

## **Officers Report**

### **Planning Application No: 139936**

**PROPOSAL:** Planning application for erection of 3 no. buildings to provide either B1 (Business) or B2 (General Industrial) floorspace; with provision of vehicle parking spaces, hard landscaping and means of enclosure. Resubmission of planning application reference: 139515.

**LOCATION:** Highcliffe Business Park The Cliff Ingham Lincoln LN1 2YQ

**WARD:** Scampton

**WARD MEMBER(S):** Cllr R Patterson

**APPLICANT NAME:** Messrs P Wilson and Son

**TARGET DECISION DATE:** 08/11/2019

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Joanne Sizer

**RECOMMENDED DECISION:** Refuse Permission

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This application has been referred to the planning committee, at the request of the Ward Member.

**Description:** The application site is located within the open countryside and formed part of a wider and former RAF base. It is accessed off the north side of Ingham Lane and shares an access with the building known as Highcliffe Business Park, which is located to the east of the site. A reservoir, water tower and the Met Office Radar Station sit beyond the business park building with agricultural fields beyond that. Located to the north of the site are 3 former MOD/agricultural buildings, all of which are now in separate business uses. Beyond these are Ingham Cliff Farm buildings and cottages.

Open countryside sits to the west over the B1398. This land immediately to the west is designated an Area of Great Landscape Value (AGLV) and hosts a number of pipelines.

The site is roughly a rectangle piece of land which is 0.57 hectares in area. It forms part of wider area of grass land which holds a corner position where Ingham Lane and the B1398 meet. The boundary treatments which border the wider area and highway are predominately formed of hedging and trees. It is located within a designated limestone Mineral Safeguarding Area (MSA), a safeguarding heights area (for structures above 15.2 metres) and the Ingham Plan M (MET office) consultation zone (for any development).

This application seeks to erect 3 No buildings to provide a mixture of use class B1 (business) and B2 (general industrial) units with provision of vehicle parking spaces with hard and soft landscaping, including means of enclosure. The 3 buildings will host 11 new units in total: 10no. being described as 'small' with a gross internal area of 53.8 square metres; and, one large unit with a total gross internal floor space of 107.6 square metres.

It is a resubmission of application 139515 which was refused planning permission on 16<sup>th</sup> August 2019 for the reasons set out in the relevant history section below.

This application has been submitted with a revised location plan showing a blue line around surrounding land and Preliminary Geo Environmental Risk Assessment in relation to the potential for on-site contamination.

### **Relevant history:**

139515- Planning application for erection of 3no. buildings to provide either B1 (Business) or B2 (General Industrial) floorspace; with provision of vehicle parking spaces, hard landscaping and means of enclosure. Permission **refused** on 16<sup>th</sup> August 2019 for the following reasons:

- 1.** The countryside location of the proposed development is not justified and such development should be accommodated within allocated sites or within the built up area of existing settlements. The development does not therefore maximise opportunities for modal shift away from the private car or opportunities to minimise travel and use sustainable modes of transport. The proposals are consequently contrary to Policies LP5, LP13 and LP55 of the Central Lincolnshire Local Plan and guidance within the NPPF.
- 2.** The presence of the development would accentuate existing features which are at odds with the rural location and landscape in this setting including the Area of Great Landscape Value to the west of the site. The proposed development would exacerbate uncharacteristic urban features within the landscape and would not therefore respect the intrinsic value of its character, nor contribute to it. Consequently the development is considered to be contrary to policies LP26, LP55 and LP17 of the Central Lincolnshire Local Plan and guidance within the NPPF.
- 3.** The site and development of it has the potential to be affected by contamination. No details or preliminary risk assessment(s) have been submitted with the application to enable any risk to be assessed. Consequently it cannot be demonstrated that the site is suitable for its proposed use or that no significant impacts on future or neighbouring users, groundwater or surface waters will result as a consequence. The proposals do not therefore comply with policy LP16 of the Central Lincolnshire Local Plan or guidance within the NPPF and NPPG.

137976 – Pre application enquiry for proposed office and light industrial

Development – Proposal unlikely to be supported as contrary to Central Lincolnshire Local Plan.

