

Officers Report

Planning Application No: 138836

PROPOSAL: Planning application to vary condition 24 of planning permission 135031 granted 14 December 2016-allow local business to use the site (D2 Use).

LOCATION: Hillcrest Caistor Top Caistor Market Rasen LN7 6JG

WARD: Caistor and Yarborough

WARD MEMBER(S): Cllr O Bierley and Cllr A T Lawrence

APPLICANT NAME: Mr O Lawrence

TARGET DECISION DATE: 08/03/2019

DEVELOPMENT TYPE: Minor - Manufacture/Storage/Warehouse

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Refuse

This application has been referred to the Planning Committee, as the applicant is from the immediate family of a Councillor (Councillor Mrs A T Lawrence).

Description:

The site is located outside of the built footprint of Caistor (in the parish of Cabourne) to the south of the A46 and to the east of the B1225 (to the east of the cross roads of the A46 and the A1173/B1225). The site is approximately 870 metres in walking distance from the centre of Caistor (The Market Place). The site has planning permission (135031) to be redeveloped for 17 rural enterprise units, a retail unit, café and office following the demolition of the existing buildings. At the time of the officer site visit on the 18/01/2019 the new access to the site had been constructed along with one building towards the south western corner of the site. Another building was under construction (steel portal frame had been erected) towards the north eastern corner of the site. An old café building and a large former garage building from the previous use on the site had still to be demolished. A third frontage building is now under construction at the site.

The nearest residential dwelling (Hillcrest House) is located approximately 66 metres to the south of the proposal site (Units No.14 and No.15) and there is a Grade II Listed Dwelling (Top House, Farm) located approximately 161 metres to the north west of the site. The site is within the Lincolnshire Wolds Area of Outstanding Beauty.

The application seeks permission to vary condition 24 of planning permission 135031 to allow a D2 (Assembly and Leisure Use). Currently the rural enterprise premises given permission under 135031 are limited to A1 (shops), A3 (restaurants and cafes), B1a (office other than those under A2 financial and professional services), B1c (industrial process), B2 (general industry) and

B8 (storage or distribution) uses. The application was submitted with a covering letter and a site plan showing a red line drawn around units 14 and 15 of Block 4 (approximately 106 sq. metres in size) which is located in the north east corner of the site and fronts the A46.

The application indicates that the unit is intended for an identified end user. The covering letter submitted as part of the application states that 'The boutique fitness enterprise is an existing business based in Nettleton and run from the owner's garage which is less than 1 mile from the site. The business has proven to be very popular locally and there is a need for such a service in the locality. The business currently employs 1no person, but this will be increased as the business grows.

The owner wishes to grow and expand the popular business and keep it within the Caistor/Nettleton area. The business is obviously restricted in their current premises but a search for commercial properties for rent within 5 miles of Nettleton shows there are not currently any premises available for rent. It therefore seems expedient to allow this local business to relocate to the Enterprise Park where it can further expand and grow to benefit the local economy. The Enterprise Park provides the ideal location for the business in a new build unit extremely close to the market town of Caistor.'

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

The development is within a 'sensitive area' as defined in Regulation 2(1) of the Regulations (the Lincolnshire Wolds Area of Outstanding Natural Beauty) and has therefore been assessed in the context of Schedule 2 of the Regulations. After taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Therefore the development is not 'EIA development'.

Relevant history:

138795 – Full planning application for proposed extension to building (B1 Office). Application under consideration.

136232 - Request for confirmation of compliance with conditions 2,3,4,5,6,7,9 and 10 of planning permission 135031 granted 14 December 2016. Conditions partially discharged 30/10/2018.

135031 – Full planning application for proposed 17no. rural enterprise units, consisting mainly of business use along with a retail unit, cafe and office. Demolition of existing buildings granted 14/12/2016.

128839 - Retrospective planning application for the change of use from Workshop to A1 Retail – approved 10/9/2012.

135007 – Planning permission for change of use from A1 Retail to D2 Gymnasium. Refused 16/12/2016.

