At its closest the 4m high fence would be within 2 metres of the rear garden rising to a maximum distance of 6.5 metres as it veers north. The side elevation of unit 13 also runs along part of the rear boundary at its closest at a distance of 7.5m rising to 8.5m. This has a ridge height of 4.68m which slopes down to 2.8m. This will clearly have an impact on the outlook and views from the Beeches which is currently open. This is a finely balanced issue and given the long history of commercial usage on the site and the history of the

property affected it is considered that on balance the harm that will arise would not justify a refusal of planning permission.

Units 1-5 will run along the full extent of the side boundary of the rear garden of "Sleepers" on Station Road. They will be set back approximately 4m from this boundary with a ridge height of 2.8 m that rises up to a maximum of 4.7. A 4m high acoustic fence is also proposed along approximately ¼ of the rear garden. This will clearly not fail to have an impact on the "Sleepers". Given its boundary with a site with a long history of commercial usage some impact can be expected although once again this is a finely balanced issue with the conclusion that this would not justify a refusal of planning permission.

The 4m high fence will run along approximately 3m of the rear garden of "Camden" on Station Road set back from the boundary by approximately 1.5m. This will have an impact although it is not considered to be of such magnitude that would warrant refusal of permission.

It is concluded that with the mitigation measures set out in the NIA, that noise and disturbance and the impact of the new buildings on existing residents would not result in having an unduly adverse effect upon residential amenity and does not constitute a reason to withhold consent although this is considered to be a finely balanced issue.

A condition will also be imposed requiring an external lighting scheme to be submitted to and approved in writing by the local planning authority to avoid light spillage onto neighbours.

Impacts on the character and appearance of the existing site and the wider area.

The relatively enclosed site is characterised by a mix of structures on the site in varying states of repair which is evidenced by the photographs reproduced below. The development would result in the introduction of modern industrial units with dedicated parking and servicing areas with additional planting along the main entrance into the site and in front of the proposed acoustic fencing, and would lead to an improvement in the character and appearance of the site. Subject to the imposition of conditions including details of landscaping to be submitted for written approval and subsequent implementation and maintenance in accordance with the details approved impacts on the character and appearance of the site do not constitute a reason to withhold consent.



Contamination

The Contaminated Land Report (CLR) indicates that generally the site is suitable for the proposed end use provided suitable measures are taken during construction, however further investigation is recommended in a

specific area where higher levels of contamination have been noted and there may be further isolated hot spots across the site, not identified by the investigation, which would require further action if found during construction.

A condition will be imposed requiring further investigation to be carried out as recommended by the CLR, and, a remediation method statement for the whole site to be submitted to and approved by LPA prior to any construction taking place. On completion of these works a verification statement will also need to submit. Subject to securing these details it would be in accordance with LP 16.

Conclusion and planning balance

This is a proposal to redevelop a site with a history of commercial usage that was originally a haulage yard. The proposed development of modern industrial units would improve the character and appearance of the site. There are no highways objections. Subject to the imposition of conditions in relation to finished ground levels, incorporation of flood resilience measures, and details of surface water and foul water drainage there would be no increase in flood risk and a satisfactory drainage scheme can be provided. It would also lead, however, to at minimum a threefold increase in the number of units on the site with an increase in potential noise and disturbance and in closer proximity to adjacent dwellings. The noise attenuation measures required including 4m high acoustic fencing will also have an impact. Hours of operation will be from 0730 to 1800 Monday through to Saturday and this will be conditioned. Details of external lighting will be secured by condition. On balance it is considered that approval can be recommended although this is a finely balanced issue.

Recommendation: Grant Permission subject to the following conditions:

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

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

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

2. No development shall take place until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. This must 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 details which must be in place prior to occupation of the units.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development and to avoid water pollution in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

3. No development shall take place until the further investigation recommended by the geo environmental ground investigation report dated March 2021 has taken place and a method statement for the whole site has been submitted to and approved in writing by the Local Planning Authority.

Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration to accord with the National Planning Policy Framework and policy LP14 and LP16 of the Central Lincolnshire Local Plan 2012-2036.

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

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

- Site Plan New Units TL069-SP-08 Rev I
- Floor Plan and Front Elevation New Units (1) TL069-FP-NU1-01 Rev E
- Floor Plan and Front Elevation New Units (2) TL069-FP-NU2-01 Rev D
- Floor Plan and Front Elevation New Units (3) AJB TL069-FP-NU3-01 Rev B
- Floor Plan and Front Elevation New Units (4) Shane Bodyworks TL069-FP-NU4-01 Rev D

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

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

5. The development shall be carried out in accordance with the submitted flood risk assessment dated July 2020 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 7.45 metres above Ordnance Datum (AOD).
- Flood resilience and resistance measures shall be incorporated as stated in the FRA.

Reason: To reduce the risk of flooding to the proposed development and future occupants. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

6. The development shall be carried out in accordance with the Construction Management Plan and the Demolition Method Statement with the hours of operation **limited to** between 0730 hours and 1800 hours on each day Monday through to Saturday with no operations on Sundays.

Reason: To minimise noise and disturbance to neighbours 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:

7. Prior to occupation of the hereby approved units a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

1. Planting plans;
2. Written specifications including cultivation and other operations associated with plant and grass establishment;
3. Schedules of plants, noting species, plant sizes and proposed numbers/densities
4. Tree pits including root protection details;

The approved details shall be implemented in full following completion of development or occupation of the units whichever is the sooner and any trees or plants which within a period of five 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: In the interests of visual amenity to ensure the approved development provides satisfactory soft landscaped areas to break up the mass of what would otherwise be a large expanse of hard surfaced areas and buildings to accord with LP26 of the Central Lincolnshire Local Plan.

8. Prior to occupation of the units' details of the acoustic fencing shown on "Site Plan New Units TL069-SP-08 Rev I" shall be submitted to and approved in writing by the local planning authority. The details approved shall be implemented prior to occupation. Details of the treatment of all boundaries beyond the acoustic fencing shall also be submitted for written approval and subsequent implementation in accordance with the details approved prior to occupation.

Reason: This was the basis upon which the findings of the Noise Impact Assessment were prepared and in the interests of residential and visual amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan..

9. Prior to occupation of the hereby approved units' details of the external lighting (to include a light spill diagram), including proposed hours of illumination, shall be submitted to and approved in writing by the local planning authority. It shall thereafter be carried out in accordance with the details approved.

Reason: To avoid excessive illumination impacting harmfully on neighbours in accordance with policy LP26 of the Central Lincolnshire Local Plan.

10. The use of the units and wider site shall be restricted to between 0730 hours and 1800 hours each day, Monday through to Saturday with no use on Sundays.

Reason: This was the basis upon which the findings of the Noise Impact Assessment were prepared and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

11. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) external plant is prohibited on the site until details have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall demonstrate compliance with the recommendations of the Noise Impact Assessment.

Reason: This was the basis upon which the findings of the Noise Impact Assessment were prepared and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

Prepared by: George Backovic

Date :

Signed:



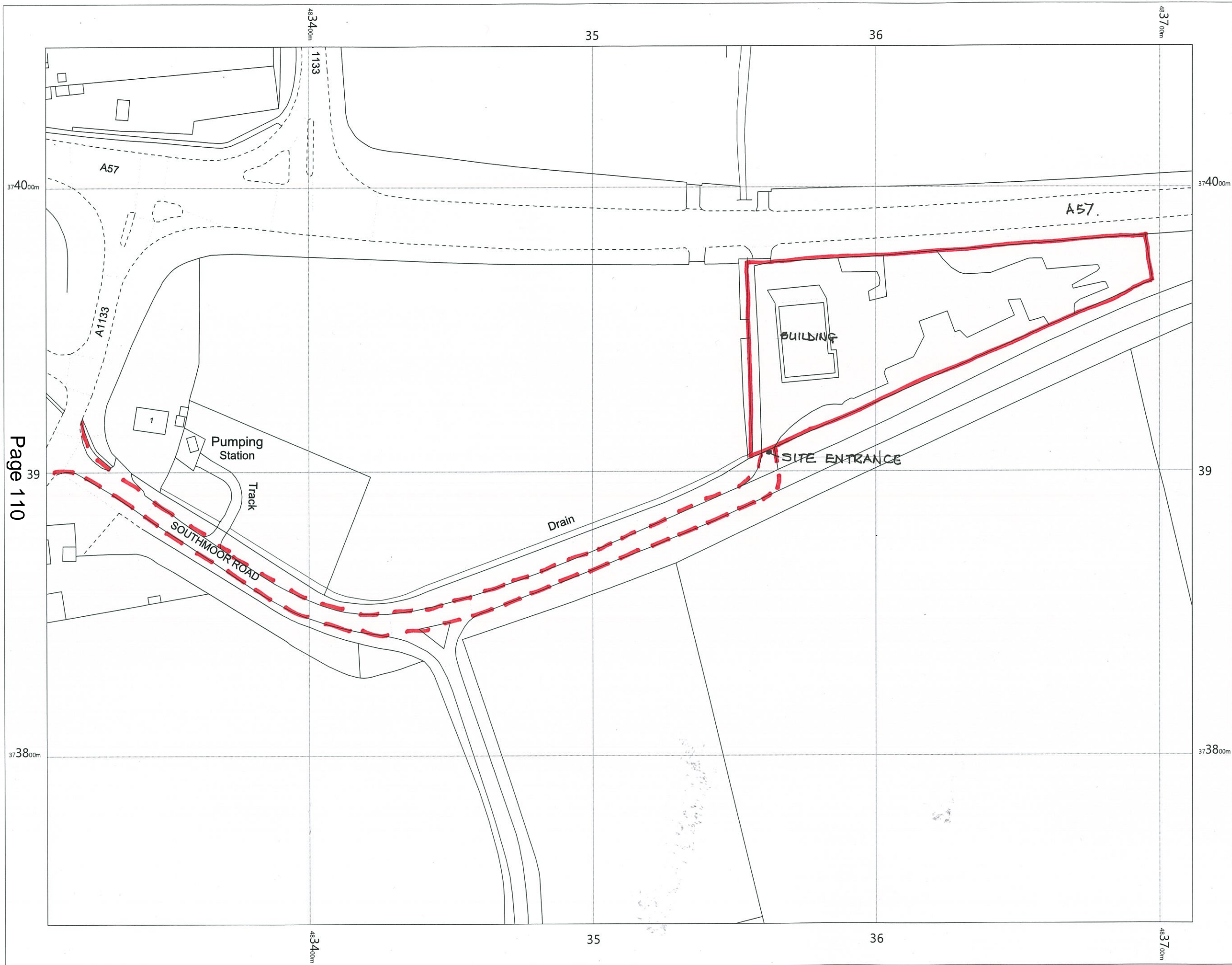
Authorising Officer

Date

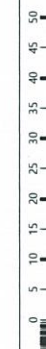
Decision Level (tick as appropriate)

Committee

3 Southmoor Road
Newton on Trent
LN1 2U
SITE LOCATION PLAN.



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OS MasterMap 1250/2500/10000
scale
Monday, March 1, 2021, ID:
JEW-00942300
maps.johnwright.com

1:1250 scale print at A3, Centre:
483510 E, 373895 N

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Officers Report

Planning Application No: 142598

PROPOSAL: Planning application for proposed change of use from agricultural to B8 - storage

LOCATION: 3 Southmoor Road Newton On Trent Lincoln LN1 2LJ

WARD: Torksey

WARD MEMBER(S): Cllr Mrs J Ellis

APPLICANT NAME: Mr Nathan McDougall

TARGET DECISION DATE: 29/04/2021

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Daniel Evans

RECOMMENDED DECISION: Grant Permission Subject to Conditions

The application is being referred to the Planning Committee for determination following an objection from the Parish Council and as the planning matters under consideration are deemed to be finely balanced.

