

## **Officers Report**

### **Planning Application No: 140132**

**PROPOSAL:** Planning application for the erection of a new single storey retail unit, including associated hard and soft landscaping within the site boundary.

**LOCATION:** Land off Stallingborough Road, Keelby, DN41 8JA

**WARD:** Caistor and Yarborough

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

**APPLICANT NAME:** Lincolnshire Cooperative Ltd

**TARGET DECISION DATE:** 05/12/2019 (Extended until 10<sup>th</sup> January 2020)

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Jonathan Cadd

**RECOMMENDED DECISION:** Grant subject to conditions

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This application is presented to the planning committee as it seeks permission for development that would be contrary to the policies of the Central Lincolnshire Local Plan by reason of its retail use on a site allocated predominately for residential development under policy LP52.

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#### **Description:**

The application site is located to the north eastern edge of the village of Keelby (a "large village" under policy LP2) at the junction of South Street and Stallingborough Road. The site has an area of 0.24ha and is currently agricultural grazing land although the southern section of the site forms part of Hollies Farm Yard with what appears to be a grain silo located upon it along with the main vehicle access to the farm yard. A number of farm implements and machinery is also being stored here. This access is currently open to the application site. The main street frontage to the site is currently bounded by a mature field hedge to both the north and west with a verge to the highway. Ground levels are generally flat although in reality fall slightly to the east.

The verge to the site frontage is designated as important open space (LP23) and the actual site is designed as a housing site, policy LP52 ref CL1307, within the Central Lincolnshire Local Plan.

To the north of the site is Stallingborough Road the main link from the A18 to the B1210. Beyond the road, approx. 30m to the north, are residential properties facing the site. To the east of the site are agricultural fields (subject of outline planning application ref. 140099 for up to 80 dwellings with access under consideration). To the south is Hollies Farm Yard, currently an operational farm yard with brick built barns and open ranges of single and two storey height. This site is the subject of an outline application, ref. 140100 for a medical centre with associated car parking. This would share the access with the convenience store under consideration. To the west of the site is

South Street with residential dwellings opposite approximately 15m from the site boundary.

This full application seeks permission for a class A1 retail store with associated access, 25 car parking spaces, servicing yard and landscaping. The store would be a single storey building positioned to the northern section of the site some 345sq.m in area (250 sq. m net retail area). Constructed of brick with a glazed entrance to the western side the building would have a pitched roof (gable to the west) completed with clay pantiles. The building would be 6.9m to ridge, 3.4m to eaves.

Access would be from South Street via a 5.5m wide carriageway with paving either side of the road. Parking would be to the south and west of the store with the walled service yard to the south eastern corner of the site.

### **Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017:**

The development is not of a scale or located within a sensitive area which would require assessment under an Environmental Impact Assessment.

#### **Relevant history:**

This is one of three concurrent applications seeking planning permission, with an application for residential development to the east, and a medical centre to the south, also under consideration as detailed below:

**140100 Outline planning application for a medical centre with associated parking and demolition of existing farm buildings - access to be considered and not reserved for subsequent applications. Application under consideration (7<sup>th</sup> February 2020)**

**140099 Outline planning application for the erection of up to 80no. dwellings - access to be considered and not reserved for subsequent applications. Application under consideration (target date 7<sup>th</sup> February 2020)**

**126111 Planning application for a development of 90 dwellings Granted 26 Jan 2011**

**127627 Confirmation that conditions 4, 5, 6, 7 and 9 attached to planning permission 126111 have been complied with. Conditions discharged 9 Dec 2012**

**130663 Confirmation that conditions 2, 3, 8, 9, 10 and 11 attached to planning permission 126111 have been complied with. Conditions discharged 25 Apr 2014**

M01/P/0850 **Outline application for residential development. Granted** 20 June 2003

**Representations:**

*Keelby Parish Council:* (In summary) The Council are in general supportive of the application but has a number of concerns mainly surrounding the proposed access to South Street.

South Street is narrow in places particularly due to parked cars on the road outside houses creating in effect a one car width carriageway. Vehicles waiting to turn from Yarborough Road onto South Street have to wait for vehicles leaving South Street to pass. Some also have to reverse back onto the main road. With large delivery vehicles this is a greater concern.

Lack of footpaths on both sides of the road is a concern especially given the narrowness of the carriageway.

The opposite end of South Street is also a concern close to the village hall as this is also narrow and has on street car parking. At this junction it is a blind corner and requests for parking restrictions have been turned down previously so proposed double yellow lines proposed here or on South Street are unlikely.