Representations:

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

Caistor Town Council and Cabourne Parish Meeting: Caistor Town Council has no objection to the proposed use and welcome the reuse of a brownfield site.

Local residents: Hillcrest, Caistor Top, Caistor - The current application seeks to change the use to include D2. However, we would submit that none of the grounds of refusal in the Decision dated 16th December 2016 have been addressed and therefore the current application must be refused.

We would submit that all of the grounds for refusal contained in the Decision dated 16th December 2016 are relevant to this new application. The proposed development will result in a loss of residential amenity to the occupiers of the adjacent residential property by reason of noise and nuisance generated by the general operation of a gym, activity and vehicular movements around to and from the site. No mitigation measures have been inserted. There are no noise attenuation measures proposed at the premise.

Further, there is no footway provision to the site from the Caistor town centre resulting in dangerous pedestrian movements across the A46. We would request that the Planning Committee undertake a site inspection prior to deciding upon the matter in order to fully understand the concerns and the impact this application.

Bfit Lincs Gym Ltd, Brigg Road, Caistor: I spent several thousand pounds trying to get planning permission to operate a fitness facility on the Hillcrest Site. I wanted to operate there as I identified it was a prime location for advertising and passing trade due to the A46 being so close.

After nearly 18 months of trying to convince WLDC that it was a viable location for this facility, I was warned that I was in danger of being served an enforcement notice and I engaged with WLDC to identify a location that they deemed suitable. This battle to gain planning permission for a fitness facility at the Hillcrest Site, followed by the added expense of moving location and refurbishing a new building, has had a significant and almost terminal impact on the fiscal situation of both my limited company and my personal finances.

I feel that it would be a huge injustice to allow a direct competitor to operate from the Hillcrest Site after the personal hardship and stress I have been put through in trying to get the same planning permission for a fitness facility in the same location.

Whilst I accept competition is healthy, WLDC were quite clear and direct in their communications with me that Hillcrest was not suitable and that I should

scope other locations. I fail to see what has changed with the site, other than the buildings will be new. However, it wasn't the fabric of the old building that was the issue. It was the location of the site and the layout of the junction and footpaths. This has not changed.

As stated, competition isn't the issue, but competition has to be on an even playing field. If this planning is granted, my competitor will gain an unfair advantage by getting access to the site I was driven out of at great personal cost.

7 Saunders Close Caistor: Bfit Lincs Gym operated from the Hillcrest site for 18 months but was continually blocked when trying to get planning permission for D2 at this location. WLDC threatened enforcement and cited that the access to the site was unsafe and the staggered crossroads junction of A46, A1173 and B1225 was an accident blackspot causing a risk to personnel on foot walking up from the town. This stance from WLDC forced my wife's business (Bfit Lincs Gym) to relocate at great personal financial and emotional cost to us as a family.

I understand this fitness facility wants to grow in size but it would be hugely unfair and deliver them an unfair competitive advantage if it were allowed to operate from the site WLDC forced another fitness facility to vacate. Unless the site owner or WLDC are planning on funding a redesign of the junction layout and footpaths (as cited in the planning refusal for Bfit Lincs Gym) then the reasons for that refusal are still clearly extant and the business should seek a suitable alternative in engagement with WLDC just as we did.

14 Pasture Lane Market Rasen (x2): My sports therapy business is based within the current fitness facility within Caistor and has been since May 2018. Already there is at least three existing companies in Caistor that offer similar treatments to myself, so I believe having another fitness facility within this catchment area that offers once again similar treatments will directly affect my business.

When the current fitness facility opened at this location I did not want to join as a member. I felt the entrance was unsafe for pedestrians as I don't drive, so crossing the main A46 is an issue. I am now a member at the current location as I feel the pedestrian walkway is sufficient and it is far easier to get to.