M06/P/0596 – Outline Planning Application for the development of a rural business park for uses within use Classes B1 and B2 – Refused 25/11/2008 – Appeal Dismissed – 12/06/2009

W50/999/89 – Erect industrial workshops and warehousing in accordance with plans received 1 November 1989 – OC – 10/01/91.

Adjacent the site (Highcliffe Business Park)

127233 – Planning application to site single steel shipping container clad in timber to house biomass boiler. Granted 21/06/2011

M06/P/0596 – Outline Planning Application for the development of a rural business park for uses within use Classes B1 and B2 – Refused 25/11/2008 – Appeal Dismissed – 12/06/2009

M03/P/0353 – Full planning application to erect 5 no. industrial workshops (renewal of 99/P0982). Granted

99/P/0982 – Erect 5 No industrial workshops (Outline application W50/780/93) – Granted 09/08/2000

W50/780/93 – Outline planning application to erect industrial workshops and warehousing – OC – 04/08/98

W50/999/89 – Erect industrial workshops and warehousing in accordance with plans received 1 November 1989 – OC – 10/01/91

Adjacent the site (land and buildings to the north)

132036 – Planning application to erect a new portal steel framed building for the storage of grain – Granted 05/12/2014.

125742 – Change of use of **existing** agricultural buildings to use classes B1 and B8 – Granted – 21/05/2010

M06/P/0596 – Outline Planning Application for the development of a rural business park for uses within use Classes B1 and B2 – Refused 25/11/2008 – Appeal Dismissed – 12/06/2009

M05/P/0780 – Planning application to change the use of **existing** agricultural building to B1 business use – Granted – 05/12/2005

**Representations:**

**Cllrs/Members:**

Cllr Patterson has called the application in to be determined at planning committee for the following reasons:

Policy LP5 states quite clearly “important established employment areas and businesses are able to thrive”

Policy LP18, climate change and low carbon living, the development would form part of an existing green energy efficient complex, which is the greenest office space in West Lindsey and only one of two to be found in Lincolnshire. Vehicle journeys would be kept to a minimum and for shorter distances than if the premises were located elsewhere.

The development would meet the criteria laid down in policy LP 55, part E, paragraphs A to D non-residential development in the countryside. It also satisfies the policies laid down in LP 1, presumption in favour of sustainable development.

It can be clearly demonstrated that the proposal would be sustainable, have no negative impact on the surrounding area, in fact the existing development has a positive impact as staff use local facilities such as the shop, post office and the 3 public houses. And some live in the local area and walk and cycle to work.

2.4 of the plan states that existing businesses will be encouraged to expand.

This application sits in an area already containing existing businesses all along the B1398 top road, it is not in the open countryside

**Residents:**

Willow Green, Church Lane Glentham: The application does accord with the requirements of the Central Lincolnshire Local Plan in particular policy LP 5. This is a Local Employment Site. This is Farm diversification which is encouraged by DEFRA. Where businesses are in their infancy they cannot afford / justify buying into the larger premises on designated SES, ESUE and EEA sites but after a period of growth can do so. This site clearly demonstrates there is a need for a Local Employment Site because there is a gap in the built employment environment.

**Ingham Parish Council:** Support this application.

**LCC Highways and Lead Local Flood Authority:**

**NO OBS**

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.

**Note to Officer**

The drainage strategy is acceptable in principle, however a site specific ground investigation (GI) report to determine actual infiltration rates, confirmation of water table levels and actual ground type and conditions will

be required to support the suitability of the drainage strategy. Depending on the information contained in a site specific GI further consultation may be required to ascertain the suitability of infiltration on the site.

**MET Office:** We are unlikely to object as the proposed buildings are below the beam of the radar. However we would like to know if any cranes or other tall structures are to be used during the construction. Any temporary structure above 19m (the height of the radar antenna) would block the radar beam and impact the services provided by the Met Office. Therefore we would request a condition limiting any temporary cranes to maximum 19m height above ground level.

