

Officers Report

Planning Application No: 139552

PROPOSAL: Planning application for development of a dry leisure centre, together with external sports pitch being variation of conditions 4, 6, 11 and 15 of planning permission 138607 granted 07 February 2019 – updated drawings, landscaping, acoustic fence details and drainage.

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

WARD: Market Rasen

WARD MEMBER(S):

APPLICANT NAME: David Kirkup for West Lindsey District Council

TARGET DECISION DATE: 04/09/2019

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

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

The application seeks permission for a dry leisure centre, together with external sports pitch, being a variation to the existing conditions 4, 6, 11 and 15 attached to planning permission 138607 granted 07 February 2019. The application seeks to update drawings, amend the landscaping, acoustic fence details and drainage.

The application site is located on the western edge of the market town of Market Rasen. It is located on the southern side of Gainsborough Road. The Limes Hotel and associated grounds are to the west, with a small part of the curtilage of the Limes Bungalow adjacent to the south western edge of the site. There are dwellings served off Dear Street next to the north eastern boundary of the site, although the majority of the eastern boundary is with land forming part of the grounds of the Market Rasen Church of England Primary School. A playground/area of open space runs along the entirety of the southern boundary beyond which are semi-detached dwellings facing Coronation Road.

Relevant history:

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

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

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

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

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 Application withdrawn by the applicant.

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

138607 – Planning application for a development of a dry leisure centre, together with external sports pitch. Permission granted 07/02/19

Representations:

Chairman/Ward member(s): Cllr Bunney – It is important that the two ponds at the front of the scheme are safe. In addition to ensuring that the depths are appropriate, safety precautions of signage, fences and rescue equipment need to be provided. The plans talk about an effective depth of pond 1 as 0.4m and 2 as 0.3m. I trust this means the maximum depth of the pond and not an average depth? I know that members of the community are interested in advising and helping with the planting of the grounds. It would be a good idea to consult on this.

Market Rasen Town Council: 21st June 2019 – The Council have no objections to the proposal, but wish to note residents concern further to public consultation regarding noise nuisance, which comes under material planning considerations. Noise or disturbance, resulting from use, including proposed hours of operation. Residents are concerned regarding the construction while the work is being carried out and the increase of noise when the proposed work is complete. We wish for residents views to be taken into account when this planning application is determined.

Middle Rasen Parish Council: No representations received to date

Local residents: 37 Dear Street – would like a visual plan before I make a response.

Wingfield – 03/07/19 - I hope the council have taken note of the recent and continued flooding of the construction site and consult their drainage specialists further as to the likelihood of the original surface drainage plan being successful. I also hope they have considered the potential hazard from stagnant water in the detention basins.

The planning permission supplied refers to 21096R01aPKSW by Environoise dated 09 January 2019 which does not seem to be available for study. The one provided is marked 21096R01OPpak and dated Wednesday 08 August 2018. Where is this new report I note the application includes an increase in height of the acoustic fence bounding my property to 2 metres. While that is likely to slightly improve the noise mitigation to my ground floor, it still does nothing to mitigate the noise to the bedrooms on the first floor, as I pointed out in my comment to the original proposal. I still believe acoustic protection should be provided much closer to the car park. However, elsewhere in the current proposal the acoustic fence which I was led to understand by

the noise report supplied to be similar to that described in the reports Appendix C, is described as a featherboard fence. I trust the council will not permit a reduction in the quality of the required acoustic fence.

25/10/19 - I have three comments, the last 2 of which I have made before.

1. On the plan, I do not see the acoustic fence which is supposed to protect my property from the noise from the path running along my Southern boundary.
2. The noise calculations are still completely missing the point that the annoyance will be felt in the bedrooms of my house, not the garden, and even the fence will not protect the bedrooms.
3. The car park noise has been assessed from the centre of the car park, but the annoyance will come from the cars parked closest to my property.

The Bungalow – The first report on the drainage of the first planning stage was incorrect as more drainage had to be inserted into the field and the diggers dug through pipes already in the field. The ponds in the development are unsightly, full of dirty water and do nothing for the site. Midges etc are seen regularly in the evening circulating and landing on the dirty water. The drainage needs to be under the surface not in the surface. When the ponds are full where is the excess water going? The ponds are a significant health and safety risk, during hot weather, will they be used as swimming pools by local children? Are you going to provide life belts as the ponds are very deep. If you look in the ditch in front of the field to the right of The Limes on the A631, sand is already being leached into this dyke from the dry leisure centre, how is this happening? The whole issue of drainage is woefully incomplete it needs re-looking at, the development stopping until a working solution is found. The acoustic fence is fine, but won't stop a lot of noise, landscaping could do better I feel.

LCC Highways: No objections

Conservation Officer: No representations received to date

Tree Officer: No representations received to date

Archaeology: No representations received to date

Relevant Planning Policies:

Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP6: Retail and Town Centres in Lincolnshire

LP9: Health and Wellbeing

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP15: Community Facilities

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP22: Green Wedges
LP24: Creation of New Open Spaces, Sports and Recreation Facilities
LP25: The Historic Environment
LP26: Design and Amenity

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

National guidance

National Planning Policy Framework
National Planning Practice Guidance

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Main issues

- Principle
- Variations

Assessment:

Principle

This application seeks to vary conditions 4, 6, 11 and 15 of planning permission 138607 by amending the approved plans, landscaping, acoustic fence details and drainage.

The principle of the development has already been established by the previous consent (138607). What has to be considered is the impact, if any, the changes will have. Works have already started on site.

Variations

There are some minor changes to the elevations. The flues on the roof have increased in height however this is minimal and would not impact upon the character of the area. The render is darker but would be more in-keeping with the building as a whole. The original colour was stone and the new colour is mushroom.