1 Risedale Caistor: There was a fully working, fully functioning gym at Hillcrest, that was forced to close and move after months of correspondence between WLDC and Bfit Lincs Gym, with WLDC stating that hillcrest was an unsuitable site to house a gym/fitness facility, resulting as mentioned above a full move. Bfit would have no doubt continued to have a thriving business for many years at the hillcrest site. Through sheer hard work and determination Bfit made the successful move two miles down the road, with established fitness facilities available to members of the public of all ages. This to me feels very unfair! Why force one out to then bring a similar facility right back to the same location?

81 St. Barnabas Road Barnetby: As a user of Bfit Lincs I would like to object to the above application especially as Bfit Lincs were not allowed to continue in business on the same site. I personally would continue to use Bfit Lincs as a matter of principle, rather than any rival company. If Bfit Lincs couldn't use this site due to safety issues, then surely these issues are still relevant now.

37 Broadway Grimsby: As a member of staff at BFit Lincs Gym I have first-hand seen the stress caused by the rejection of previous planning permission for the self and same type of business at the same site. Caistor already has a gym facility which employs apprentices to help the young people of Caistor and surrounding areas start a career in fitness as well as employing already established fitness instructors and personal trainers and a self-employed beautician and a self-employed sports therapist. I feel if this facility is accepted then this will affect multiple businesses that do so much for the health and fitness of the local community.

The points that were raised against BFit previously are still points that would stand for future permission such as the previously deemed unsafe road, junction and footpath leading to the site. BFit Lincs was forced out of that site so why should it be accepted for another gym to open on the exact same site. If this proposal is accepted then to me and many others the previous rejection comes across almost as a personal vendetta against BFit Lincs Gym.

4 Main Street Searby: As a resident of the area surrounding Caistor, and someone who frequently uses Caistor for various purposes, I feel that any additional building put on this site is dangerous and unnecessary. The junction at the top of Crest Hill is already extremely dangerous as it is (with poor road markings that cause a lot of confusion) and I have personally witnessed accidents here. Extending any of the facilities here would cause a large increase in traffic that I deem risky and inappropriate.

Additionally, Caistor already has a more than suitable sports facility (BFit) as well as a cricket club and plenty of parks and sports fields. I fail to see a reason for introducing more needless competition to take away from existing companies and communities.

Lucas House Carr Road North Kelsey: There was previously a fitness facility/personal training/sports therapy business (BFit Lincs) at this site which was not allowed to expand for various reasons, including safety issues identified by the highways department relating to increased traffic on what is an already a dangerous junction at the crest of the hill. BFit Lincs recently moved to new premises on Brigg Road, Caistor, approximately 2 miles from the proposed site of the proposed application, and continues to provide all the above services to the people of Caistor and the surrounding area. I question the need for another fitness/sports therapy/personal training business within such a close proximity and if the area can sustain two very similar businesses in the long term.

6 High Street Caistor Market Rasen: Bfit Lincs Gym was forced by yourselves into a move approx. two miles away due to your decision based upon the health and safety implications of what can be at times a 'dangerous' road junction for vehicles and pedestrians.

It would be hypocritical of you to allow a business of the same nature to open its doors to the public considering the health and safety issues of the A46 junction have not changed and are unlikely to. Regardless of whether the buildings are new or old the issues are still the same, a new gym/fitness centre should not be allowed on those premises as you have already removed a business that provided the same service.

Casa Rumoroso North Kelsey Road Caistor: As a member of the Bfit Lincs gym and with a member of my family undergoing an apprenticeship at the new Bfit Lincs gym, I object to this proposal. The gym was required to relocate because the council deemed the proposed location unsuitable for purpose and expansion of the site due to traffic, how therefore, could the council approve the planning for a new facility when nothing regarding the existing roadway has changed?

Also, from a business perspective, Bfit Lincs employs a number of people in various facilities and the potential threat an additional facility would have to the existing one is not only ludicrous, but irresponsible for the council to conceivably consider.

Dovecote House Vicarage Lane Grasby: When attending the old gym at Hillcrest, and travelling there near enough everyday me and my family were rather concerned about the junction and how busy the roads were, on 2 separate occasions I found myself having to pull over when leaving the junction due to near miss accidents, my second reason is that Caistor has a great gym facility already which caters for everyone.