**West Lindsey Growth Team:** The Growth Team would raise the following concerns in respect of this proposal for the provision of business units at Highcliffe Business Park. The Central Lincolnshire Local Plan - Policy LP5 identifies allocated employment sites/area for commercial development where land is currently available in Gainsborough at Somerby Park and Hemswell Cliff. Recent consents for similar development proposals have been approved in Gainsborough and Saxilby. The Growth Team would encourage development on these sites allocated for commercial development in line with current policy and in sustainable locations.

**Archaeology:** This office has been consulted on earlier applications for this site and would like to reiterate our previous comments. This area is a nucleus of archaeological activity including a Romano-British site where a 7th century hanging bowl and a number of Anglo-Saxon brooches have been found. This type of find usually indicates a site of high status. A 20th century airfield occupied part of the site and clearance of this has resulted in disturbance to the ground. Due to the presence of the archaeological remains indicated above there is some archaeological significance to the site. Nevertheless, it is clear that some disturbance of the site may have already occurred.

**Recommendation:** Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

**Environmental Protection:**

**Contamination:** There is a requirement for a contaminated land assessment to be carried out prior to development, the land being formally part of an area of military use. The assessment should be submitted to and approved by LPA along with details of any remediation work required if highlighted by the assessment.

Noise, dust, odour: If permission is given then prior to occupation suitable noise assessments will need to be carried out to BS4142 (2014) standard along with assessments for dust and/or odour dependent upon the end user.

Light: details of any external lighting schemes will need to be submitted and approved by LPA prior to installation.

**Environment Agency:**

We have reviewed the Preliminary Geo-Environmental Risk Assessment (ref: 19-1583.01) dated September 2019 and the Outline Drainage Strategy (ref: RLC/0385/OSDS01) dated October 2019 with regard to the potential risk posed to controlled waters only. The previous use of the proposed development site including filled ground presents a risk of contamination that could be mobilised during construction and could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within a groundwater Source Protection Zone 2 and lies over geology classified as a Principal Aquifer. The Preliminary Geo-Environmental Risk Assessment submitted with this application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

**Environment Agency position**

In light of the above, the proposed development will be acceptable if the suggested planning conditions are included and require the submission of a site investigation/remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework (NPPF).

Without these conditions we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. Please notify us immediately if you are unable to apply our suggested conditions to allow further consideration and advice.

**Internal Drainage Board:** None received to date.

**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 (April 2017); and the Lincolnshire Minerals and Waste Plan (2016)

## **Central Lincolnshire Local Plan 2012 – 2036 (CLLP)**

### **Relevant policies include:**

LP1 – Presumption in Favour of Sustainable Development  
LP2 – 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  
LP17 – Landscape, Townscape and Views  
LP25 – The Historic Environment  
LP26 – Design and Amenity  
LP55 – Development in the Countryside

All these policies are considered to be in accordance with the NPPF for paragraph 213 purposes and full weight afforded to them.

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

### **Core Strategy & Development Management policies (CSDMP 2016)**

The site is within a Minerals Safeguarding Area. Policy M11 applies.

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/minerals-and-waste/88170.article>

### **National Policy**

National Planning Policy Framework  
National Planning Practice Guidance

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

### **Neighbourhood Plan**

Ingham was designated as a neighbourhood plan area in February 2017. At the date of writing this report there are no plans or policies published, that may otherwise be taken into consideration.

### **Main issues**

- Principle of development
- Neighbouring amenity including the MET Office
- Design and visual amenity including AGLV and Green credentials.
- Transport Network and Highway Safety
- Minerals
- Drainage
- Archaeology

- Contamination

### **Assessment:**

#### Principle:

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

Central Lincolnshire Local Plan 2012-2036 (adopted in April 2017) contains a suite of policies that provide a framework to deliver sustainable development.

The policies relating to the principle acceptability of the proposals are the same as previously set out in 139515 and no further information been submitted with this application to address refusal reason No 1 of it. The principle assessment consequently remains the same and is set out below.

The proposed site being located within the open countryside and seeking the provision of new/additional B1 and B2 units would principally be considered against Local Plan Policies LP1, LP2, LP5 and LP55.