Description:

The application site is located within the open countryside. It sits south of the A57 and the village of Newton on Trent. The site is currently accessed from Southmoor Road and hosts a detached agricultural storage building with associated land. A metal fence also runs around its perimeter. The site falls within Flood Zone 3 (high probability), a minerals safeguarding area and has a number of protected trees located along the southern and western boundaries.

This application seeks permission for a change of use of the site from an agricultural use to a B8 storage & distribution use associated with P And M Pavers (Lincoln) Ltd. The use of the site will be for the storage of plant, machinery and materials for the business. P and M Pavers web-site describes them as a Civil Engineering company dealing in civil paving, kerbing, groundwork, drainage and ducting.

Relevant history:

123968 – Planning application for the erection of an agricultural storage building – Granted Conditionally on 22 May 2009.

138182 – Planning application for change of use of land from agricultural to a builders yard. Withdrawn by applicant.

Representations:

Chairman/Ward member(s):

No representations received to date.

Newton on Trent Parish Council:

- Whilst opposing the application, mainly on the grounds that the business is not “agriculturally connected”, as other businesses in the Parish are, Council is concerned that should approval be granted, due consideration is given the need for the business to acquire the necessary permits and certificates which will be required for the proper running of the business.
- If possible this should be made a condition of any approval, and ideally my council should be able to have sight of the paperwork. Essentially, council would ask that this business is treated as other businesses in the Parish, in that all necessary paperwork should be in place whilst they are trading.
- It has also been suggested that a screen of trees should be planted to hide the inevitable piles of waste from the road. In the past the condition of the site has been unsightly and local businesses, such as camping provision, have been concerned for the effect the site may have on their businesses.

Local residents:

No representations received to date.

LCC Highways and Lead Local Flood Authority:

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Environment Agency:

17/05/2021 –

We have reviewed the FRA and consider that it satisfactorily addresses our earlier concerns. Subject to the condition below, we therefore withdraw our previous objection, dated 07 April 2021.

The proposed development will only meet the National Planning Policy Framework’s (NPPF) requirements in relation to flood risk if the following planning condition is included.

The development shall be carried out in accordance with the submitted flood risk assessment (ref: 2896) dated April 2021 and the following mitigation measures it details:

- Storage provisions for water vulnerable items and equipment shall be provided and set no lower than 6.18 metres above Ordnance Datum to mitigate against the risk of damage to property.

07/04/2021 –

Initial objection based on the absence of the Flood Risk Assessment.

WLDC Trees and Landscapes Officer:

16/06/2021 – Requests a condition that there shall be no storage within the tree Root Protection Areas as indicated by the hatched areas on the plan submitted.

04/06/2021 - If the oak has a girth/circumference of 4.75m, that converts to a diameter across the stem of 1.51m. This is a very wide stem indicating an exceptionally old oak tree that would be classed as a veteran tree i.e. living longer than the usual oak. If the circumference measurement is correct, then this veteran tree that should have extra special consideration and would automatically be a category A tree of high importance. This large stem width converts to an RPA of 18.12m radius around the tree, but RPA's are generally capped at 15m radius, however, due to being a veteran tree then care should be taken to avoid anything just outside the 15m RPA that could potentially harm the tree, such as keep chemicals, cement, bonfires further away from the tree. No storage of items or driving vehicles over its RPA, as they can cause ground compaction leading to root damage and asphyxiation.

For the ash, a stem circumference/girth of 2.55m converts to a stem diameter of 0.811m, which then converts to an RPA of 9.73m radius around the tree. This tree is adjacent an existing entrance which has been used for many years. Excluding the existing entrance and where vehicles are regularly drive over the ground, no additional encroachment for storage or driving area should be created within the trees 9.73m radius around it.

The RPA of both trees should be excluded from any storage area within the compound to minimise harmful impact to tree roots and their growing environment, in the interests of the trees future and amenity.

Trent Valley IDB:

The Board maintained Newton Sewer, an open watercourse, exists along the boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material

considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP5: Delivering Prosperity and Jobs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

LP55: Development in the Countryside

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

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

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

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

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in February 2019. 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)."

National Planning Practice Guidance -

- *National Planning Practice Guidance*
- *National Design Guide (2019)*

Main issues

- **Principle of Development**
- **Flood Risk**

- **Character and Visual Impact**
- **Residential Amenity**
- **Minerals**
- **Highway Safety and Parking**
- **Other matters**

Assessment:

Principle of Development

The proposed site is located within the open countryside and is seeking the change of use from agricultural land established through planning permission 123968 to a B8 Storage use associated with P and M Pavers (Lincoln) Ltd.

Tier 8 of policy LP2 advises that unless allowed by any other policy in the Local Plan (such as LP4, **LP5**, LP7 and LP57), development will be restricted to:

- *“that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
- *renewable energy generation;*
- *proposals falling under policy LP55; and*
- *to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents”.*

An assessment of policy LP55 is below, nonetheless the proposal does not fall within any of the other above specified categories above that could be supported.

Policy LP5 referred to above as a possible exemption supports the delivery of economic prosperity and job growth to the area subject to certain criteria being met. This sets out a hierarchy as follows based upon the designation of the location for the development:

- Strategic Employment Sites (SES)
- Employment provision within Sustainable Urban Extensions (ESUEs)
- Important Established Employment Areas (EEA)
- Local Employment Sites (LES)

This application site is not located within any of the four designations and would therefore be considered under ‘Other Employment Proposals’.

In considering ‘Other Employment Proposals’ policy LP5 states:

“Other employment proposals in locations not covered by SES, ESUE, EEA and LES categories above will be supported, provided:

- *there is a clear demonstration that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement;*
- *the scale of the proposal is commensurate with the scale and character of the existing settlement;*

- *there is no significant adverse impact on the character and appearance of the area, and/or the amenity of neighbouring occupiers;*
- *there are no significant adverse impacts on the local highway network;*
- *there is no significant adverse impact on the viability of delivering any allocated employment site; and*
- *the proposals maximise opportunities for modal shift away from the private car."*

The site is located outside of the existing settlement in the countryside.

The applicant's supporting statement does not address policy LP5 or set out clear operational requirements that would prevent the business from being located onto a nearby employment site.

Following a request for further information, the applicant has advised the location is suitable "*because it has very good transport links and easy access*". The applicant also explains that the cost to purchase a pre-existing storage site in Lincoln or Gainsborough would have been incredibly costly to the business and potentially financially unviable. The applicant concludes that there are "*no sites potentially suitable for the storage of plant, machinery and equipment*", within the immediate area.

P and M Pavers web-site describes them as a Civil Engineering company dealing in civil paving, kerbing, groundwork, drainage and ducting all over the country. Whilst it is noted the site has good connectivity to the strategic highway network such as the A57, the access requirements alone do not justify the countryside location. Given that P and M Pavers operate on a local and national scale, there are allocated employment sites with similar connectivity to the highway network. No financial information has been provided to demonstrate that alternative sites are unviable, despite the applicant's suggestion. Although suggesting there are no suitable sites within the immediate area, the applicant has not provided any search parameters or any other commentary on the suitability of any nearby employment sites. It is therefore unclear how this conclusion has been determined.

It is considered that there are more suitable, alternative sites for this type of development. The site is approximately 4 miles from 3 business parks at Saxilby; Saxilby Enterprise Park, Riverside Enterprise Park and Allens Business Park which are either allocated under the CLLP (E22 Allocation in connection with Policy LP5) for B1, B2 and B8 uses or in the Saxilby Neighbourhood Plan (Site 1, 2 and 3 of Proposal Map 3 in connection with Policy 7 of the Plan) for such uses. Both Policy LP5 of the CLLP and Policy 7 of the Saxilby Neighbourhood Plan allow for appropriate new B1/B2/B8 employment developments and/or redevelopment of sites for B1/B2/B8 uses.

Saxilby Industrial Area (described above) is in close proximity to one of the district's larger villages, Saxilby and close to rail and bus public transport links. These business parks offer a range of business sizes and uses (B1, B2 and B8).

No evidence has been provided to demonstrate that sites within the Saxilby Industrial Area are inappropriate and/or unsuitable, or that there is a particular locational requirement for the present commercial operation to operate at the application site; albeit it is operating out of a building only permitted as an agricultural building and not for commercial uses.

Newton on Trent has limited sustainable transport links such as bus services to surrounding large population centres such as Gainsborough and Lincoln and therefore due to the location of the site, within the countryside, there would be a heavy reliance on the use of the private car.

Given the countryside location, policy LP55 also applies. Policy LP55 Part E considers non-residential development in the countryside. Policy LP55 part E states that *“proposals for non-residential developments will be supported provided that:*

- a) The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*
- b) The location of the enterprise is suitable in terms of accessibility;*
- c) The location of the enterprise would not result in conflict with neighbouring uses; and*
- d) The development is of a size and scale commensurate with the proposed use and with the rural character of the location.”*

As explained above, the applicant has not demonstrated the functional requirements that justify the countryside location for this business. Whilst the proposal is acceptable in terms of accessibility, its compatibility with neighbouring uses and the impacts on character and appearance of the area these points alone do not overcome the locational issues identified.

The NPPF, at paragraph 80, sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The NPPF goes on to advise that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

As is the case with the application site, in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

P and M Pavers are an existing business and have occupied the site for 7 years. The business includes 5 no. full time employees who work from the site, but the business employs approximately 50 – 70 staff members that work off-site. The proposal provides an alternative use to an existing otherwise redundant site. Significant weight is applied to the need to support economic

growth, in this case for an established business. This decision also takes account of Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which allows for change of use from an agricultural building (and land within its curtilage) to flexible commercial use including Class B8 (storage or distribution), subject to certain requirements being met. It is acknowledged that the floor area of the existing building marginally exceeds the 500m² size limit, and the requirement for the building to be in agricultural use for more than 10 years (as required by Class R criteria). Notwithstanding this, the existence of Class R provides an indication as to what central government considers an acceptable alternative use to an agricultural building (and land within its curtilage). Overall, these factors weigh in significant favour of the development.

It is therefore considered that this proposal is finely balanced with the proposal considered to be in an unsustainable location contrary to Policy LP1, LP5 and LP55 of the Central Lincolnshire Local Plan balanced against the fact that the existing commercial operation provides 5 no. full time and has been operating out of the present agricultural building on the site for approximately seven years.

Flood Risk

The site is located in flood zone 3 (High probability) as designated by the Environment Agency. Flood zone 3 is land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. Policy LP14 states that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.