20 Cromwell View Caistor - Due to the location of the site being at the extremely dangerous crossroad at the top of Caistor, in which many accidents have occurred (with fatalities), a business encouraging people to access the area seems irresponsible and dangerous. Also with the amount of cars expected to be coming in and out the location there will be an increased risk of roads accidents, which we have seen the air ambulance attend to multiple in this specific area of the A46. There is not a need for this type of business in the area and so therefore no need to put the general public in any such danger.

6 Plover Square, Caistor: Caistor has a fully functional gym that provides a service suiting all the residents by highly qualified and skilled staff. That gym was forcibly removed from the exact location this gym is applying to use due to the planning not being granted as the road was deemed dangerous - the A46 junction at Caistor top is a hazard and it doesn't need any further unnecessary complications by adding excessive businesses to the area where there is already provision in a safe part of the town.

In support mainly via a Facebook 'petition' from the future proposed occupier of the proposal asking for support:

12 Cynthia Crescent, **Grimsby**, 16 Station Road Grasby, 17 Miller Avenue **Grimsby**, 19 Clubby lane Grasby, 2 Spurn Avenue **Grimsby**, 35 Ogilvy Drive Scunthorpe, 36 Well Street Messingham **Scunthorpe**, 4 Clixby Lane Grasby, 46 Runswick Road **Grimsby**, 5 Samuel Avenue **Grimsby**, 5 Yarborough Rise Caistor, 62 Warwick Road **Scunthorpe**, 66 Trinity Road **Cleethorpes** (x2), Bracken Cottage Limber Bridle Road Riby, Cemetery crescent **Laceby**, The Cottage Pump Hill **Cadney**, 18 North Street Caistor, 69 Forest Way **Humberston**, 69 Woodhall Drive **Waltham**, Cornerways Owmbly Lane North Kelsey Moor, 27 Ropery Street **Grimsby**, 13A Market Place Caistor, 2 Spurn Avenue **Grimsby**, Cabourne Vale Whitegate Hill Caistor, 26 Greengate Lane **South Killingholme**, 38 Vicarage Lane Grasby, Little Wold 21 Station Road Grasby, 102 Brigg Road Caistor, 2 Brigg Road Grasby, 34 Beeley Road **Grimsby** (x2), Greenfields 24 Station Road Grasby, 4 Ropewalk Caistor, 67 Elliston Street **Cleethorpes**, Water Tower Cottage Brocklesby Park Brocklesby, Nuitari 93 Yarborough Road Keelby, Owmbly Mount Owmbly Road Searby, 18 North Street Caistor, The Old Rectory School Lane Rothwell, Oakley House Caistor Road South Kelsey and Prospect House, **Barnetby**, 16 Beacon Court **Grimsby** (X2), 31 High Street Waltham **Grimsby**, Beelsby House Main Road **Beelsby Grimsby**.

The following comments (in summary) were made:

- The lady [named] at Soul Healthy is an amazing personal trainer.
- Her spin classes are my favourite.
- I book onto Soul Healthy spin classes every week.
- The USP of Soul healthy is that it is not a gym, but a private studio, something which is very important to all her clients.
- I will continue to travel over weekly as Grimsby and Cleethorpes do not even currently provide the services and experience that Soul Healthy does.
- Soul Healthy has grown at such a pace during its first years of business which surely highlights the need for these services within the community.
- She is a good business woman and a credit to herself.
- Local need for boutique style gym specialising in excellent group classes, personal trainer, nutrition and sports massage.
- This application for a new premises will bring lots of business to the local community. I personally enjoy looking in the local shops before or after my classes.
- It is worth me travelling from Grimsby as it's brilliant.
- Promotes a healthy lifestyle.
- A great local business that's expanding each month.
- I for one am glad it's not more shops or flats, let's have something that means something built there instead.
- The local community needs local businesses to grow and the opportunity's to succeed not be hindered by red tape.