The council acknowledge that with the surgery and shop, there will be increased traffic on South Street, which cannot be avoided. Under this plan, 100% of the traffic will use South Street. The Council believe that a more sensible approach would be to access the shop and surgery from the Stallingborough Road entrance to the development. This entrance provides better vision from every direction, does not create car parking issues and with the traffic calming measures suggested (mini roundabout if possible) this would be a lot safer.

Some concerns also raised with respect as to whom will maintain common areas.

*Local residents:* Objection: 2 Dixon Close & 31 South Street, Support: 17 The Paddocks

Objections in summary:

Due to South Street being at link road between A18 and Stallingborough Road it is busy traffic wise. It is also narrow so that stagecoach buses have hit cars parking on side of road. Many houses on South Street are old and do not have driveways so people have to park on roads. With the second phase of the housing estate 140099 coming from Eastfield Road this will have significant traffic implications. The access should be from Stallingborough Road where there are clear views of traffic in either direction. This will be worsened by the proposed medical practise also served from the same access point.

Traffic will use Yarborough Road from A18 leading to further speeding. This road is close to children's play area and has a natural pinch point at church making matters worse. Too much speeding and without traffic calming this will be made worse and an accident will occur.

No need for additional store already a Spar and Go Local and would have a detrimental impact on these stores. Also good access to supermarket in nearby Immingham

Support (in summary)

Current location of shops in Keelby lack safe and suitable parking. Post office poorly located too.

*LCC (Highways) Final Comments: 16 Dec 2019*

Requests any permission granted would be subject to following conditions:

- The development hereby permitted shall not be occupied before a 2 metre wide footway along the site frontage to connect the development to the existing footway network on the South Street/ Stallingborough Road junction, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway and tactile crossing points on South Street and Stallingborough Road.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

- No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include;
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - wheel washing facilities and;
  - strategy stating how surface water run off on and from the development will be managed during construction, including drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

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

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

Interim Response (140099, 140100 and 140132) 7<sup>th</sup> November 2019.

#### Drainage

- It has been recognised that infiltration is not suitable for the residential development however it is proposed as means of surface water discharge for the medical practice and convenience store?
- The Drainage Strategy notes that detailed design will accompany a formalised layout proposal for the residential development, however I thought I best note at this stage that we will not accept cellular storage under adoptable permeable paving and consideration should be given to other source control SuDS features.
- The comments made by Witham First IDB are seconded by LCC.

#### Highways

- The access to the medical centre and convenience store must be completed to a satisfactory standard prior to either building coming into operation.
- Could a delivery and servicing plan please be submitted for the convenience store as I have concerns regarding the layout.
- A footway will be required between the boundary of Hollies Farm/ Medical Centre and the proposed access on Stallingborough Road, including appropriate crossing facilities to the existing footway network.
- Bus stop infrastructure will be required on the east and west side of South Street near the access to the medical centre and convenience store.
- I have attached the comments on the Travel Plan.
- Although I note that layout is not for consideration for the residential development, I would like to make the following comments;
- Maximum permeability throughout the site and to the surrounding estate should be sought, which includes providing a vehicular link through from the extension of Eastfield Road to the spine road of the development;
- Private drives could be provided along the frontage of Stallingborough Road if desired.

#### Travel Plan

- The travel plan for 80 dwellings has been submitted to support the above planning application. It is noted that the site is also likely to accommodate a convenience store and medical practice both of which could have an impact on car use in the area. Ideally there should be a Framework Travel Plan that covers the site. Overall the travel plan as submitted contains the relevant information that would be expected in a

residential travel plan in an appropriate level of detail. However, there are some areas where additional detail or clarity is required or missing

*Natural England:* No objection

*Bat Group:* Endorse findings of report

*Environment Agency:* Does not wish to make comments

*Archaeology:* (In summary) The proposed development lies within the extent of the historic village of Keelby, a polyfocal settlement of medieval origins. This site lies in the angle of two of the principal streets and close to the one of the village's manorial settlement cores at North End, and is thus in an area where medieval settlement and activity might be expected.

Request that conditions require appropriate archaeological assessment before works commence, including the requirement for assets to be recorded before their destruction. Initially this is anticipated to involve the monitoring of all ground works, with the ability to stop and record archaeological features.

*Environmental Protection:* Noise

I note potential difficulties around noise (and contamination) assessments in view of the three separate applications 140099 (80 houses) 140100 (Medical Practice) 140132 (Retail unit) but in reality there ought to be a holistic view of potential impact which in turn has potential for significant differential depending on source and nearest noise sensitivity receptor (NSR); indeed upon each other.

As regards 140132, the 'Coop' the indicative Plant and Machinery Noise Impact Assessment it is insufficient to determine overall impact of the proposed facility. A noise assessment of vehicular movement and use, including deliveries is needed. Expectation over extended periods of the day and week is that on and offsite traffic behaviour will be changed and increased and overall impact on NSR's ought to be quantified and mitigated as and if necessary.