In relation to flood risk issues raised by changes of use, the NPPF advises that the sequential and exception tests do not need to be applied for minor development and changes of use.

The NPPG advises that: “A change in use may involve an increase in flood risk if the vulnerability classification of the development is changed. In such cases, the applicant will need to show in their flood risk assessment that future users of the development will not be placed in danger from flood hazards throughout its lifetime. Depending on the risk, mitigation measures may be needed. It is for the applicant to show that the change of use meets the objectives of the Framework’s policy on flood risk. For example, how the operation of any mitigation measures can be safeguarded and maintained effectively through the lifetime of the development.”

In this regard the Flood risk vulnerability classification shown in table 2 of the NPPG indicates that both uses (Agriculture and Storage and Distribution) would fall in the less vulnerable category and as such no change in vulnerability brought about as a result of this application.

A flood risk assessment (FRA) has been submitted with the application. The FRA advises that no changes are being made to the building as it is a change of use development. The building construction already has a concrete ground floor slab, steel portal frame and external cladding which is resilient to flooding. No other measures to protect the building are required. Some of the intended stored items, such as plant units, are vulnerable if flooding occurs. It is therefore recommended to store any water vulnerable equipment 600mm above current floor level or 300mm above the predicted flood height during a 1 in 100-year storm event (6.18mAOD). The development proposal will not increase the impermeable area of the site, so will have negligible to no impact upon areas elsewhere. There is not expected to be any increase in water discharge, foul or surface.

The Environment Agency have no objection to the proposal subject to a condition to secure the mitigation measure proposed by the submitted FRA.

It is considered that the proposal does not increase vulnerability or risk of flooding to the development site or to other existing properties; it does not affect the integrity of existing flood defences and could be safe during its lifetime. Consequently the proposals are in accordance with Policy LP14 of the Central Lincolnshire Local Plan and guidance within the NPPF and NPPG.

It is considered that policy LP14 is consistent with the flood risk guidance of the NPPF and can be attached full weight.

Character and Visual Impact

Policy LP26 seeks to ensure development respects the existing topography, landscape character and identity, and relates well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths.

LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape, including setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural or man-made features within the landscape and townscape which positively contribute to the character of the area.

LP55 and LP5 also similarly guide that the development is of a size and scale commensurate with the proposed use and with the rural character or settlement character of the location.

The National Planning Policy Framework (NPPF) in Chapter 12. Achieving Well-designed Places states that the *“creation of high quality buildings and places is fundamental to what the planning and development process should achieve”*. Paragraph 127 goes on to state that planning decisions should ensure that developments are visually attractive as a result of good architecture.

The application site although within the open countryside and adjacent to agricultural fields is also located directly alongside the A57 and therefore has

a public presence along this A route road. It is noted that the existing agricultural building is visible from it but is somewhat screened by the landscaping around the site. The only other real visual presence of the site is gained immediately outside of it from Southmoor Road. This element of the site is again somewhat screened by trees/bushes, with some being subject to preservation orders. The site is also bordered by high palisade fencing.

The application relating to the change of use of the site for the storage of plant, machinery and materials for the business. The site visit undertaken revealed all these aspects are already being undertaken within the site.

Although a majority of the externally stored items/materials/waste was not highly visible from the A57, the visibility of all the externally stored items is more prominent from Southmoor Road. There is some screening evident along the southern boundary but it is not as extensive as that to the north which adjoins the A57.

With no control over the height of stored materials or the screening surrounding it; the change of use has the potential to have a detrimental impact on the character of the site and in turn the wider area and landscape. As such a condition which restricted storage height and ensured screening within the site to be provided is considered necessary should planning permission be granted.

With specific regard to the protected trees (1 Oak and 1 Ash), the applicant has provided the root protection areas for the trees which is shown on the 'Tree Protection Plan'. In order to secure the longevity of these trees, a condition is recommended that there shall be no storage of any plant/machinery or materials or any vehicular parking within the root protection areas.

Subject to the aforementioned conditions, the proposal accords with policy LP17 and LP26 of the CLLP.

It is considered that policy LP17 and LP26 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Residential Amenity

Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance.

LP55 and LP5 take a similar stance in advising that the location of the enterprise would not result in conflict with neighbouring uses and the amenity of the occupiers significantly impacted upon.

It is not anticipated there would be any impacts in relation to the above amenity considerations.

However, policy LP26 also requires development to demonstrate that proposals will be compatible with neighbouring land uses, and will not have an adverse impact in relation to amenity considerations, such as, but not exclusively, adverse noise and vibration and adverse impact upon air quality for odour, fumes, smoke, dust and other sources.

To the west of the site lies an open field. To the south-western corner of the adjacent field lies a pumping station and a small touring caravan site known as Hall Farm¹. The caravan site is located approximately 140m to the western boundary of the site. Beyond them is a residential dwelling which is approximately 200 metres from the site. The site is otherwise boarded by the A57 and Agricultural fields. No objections have been raised to the proposals in terms of impact on the amenity of nearby properties/uses. This is despite P and M Pavers being present on site for several years now.

The Local Planning Authority have not been made aware that the existing business is causing a nuisance to nearby neighbours. The application is proposing the use of the site for the storage of plant, machinery and materials. The application advises that in the morning (after 7 am) any plant and machinery is 'started up' to check it is working but then the plant is taken away off-site to go onto jobs. This process usually takes between 30-60 minutes. The plant and machinery is generally returned at the end of the day and stored overnight. Aside from the noise of testing at the start of the day, other noise and disturbance is likely to be associated with the transport and the loading and unloading of materials onto vehicles. The A57 is located directly adjacent to the site and those neighbouring properties mentioned above. The A57 is a busy highway which, as experienced during the site visit, does provide a degree of constant background noise which is likely to be more significant than loading and unloading of materials within the site. The proposed operational hours are stated as follows: Monday – Saturday 07:00 – 17:00 and Sunday/Bank Holidays 08:00 – 13:00.

It must be noted that this permission **only** relates to the storage and distribution of materials. The permission does not permit any making, grinding or any other processing associated with the materials on site.

When taking this into consideration the Local Planning Authority are of the opinion that providing the current use on site relates to that proposed then the amenity of neighbouring properties and uses would not be significantly affected in amenity terms. The proposal therefore accords with policy LP26 in this regard.

It is considered that policy LP26 is consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Minerals

¹ <https://www.caravanclub.co.uk/certificated-locations/england/lincolnshire/lincoln/hall-farm-2/>

The Lincolnshire Minerals and Waste Local Plan (Core Strategy & Development Management policies) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area. The site is not within an allocated Minerals Site or Waste Site/Area. Policy M11 of the Minerals and Waste Local Plan seeks to ensure that developments do not prevent the exploitation of mineral deposits as an economic resource within identified Minerals Safeguarding Areas (MSAs) without adequate justification. Within MSAs proposals for non-minerals development should be accompanied by a Minerals Assessment, unless the development falls within one of the exemptions to the Policy.

In accordance with policy M11, the change of use of an existing development unless intensifying activity on site is exempt from being applied to the policy. It is considered that this proposal would be exempt from the requirements of M11 consequently there is no requirement to supply a minerals assessment or assess the developments impact on mineral resources.

Highway Safety and Parking

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users.

The site is located along Southmoor Road which branches off from the A1133 (Collingham Road). Southmoor Road narrows to a single track which leads to the application site. The application form indicates that the business contains 10no. on-site parking spaces as existing. There is no change to the parking provision as proposed.

Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) have concluded that the proposed development is acceptable and has offered no objection to the planning application. Overall, the proposed access arrangements are acceptable and the proposal will not result in an adverse impact on the local highway network. The proposal therefore accords with policy LP13 of the CLLP.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

Other matters

Surface Water Drainage

There is no change to the existing drainage arrangements on site. To the western boundary lies an Internal Drainage Board maintained watercourse. An advice note will be added to the decision notice which provides the advice contained within their consultation response regarding any future works within or nearby to the watercourse.

Comments from Newton on Trent Parish Council

Newton on Trent Parish Council have provided comments on the proposed development. In response to their comments a landscaping condition is recommended to provide some additional screening for the site, this will require the agreement of the LPA.

The Parish Council have requested that consideration is given the need for the business to acquire the necessary permits and certificates which will be required for the proper running of the business. The Parish Council have also requested that this be required by a planning condition. However, this application considers only the land use planning implications for a material change in the use of the building from an agricultural building to a B8 (storage and distribution) use. The acquisition of necessary permits and certificates required for the proper running of the business is not a material planning consideration, and are matters covered by areas of law separate from planning law. Furthermore, planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. A condition which requires the applicant to provide the Parish Council with paperwork relating to the business is not relevant to planning, nor necessary nor reasonable and as such would not meet the six tests set out within the NPPF.

Planning Balance and Conclusion

The decision has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP5: Delivering Prosperity and Jobs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP26: Design and Amenity and LP55: Development in the Countryside of the Central Lincolnshire Local Plan and Policy M11 Safeguarding of Mineral Resources of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) 2016 in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

The site is located in a countryside location and the application does not provide a clear demonstration that there are no suitable or appropriate sites or buildings within allocated employment sites or within the built up area of a settlement.

It is considered that there are more suitable, alternative sites for this type of development. The site is approximately 4 miles from 3 business parks at Saxilby; Saxilby Enterprise Park, Riverside Enterprise Park and Allens Business Park which are either allocated under the CLLP (E22 Allocation in connection with Policy LP5) for B1, B2 and B8 uses or in the Saxilby Neighbourhood Plan (Site 1, 2 and 3 of Proposal Map 3 in connection with Policy 7 of the Plan) for such uses.

Granting permission in the absence of such information would represent a clear departure from policies LP5 and LP55 of the Central Lincolnshire Local Plan which form the development plan for the area. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF, at paragraph 80, sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In this case, P and M Pavers are an existing business and have occupied the site for 7 years. The business includes 5 no. full time employees who work from the site, and the business employs approximately 50 – 70 staff members that work off-site. The need to support economic growth, in this case for an established business, provides a significant material consideration which weighs in positive favour of the development. Weight is also applied to the provisions of Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which, although not providing a 'fall back' position, provide an indication as to what central government considers an acceptable alternative use to an agricultural building (and land within its curtilage). In addition to this, the proposal has brought an otherwise disused site back into operational use and has been found to be acceptable in all other regards, such as matters in relation to flood risk, the impact on the surrounding landscape, the impact on residential amenity, highway safety and minerals safeguarding. Therefore, the proposal is recommended for approval subject to conditions.

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

None.

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

None.

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

1. Within six months of the date of this permission a scheme of landscaping to include which existing trees are to be retained and details of the size, species, position and density of all trees, shrubs and hedging to be planted have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the visual amenity in accordance with the National Planning Policy Framework and policies LP17 and LP26 of the Central Lincolnshire Local Plan.

2. All planting, seeding or turfing comprised in the approved details of landscaping approved by condition 1 shall be carried within one year of the date of this permission; and any trees or plants which within a period of 5 years from the completion of their planting 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 occupiers of adjacent buildings and in accordance with Central Lincolnshire Local Plan Policy LP17 and Policy LP26.

3. No trees or hedges shall be removed from the site without the prior written agreement of the Local Planning Authority.