- The classes are diverse and she offers a person centred approach so can customise her classes, nutritional advice and corporate events to suit everyone.
- I feel it would be a huge asset to the surrounding communities.
- Great idea to have more fitness places in the area, how could this be a bad thing.
- Small towns like Caistor need local businesses to thrive and develop in order to enhance the town and continue to move forward.
- Very good business that will enhance Caistor's appeal, with little to no impact on traffic.
- Anything that councils can do to support healthy lifestyle is to be encouraged; it would be a positive contribution to the physical and mental wellbeing of residents and families.
- Not only does it keep the applicant's business in the Caistor area, it also provides a base for it to expand if required and for other similar and complementary businesses to come into the area. Small businesses are the lifeblood of the economy, I hope to see continued support for them where possible.
- Competition is healthy because it avoids monopoly and limited choice.
- There are many new units at Hillcrest – so any concern over traffic would not be unique to the studio application. The boutique will only attract a small volume of traffic that the other already approved units will attract.
- There is already an existing gym in Caistor, however the proposal at Hillcrest is for a boutique fitness facility, involving smaller numbers at any one time and one on one training rather than a large gym facility. So I feel it unfair to compare the two businesses. There is clearly room for the two businesses to operate as this is already happening.
- In my opinion it is [the site] currently visually unappealing and creates a negative first impression for the town. The development would totally change this not only visually but by creating an exciting and dynamic business.
- This would also pull in visitors from further afield who otherwise would have no reason to visit Caistor, who in turn will go on to support other Caistor businesses.
- This shouldn't be about the historical planning permission but instead focus on the whole new development that Hillcrest is offering. A mix of businesses benefiting the community and making use of this currently unused site - A diverse site like this is an excellent signpost to the growth and development of Caistor.
- Being slightly out of the town centre would mean local residents wouldn't be affected by potential noise or on street parking.
- Rural communities need all the positive support they can get.
- A boutique health and well-being establishment could be really good (and different from other establishments) for the local economy potentially bringing footfall and income to the local area. For example to the local shops, heritage centre, post office, co-op, estate agents and eateries (in Caistor and the surrounding villages).

Towngate Church Street Nettleton: I would like to support this purely for selfish reasons. Soul Healthy currently runs classes out of her garage with no sound proofing. I hear loud music and instructions being shouted over the loud music during each and every spin class. On a summer's evening it is unbearable and ruins the pleasure I used to get in my garden. Even worse, I can hear deep base sounds and her voice INSIDE my house. The stress this is causing me is immense. Lots of surrounding neighbours, further down the street, also complain of hearing the classes. So please, let this be approved so we can have our quiet neighbourhood back. On a separate note she has the client base to support the move and not encroach on other similar businesses in Caistor.

LCC Highways and Lead Local Flood Authority: The current proposal for change of use from an industrial unit to a gym is unacceptable to the Highway Authority. On the face of it, the use as a gym is likely to require a certain level of parking which appears unachievable. The level of provision on the existing permission (provided it's shared) can accommodate its existing use class. I would therefore have concerns regarding this change of use.

Without the requested transport information there is no way to justify the level of parking provision required. Some indication of member numbers, attendance, staff, hours of operation etc. would be required. There is also no way to say that the spaces available would be so in their entirety at all times. It is unlikely the proposal has enough parking for its needs.

In terms of the pedestrian crossing provision, this is a requirement of the existing permission and is still not in place. This application only serves to cement the need for a safe pedestrian route across the A46.

Archaeology: No archaeological impact.

Lincolnshire Wolds Countryside Service: No representations received to date.

National Grid Plant Protection: No representations received to date.

Health and Safety Executive: No objection to the proposed development. As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator [National Grid] before deciding the case.

Conservation Officer: No representations received to date.

Economic Development: Having completed a commercial property search via Rightmove, there are no properties currently being marketed to let. I have attached brochures for two premises currently for sale i.e. The Paper Shop (investment Opportunity) and the former Settlement premises both in the Market Place.