Contamination

Applicant documents would appear to include a Geotechnical Site Investigation, potential for contamination has not as such been assessed outside of the potential for Radon Gas and ought in any event to be subject of an appropriate condition in view of proximity to the farm and historical mapping indicating built features.

Updates response specific to 140132 (12<sup>th</sup> December 2019). In summary the comments are as follows:

The servicing plan is questioned as it does not appear to be accredited to a corporate or policy adviser.

The company cannot require that white noise or banksman be used in place of audible reversing beepers utilised by suppliers. What is the evidence that such features can be disabled/ or that white noise reversing warnings are utilised? In any event the timings, frequency and supplier listings, however, are not unreasonable but waste servicing can operate at unsociable hours which is not included within the details. Should waste disposal be included within the same time frame as the rest of the servicing vehicles I have no reason to believe noise cannot be adequately mitigated.

The details of the noise from plant needs to be conditioned for further analysis.

The overall volume traffic from the store, medical centre and housing will increase background noise in the area.

*Conservation officer:* - the current proposal is far too bulky in terms of its roof, and I strongly advise revisions to break down the mass. A much more ideal roof structure would be to have a double roof with a more traditional pitch for pantiles. The Coop at Wragby is a good example and appears to be a similar size of store, so we know this is readily achieved and how much more appropriate this would be in a rural setting, compared to the poorly disguised portal frame structure currently proposed. I would also suggest the gable frontage is staggered as per Wragby store, to allow for a trolley store area. A pair of hipped roofs on the non-entrance end would be a suitable design solution as seen on approach to the village. The proposed entrance into site is fine provided that a green space of about 3 metres is left besides the farm building, and that the entrance into the car park is screened with post and rail fence and some hedge / tree planting. This new store development needs to recognise and respond to its very rural context to be acceptable in terms of LP26.

### **Relevant Planning Policies:**

#### Central Lincolnshire Local Plan (adopted April 2017)

##### Relevant policies include:

- LP1: A presumption in favour of sustainable development
- LP2: The spatial strategy and settlement hierarchy
- LP3: Level and distribution of growth
- LP6: Retail and town centres in Central Lincolnshire
- LP12: Infrastructure to support growth
- LP13: Accessibility and transport
- LP14: Managing water resources and flood risk
- LP16: Development on land affected by contamination
- LP21: Biodiversity and geodiversity
- LP23: Local green space and other important open space
- LP25: Historic environment

LP26: Design and amenity  
LP52: Residential allocations – large villages

## **Keelby Neighbourhood Plan**

The parish of Keelby has achieved Neighbourhood Designation Area status on the 9<sup>th</sup> December 2016 and is currently constructing a draft. At this stage, no plan has been formally published, no formal public consultations have been undertaken and as a result the plan carries no weight in this application assessment.

### National guidance

National Planning Policy Framework (Feb 2019)  
National Planning Practise Guidance Notes (NPPG)

Paragraph 212 of the National Planning Policy Framework indicates it will be a material consideration in dealing with applications from the day it is published and that plans may need to be revised in light of the Framework. Paragraph 213 of the NPPF, however, further notes that existing policies in a plan should not be considered out of date simply because they were adopted prior to the publication of the NPPF. Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework the greater the weight that may be given).

Policy LP2 and LP52 support sustainable development, including identifying readily available housing sites, in accordance with paragraphs 11, 67, 73 and 92 of the NPPF. In a similar manner policy LP6 of the CLLP accords with guidance within paragraphs 88 – 90 & 92 of the NPPF. Paragraphs 102 - 104 and 109 of the NPPF accords with the policy LP13 in terms of highway impact and car parking standards. LP17 and LP26 accords with the NPPF's push to well-designed places particularly paragraphs 124 – 130. Policy LP21 accords with advice within paragraph 175 of the NPPF. Paragraph 99 -100 accords with the provisions of policy LP23 of the Local Plan. Although the weight of a development's impact on non-designated assets has altered within the NPPF paragraph 197, policy LP25 remains sufficiently flexible to change accommodate this change. In this instance therefore it is considered that the policies of the Central Lincolnshire Local Plan should be given full weight in determining this planning application.

### **Main issues**

- Principle of a retail use in this location (*LP2, LP6 & LP52*)
- Design, character and this historic environment (*LP17, LP25 & LP26*)
- Access & Parking (*LP13 & LP26*)
- Noise and residential amenity (*LP26*)
- Drainage (*LP14*)

### **Assessment:**



- Principle of a retail use in this location (*LP2, LP6 & LP52*)

Policy LP2 provides guidance for the development of Keelby and states that to maintain and enhance its role as a large village which provides housing, employment, retail, key services and facilities for the local area it will be the focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated within the local plan, or appropriate infill, intensification or renewal within the existing developed footprint. The policy therefore supports appropriate levels of retail growth in Keelby and the site is allocated for development, albeit for housing, within the CLLP.