Reason: In the interests of amenity and protection of habitats, in accordance with the provisions of the National Planning Policy Framework and policy LP21 and LP26 of the Central Lincolnshire Local Plan.

4. Storage of materials within the site shall not exceed a height of 2.5 metres above existing ground levels unless otherwise agreed in writing by the local planning Authority.

Reason: In the interest of visual amenity, in accordance with the provisions of the National Planning Policy Framework and policies LP17 and LP26 of the Central Lincolnshire Local Plan.

5. The development shall be carried out in accordance with the submitted flood risk assessment (ref: 2896) dated April 2021 and the following mitigation measures it details:

- Storage provisions for water vulnerable items and equipment shall be provided and set no lower than 6.18 metres above Ordnance Datum to mitigate against the risk of damage to property.

Reason: To reduce the risk of damage to property during a flood event, in accordance with the provisions of the National Planning Policy Framework and policy LP14 of the Central Lincolnshire Local Plan.

6. There shall be no storage of any plant, machinery or materials or any vehicular parking within the root protection areas as shown hatched on the 'Tree Protection Plan' dated 14th June 2021.

Reason: In the interest of visual amenity, in accordance with the provisions of the National Planning Policy Framework and policies LP17 and LP26 of the Central Lincolnshire Local Plan.

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

- Site Location Plan
- Site Layout/Block Plan
- Proposed Floor Plans and Elevations
- Tree Protection Plan
- Flood Risk Assessment 2896 / Apr 2021

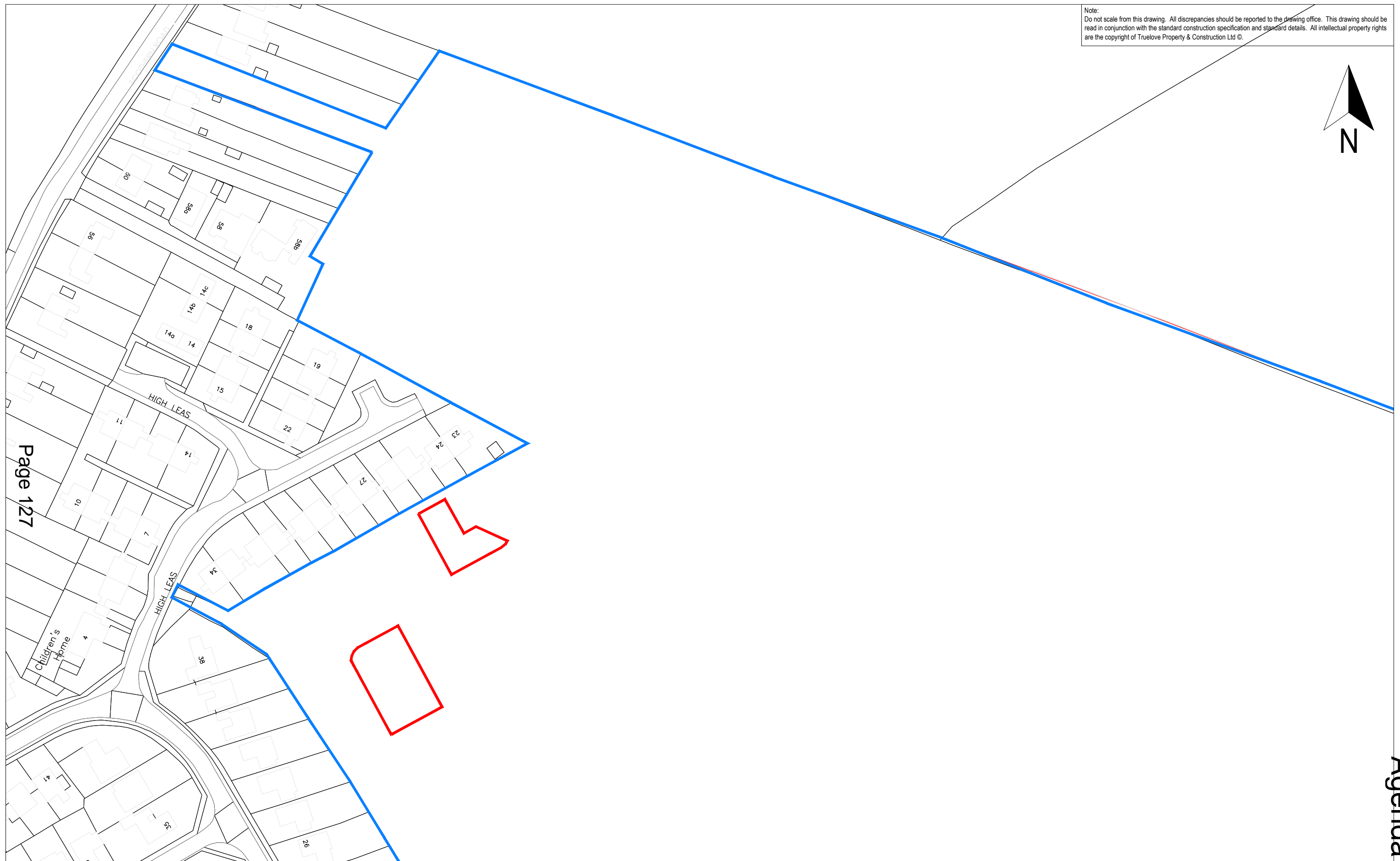
The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policy LP17 and LP26 of the Central Lincolnshire Local Plan.

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

None.

Note:
Do not scale from this drawing. All discrepancies should be reported to the drawing office. This drawing should be read in conjunction with the standard construction specification and standard details. All intellectual property rights are the copyright of Truelove Property & Construction Ltd ©.



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Rev	Notes	Date
Revisions		

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Project:
Scothern Road
Nettleham

Title:
Site Location Plan - Plots 19A
& 24A-B - Planning Amend.

Drawing No:
TL016-SL-16

Scale:
1:1250@ A3

Date:
21.02.21

Revision:
-

Agenda Item 6d

Officers Report

Planning Application No: 142542

PROPOSAL: Planning application to erect 3no. dwellings.

LOCATION: Land off 72 Scothern Road Nettleham Lincoln LN2 2TX

WARD: Nettleham

WARD MEMBER(S): Cllr G McNeill, Cllr Mrs A White

APPLICANT NAME: Miss Emma Truelove

TARGET DECISION DATE: 12/05/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Daniel Evans

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to Officer's upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

1. A capital contribution of £1,897.50 to the Council towards capital infrastructure for health services necessary to serve the development.
2. A capital contribution of £68,919 to the Council towards off-site affordable housing.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

This application has been referred to the planning committee in view of the objections from the Parish Council who consider that the application proposes development that would be contrary to the made Nettleham Neighbourhood Plan.

Description:

The application site is located within the development site now known as Cricketers' Walk, off Scothern Road, Nettleham.

The site is currently under construction with permission granted for 68no. dwellings and associated infrastructure. To the north-west and west of the site are existing residential properties with houses to Scothern Road and bungalows to High Leas and Highfields. Properties to High Leas in particular have short gardens. A public footpath also exists to the boundary of the rear gardens of 23 – 34 High Leas. To the east and south are agricultural fields.

The application seeks permission to erect 3no. dwellings. The 3no. dwellings proposed would be visually and functionally incorporated into the wider development site. For clarity, this application is not an amendment to the previous permission, and is in addition to, which would result in 71 dwellings total

Relevant history:

Application Site History

W65/33/80 – Residential Development. Permission refused 15/02/80.

W65/1191/89 – Outline application for residential development. Permission refused 27/04/90 Appeal dismissed 01/03/91.

131975 – Outline planning application to erect 68 dwellings – 10 affordable – including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke – layout and scale to be considered and not reserved for subsequent applications. Permission granted 14/03/17

136312 – Planning to erect 68 dwellings with associated garages and infrastructure and footpath/cycleway link to Sudbrooke. Permission refused 12/08/17

136900 – Application for a non-material amendment to previously approved outline application 131975 granted 14 March 2017 – amendments to layout. Granted 31/10/17

137106 – Application for approval of reserved matters (appearance and landscaping) to erect 68 dwellings – following outline planning permission 131975 granted 14 March 2017. Permission granted 22/03/18

139085 – Application for non-material amendment to planning permission 131975 and 137106 granted 14 March 2017 – Amendment to plots 1, 2, 3, 4, 11, 12, 13 and 14 and changes to the site plan. Granted 29/03/19

139351 – Application for non-material amendment to planning permission 131975 granted 14 March 2017 – amendment to plots 19-23 inclusive and site plan. Planning permission required 14/05/19

140292 – Planning application to vary condition 1 of reserved matters approval 137106 (erect 68 dwellings considering appearance and landscaping granted 22 March 2018) – variation of plots (4, 5, 10, 19, 23, 26 & 68) to include alterations to housing designs, relocation of houses and garages on plots together with provision of substation at plot 19. Permission granted 08/07/2020

140640 – Planning application to vary condition 19 of outline planning permission ref. 131975 granted 14 March 2017 (as amended by 139998 approved on 7 November 2019) (erect 68no. dwellings-10no. affordable including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke considering layout and scale) – variation of plots (4, 5, 10, 19, 23, 26 & 68) to include alterations to housing designs, relocation of houses and garages on plots together with provision of substation at plot 19. Permission granted 08/07/2020

141487 – Application for non-material amendment to planning permission

131975 granted 14 March 2017 – amendment to boundary locations. Part granted-part refused 04/09/20.

141843 – Outline planning application to erect 68no. dwellings-10no. affordable-including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke-layout and scale to be considered and not reserved for subsequent applications - being variation of condition 19 of planning permission 131975 granted 14 March 2017 (as amended by 140640 granted 8th July 2020) - amended plans to change position of plots 15, 16, 17, 18 and 26, change house types of plots 5, 10, 15, 16 and 17 and include conservatories on plots 20-23. Granted January 2021.

142448 – Application for non-material amendment to planning permission 141843. Granted 10/03/2021.

142609 – Application for non-material amendment to planning permission 141843 – Granted 08/04/2021.

Other Relevant History

Neighbourhood Plan Site C - 138494 and Appeal ref APP/N2535/W/19/3233948 - Outline planning application for erection of up to 63no. dwellings with garages, access roads, footpaths and open space-access to be considered and not reserved for subsequent applications. Granted subject to condition restricting development to max 50no. dwellings. Appeal allowed – in summary the inspector found that the condition limiting development to 50no dwellings was both unreasonable and unnecessary. **A copy of this appeal decision is provided at Appendix A.**

Representations:

Ward Member:

No representations received to date.

Nettleham Parish Council:

Planning permission has already been granted for 68 houses on this site, an additional 3 will take this to 42% uplift on the number for the site stated in the Nettleham Neighbourhood Plan and the CLLP ie 50 max. We believe this increase should be rejected as it will have a negative impact on the housing density and general spacious ambiance of the development.

Local residents:

Objections received from the following properties:

1 Midway Close Nettleham, 2 The Steepers Nettleham, 34 Greenfields Nettleham, 41 High Street Nettleham, 54 Scothern Road Nettleham, 68 Scothern Road Nettleham, 24 Highfields Nettleham.