Relevant Planning Policies:

Local Policy:

Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP5: Delivering Prosperity and Jobs

LP6: Retail and Town Centres in Central Lincolnshire

LP13: Accessibility and Transport

LP16: Development on Land Affected by Contamination

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

LP55: Development in the Countryside

The CLLP is available to view here: <https://www.n-kesteven.gov.uk/centrallincolnshire/local-plan/>

Caistor Neighbourhood Plan:

Policy 1 – Growth and the presumption in favour of sustainable development

Policy 2 – Type, scale and location of development

Policy 3 – Design Quality

Policy 7 – Community Facilities

Policy 8 – Leisure Facilities

National guidance

National Planning Policy Framework (NPPF)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

National Planning Practice Guidance (NPPG)

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

Listed Building Legal Duty

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

Main issues

- Principle of Development
- Residential Amenity
- Visual Impact
- Area of Outstanding Natural Beauty (AONB)
- Economic Benefit
- Listed Building
- Foul and Surface Water Drainage
- Highway Safety
- Other matters

Assessment:

Principle of development

The NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas both through the conversion of existing buildings and well-designed new buildings.

Paragraph 86 of the NPPF indicates that 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 (such as D2 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. 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.

The proposed use would be more appropriate in a location in the nearby Caistor Town Centre as it would support the function of the viability and vitality of Caistor and would be more readily accessible to members of the public by means other than the car. A sequential assessment is required for potential accommodation in Town Centres, then edge of centre and on then out of centre; no such assessment has taken place (apart from the covering letter submitted as part of the application stating there are no premises within five miles of Nettleton). Economic Development have stated that the only premises available on the 21/01/2019 in the Caistor Area were The Paper Shop and the former Settlement premises both in the Market Place. There is also 2-4 Market Place (The Old Co-op Premises) which is still vacant. There has been no detailed analysis of whether these buildings would be suitable for the use, or indeed any further premises since the original submission. In the proposed location the use is considered to be contrary to the advice in the NPPF in relation to sustainable development making development inaccessible by other means than that of the private car and policies contained within the Central Lincolnshire Local Plan namely LP1, LP2, LP5, and LP13 as well as Policy 8 of the Caistor Neighbourhood Plan.

Policy LP1 of the Central Lincolnshire Local Plan seeks to support sustainable development in accordance with the NPPF. Furthermore, the proposal does not fit comfortably with the categories contained within Policy LP5 but it is considered to be an expansion (in use) to the existing Rural Enterprise Units (and their uses) granted under planning permission 135031. The policy states that expansion of existing businesses will be supported provided that:

- Existing buildings are reused where possible;
- They do not conflict with neighbouring land uses;
- They will not impact unacceptably on the local and/or strategic highway network; and
- The proposal would not have an adverse impact on the character and appearance of the area.

It is considered that the proposal to allow a D2 (Leisure/Gym Use) on this site within two of the units (No.14 and No.15) granted under planning permission 135031 has the potential to conflict with neighbouring land uses and impact unacceptably on the highway network (these issues are explored below). Furthermore, no sequential test has been undertaken as part of this application and in its proposed location the use is considered to be unsustainable making the development inaccessible by other means than that of the private car.

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 policy also applies to future occupants of development proposals under consideration.

The nearest residential dwelling (Hillcrest House) is located approximately 66 metres to the south of the proposal site (Units No.14 and No.15). As the application contains no information on the proposed opening times, the amount of customers/staff using the facility and therefore increased noise from visiting cars, customers coming to and from the building and noise from within the building from equipment and music playing together cannot be ascertained. No mitigation measures have been put forward as part of this application. Although the separation distance is approximately 66 metres it has not been possible to ascertain whether the proposal will have a harmful impact on the living conditions of neighbouring dwellings. Therefore, it is considered to be contrary to the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.