There are some cladding amendments to the proposal. The new amendments are minor but would be a visual improvement upon the previous approval.

The acoustic fence has changed from 1.5m to 2m in height. Again this would be a betterment and there have been no objections from the Environmental Health Officer. A neighbouring property is concerned that there will still be noise issues with regards to their upstairs windows and where the car parking noise was assessed however this was addressed in the previous permission with this application only looking at the change in height of the acoustic fence. The acoustic fence is detailed on the site plan and does show that it will run along the southern boundary of the neighbouring property. A resident is concerned that the acoustic fence was described differently in the previous application however there will be no reduction in the performance of the acoustic fence. The concerns raised by the Parish Council were addressed in the previous application.

The landscaping has had to change due to an amendment in the drainage. The main noticeable change is the size of the detention basins which are much larger. Overall the landscaping is acceptable.

The reason for the change in drainage is due to the following –

- 2no uncharted drainage runs running through the site identified once works commenced on-site. The uncharted drains were not identified on surveys or any utilities drawings.
- Opportunity to divert the uncharted drainage into the proposed drainage
- Proposed drainage required no connection into the main carriageway and therefore this minimises disruption to the road users and local neighbours
- Works can be carried out within the site boundaries
- Benefit to the programme

The reason why there is standing water is that the main connection into the public system has not been connected yet and the attenuation ponds have not been completed.

Once these have been completed this will address the standing water.

The reason the attenuation ponds are bigger is to reduce import and export of water which in effective reduces the impact on the environment and reduces the carbon footprint wherever possible. They will also only fill in extreme events where water will need to be stored.

The Lead Local Flood Authority have assessed the new drainage information and raise no objections.

Other matters

A resident has said they would like visuals to assess the application better however plans are available to view on the website.

With regards to the ponds, these are not deemed to be a health and safety issue and are a feature of the drainage strategy. There are to remain predominately dry.

Cllr Bunney has raised whether the community could help with the planting of the site however this is not a matter for planning.

Review of conditions

Condition 1 – Time – As the development has started no time condition is required.

Condition 2 – Construction Method Statement – This will be amended to be in accordance with the discharge details of 139293.

Condition 3 – Tree Protection – No change.

Condition 4 – Plans – To be updated to the new plans.

Condition 5 – Access – No change.

Condition 6 – Drainage – Changed to the new drainage details.

Condition 7 – Site Layout – Changed to updated site plan.

Condition 8 – Ecology – No change.

Condition 9 – Materials – Changed to include details of materials.

Condition 10 – Landscape Management – No change.

Condition 11 – Acoustic Fence – Changed to new plan.

Condition 12 – Noise – No charge.

Condition 13 – Lighting – No change.

Condition 14 – Contamination – No change.

Condition 15 – Landscaping – Changed to the new drawings.

Condition 16 – Footpath – No change.

Condition 17 – Noise Report – Changed to the amended report.

Condition 18 – Access – No change.

Condition 19 – Travel Plan – No change.

Condition 20 – Construction Times – No change.

Condition 21 – Planting – No change.

Condition 22 – Opening Times – No change.

Condition 23 – Lighting – No change.

Condition 24 – Travel Plan – No change.

Condition 25 – Noise – No change.

Conclusion

The application has been assessed in the first instance against the provisions of the development plan policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP6: Retail and Town Centres in Lincolnshire, LP9: Health and Wellbeing, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP15: Community Facilities, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP22: Green Wedges, LP24: Creation of New Open Spaces, Sports and Recreation Facilities, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan as well as other material considerations and guidance

contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the variations would be acceptable. There would be no detrimental impact upon the character and appearance of the area or site and would not be detrimental to surrounding uses amenity.

The application is recommended for approval subject to the following conditions:

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

1. Void

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

None

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

2. The development shall be carried out in full accordance with the Construction Phase Health and Safety Plan (CPHSP) – (PEP Part 2) Rev A dated 7th March 2019 and Environmental Management Plan (EMP) – PEP Part 3 Rev A dated 15th April 2019.

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

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

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

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

MRLC1-CPM-01-00-DR-A-X-2001 revision C02 dated 12.09.2018
MRLC1-CPM-01-01-DR-A-X-2002 revision C02 dated 12.09.2018
MRLC1-CPM-01-ZZ-DR-A-X-2010 revision C02 dated 12.09.2018
2001 Rev C04 dated 30.11.18

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

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

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

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

6. Prior to any of the buildings being occupied, the detailed arrangements for the foul and surface water drainage shall be completed in accordance plans MRLC1-CUR-00-00-DR-C-9201-C02 dated 17.10.18 and MRLC-CUR-00-00-DR-C-9209-C03 dated 22/07/19. The scheme shall be retained and maintained in full in accordance with this strategy.

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

7. The arrangements shown on the approved plan 2001 Rev C04 dated 30.11.18 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

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

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

9. The development shall be carried out using the following materials –

Timber cladding – NORclad Scandanvian Redwood 15mm gap
NORclad Scandanvian Redwood 30mm gap

Curtain Wall Frame – RAL 8019

Render – WEBER Mushroom

Brick – IBSTOCK Leicester Multi Cream

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

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

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

11. The acoustic fence shall be erected as shown on plan 2001 Rev C04 dated 30.11.18 prior to occupation and maintained and retained thereafter.

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

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

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

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

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

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

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

15. The landscaping shall be carried out in accordance with the details submitted on plan 9601 Rev C02 dated 30.11.18 and 2001 Rev C04 dated 30.11.18.

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

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

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

17. The development shall be carried out in accordance with mitigation measures included in Noise Impact Assessment to inform Planning Application report ref: 21096R01bPKsw by Environoise dated 16 October 2019.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Human Rights Implications:

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

Legal Implications:

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