Section 8 of Policy LP2 relates to Countryside locations and states that unless allowed by policy in any other levels 1-7 of the hierarchy or any other policy in the Local Plan, development will be regarded as being in the countryside and as such 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

The proposals in this regard relate to policy LP55 and Part E: Non-residential development in the open countryside. This policy states:

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.

Criteria b, c and d relate to highway safety, visual and neighbouring amenity considerations and will be topically discussed later in the report.



*Paragraph 84 of the NPPF also guides that planning policies and 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. 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 (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*

The proposed development is located on a piece of grass land in the open countryside and clearly beyond the developed footprint of any existing settlements. The nearest settlement is Ingham, which is around 1km to the west of the site. The site is not well related to the nearest settlements as it is not well served by public transport; the highways are not lit; and there is no pedestrian footpath provision. As a consequence potential employees would be reliant on the private car to travel to the site and therefore no more likely to be from the nearby rural settlements than from the larger ones of the district, or use the facilities within them.

The proposed site is however located next to an existing office building and the proposals will utilise an existing access serving it. Nevertheless, the proposed B1 and B2 units are mainly speculative development and they do not therefore directly relate to the nearby business premises other than through land ownership. As a whole it is not considered that the rural location of the development is justified in offering guaranteed support to the rural economy or by means of proximity to existing established businesses.

Policy LP5 is also relevant in relating to the Delivery of prosperity and jobs. It looks to support proposals which assist in the delivery of economic prosperity and job growth in the area. This policy sets out a categorical and hierarchical approach in this respect. It allocates Strategic Employment Sites, Important Established Employment Areas and supports appropriate development within Local Employment Sites, Other Employment Proposals and Expansion of Existing Businesses subject to certain criteria being met.

The supporting planning statement again sets out that the site is a Local Employment Site (LES). However, as the site and development is a stand-alone undeveloped parcel of grass land in the countryside; it is not considered to qualify as a Local Employment Site (LES). The proposals therefore need to be considered as "Other Employment Proposals" under Policy LP5. The following LP5 criteria are specifically applicable in assessing the principle of development, while other criteria relating to visual and neighbouring amenity and highway safety are topically discussed later in the report.

LP5:

- 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; (1<sup>st</sup>)
- There is no significant adverse impacts on the viability of delivering any allocated employment site; (5<sup>th</sup>)
- The proposals maximise opportunities for modal shift away from the private car (6<sup>th</sup>)

As part of the supporting statement submitted with the application, a letter from a commercial agent based in Lincoln indicates that the development offers much needed business premises for new start up/medium size businesses in the area. In this regard it is noted that none of the allocated sites in the CLLP are located within the closest settlements to the site and the rurality of the surrounding area considered relevant in the reason for this.

No further or meaningful justification has been received as to why the proposed development requires this countryside location other than through land ownership. Consequently, a clear demonstration that there are no suitable or appropriate sites or buildings within allocated site or built up area of existing settlements needs to be supplied for the proposals to be supported through LP5. Despite this constituting a reason for the previous reason for refusal, this matter still has not been addressed by the applicant.

This application is not supported with any further information or such a demonstration. It is therefore reiterated that there are existing allocated sites for B1 and B2 uses within Gainsborough, Hemswell Cliff and Saxilby which are all within 12 miles of the site and even more within the Wider Central Lincolnshire area. West Lindsey Growth Team have again confirmed that there is currently availability in the above allocated sites and planning permissions have also been granted for smaller start up business units within them and the built up areas of Gainsborough and Saxilby. On this basis the Growth team have again raised concerns in respect of the proposals and would instead encourage such development within the more sustainable sites as set out in the hierarchy in policy LP5.

It is therefore again concluded that no demonstration has been given that there are not any suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement which could accommodate the proposals; and in line with the strategy of LP5 priority should be given to such development within these locations.

The development site being located away from such allocated sites and within the open countryside also results in it not being readily accessible without the use of a private car. The site is located at least 1km away from the nearest settlements with no lit roadways, pedestrian footpaths or regular public transport. It cannot therefore be considered that the rural location of the enterprise maximises opportunities for a modal shift away from the private car and again contrary to this principle strand of LP5.