Visual Impact

Local Plan Policy LP26 states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing and form. The policy also states that the proposal should respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

The proposal is contained within Units No.14 and No.15 of the approved planning permission 135031 (although no additional car parking provision is provided). It is therefore considered that the proposal would not have an adverse visual impact on the approved development under planning permission 135031, the street scene nor the countryside.

Area of Outstanding Natural Beauty

The proposal is contained within Units No.14 and No.15 of the approved planning permission 135031 (although no additional car parking provision is provided). The proposal will therefore have no adverse effect on the character and appearance of the Lincolnshire Wolds Area of Outstanding Natural Beauty.

Economic Development

Both the NPPF and the Central Lincolnshire Local Plan support economic growth but the application form and other documentation does not state that any specific additional jobs will be created through this proposal.

Competition is not a material planning consideration.

Listed Building

There is a Grade II Listed Dwelling (Top House, Farm) located approximately 161 metres to the North West of the site across the A46. The proposal is contained within Units No.14 and No.15 of the approved planning permission 135031 (although no additional car parking provision is provided). It is therefore considered that the proposal will preserve the setting of this listed building.

Foul and Surface Water Drainage

Foul sewerage and surface water was dealt with under planning application 135031 and the subsequent discharge of condition application 136232.

No additional car parking to that granted under application 135031 is being provided. Therefore, a condition requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site is not needed.

Highway Safety

Both the NPPF and Policies LP5 and LP13 of the Central Lincolnshire Local Plan state that proposed development should take into account either highway safety or the effect on the existing network.

The application seeks permission to vary condition 24 of planning permission 135031 to allow a D2 (Leisure/Gym Use). Currently the rural enterprise premises given permission under 135031 are limited to A1, A3, B1a, B1c, B2 and B8 uses. The application was submitted with a covering letter and a site plan showing a red line drawn around units 14 and 15 of Block 4 (approximately 106 sq. metres in size) which is located in the North West corner of the site and fronts the A46.

The agent stated the following information on 24/01/2019 in terms of car parking *'it is expected (as with the approved application) that the spaces directly outside of the units will serve that individual unit, with an allowance of 1 space per unit, which was acceptable for the approved scheme given the light industrial use which WLDC requested. This allowed for 17no allocated spaces with 35no visitor spaces. The red line drawing submitted is purely illustrative to indicate the units that will be subject to the variation of condition*

and do not affect the approved parking arrangements (we do not require a site location plan for a variation of condition as this has been dealt with at the full planning app stage). The parking arrangements will remain the same as the approved scheme with 1no space per unit (for the manager of the gym) and the remaining 35 used for visitors (can be used by visitor to the gym).'

On the 06/02/2019 Lincolnshire County Council Highways stated 'The current proposal for change of use from an industrial unit to a gym is unacceptable to the Highway Authority. On the face of it, the use as a gym is likely to require a certain level of parking which appears unachievable. The level of provision on the existing permission (provided it's shared) can accommodate its existing use class. I would therefore have concerns regarding this change of use.

Without the requested transport information there is no way to justify the level of parking provision required. Some indication of member numbers, attendance, staff, hours of operation etc. would be required. There is also no say that the spaces available would be so in their entirety at all times. It is unlikely the proposal has enough parking for its needs.'

The information provided by the agent is not considered satisfactory as no definitive information has been provided that details the proposed opening hours of the D2 use (gym), the specific activities that will take place and the number of people (staff and customers) that might use the proposed gym and no additional car parking provision to that granted under application 135031 (which was conditioned in terms of the floor space levels as it was felt important to control the use and levels of use on the site, so that traffic is not unacceptably generated at this site which is close to the very busy junction of the B1225 and the A46 Grimsby Road) is planned.

However, it is reasonable to expect (without evidence to the contrary) that a D2 use will generate a greater number of visiting members of public to the site than could be expected from the already permitted business uses.

Should car parking arrangements be found to be unsuitable this would lead to ad hoc parking across the site, hampering the operation of other businesses, whether with respect to parking or manoeuvring or indeed access and/or exit of the site itself increasing safety and operational concerns. It may also on a lesser point affect amenity due to noise and nuisance.