Comments summarised as follows:

- We live in a village not a town.
- There is too much development on the site already.
- The wildlife corridors will be affected.

- The highway network cannot cope with more cars.
- The development is contrary to the neighbourhood plan.
- If this is granted more applications will be applied for.
- The infrastructure cannot cope.
- Approval of this application would make a mockery of the planning application process.
- A line has to be drawn here to state 68 was approved and that is all that can be built.

LCC Highways & Lead Local Flood Authority:

Please condition a vertically opening garage door for Plot 19A due to the driveway length only being 5m deep.

LCC Rights of Way Team:

No representations received to date.

NHS England:

(in summary)

Additional financial contribution requested of £1,897.50.

LCC Education:

(in summary)

Having reviewed our current projections, there is projected to be sufficient capacity in the locality for one additional child at the present time so no ask would be attracted.

There is no need for additional education contributions from the extra 3 dwellings.

WLDC Strategic Housing:

Based on the previous application on this site being or 68 dwellings, this application for 3 dwellings on a larger site will trigger an affordable housing contribution based on policy LP11 which states:

“If a development scheme comes forward which is below these thresholds and thus does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then, if the combined total of dwellings (or floorspace) provided by the first scheme and the subsequent scheme/s provide 11 or more dwellings (or 1,000 sqm or more floorspace), then Policy LP11 as a whole will be applied, with the precise level of affordable housing to be provided being ‘back dated’ to include the earlier scheme(s).”

This means the additional three dwellings will trigger an affordable housing contribution. LP11 requires 25% affordable housing to be delivered on sites within the Lincoln Strategy area where this site is located.

A 25% requirement would equate to 0.75 units of affordable housing to be delivered. Our preference is for on-site delivery which would be one unit. However, due to the contribution requiring only 0.75 of a unit, on this occasion, an off-site contribution in lieu of 0.75 units could be provided should the developer wish to. The current commuted sum for off-site contributions in the Lincoln Strategy area is £91,892, this would equate to an off-site contribution of £68,919 for this application.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); the Nettleham Neighbourhood Plan (made March 2016); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP10: Meeting Accommodation Needs

LP11: Affordable Housing

LP12: Infrastructure to Support Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

LP52: Residential Allocations - Large Villages

- ***Nettleham Neighbourhood Plan (NP)***

Relevant policies of the NP include:

Policy D-3 Parking Provision (New Housing)

Policy D-4 Water Resources and Flood Risk

Policy D-6 Design of new development

Policy H-1 Managed Housing Growth

Policy H-4 The provision of Affordable Housing

Policy H-6 Site B Land off Scothern Road

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

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

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019. 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)."

National Planning Practice Guidance -

- *National Planning Practice Guidance*
- *National Design Guide (2019)*

Main issues

- **Principle of Development**
- **Affordable Housing**
- **Infrastructure**
- **Character and Visual Impact**
- **Residential Amenity**
- **Highway Safety and Parking and Public Right of Way**
- **Other matters**

Assessment:

Principle of Development

CLLP policy LP2 categorises Nettleham as a tier 4 large village. Policy LP2 outlines that Nettleham will be a focus for accommodating an appropriate level of growth to maintain and enhance its role as a large village which provides housing, employment, retail, and key services and facilities for the local area. Most of this growth will be via sites allocated in the CLLP, or appropriate infill, intensification or renewal within the existing developed footprint.

The application site falls within the wider development site which is allocated under Policy LP52 under reference CL4661 (4.42 hectares) for an indicative 68 dwellings. The 3no. dwellings proposed would be visually and functionally assimilated into the wider development site. Therefore, for the purposes of this assessment, the development is considered cumulatively with the permission for the wider site. In total, allocated sites in Nettleham are identified to deliver an indicative 237 dwellings.

Policy H-1 of the NNP states, in reference to the four allocated sites in the plan area, that they will each 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 that their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings". Policy H-6 of the NNP is specific to the application site (Site B in the NP). It states an allocation of 'approximately 50 dwellings' subject to the retention and strengthening of the existing footpath (FP149), creation of a 15m planting buffer along the south eastern and eastern boundary, retention of a minimum of 50% of the mature trees and hedgerow that runs in a south-easterly direction from the eastern end of High Leas, appropriate safeguarding of the archaeological features, the formation of safe and convenient cycle and vehicular access and allotment provision.

The indicative capacity within the NP allocation (50no.) differs from the CLLP allocation (68no.). The CLLP was adopted on 24th April 2017, this plan consequently postdates the NP which was formally 'made' in March 2016. As part of the development plan its policies post-date and can take precedence over the NP, where there is any conflict within the policies (s38(5) of the Planning & Compulsory Purchase Act 2004).

The supporting text of the CLLP at Paragraph 10.2.1 states that the indicative numbers of dwellings for each site are used to demonstrate how the overall housing requirement can be met, and it is emphasised that these numbers are only 'indicative' and do not represent a fixed policy target for each individual site.

In addition, Paragraph 10.2.2 states that developers are encouraged to produce the most appropriate design-led solution, taking all national policies and other CLLP policies into account, in arriving at a total dwelling figure for their site, and they need not be constrained by the figure that appears in the column headed 'indicative dwelling figure' in the relevant table of, in this case, Policy LP52.

Although an indicative 237 dwellings are planned for in Nettleham, the development plan is clear that this figure is not a maximum. Policy LP2 is clear that other windfall sites such as appropriate infill, intensification or renewal within the existing developed footprint are permitted together with development in appropriate locations outside of, but immediately adjacent to, the developed footprint where exceptional circumstances can be demonstrated. Whilst this part of the policy relates to non-allocated sites, it indicates that additional growth in a village beyond that indicated for allocated sites would potentially accord with the overall spatial strategy.

Overall, it is evident that the housing figures outlined for each of the allocated sites are not rigid maximums, and the policies of the NP in particular clearly set out circumstances where more than the indicative number may be acceptable. These are:

- Where it can be demonstrated that their proposed numbers can be satisfactorily incorporated into the community; and,

- Where their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings.

Given the incorporation of the 3no dwelling within the site layout, it would not be readily discernible whether there were 68 or 71 dwellings on the site. The dwellings would be viewed in the context of the wider development scheme, making more efficient use of the site, which consequently would be satisfactorily incorporated into the surrounding topography and landscape, in accordance with Policy H-1. The proposed dwellings would utilise the house types already proposed on site and there would be no harm the character and appearance of the area.

The Parish Council have concerns that the proposed dwellings will have a negative impact on the housing density and general spacious ambiance of the development.

The gross allocated development land area is detailed within the NP is 4.8ha. Based on the presumed developable area at 75% (as calculated within the CLLP Residential Allocations Evidence Report April 2016¹), the area of land that can reasonably be expected to be developed for housing is 3.6ha. A total of 71 dwellings located on a site of 3.6ha would result in a density of 19.72 dwellings per hectare (dph).

The supporting text for Policy D-6 of the NP advises that a figure of 20dph was used to set a bench mark for maximum density for future development.

Therefore, the wider site, when considered cumulatively with the proposed additional 3no. dwellings, would provide 71no. dwellings in total, at an overall approximate density of 19.72 dph. Consequently, the proposed density falls within the bench mark maximum density advised within the NP.

It is therefore considered that the proposed additional 3no dwellings would not lead to an overly dense or cramped arrangement on site, when considering the advice contained within the NP.

The Parish Council objection states that the “additional 3 will take this to 42% uplift on the number for the site stated in the Nettleham Neighbourhood Plan and the CLLP i.e. 50 max”. However, the development plan does not place a maximum restriction of 50 dwellings. Paragraph 10.2.2 of the CLLP is clear that:

“Developers are encouraged to produce the most appropriate design-led solution, taking all national policies and other Local Plan policies into account, in arriving at a total dwelling figure for their site, and they need not be constrained by the figure that appears in the column headed ‘indicative dwelling figure’.

¹ <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

And policy H-1 of the NP is clear that the sites will each be restricted to a yield of 50 homes “*unless it can be demonstrated that their numbers can be satisfactorily incorporated...*”

This policy interpretation was tested thoroughly at appeal by a Government Inspector, when planning permission was granted for ‘site C’ The Hawthorns. The applicant sought to appeal the imposition of a condition that restricted the number of dwellings to 50 (WLDC ref 138494; appeal ref APP/N2535/W/19/3233948) (See Appendix A). The Inspector allowed the appeal and found the condition to be both unreasonable and unnecessary. The Inspector was clear:

“it is my judgement that the stated allocations within Policies LP52, H-1 and H-7 are not to be treated as absolute maximums and that there is flexibility built into the relevant policies, including those of the NNP, that set out circumstances where delivery of more dwellings than indicated would nevertheless accord with the overall spatial strategy, provided relevant criteria are met, in particular those of Policies H-1 and H-7.”

To conclude, it is considered that the proposal has demonstrated that the proposed additional 3no. dwellings can be satisfactorily incorporated into the community and also that the proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings. The proposal is therefore deemed to accord with policy LP2 and LP52 of the CLLP and policies H1 and H7 of the NP and is acceptable in principle.

It is considered that policies LP1, LP2, LP52, H-1 and H7 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

Affordable Housing

Policy LP11 of the CLLP seeks to deliver 17,400 affordable dwellings across Central Lincolnshire. Policy H4 of the NP also seeks to deliver the provision of affordable housing.

Whilst a development of 3no units would not typically meet the thresholds for providing affordable housing, this proposal is being assessed cumulatively with the wider development site against policy LP11. In this regard, policy LP11 advises that where a scheme is followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, then Policy LP11 as a whole will be applied. This development is visually and functionally connected to the wider development site and therefore is subject to the cumulative requirements of LP11.

Affordable housing shall be provided on-site, unless it can be demonstrated that exceptional circumstances exist which necessitate provision on another site, or the payment of a financial contribution to the relevant local planning

authority (equivalent in value to it being provided on-site), to enable the housing need to be met elsewhere.

In this instance, given that 25% affordable housing would equate to 0.75 of a dwelling, it is considered reasonable to accept an off-site capital contribution. This approach is supported by the WLDC Strategic Housing Team.

It is considered that, subject to such a S106 planning obligation, the development will accord with policy LP11.

It is considered that policy LP11 is consistent with the chapter 5 of the NPPF and can be attached full weight.

Infrastructure

Policy LP12 of the CLLP requires there to be sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development.

The Local Education Authority (LEA) has confirmed that there is projected to be sufficient capacity in the locality for one additional child at the present time. As such, the LEA have not requested any additional contribution as a result of this proposal.

NHS England seek a capital contribution of £632.50 per dwelling, to create additional capacity for the 156 patients expected to be generated by this development (cumulatively with the wider development site). The surgery most likely to be affected is Nettleham Medical Practice. The applicant has agreed to meet this contribution, which will need to be secured through a S106 planning obligation.

It is considered that, subject to such a S106 planning obligation, development will accord with policy LP12.

Character and Visual Impact

Policy LP26 seeks to ensure development respects the existing topography, landscape character and identity, and relates well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths. Policy LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape.