**Principle Conclusion:**

No further information has been submitted with this application which addresses or alters the principle assessment of the proposals from that of refused application 139515. Consequently the principle of development is not considered to be supported by LP1, LP5 and LP55 of the CLLP and refusal reason 1 of 139515 as noted below is still relevant.

1. The countryside location of the proposed development is not justified and the development proposals should be accommodated within allocated sites or within the built up area of existing settlements. The location of the development does not therefore maximise opportunities for modal shift away from the private car or opportunities to minimise travel and use sustainable modes of transport. The proposals are consequently contrary to Policies LP5, LP13 and LP55 of the Central Lincolnshire Local Plan and is not consistent with guidance within the NPPF (particularly paragraph 84).

**Neighbouring Amenity**

The proposals in relation to Neighbouring amenity remain the same as those assessed in the determination of application 139515. However, West Lindsey Environmental Protection have made representation on this application.

Part E, Criterion C of policy LP55 advises that the location of the enterprise should not result in conflict with neighbouring uses.

Policy LP5 (Other Employment uses) requires that “there is no significant adverse impact on the character and appearance of the area, and/or the amenity of neighbouring occupiers”.

LP26 advises 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.

The site sits within close proximity to other business premises. Agricultural buildings and residential properties do however sit further away at an approximate distance of 200 metres to the north west.

On the basis of the use of the units and not knowing the end users West Lindsey Environmental Protection have requested that any permission being granted should be subject to suitable noise, dust and odour assessments which will need to be carried out prior to occupation of the units and relative to the end user. They have also requested a condition for details of any external lighting to be submitted and approved prior to installation.

The site also lies within the Ingham Plan M (MET office) consultation zone for any development, due to the siting of the MET office weather Radar. The MET office have reiterated their previous response and outlined that any structures being used during the construction period should be conditioned to be a maximum height of 19 metres above ground level to ensure the use of the radar is not compromised.

Should a favourable recommendation be forthcoming conditions securing details of impacts of noise, dust and odour, as well as the maximum height of structures not being above 19 metres would need to be imposed. With such conditions the proposals have the potential to principally accord with the amenity aspect of policy LP26.

#### Visual Amenity

No changes have been made to the size, scale or design of the proposed units from those proposed in application 139515. Nor has there been any changes to the siting of them or the landscaping proposals for the development. As a consequence the visual amenity assessment which was carried out in the determination of application 139515 and 2<sup>nd</sup> reason for refusal remains the same. Both are set out below.

Criterion d Part e of Policy LP 55 states that the development is of a size and scale which is commensurate with the proposed use and with the rural character of the location.

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.

LP17 relates to Landscape, townscape and views and states 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 contribute to the character of the area.

The site being located within the open countryside is naturally surrounded by open space formed of fields with trees and hedges forming common features within the immediate areas and wider landscape. As a consequence the character of the area primarily relates to the intrinsic beauty of the open countryside and natural features forming the Area of Great Landscape Value.

The site itself holds a very prominent position within the area due to its relationship with the public highway and surrounding topography. That said its open grassed nature and natural boundary treatments ensure that it remains in character with the valued characteristics of the surrounding countryside and Area of Great Landscape Value.

It is however acknowledged that the presence of the building known as Highcliffe Business Park and the structure forming the Weather station form

features within the landscape. Their presence is also especially notable due to their contrasting and out of place form to the otherwise rural features and character of the area. This is also despite the presence of the surrounding trees and hedges forming the boundary treatments. It is recognised that the proposed units would sit within the same context as the Highcliffe business park building and are not of a size and scale which would be out of place with it. Nevertheless, their presence would increase features which are at odds with the valued characteristics of the countryside and positively contribute to the distinctiveness of the area and AGLV.

Accordingly the second reason for refusal is still relevant and states:

2. The proposed units would therefore exacerbate the out of character urban features within the landscape and would not therefore respect the intrinsic value of its character, nor contribute to it. Consequently the development is considered to be contrary to policies LP26 and 17 of the Central Lincolnshire Local Plan and guidance within the NPPF.