The application is therefore considered to be contrary to the NPPF and Policy LP5, LP13 and LP26 of the Central Lincolnshire Local Plan.

Condition 6 of planning permission 135031 states that '*No development shall be commenced before the works to improve the public highway by means of a pedestrian crossing point and refuge along with any alterations to the existing right turn lane and hatched markings (improvement works to be agreed with The Lincolnshire Road Safety Partnership) have been submitted to, approved and certified complete by the local planning authority.*' Subsequently the discharge of condition application (136232) stated on the 30/10/2018 that '*I note that negotiations with Lincolnshire County Council with respect to the*

highway works are now advanced and you are awaiting a date from LCC for the works to be done and look forward to an update shortly. I also note that it has been agreed that the new buildings (other than your existing sales operation) should not be brought into use without the highway improvements being completed. This decision to delay implementation has been agreed as no significant addition traffic would be generated until the operation of the new businesses commenced.'

As of the 06/02/2019 Lincolnshire County Council Highways states that '*In terms of the pedestrian crossing provision, this is a requirement of the existing permission and is still not in place. This application only serves to cement the need for a safe pedestrian route across the A46.'*

If the decision taken was to grant permission, a Grampian condition could be attached to the decision notice which states that the building (units 14 and 15) shall not be occupied until the pedestrian crossing is in place.

Other matters:

Contamination

It is accepted that the site has been the subject of a number of uses which could cause the site to be contaminated. Planning permission 135031 was conditioned to ensure that the site is suitably investigated and, if necessary remediated.

Pipeline

It is recommended that the application is refused therefore there is no need to contact the pipeline operator [National Grid].

Conclusions:

The decision has been considered against Policy LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP5: Delivering Prosperity and Jobs, LP13: Accessibility and Transport, LP16: Development on Land Affected by Contamination, LP17: Landscape, Townscape and Views, LP26: Design and Amenity and LP55: Development in the Countryside of the adopted Central Lincolnshire Local Plan in the first instance and policies contained in the Caistor Neighbourhood Plan (Policy 1 – Growth and the presumption in favour of sustainable development , Policy 2 – Type, scale and location of development , Policy 3 – Design quality and Policy 6 – Business Units and Start up Units, Policy 7 – Community Facilities and Policy 8 – Leisure Facilities) and guidance contained in National Planning Policy Framework and National Planning Practice Guidance and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In light of this assessment, the proposal is refused for the following reasons on the grounds that the site is an unsuitable and unsustainable location for a town centre use without adequate assessment of alternatives, insufficient evidence has been provided to show the gym would not create unacceptable levels of noise and nuisance and the limited car parking and poor pedestrian access to the site would detract from highway safety.

RECOMMENDATION: Refuse permission for the following reasons:

1. The proposed use is for a Main Town Centre Use (D2 – Assembly and Leisure). Paragraph 86 of the NPPF indicates that 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. No sequential test has been undertaken as part of this application which is considered contrary to the NPPF and policies contained within the Central Lincolnshire Local Plan namely LP1, LP2, LP5, and LP13 as well as Policy 8 of the Caistor Neighbourhood Plan.
2. The nearest residential dwelling (Hillcrest House) is located approximately 66 metres to the south of the proposal site (Units No.14 and No.15). As the application contains no information on the proposed opening times, the amount of customers/staff using the facility and therefore increased noise from visiting cars, customers coming to and from the building and noise from within the building from equipment and music playing together cannot be ascertained. No mitigation measures have been put forward as part of this application. Although, the separation distance is approximately 66 metres it has not been possible to ascertain whether the proposal will have a harmful impact on the living conditions of neighbouring dwellings. Therefore, it is considered to be contrary to the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.
3. No information has been provided that details the proposed opening hours, the number of people (or visitors) and specific activities that will take place within units 14 and 15 (the application site). No additional car parking provision is provided to that granted under application 135031 which has the potential to impact highway safety and the viability of the other rural enterprise units on the site.

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.