Policy D-6 of the NP sets out a number of design criteria aimed to preserve and enhance the village. In meeting the requirements of policy D-6, proposals should reflect existing residential densities in the locality and reinforce the local character of the village. The Village Design Statement advises that, amongst other local criteria, buildings should reflect design styles and features such as walls, doors, windows and roofs of other nearby houses.

The dwellings proposed will reflect housing types already used on the site. Plot 19A will consist of the 'Butterwick' property and plots 24A and 24B will

consist of the 'Pembrey' house type. The 'Butterwick' house type is a two-storey, 4 bedroom property and the 'Pembrey' house type is a two-storey, 3 bedroom property. All three properties will also include a detached garage.

The design of these properties has been found to be acceptable by virtue of the granting of permission for the wider development site. Accordingly, the use of similar house types would accord with the established character of the development site. As stated previously, given the incorporation of the 3rd dwelling within the site layout, it would not be readily discernible whether there were 68 or 71 dwellings on the site. The dwellings would be viewed in the context of the wider development scheme, making more efficient use of the site and would not harm the character and appearance of the area.

Overall, the design is appropriate and the proposed dwellings will integrate into the streetscape. The proposal therefore complies with policy LP26 and LP17 of the CLLP and policy D-6 of the NP.

It is considered that policy LP17 and LP26 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance. The application site is adjoined by residential properties to the north, east and south, as such, the impact on neighbouring dwellings is an important consideration.

The proposed dwellings would retain similar separation distances to the neighbouring properties which surround the site. Overall, the additional 3rd dwellings will not contribute to undue loss of privacy, over and above the levels experienced on site.

Within the site itself, the house designs and proposed window positions avoid significant overlooking issues and the proposal offers an adequate amount of outside amenity space for modern standards of living for all of the proposed dwellings.

Overall, it is concluded that the development would not have an unduly adverse impact upon the amenities of neighbouring properties, and would accord with the Local Plan, particularly policy LP26, in this regard.

It is considered that policy LP26 is consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Highway Safety, Parking and Public Right of Way

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users.

The 3no proposed dwellings will utilise access points to the existing highway network which is proposed for the site. Each dwelling will contain a detached garage and parking area, which is consistent with the approach adopted across the wider development site. The parking arrangements accord with policy D-3 of the NP.

It is noted that there are concerns regarding highway capacity raised by third parties however, it is considered that a cumulative development of 71 dwellings would not suddenly be harmful in comparison to the approved development of 68 dwellings. The addition of 3 further dwellings would not be expected to result in a severe residual cumulative effect on the road network (severe being the test under NPPF paragraph 109). The Highway Authority have not raised concerns relating to highway capacity or any other safety matters. The NPPF indicates that permission 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. It is considered that there would not be an unacceptable effect on highway safety by virtue of the 3no. dwellings proposed and the proposal accords with policy LP13.

In addition to this, the proposed development would not impact on the provision or functions of the public right of way network.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

Other matters

Drainage – The application has confirmed that the proposed dwellings will utilise the proposed drainage system which is being implemented for the wider development site. This approach is considered to be both reasonable and acceptable.

Conclusion

The proposal has been considered in light of relevant development plan policies namely LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP10: Meeting Accommodation Needs, LP11: Affordable Housing, LP12: Infrastructure to Support Growth, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP26: Design and Amenity and LP52: Residential Allocations - Large Villages of the Central Lincolnshire Local Plan and policies D-3 Parking Provision (New Housing), D-4 Water Resources and Flood Risk, D-6 Design of new development, H-1 Managed Housing Growth, H-4 The provision of Affordable Housing and H-6 Site B Land off Scothern Road of the Nettleham Neighbourhood Plan in the first instance as well as the National Planning Policy Framework and National Planning Practice Guidance.

In light of this assessment it is considered that the proposed development will satisfactorily incorporate into the wider development site and is an appropriate location for housing within an allocated housing site. The design is appropriate and the development would not detrimentally impact the character of the area nor the living conditions of neighbouring residents. The proposal will not result in an adverse impact on flood risk in the wider area or for future occupants. No harm would arise to highway safety or the provision of the right of way network.

Therefore, it is recommended that the application be delegated back to Officer's, to determine the application in accordance with the given resolution, following completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- 1. A capital contribution of £1,897.50 to the Council towards capital infrastructure for health services necessary to serve the development.**
- 2. A capital contribution of £68,919 to the Council towards off-site affordable housing.**

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

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:

None.

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

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

Site Plan: TL016-SL-15
Plot 19A: TL016-BU-20
Plot 24A and 24B: TL016-PE-SP
Garages: TL-SGD-01, TL-SGD-03.

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policy LP17 and LP26 of the Central Lincolnshire Local Plan.

3. The materials used in the development shall match those stated within the following document: MATERIAL SCHEDULE-22.2.21.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

4. The proposed garage doors for Plot 19A only, as shown on drawing TL-SGD-03 shall be vertical opening only.

Reason: In the interests of highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

5. The proposed foul and surface water drainage to serve the hereby approved dwellings shall connect to the foul and surface water drainage infrastructure approved under condition discharge approval 137462.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with policy LP14 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

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

None.

Appendix A – Appeal decision (APP/N2535/W/19/3233948) relating to Neighbourhood Plan ‘Site C’ The Hawthorns.



The Planning Inspectorate

Appeal Decision

Site visit made on 8 October 2019 by **K Savage BA MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/N2535/W/19/3233948 Land off the Hawthorns, Nettleham, Lincoln

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by J Dixon, J Gauke, J Pickwell and J Pickwell against the decision of West Lindsey District Council.
 - The application Ref 138494, dated 17 October 2018, was approved on 5 July 2019 and planning permission was granted subject to conditions.
 - The development permitted is outline planning application for erection of up to 63 no. dwellings with garages, access roads, footpaths and open space-access to be considered and not reserved for subsequent applications.
 - The condition in dispute is No 12 which states that: The development shall comprise of a maximum of fifty dwellings.
 - The reason given for the condition is: To preserve the character of the area and to integrate with the adjoining built residential form and to protect residential amenity to accord with the National Planning Policy Framework, local policies LP2, LP10, LP17, LP26 and LP52 of the Central Lincolnshire Local Plan 2012-2036 and policies H-1 and H-7 of the Nettleham Neighbourhood Plan.
-

Decision

1. The appeal is allowed and the outline planning permission Ref 138494, for



FW_Planning

Inspectorate APP_P02 erection of up to 63 no. 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, Lincoln, granted on 5 July 2019 by West

Lindsey District Council, is varied by deleting Condition No 12 and its replacement with the following condition:

- 12) The development shall comprise of a maximum of sixty three dwellings.

Application for costs

2. An application for costs was made by J Dixon, J Gauke, J Pickwell and J Pickwell against West Lindsey District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appeal site address above is taken from the appeal form, as the address given on the application form was insufficient to identify the site without resorting to grid references.

Background and Main Issue

4. Planning permission was granted by the Council in July 2019 for the residential development of the site, following consideration of the proposal by the Council's Planning Committee. The officer's report recommended approval of the proposal, which sought up to 63 dwellings on the site, with recommended Condition No 12 limiting the number of dwellings to 63. The Planning Committee voted to approve the application with this condition amended to limit the development to 50 dwellings. That condition is now under appeal.
5. The reason given for the imposition of the condition on the Council's decision notice is 'to preserve the character of the area and to integrate with the adjoining built residential form and to protect residential amenity.' The appellants object to the imposition of the condition on the grounds that it unreasonably restricts the development of an allocated site, contrary to the principles of sustainable development and which reduces the benefits that can be delivered.
6. Taking this background into account, I consider that the **main issue** is whether the condition is necessary and reasonable, having regard to relevant development plan policies relating to the delivery and location of housing, the effect on the character and appearance of the area and the effect on living conditions of neighbouring occupants.

Reasons

Policy Context

7. The appeal site is located to the northern side of the settlement of Nettleham, near Lincoln, comprising parts of two agricultural fields accessed from the end of the cul-de-sac of the Hawthorns, a residential street.
8. The relevant development plan documents for the area are the Central Lincolnshire Local Plan 2012-2036 (April 2017) (the CLLP) and the Nettleham Neighbourhood Plan 2014-2031 (2016) (the NNP). The CLLP sets out a spatial strategy for the District. Policy LP1 sets out the desire to deliver sustainable growth that brings benefits for all sectors of the community. Policy LP2 sets out the settlement hierarchy for the district. Policy LP3 sets out a housing target to deliver some 36,960 dwellings between 2012 and 2036, an average annual target of 1,540 dwellings. The supporting text at paragraph 3.3.3 states that the housing target should not be seen as a ceiling, but rather the level of growth which is both needed and anticipated to take place in the plan period.
9. Under Policy LP2, Nettleham is listed under Category 4 – Large Villages, in which most growth will be via sites allocated in the CLLP, or appropriate infill, intensification or renewal within the existing developed footprint. The appeal site is allocated under Policy LP52 under reference CL4662 (2.79 hectares) for an indicative 50 dwellings. In total, allocated sites in Nettleham are identified to deliver an indicative 237 dwellings.
10. The supporting text of the CLLP at Paragraph 10.2.1 states that the indicative numbers of dwellings for each site are used to demonstrate how the overall housing requirement can be met, and it is emphasised that these numbers are only 'indicative' and do not represent a fixed policy target for each individual site. It is well-established that a development plan allocation sets out the principle of the specific land-use, with exact details to be determined through development management processes. It is no different in this case and it is clear to me that the allocation number is intended to set general parameters for development which would accord with the overall spatial strategy, rather than setting rigid targets.
11. In addition, Paragraph 10.2.2 states that developers are encouraged to produce the most appropriate design-led solution, taking all national policies and other CLLP policies into account, in arriving at a total dwelling figure for their site, and they need not be constrained by the figure that appears in the column

headed 'indicative dwelling figure' in the relevant table of, in this case, Policy LP52. The minutes of the Planning Committee meeting on 9 January 2019 where the application was considered make it clear that this explanatory text was referred to by both the appellant's representative and the planning officers present.

12. Policy LP2, under Large Villages, also sets out that in exceptional circumstances (which are a matter for the decision maker), additional growth on nonallocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably, provided they are at a scale of less than 25 dwellings per hectare. Whilst this part of the policy relates to non-allocated sites, it indicates that additional growth in a village beyond that indicated for allocated sites would potentially accord with the overall spatial strategy.
13. Policy H-1 of the NNP states, in reference to the four allocated sites in the plan area, that they will each 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 that their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings. Policy H-7 of the NNP is specific to the appeal site (Site C in the NNP). It states an allocation of 'approximately 50 dwellings' subject to achieving satisfactory vehicular access, a design and layout which safeguards residential amenities of existing properties, and provision of a footpath across the site. I note that the site is identified in the NNP as being approximately 3.5 hectares rather than 2.79 hectares in the CLLP, but with the same indicative number of dwellings. The appellant states that the actual area is 3.09 hectares.
14. On my reading of these policies and the supporting text, it is evident that the housing figures outlined for each of the allocated sites are not rigid maximums, and the policies of the NNP in particular clearly set out circumstances where more than the indicative number may be acceptable. Moreover, there is flexibility in the policies of both the CLLP and NNP, and notwithstanding the differences in site area, they are largely consistent in their approach. These policies are recently adopted, have been formulated in light of the guidance of the Framework and found to be sound. They are consistent with the Framework in planning positively for a significant boost in housing.