The site is located within the larger (3.33 ha) residential allocation CL1307 of policy LP52 of the CLLP. The policy states that such sites: are allocated primarily for residential use. The application site is within the north western corner of the allocation and has an area of 0.24ha or 4% of the designation. The remaining area of the allocated site is available for housing and indeed parallel application 140099 seeks outline consent for up to 80 dwellings and which will be determined in due course. As such the allocation remains primarily focused upon residential development and approval of this development would not undermine or be contrary to policy LP52 in principle, however as a full application the development is likely to proceed independently of any residential development.

The application proposal, considered in isolation, is therefore a departure from policy LP52. It therefore needs to be considered independently from any residential development on the remainder of the allocation, although it is a material consideration that this land has benefitted from planning permission (126111) and is currently subject to an application (140099).

Policy LP6 provides specific guidance to improve the vitality and viability of retail centres guiding investment within a hierarchy of five levels of retail centre. Of the five centres established by policy LP6 rural settlements is the lowest centre identified and serve the local population which may include local health and leisure services. The level of development within these rural settlements follows the settlement hierarchy established by policy LP2 but is also quantified by para.3.6.3 which states that 'villages have local shops and facilities which play an important role in meeting community needs and in reducing the need for travel to more distant facilities'.

The store proposed seeks consent for a 345 sq.m (250sq.m net retail area, 95sq.m store and non-retail area). The applicant, Coop Lincolnshire Ltd, seeks a local retail store for general convenience top up shopping rather than a destination store. Such a development is consistent with the scale of Keelby and is deemed to accord with this section of policy LP6.

Policy LP6 also links to the NPPF chapter 7 (Ensuring the vitality of town centres) in that it seeks town centre use planning applications (including retail) to undertake a sequential test of available sites within town centres first before considering 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 locations be considered. Para. 88 of the NPPF however states that the sequential test should not be applied to applications for small rural offices or other small scale development.

Keelby does not have a defined village centre within the CLLP, although a small number of community and retail facilities, including: the Spar (incorporating the post office) and Go Local store which are located around St Martins Place, St Bartholomew's and King Street, but other community facilities are located within a wider area. This central area of Keelby is, however, quite constrained with narrow roads and no realistic parking possible. The applicant has undertaken a sequential analysis of available sites/properties for sales and has concluded that no such sites are available. The constrained nature of this area of the village is noted and the conclusions of the sequential test accepted. Equally, it could be argued, in line with para. 88 of the NPPF that such an assessment for a small scale retail use should not be required in any case.

The Department for Transport's (DfT) document entitled 'Manual for Streets' (2007) section 4.4 sets out the requirements for pedestrians stating:- "Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot". It also states, however at para 6.3.1, that a 20 minute walk time (equivalent to a 1.6km walk distance) is acceptable subject to an attractive walking environment.

The Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' sets out acceptable maximum walk distances of, 2km for Commuting and school journeys, 800m for town centres, and 1.2km for elsewhere.

In this instance although the site is to the edge of Keelby an 800m (10 minute walk) would cover the vast majority of the village with only the southern extreme beyond Riby Road being slightly beyond this sustainability indicator. It is considered therefore that the site should be considered suitable and sustainable. Equally, it would also allow those whom need to utilise a motor vehicle good access and parking with 25 spaces proposed.

Concerns have been raised by some consultees with respect to the impact this proposal would have on existing retail businesses within the village centre. Impact on individual firms from competition is not usually a material planning consideration. Vitality and viability of existing centres is, however, a key consideration for both the NPPF and CLLP through policy LP6. Policy LP6 therefore requires a robust assessment of the impact an edge of centre or out of centre retail use would have on the trade. It includes thresholds of scale and distance for each level of centre hierarchy to assess such an impact: *'a. within 1km of Lincoln primary shopping area and is greater than 2,500m<sup>2</sup>; or*  
*b. within 500m of the boundary of a District Centre and is greater than 300m<sup>2</sup> gross;*

- c. within 500m of the boundary of a Local Centre and is greater than 200m<sup>2</sup> gross; or*  
*d. in any other location not covered by a-c above and is greater than 500m<sup>2</sup>.*

Keelby falls into category d. any other location but the retail unit proposed is only 345 sq.m in total and (net retail area 250 sq.m and as such is not required to be assessed in terms of retail impact upon existing uses. This concurs with advice within the NPPF para. 89.