#### Transport network and Highway Safety

Criterion a Part e of Policy LP55 states that the location of the enterprise should be suitable in terms of accessibility;

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

All developments should demonstrate, where appropriate, that they have had regard to the following criteria:

- a. Located where travel can be minimised and the use of sustainable transport modes maximised;
- b. Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, walking and cycling links and integration with existing infrastructure;
- c. Should provide well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport by providing a network of pedestrian and cycle routes and green corridors, linking to existing routes where opportunities exist, that give easy access and permeability to adjacent areas;
- d. Ensure allowance is made for low and ultra-low emission vehicle refuelling infrastructure.

The Parish Council previously raised concerns in relation to improvements needed to Ingham Lane to cope with any additional traffic which may be industrial vehicles. The Parish Council in the consultation of this application have not however raised the same or any other highway concerns, only noting their support for the application.

The local Highway Authority have again confirmed that they have no concerns to raise in relation to the proposals and highway safety and transport

implications. The site however being located within the open countryside is not readily accessible by foot or public transport, with the use of private vehicles being the only reliable transport choice available for the movement of people and goods. It is not considered that the proposals are justifiably located to enable travel to be minimised and the use of sustainable transport modes maximised. The proposals due to their countryside location do not therefore meet the requirements of Policy LP13 and guidance within the NPPF.

### Minerals

The application site is within a Mineral Safeguarding Area (MSA). Policy M11 of the Core Strategy & Development Management policies (CSDMP 2016) therefore applies.

A minerals assessment formed part of the supporting statement submitted with the application. The Minerals Authority confirmed in the determination of application 139515 that when having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11, that the site is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource. Accordingly, the County Council raised no safeguarding objections and the same principle applied to the unaltered proposals subject to this application.

It is therefore concluded that the development would accord with policy M11.

### Contamination and Drainage:

LP16 relates to Development on Land Affected by Contamination. It states: Development proposals must take into account the potential environmental impacts on people, biodiversity, buildings, land air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.

Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the relevant Central Lincolnshire Authority as the first stage in assessing the risk of contamination.

Proposals will only be permitted if it can be demonstrated that the site is suitable for its proposed use, with layout and drainage taking account of ground conditions, contamination and gas risks arising from previous uses and any proposals for land remediation with no significant impact on future users, neighbouring uses, groundwater or surface water.

As no details or preliminary risk assessments was submitted with application 139515 refusal reason No 3 related to contamination and LP16 and stated:

3. The site and development of it has the potential to be affected by contamination. No details or preliminary risk assessment(s) have been submitted with the application to enable any risk to be assessed.

Consequently it cannot be demonstrated that the site is suitable for its proposed use or that no significant impacts on future or neighbouring users, groundwater or surface waters will result as a consequence. The proposals do not therefore comply with policy LP16 of the Central Lincolnshire Local Plan or guidance within the NPPF and NPPG.

In response to this refusal reason a preliminary geo-environmental risk assessment has now been submitted for consideration in the determination of this application. The geo-environmental report concludes that an intrusive ground investigation needs to be undertaken to investigate the nature of the made ground deposits, potential contamination sources and the gas generation potential.

West Lindsey Environmental Protection team have also noted the requirement for a contaminated land assessment to be carried out prior to the commencement of the development. The assessment should be submitted to and approved by LPA along with details of any remediation work required if highlighted by the assessment.

In terms of drainage and the on-site potential for contamination policy LP14 seeks to manage water resource and flood risk, but also incorporates adequate drainage provision and protecting the water environment.

Although it is noted that a drainage strategy was provided with application 139515 and the Lead Local Flood Authority confirmed that it was acceptable subject to details of a site specific ground investigation report to determine actual infiltration rates and water table levels being required. As the submitted Geo Environmental Risk Assessment report indicates the likelihood of on-site contamination, consultations in relation to the strategy with the Environment Agency and Internal Drainage Boards have been undertaken as part of the determination of this application.

The Lead Local Flood Authority have again confirmed the drainage strategy is acceptable in principle but a site specific ground investigation (GI) report to determine actual infiltration rates, confirmation of water table levels and actual ground type and conditions will be required to support the suitability of the drainage strategy. Depending on the information contained in a site specific GI further consultation may be required to ascertain the suitability of infiltration on the site.