15. The Council argues that developing the site for 50 dwellings would result in 273 additional dwellings in Nettleham when permissions already granted and other allocations in the CLLP are taken into account, which exceeds the 237 set out in the CLLP allocations. This would also be more than the circa 250 dwellings which would equate to the anticipated 12-15% growth for Nettleham outlined by the CLLP and NNP. However, the number of dwellings already granted demonstrates that the Council is prepared to countenance delivery of housing beyond the numbers expressed in the CLLP and NNP, in line with the flexibility of the relevant policies. This is borne out by the fact that permissions have been granted on allocated sites A and B² in NNP which are similarly indicated to deliver approximately 50 dwellings, but which were granted for schemes of 86 and 68 units respectively.
16. Whilst I do not have full particulars of the permissions on sites A and B, both have been approved with more than the 26% uplift on the indicative figure which the Council now argues is a 'substantial over supply' of housing on the appeal site. The Council does not explain why its stance has differed between the applications for Sites A and B and the appeal site, but these other permissions demonstrate that the indicative dwelling numbers have been treated flexibly as allowed for by the aforementioned policies and a higher quantum of development on a site can be permitted without undermining the overall spatial strategy.
17. In this case, layout is a reserved matter and the details presented with the application are indicative; however, they show that 63 dwellings could be delivered on the site at a density of 20 dwellings per hectare (dph), which would accord with the maximum permissible density set out in the NNP, and the size of the site given in the CLLP. Moreover, the Officer's report set out that 20 dph would be comparable with surrounding development, whereas 50 dwellings would either deliver some 16.2 dph based on the appellant's measurement or as low as 14.28 dph based on the site area in Policy H-7. Regardless, the development proposed in this case would be compliant with the Council's own density parameters, and I am not persuaded that there is any justification for limiting the development to 50 dwellings on the basis of density.

² Council Ref 135567 – Land off Deepdale Lane, Nettleham Lincoln LN2 2LT – Granted 8 November 2017

Council Ref 131975 – Land rear of 72 Scothern Road, Nettleham, Lincolnshire LN2 2TX – Granted 14 March 2017

18. I have considered the wider concerns raised by the Council in respect of the total number of dwellings being granted in Nettleham. However, the figures provided by the Council suggest the CLLP allocation number of 237 would be surpassed by the 50 dwelling scheme in any event. Moreover, there is little cogent evidence submitted to demonstrate that the impact of 63 dwellings at the appeal site would be harmful in comparison to that of 50 dwellings. Even accounting for the additional dwellings approved on sites A and B, the total delivery of housing in Nettleham would not be significantly out of step with the village's anticipated growth of the spatial strategy, and an additional 13 dwellings would be limited in the context of the overall delivery of housing in Nettleham. The appellants refer to the annual target of 1,540 dwellings representing a significant increase on the average of 934 dwellings completed between 2012 and 2016 and even the average of 1199 completed between 2008 and 2012. As such, the additional dwellings would assist in achieving the ambitious overall housing targets in place.
19. The Council also cites a potential precedent for increased development across Central Lincolnshire which may lack the necessary infrastructure to support it. I have little evidence before me that such concerns are warranted. Any future applications in other locations will fall to be considered on their own merits against the development plan policies in place at the time. As such, I give limited weight to the Council's concerns in this respect.
20. Taking these considerations together, therefore, it is my judgement that the stated allocations within Policies LP52, H-1 and H-7 are not to be treated as absolute maximums and that there is flexibility built into the relevant policies, including those of the NNP, that set out circumstances where delivery of more dwellings than indicated would nevertheless accord with the overall spatial strategy, provided relevant criteria are met, in particular those of Policies H-1 and H-7. It is to these that I now turn.

Character and appearance

21. As set out above, the 63 dwellings could be laid out at a density of 20 per hectare and would incorporate public open space. Based on the indicative plans, the layout and density of the development would be similar to that of adjacent residential development and I see no reason why it could not integrate with it. Although the northern boundary is presently undefined and would have to be created by dividing the existing fields, the site

would be largely contained in the landscape by residential development to two sides and an existing field boundary to a third. The dwellings would not be seen from the south or west due to the intervening built form, except from the properties immediately adjoining the site, whilst from the north and east, the site would be seen against a backdrop of existing residential development.

22. Given these physical characteristics, it would not be readily discernible whether there were 50 or 63 dwellings on the site and the higher quantum of development could be satisfactorily incorporated into the surrounding topography and landscape, in accordance with Policy H-1, and would not harm the character and appearance of the area. There would be not conflict with Policies LP17 and LP26 of the CLLP, which seek high quality sustainable design that contributes positively to local character, landscape and townscape

Living conditions

23. Policy H-7 includes further requirements relating to vehicular access, design and layout which safeguards residential amenities of existing properties, and provision of a footpath across the site. In terms of residential amenities of existing properties, the layout of the dwellings is a reserved matter. However, based on the indicative site plan, it would be possible to provide sufficient separation distances and screening between the proposed dwellings and those adjoining the site, such that there would not be harmful effects on existing occupants in terms of overlooking, outlook, enclosure or noise.

Other considerations

24. The indicative plans show a footpath could be provided as required by Policy H-7. Access was considered under the application and has been approved, to be taken from the end of the cul-de-sac of The Hawthorns. I have had regard to the evidence relating to access and other highway safety matters, including concerns raised by members of the Planning Committee and the representations of interested parties.
25. I note the Local Highway Authority did not raise objection to the proposal on the basis of a 63 dwelling scheme. There is nothing I have seen in evidence to suggest the Council limited the number of dwellings due to specific concern over the capacity of the proposed access or levels of proposed traffic. Though I recognise the local concerns regarding these matters, the Framework indicates

that permission 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. The evidence before me does not demonstrate that a development of 63 dwellings would be harmful in comparison to the approved development of 50 dwellings and based on all I have seen and read, I find that there would not be an unacceptable effect on highway safety.

Conclusions on Main Issue

26. Having regard to the above, and taking into account my observations on site, there is no persuasive evidence before me to demonstrate why 63 dwellings would be harmful when 50 dwellings were found to be acceptable. For the reasons set out, I am satisfied that the proposal would represent an acceptable quantum of development which would accord with the overall spatial strategy set out in the CLLP and the site-specific policies of the NNP. Consequently, I find no conflict with Policies LP2 and LP52 of the CLLP or Policies H-1 and H-7 of the NNP.
27. As such, I find that the disputed condition limiting development to 50 dwellings is both unreasonable and unnecessary and so does not meet the tests of conditions set out at Paragraph 55 of the Framework. It should therefore be removed. However, a 63 dwelling scheme would represent the maximum density of development set out in the NNP, and represents the quantum of development which the Council considered. In order to ensure the development is undertaken as proposed and additional dwellings are not sought which may have unanticipated impacts, it is necessary to replace the disputed condition with one defining the maximum development permitted as being 63 dwellings. There is no evidence before me of any need to amend or delete any other conditions of the permission.

Conclusion

28. For the reasons given above, I conclude that the appeal should be allowed and the planning permission should be varied as set out in the formal decision.

K. Savage
INSPECTOR

Agenda Item 6e

Cobwebs, Middlefield Lane, Glentham, Market Rasen

REF 142847



Officers Report

Planning Application No: 142847

PROPOSAL: Planning application for conversion of existing dwelling into 2no. dwellings

LOCATION: Cobwebs Middlefield Lane Glentham Market Rasen LN8 2ET
WARD: Waddingham and Spital

TARGET DECISION DATE: 08/06/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Mike Halsall

RECOMMENDED DECISION: Grant planning permission.

Description:

The application is being referred to the Planning Committee for determination as the recommendation is for approval which is in conflict with a policy of the Central Lincolnshire Local Plan.

The application site consists of a two-storey detached dwelling with single storey rear extensions, located on the north western side of Middlefield Lane, within the settlement of Glentham. The frontage of the dwelling is located immediately adjacent to the highway and there is a small rear garden/yard area and a vehicular access provided from the highway on the eastern side of the dwelling. The property is surrounded by other dwellings on all sides. The property is identified on the Lincolnshire Historic Environment Record, as detailed later within this report.

The planning application seeks permission to subdivide the property into two dwellings. It appears that the property was previously two dwellings as still has two front doors, is separated internally at first floor level and contains two staircases. The planning history (below) appears to indicate that the property was converted into one dwelling at some point between 1980 and 1983. The proposal includes for the blocking up of a gap in an internal wall at ground floor level to separate the dwelling back into two properties, affectively creating a new dwelling. Other changes proposed are the repair of the pantile roof, replacing windows and doors and the subdivision of the rear garden area, but these aspects would not require planning permission.

Relevant history:

Application Site

Entire dwelling

W35/118/83 – Extend dwelling – approved 1983

Eastern half of the property when separated

W35/334/80 – Extension to dwelling - approved 1980

Representations:

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

Glentham Parish Council: Has responded to state it has concerns regarding parking. There are only two parking spaces i.e. one for each property. Any additional vehicles will need to park on the road which is a narrow, single track with no passing places. This will hinder access to other properties and for emergency service vehicles to gain access.

Local residents: No representations received to date.

LCC highways/Lead Local Flood Authority: have responded with no objections to the proposal.

LCC Archaeology: Responded to state that there is not much information in the HER about this property. The record was created during English Heritage's Greater Lincolnshire Farmstead Assessment, which was a mainly desk based assessment looking at historic maps to identify historic farmsteads. The records are often a bit sparse and not necessarily completely accurate. When you compare the 1905 map to the current aerial imagery, it looks as though the researchers may have mistaken the cottages for an agricultural building range as the record refers to the group having a U-shaped plan with a detached farmhouse. I guess they were thinking that the house next door (to the east) which still survives was the "farmhouse detached from the main working complex." It looks as if some of the agricultural buildings to the rear may still survive but converted to residential. This seems to be marked as Top End Cottage on the planning application and as Cobwebs on the plan.

In terms of archaeological requirements, I don't think we would recommend anything being necessary here.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages

LP25: The Historic Environment

LP26: Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

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

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

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/minerals-and-waste/88170.article>

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019. 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)."

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

National Planning Practice Guidance -

- *National Planning Practice Guidance*
- *National Design Guide (2019)*

<https://www.gov.uk/government/collections/planning-practice-guidance>
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962113/National_design_guide.pdf

There is no neighbourhood plan for the area.

Main issues

- Principle of development
- Heritage considerations
- Character and visual impact
- Residential amenity
- Other matters

Principle of development

Policy LP2 of the Central Lincolnshire Local Plan (CLLP) defines Glentham as a small village. Small villages are allocated small scale development of a limited nature subject to appropriate locations.

Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:

- they will accommodate small scale development of a limited nature in appropriate locations.
- proposals will be considered on their merits but would be limited to around 4 dwellings, or 0.1 hectares per site for employment uses.

Local policy LP2 states that *'throughout this policy, the term 'appropriate locations' means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an 'appropriate location', the site, if developed, would:*

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

Local 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.

Local 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.