It is considered therefore that the proposal would meet the requirements of both the development plan (LP2, LP6 and LP52) and national guidance (NPPF para 90) and as such permission in principle should not be withheld.

- Design, character and this historic environment (*LP17, LP25 & LP26*)

In accordance with the provisions of the NPPF (chapter 16), policy LP25 of the CLLP states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. The policy further states that unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF permission will only be granted for development affecting designated or non-designated heritage asset where the impact of the proposal(s) does not harm the significance of the asset and/or its setting.

The applicant has submitted a heritage impact assessment for the site with this proposal. It notes the site is located on the edge of Keelby and is not within an area formally designated for its historic importance. The site, however, is known to be within the area of the medieval extent of the polyfocal village of Keelby. As it is located within the angle of two principal streets close to one of the manorial settlement cores at North End it is likely that some medieval activity will be evident. Previous investigations in 2001 identified an area of trenching and mounding to the east of the current application site which may or may not be of medieval origin. These ground works are of mixed quality. And will be examined more closely within application 140099, but it is suffice to state that the application site, was deemed of less importance previously when development was approved on the site (126111).

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

The development would not physically impact these specified areas of archaeological importance and the wider site to the east which has been the subject of trial trenching in the past. The proposed store would, however, be within the setting of both the archaeological ground works but the site has already been the subject of a planning approval for housing (ref no. 126111) which would have impacted upon the setting of these areas and destroy any potential archaeology on the current application site. In both the previous approval and indeed current advice, it is considered that existing residential

development to the south of the wider allocated housing site has detracted from the setting of these assets reducing their significance. It is considered that the benefits of the scheme, coupled with the planning history of the site out-weighs any harm to the setting of archaeological site. Similarly, the trial trenching to the area undertaken previously underlines that it is less likely that works would significantly impact on archaeology in the area ensuring that the benefits of the scheme would be sufficient to overcome heritage concerns. This position is strengthened by the consultation response of LCC archaeology which requires a condition for a scheme of visual assessment during construction works by archaeologists, with the ability to, initially, stop and record finds, which would be sufficient to ensure that any features of interest can be recorded and if necessary to be removed and to accord with advice within both LP25 and the NPPF para. 199.

The site is also next to a traditional farm (Hollies Farm) of 19<sup>th</sup> century brick barns and open ranges which can be found within the Lincolnshire HER ref no. MLI116739. These features are mostly in good condition although some have been the subject of two 20<sup>th</sup> century alterations whilst others are in poorer condition.

Paragraph 197 of the NPPF states: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

As with the archaeology, the application site has already been the subject of a planning approval albeit for high quality housing (126111) detracting from the rural setting of the barns. This proposal, however, seeks through its layout and design to replicate, in part, a more traditional rural building. The store would be set perpendicular to South Street and parallel to Stallingborough Road which can be seen in the yard layout of Hollies Farm. Equally the design is quite traditional in that it would be a brick building with a pitched clay pantile roof with a gable to one end and a hip to the other. Single storey in design, albeit quite large the development would nonetheless appear similar to agricultural structure with timber panelling, vent brick details and an exposed inverted steel truss to create an porch area.

It is noted that the conservation officer has requested that the roof design of the store is altered to create a dual roof to provide a more traditional approach. The applicant has declined to implement such a change but has reduced the scale of the roof by lowering both the eaves and ridge height of the proposed building.

It is considered that such a design would whilst representing a significant change from the current rural character of the site area would not wholly detract from the setting of the Hollies Farm and include some marrying features to bind the two together. It is considered therefore that as such the proposal would accord within policy LP25 in that the benefits of a sustainably

located retail store, in an attractive rural design would outweigh any harm such a development would have on the traditional non designated farmyard. Such a stance accords with paragraph 197 of the NPPF.

As noted above the site as part of a wider area is allocated within the Central Lincolnshire Local Plan for (primarily residential) development, policy LP52, and as such would change from its current open rural character to one of a more urban appearance. The site has already been granted permission, again with the larger eastern field for 90 houses. Policy LP17 of the CLLP nonetheless requires development to protect and enhance the intrinsic qualities of the landscape and townscapes including the setting of settlements. This includes the maintaining and positive response of to any natural or man-made features within the landscape and townscape which positively contribute to the character of the area. Such aims are supported further by policy LP26 which also seeks to maximise pedestrian permeability, respect of topography, incorporation of natural and historic features such as hedgerows, trees, field patterns and buildings, reflection in designs of the original architectural style of the settlement including a sympathetic pallet of materials to reinforce or enhance local distinctiveness.