The Internal Drainage Board have not responded at the time of writing. The Environment Agency have however confirmed that the previous use of the proposed development site including filled ground presents a risk of contamination that could be mobilised during construction and could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within a groundwater Source Protection Zone 2 and lies over geology classified as a Principal Aquifer. Nevertheless, the Preliminary Geo-Environmental Risk Assessment submitted with this application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information

will however be required before built development is undertaken but it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, it is advised that the proposed development will be acceptable if the suggested planning conditions are included and secure the submission of a site investigation/remediation strategy which is to be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework (NPPF). It is noted that without these conditions we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

It is clear from the information received and representations made that should a favourable recommendation be forthcoming, it is essential that adequate pre commencement conditions relating to a contaminated land assessment, remediation works and an adequate drainage strategy form part of any permission granted. Agreement of the applicant/agent would need to be sought for their use.

#### Archaeology

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

Lincolnshire County Council Archaeology have confirmed that this area is a nucleus of archaeological activity including a Romano-British site where a 7th century hanging bowl and a number of Anglo-Saxon brooches have been found. This type of find usually indicates a site of high status. A 20th century airfield occupied part of the site and clearance of this has resulted in disturbance to the ground. Due to the presence of the archaeological remains indicated above there is some archaeological significance to the site. Nevertheless, it is clear that some disturbance of the site may have already occurred.

With these factors in mind they have recommended that prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially it is envisaged that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

With the use of this pre-commencement condition being approved by the applicant and agent and forming part of any permission, the proposals would be considered to reasonably preserve the historic environment through recording in accordance with LP25 and guidance within the NPPF.



Other matters:

Support for the development has been received from Ingham Parish council and from Ward Cllr Patterson. Cllr Patterson has called the application in to be determined by the planning committee for reasons relating to policy matters assessed previously in the report and in addition Policy LP18: climate change and Low Carbon Living.

Cllr Patterson states that the development would form part of an existing green energy efficient complex, which is the greenest office space in West Lindsey and only one of two to be found in Lincolnshire.

As previously set out in the assessment of application 139515, it is recognised that an element of the proposal relates to creating the units to be green and incorporate energy efficient measures similar to those utilised in the building known as Highcliffe Business Park. However, while this element of the proposal is welcome and weight afforded to it, there is no reason why such a building could not be located within an allocated site or built up area of a settlement and consequently the green credentials of the development do not outweigh the significant adverse impacts in terms of its unnecessary countryside location, resulting visual harm along with the reliance on private vehicles for access to employment and associated vehicular movements (undermining the claimed “green credentials”).

**Conclusion and Reason for refusing permission**

The proposals have been assessed against policies of the Central Lincolnshire Local Plan as well as all other material considerations including policy M11 of the Minerals and Waste Core Strategy and guidance within the NPPF and NPPG. As a result of this assessment the proposal has not demonstrated the need for this countryside location reliant on the use of private motor vehicles with no safe pedestrian access or meaningful public transport as an alternative. The units would harm the visual amenity of the area as they do not respect or contribute to the character of the area or landscape including the Area of Great Landscape Value. The development is therefore considered to be contrary to policies LP2, LP5, LP13, LP16, LP17, LP26 and LP55 of the Central Lincolnshire Local Plan and guidance within the NPPF and refusal of permission for the following reasons is recommended.

1. The countryside location of the proposed development is not justified and such development should be accommodated within allocated sites or within the built up area of existing settlements. The development does not therefore maximise opportunities for modal shift away from the private car or opportunities to minimise travel and use sustainable modes of transport. The proposals are consequently contrary to Policies LP2, LP5, LP13 and LP55 of the Central Lincolnshire Local Plan and guidance within the NPPF.

2. The presence of the development would accentuate existing features which are at odds with the rural location and landscape in this setting including the Area of Great Landscape Value to the west of the site. The proposed development would exacerbate uncharacteristic urban features within the landscape and would not therefore respect the intrinsic value of its character,

nor contribute to it. Consequently the development is considered to be contrary to policies LP26, LP55 and LP17 of the Central Lincolnshire Local Plan and guidance within the NPPF.