The proposal would sub-divide an existing building and so would not result in any new built development. The core shape and form of the settlement and the character and appearance of the settlement and surrounding countryside would therefore be unaffected by the proposal. Other changes proposed to the building would improve its appearance as it has been vacant for some time and is in need of some updating and repairs. The proposal would comply with policies LP17 and LP26 of the CLLP and is considered to represent an appropriate location with regards to policy LP2 of the CLLP.

Local policy LP4 goes on to say that Glentham has a growth level of 10% in terms of new dwellings. A table of remaining growth for housing¹ in medium

¹ See <https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

and small villages sits alongside the adopted CLLP. As of 9th June 2021, this confirms that Glenthams has no remaining housing growth capacity. This proposal would provide an additional dwelling and would therefore exceed the 10% growth allowance permitted under policy LP4. The proposal would therefore have to be promoted via a neighbourhood plan or through the demonstration of clear local community support. There is no neighbourhood plan to promote this site for housing and clear local community support has not been demonstrated by the applicant.

Whilst the application property represents an appropriate location for a new dwelling as set out in local policy LP2, there is no remaining capacity within the village for housing growth as identified by policy LP4 of the CLLP. The principle of development is therefore considered to be in conflict with policy LP4 of the CLLP. As the proposal would not result in any additional built development, the harm would be limited to a slight increase in traffic generation and pressure on local services by the introduction of an additional household to the area. There would need to be some identified benefits of the proposal that as a material consideration would justify a departure from policy, if the proposal is to be considered acceptable.

It is considered that policy LP1, 2, 3 and 4 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

Heritage Considerations

The application site is noted within the Lincolnshire Historic Environment Record as follows:

'Partially extant 19th century farmstead. Regular courtyard of U plan. The farmhouse is detached from the main working complex. There has been a partial loss (less than 50%) of traditional buildings. Isolated location. Large modern sheds are located to the side of the site'.

Whilst the comments from Lincolnshire Archaeology cast some doubt upon the accuracy of the above record, it is clear that the building has some heritage significance. It is important to note however that the property is not statutorily listed and has been heavily modified through the installation of UPVC doors and windows and unsympathetic rear extensions.

Section 16 of the National Planning Policy Framework (NPPF) refers to conserving and enhancing the historic environment. Paragraphs 192 and 193 explains that in determining applications, local planning authorities should take account of, amongst other things, the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy LP25 of the CLLP explains that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. Development proposals will be supported where they, amongst other things, protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character.

It is considered that the proposal would have a beneficial impact in securing the longevity of the building and restoring the building back to two dwellings as it was prior to the early 1980's. The applicant is also proposing to improve the external appearance of the dwelling by replacing damaged roof tiles and replacing the windows and doors. Whilst these do not in themselves require planning permission, they represents additional benefits of the proposal. The proposal therefore complies with the National Planning Policy Framework and policy LP25 of the CLLP.

It is considered that policy LP25 is consistent with the historic environment guidance of the NPPF and can be attached full weight.

Character and Visual Impact

Local Plan Policy LP26 seeks to ensure development respects the existing topography, landscape character and identity, and relates well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths. The National Planning Policy Framework (NPPF) in Chapter 12. Achieving Well-designed Places states that the *“creation of high quality buildings and places is fundamental to what the planning and development process should achieve”*. Paragraph 127 goes on to state that planning decisions should ensure that developments are visually attractive as a result of good architecture.

The proposal would improve the appearance of the building by repairing the roof and replacing the ageing windows and doors with new. The proposal complies with policy LP26 of the CLLP.

It is considered that policy LP26 is consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Residential Amenity

Policy LP26 of the CLLP 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.

Paragraph 127 (f) of the NPPF states that planning policies and decisions should ensure that developments:

- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

There are no concerns with regards to amenity because the proposal is for subdivision and there is already a residential presence within the building as existing. No extensions or additional openings are proposed to the property which could impact upon neighbouring dwellings.

It is acknowledged that the proposed private garden areas at approximately 5m x 5m and 3m x 7m are small. That said, given the rural location of the property and the abundance of open outdoor space in the local area, it is not considered that such private outdoor space is inadequate for two-bedroom dwellings. The proposed internal floor space would accord with the National Space Standards. Overall the proposed arrangement would provide an acceptable standard of amenity for existing and future users and the proposal would be in accordance with policy LP26.

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

Other Matters

Highways, parking and pressure on local services

Each dwelling would be provided with one off-road parking space – the same as is currently provided for the larger dwelling. Concerns have been raised by the Parish Council in relation to parking provision. However, there would be no increase in the number of bedrooms across the two dwellings (4).

It is acknowledged that the proposal will introduce an additional household however and so there may be an increase in vehicle movements, parking demand and pressure on local services, e.g. GP surgery, schools etc. This increase will however only be slight. It is therefore not considered there would be any unacceptable impacts in terms of vehicle movement, parking demand or pressure on local services by the implementation of the proposal. Further, the Highways Authority has not raised any concerns about the proposal in terms of highway safety.

Affordability

Creating two, 2-bed dwellings from a 4-bed dwelling will likely be more affordable for young local families to get onto the housing ladder and is considered to be an additional benefit of this proposal.

Conclusion and reasons for decision:

Planning law requires that an application is determined in accordance with the development plan, unless there are material considerations that would indicate otherwise.

The proposal has been considered in light of relevant development plan policies, namely policies LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP4: Growth in Villages, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan as well as the National Planning Policy Framework.

The proposal conflicts with policy LP4 of the Central Lincolnshire Local Plan by creating an additional dwelling in Glenthams where there is no remaining capacity for housing growth and has not demonstrated local community support. That said, the application site is an appropriate location for a new dwelling under policy LP2. The proposal would also provide additional benefits from restoring a heritage asset of local significance back to its original form of two dwellings, securing the longevity of the building and providing two smaller dwellings, more likely to be affordable for young local families.

There is no harm to residential amenity, heritage assets, highway safety or any other technical issues. It is considered that, with no local opposition and with otherwise general compliance with the development plan, bar policy LP4's growth limit, and in view of the clear benefits that may arise, a departure from CLLP policy LP4 can be justified on this occasion. The proposal is therefore, on balance, considered to be acceptable and it is recommended that planning permission be granted subject to conditions.

Human Rights Implications:

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

Legal Implications:

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

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:

None.

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

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

Site Plans as Existing and Proposed / Location Plan ref. NWD-100
Floor Plans as Existing and Proposed ref. NWD-200
Elevations as Existing and Proposed ref. NWD-300

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policy LP17 and LP26 of the Central Lincolnshire Local Plan.

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

None.

Agenda Item 7



Planning Committee

14 July 2021

Subject: Determination of Planning Appeals

Report by:

Assistant Director Planning and
Regeneration

Contact Officer:

Ele Snow
Democratic and Civic Officer
ele.snow@west-lindsey.gov.uk

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 Mr Richard Needham against the decision of West Lindsey District Council to refuse planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted at Lodge Farm, Burton, Lincoln LN1 2RD

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse

Committee Decision – Refuse



Appeal Decision

Site visit made on 8 June 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2021

Appeal Ref: APP/N2535/W/21/3267173

Lodge Farm, Burton, Lincoln LN1 2RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Richard Needham against the decision of West Lindsey District Council.
 - The application Ref 141392, dated 21 July 2020, was refused by notice dated 22 September 2020.
 - The application sought planning permission for conversion of existing barn to a dwelling without complying with a condition attached to planning permission Ref 137884, dated 16 November 2018.
 - The condition in dispute is No 10 which states that:
"With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following drawings:
 - LF-01 received 17th October 2018 – Location Plan
 - LF-02 received 17th October 2018 – Proposed Site Plan
 - LF-04 received 17th October 2018 – Proposed Elevation and Floor PlansThe works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application".
 - The reason given for the condition is:
"To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036".
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal site is part of Lodge Farm, a smallholding set within open countryside a short distance west of the small village of Burton. In 2018 planning permission was granted for the conversion of an existing building on the site to a dwelling ("the original permission"), and Condition 10 attached to that permission set out the approved plans. The appellant now wishes to use different wall and roof features to those originally permitted, and therefore seeks to vary Condition 10 so that it refers to revised approved drawings.
3. I therefore consider that the main issue is the effect varying the approved drawings would have on the character and appearance of the host building.

Reasons

4. The building to be converted to a dwelling has at its heart a stone-built stable dating from the late 18th century, with pantile roof and red brick tumbling to the gables. There are more recent additions on the eastern and northern elevations, both simple lean-to structures with sheeting roofs at a very shallow pitch. Another large barn-type building with simple corrugated sheet cladding adjoins the western elevation although this and the other buildings on Lodge Farm falls outside the scope of the proposal.
5. While the northern extension in particular is a modern and relatively crude addition, the Council is of the view that the original stable part of the building has substantial architectural and historic significance, and is almost of listable quality. It may be that the appellant has misinterpreted the Council's comments in this regard, as it is not suggested that the appeal building carries the same heritage value as Lincoln Cathedral. Nonetheless, the age and architectural integrity of the core stable building make it a non-designated heritage asset, and while the whole building is currently in a somewhat dilapidated state, from what I saw on my site visit it is undoubtedly capable of being adapted in a way which would retain and respect its historic status.
6. The proposed residential conversion would retain and renovate the existing eastern and northern additions, as they provide a considerable portion of the living space on the ground floor. Under the original permission, the scale and form of the two additions would also be retained, and as a consequence of their limited height and pitched roofs they would therefore be functionally and visually subordinate to the historic stable at the core of the buildings.
7. The revised proposals would introduce parapet walls to the edge of both existing additions, with two glazed lanterns on each roof. The submitted drawings suggest that the parapets would be considerably higher than the eaves height originally proposed. This would add significant bulk to both additions, and in my view the heavier appearance would lead to the additions detracting from and dominating the relatively modest original stable, diminishing its relative significance. The flat roofs and high parapets would give both additions the appearance of modern domestic extensions, which would be incongruous alongside the simple agricultural character of the original building. Although they would not be widely visible because of the surrounding topography and planting, the proposed modern lanterns would also be at odds with the historic character of the core stable building.
8. The appellant has referred to other buildings nearby, old and modern, where modern features and materials have been allowed. However, I do not know the precise details of these, the circumstances in which they came into being, or the extent to which they are comparable with this proposal, and they do not add weight in support of the appellant's case in this appeal.
9. I note also both the appellant's desire to create a simple and more liveable building, and the Council's stated support for a sympathetic conversion. However, for the reasons set out above I am of the view that the amendments which the appellant now seeks would not be sympathetic to the original building.
10. Varying the approved drawings as the appellant wishes would be harmful to the character and appearance of the host building, and I conclude that proposed

development would conflict with Policies LP26 and LP55 of the 2017 Central Lincolnshire Local Plan. Together these seek to ensure that developments reflect or improve on the character and appearance of their surroundings, and that residential conversions in the countryside are carried out with minimal alteration to existing buildings. It would also conflict with the requirements of Chapter 12 of the National Planning Policy Framework, which aim to achieve well-designed places.

Conclusion

11. For the reasons given above the appeal is dismissed.

M Cryan

Inspector