As has been stated the building seeks to replicate a traditional agricultural building in its positioning, scale and appearance. Its position to the corner is clearly a design to maximise retail appeal but also provides a stronger corner feature to the site when travelling east along Stallingborough Road. Although blander the northern elevation nonetheless provides a traditional approach with additional brick detailing with recessed panels, brick verge detailing along with irregular wooden cladding to replicate traditional doors and window closures.

Similarly, the mature field hedge to northern boundary would be retained for approximately 30m in length with a three bar wooden fencing proposed to the front of the store aiding visibility and access from the site entrance. Landscaping is proposed to the front of the store including a number of trees although this has not been detail and should be conditioned. A service yard is proposed to the south of the store and this would be surrounded by a 2m high wall. Notwithstanding the palisade gates shown it is proposed to replace these with more acceptable designs.

Consideration should also be given to the development proceeding in isolation. It is a full application rather than in outline unlike the wider housing and medical centre development and it may well come forward before any residential development commences. Even in this form the development would not appear out of keeping with the wider area and from most views appear as an agricultural designed building. This together with the retention of hedging would maintain the character of the area.

In overall terms therefore it is considered that the proposal would maintain the character and appearance of the area, particularly when the wider allocation is taken into account. The proposal is therefore considered in accordance with policies LP17, LP25 and LP26 of the CLLP.

- Access & Parking (LP13 & LP26)

The site access is proposed to South Street and would potentially be shared with the proposed medical centre (subject of application 140100) if that were to be permitted. The access would be 5.5m wide with a 2m wide footpath either side of the access.

Original concerns were raised with respect to the acceptability of the site design for servicing. The submitted swept path designs for a rigid lorry, however, indicate that this can be acceptably achieved with vehicles arriving and leaving in a forward gear from/ to South Street. The Local Highways Authority has now withdrawn its initial concern on these grounds.

The highway concerns of residents and the Parish Council are noted and have been considered. The Highway Authority has also been asked to consider the points raised. Whilst there would be some benefits to re-orientating the access to Stallingborough Road this is unlikely to change the routing of traffic from within the village to the site and would simply substitute one impact for another. As it stands, it is likely that those most likely to benefit from the access location changing, i.e. those houses opposite on South Street would still experience a similar increase in traffic only without vehicles turning in to the entrance. This would perhaps be replaced with vehicles waiting to cross the junction with Stallingborough Road and South Street.

The access design proposed is suitable for South Street and would allow two vehicles to pass each other in a safe manner with good visibility of traffic passing the site along the carriageway suitable for a 30mph road. South Street at this point is a 6.5m metre wide road which is sufficient to accommodate such traffic. It is recognised that it is possible that parking restrictions could be necessary at the proposed South Street junction to ensure on street parking in this area does not create issues. This, however, is not a planning issue and the Highway Authority has not requested such a limitation.

The transport assessment submitted considers the level of traffic generated by the proposal retail unit but also the combined impacts of the store with the proposed medical centre and housing estate. There has also been an assessment of existing traffic flows on the surrounding network. The store itself would be expected to generate 60 two way vehicular trips in the week day morning peak (08:00 – 09:00) and 82 two way trips in the evening peak hours.

The assessment completed shows that with all three developments (140099, 140100 and 140132) the network would operate well within capacity including the junctions of South Street/Yarborough Road/Stallingborough Road and North End and Eastfield Road/ South Street. Similarly, there have only been two accidents within the surrounding area, albeit one serious on Eastfield Road in the last 5 years which was attributed to driver error rather than any defect in the carriageway. It is considered therefore that the highway network is and would remain safe with this proposal either singly or in combination

with the houses and medical centre developments. It should also be noted that the site forms part of the wider residential allocation CL1307, policy LP52, with an indicative allocation of 90 dwellings. The surrounding highway network has therefore been assessed at that time and had been deemed suitable to accommodate such flows, and as a result this proposal together with the medical centre and an 80 unit residential estate is not expected to add unacceptable traffic numbers to the area. Similarly, the design of the current road network and junctions would operate within capacity. In addition, the Highway Authority has not raised concerns with respect to the acceptability of South Street nor indeed the wider area to accommodate the traffic generated by this proposal either alone or in combination with the housing scheme and/or medical centre. The proposal would therefore accord with policy LP13 of the CLLP consistent with NPPF paragraph 109.

Similarly, it is noted within the servicing plans that the deliveries to the store would occur on most days the largest of which would be a 27 tonne rigid HGV which would visit the site. Suppliers utilising HGVs could attend the site in close succession with a maximum of 4 being in attendance in a morning and 5 over anyone day. Similarly smaller vans would also attend at lesser frequencies. The likelihood of such deliveries coinciding are limited due to the planned nature of the operation of the store and staff utilisation. Deliveries would be limited to between the hours of 7am – 7pm Monday to Sunday.

#### Servicing Schedule

Supplier	Frequency	Schedule	Time	Vehicle size
Co-operative Retail Logistics - Fresh & Frozen	5 days	Sun - Sat	AM	27t rigid HGV
Co-operative Retail Logistics - Ambient	3 days	Sun - Sat	PM	27t rigid HGV
Gadsby's Bakery	6 days	Mon - Sat	AM	3.5t van
Warburton's	6 days	Sun - Sat	AM	20t HGV
Allied Bakeries	6 days	Sun - Sat	AM	20t HGV
Greencore	6 days	Sun - Sat	7am-7pm	Small van
Ideal Lincs	3 days	M-W-F or Tu-Th-Sa	7am-7pm	Small van
Newspapers	7 days	Sun - Sat	AM	Small van
Ashton Marketing Services	Fortnightly	Mon - Fri	7am-7pm	Small van
Hallmark Cards	Fortnightly	Mon - Fri	7am-7pm	Small van
Universal	Weekly	Mon - Fri	7am-7pm	Small van

The Central Lincolnshire Local Plan, policy LP13, does not prescribe car parking standards for car parking. The proposal includes 25 car parking spaces of which 2 would be disabled driver standards. Whilst no justification has been provided, the applicant, Lincolnshire Coop has significant experience of local convenience retailing and a slightly lesser number of spaces (no. 20) was proposed for the recently approved store at Sturton by Stow (ref. no. 138024) with a slightly larger footprint 404 sq. m. (net 280sq.m.

retail area). It is considered that provision of 25 spaces would be sufficient to meet demand therefore.

Conditions are requested, however, to improve the footpath network in the immediate area of the store to link with the wider network. Similar considerations will also be given to the proposed housing estate and medical centre to ensure full connection with the store and surrounding area. Whilst in this application the footpath would be located upon the verge, designated as important open space within the CLLP policy LP23, the retention of the field hedge would retain the character of the street and maintaining safety in this instance is deemed important. In this instance therefore the proposal is deemed to accord with policy LP23 and LP13 of the CLLP.

It is considered therefore, whilst, accepting that this proposal alone, and in combination with the residential and medical proposals, would increase traffic on the immediate and wider highway network of Keelby it would be acceptable and would not represent a severe impact as defined bar for resisting development within policy LP13 and the NPPF (paragraphs 102 -104 and 109).

- Residential amenity & noise (LP26)

The positioning of the store is such that the building is sufficient distance from adjoining properties (a minimum of 35m) to not have a detrimental impact on light, sunlight and outlook from these properties. Similarly as the proposed store would be single storey only, properties would not be over looked. Some overlooking would be experienced from the car park but the majority of the properties opposite the site currently face onto a public highway in any case and the car park would be a minimum of 15m away from these properties maintaining an acceptable level of amenity.

The access to the site, would opposite 29/31 South Street but vehicles leaving the site would not be positioned directly opposite the actual houses limited any impacts of light pollution from head lights. It is recognised that the car park could, however, lead to headlights being directed into houses and as a result alterations have been successfully negotiated to retaining a substantial length of hedging at South Street frontage to mitigate this. Although this is would not be for the full length of the frontage, it nevertheless is a significant enhancement.

Traffic noise would increase within the area due to traffic generated by the proposal. In any assessment of the likely impacts consideration must be given to the residential allocation which anticipate 90 dwellings would be accommodated on the wider site. It is likely that additional noise and nuisance generated by the traffic from the store would not be significantly above that experienced if the allocated housing site were to be constructed in this location, on a general basis, although it must be noted that the store would open until 10pm in the evening, this is not deemed unreasonable. It must also be borne in mind that Keelby is a large village where levels of noise and



activity has to be expected particularly at properties adjoining public highways.

What is, however, a consideration is the servicing of the store. As is noted above this would occur any time between 7am and 7pm seven days a week. The servicing area is located to the rear of the store furthest away from existing residential dwellings and is surrounded by a brick wall. The servicing plan of the store indicates that vehicles will be requested to turn off their tonal reversing alarms with broadband versions utilised or banksman. Similarly, vehicles carrying chilled or frozen products refrigeration units shall be turned off whilst vehicles are parked on site. Subject to the hours of servicing and servicing plan being conditioned it is not anticipated that the proposal would have a significant impact on the surrounding area.

Similarly details provided with respect to extraction and refrigeration units are located within the servicing area and surrounded by the wall of the store reducing any impact. Subject to conditions requiring acoustic insulation of such equipment to be installed this is not anticipated to be a significant impact on the surrounding area.

- Drainage (LP14)

The site is located within an Environment Agency flood zone 1 (low probability) and surface water is not known to be an issue on the application site. Site investigations, including intrusive testing have shown that the site is suitable for infiltration and as a result a system of soakaways in the form of three filled trenches with perforated piles are proposed. The Lead Local Flood Authority has not objected to this proposal and subject to conditions has deemed this acceptable.

In addition to this, Anglian Water has indicated that foul drainage from the site can be adequately accommodated and indeed a main foul drain runs through the site. Advice notes for constriction are therefore required. The proposal is therefore deemed top accord with policy LP14 of the CLLP.

#### *Other matters*

Ecology and landscaping: The site is generally grazing land and the submitted phase 1 ecology survey indicates that in general the site is of limited ecological importance with the hedgerows to the site boundaries being of most importance. Adjoining areas including the farm buildings and the wider housing site to the east includes buildings or features that could have more interest but with the exception of bats is unlikely to require further work and would not have a significant impact on the current proposal. This includes Great Crested Newts which have not be recorded within the area since 1995 and this sighting was found 1.8km away. The shallow wet flush (a shallow dip of a maximum of 300mm) which is generally wet but could dry out on an annual basis is situated within the wider housing site and is assessed as being of poor suitability for breeding great crested newts. Therefore only precautionary measures are proposed.

As a result of the ecology survey and through negotiations with the applicant a substantial length of hedge to the South Street frontage is now to be retained albeit with gaps for the vehicles and pedestrian entrances to the site. In addition to this, native species of trees are recommended on the site to assist to increase biodiversity on site.

With respect to landscaping a positive scheme has been proposed although, it further detail is required for the type of tree requested.

### Conclusion and planning balance

The proposed retail store is a full application submitted by Coop Lincolnshire Ltd and is located on an allocated housing site CL1307, alongside the outline application for housing and the medical centre submitted by the landowner on the surrounding site. It is therefore likely, subject to the grant of planning permission, to proceed with or without the housing/ medical schemes either in the short term or potentially longer term. Alone therefore the application would not accord with policy LP52 which seeks 'predominately residential development' on this site as it is not actually linked to the residential proposal, and need to be considered independently.

The development, however, would only take up a small section of the allocated housing site, and allow the remaining site to be developed for housing in due course. The overall site has, however, already received planning permission for a 90 dwelling estate, with all relevant pre commencement conditions discharged but has not been taken up by developers for various reasons. It is considered therefore that the proposed shop development would perhaps be an attractive to feature to future house owners and therefore may assist to develop the wider site for housing.

A retail store within Keelby would accord in principle with policy LP2 which seeks to maintain and enhance the role of large villages by maintaining key services and facilities for residents of the village but also smaller villages in the area. Whilst the site would be located at the edge of the village away from central areas and other community facilities, there is no designated village centre in Keelby, no sequential assessment of alternative sites is required by either the CLLP policy LP6 nor the NPPF for a development of this scale. In any case a store of this scale would be unlikely to be accommodated within more central areas and the South Street/ Stallingborough Road site would be within a reasonable walking distance of the majority of the village maintaining sustainability. In addition neither policy LP6 nor the NPPF require a retail impact assessment for a store of this scale. Whilst it is recognised that the operation of the store could impact upon SPAR and My Shop to the centre of the village competition of rural stores of this scale should not managed through the planning system. It is considered therefore that the merits of the retail proposal would outweigh the material policy issues in this instance.

The development of this store would change the character and appearance of this open countryside location at the edge of the village, which residents have

enjoyed for a substantial period. The site, however, is already allocated for development, albeit, for housing so this rural scene would be lost in due course in any case. Similarly, the proposed design and scale of the building would not appear out of keeping with its surrounding buildings with the design and positioning of the store providing a nod to the agricultural buildings already in the area. This together with its case and the retention of the majority of the hedging around the site boundary would ensure the proposal would not appear out of the character with the area in accordance with policies LP17, LP25 and LP26 of the CLLP.

Similarly, the development of a retail store in this location would have an impact on the amenities of housing facing the site within South Street and Stallingborough Road. This would mainly take the form of the loss of an open vista, increasing traffic causing noise and nuisance and general activity seven days a week. In balancing this, the site as noted previously is already allocated for housing which would change the outlook for existing residents, increases in traffic and attendant noise and nuisance albeit not necessarily with access directly to South Street but nevertheless would lead to increase traffic and activity in the area. Similarly, it has been shown that the design and positioning of the development would be such that it would protect the amenities of neighbouring properties in terms of light and sunlight, outlook and privacy but also, subject to conditions, noise and nuisance in accordance with policy LP26 of the CLLP.

Traffic would increase within the vicinity of the store and particularly to South Street which is a particular concern for local residents. The width, nature and geometry of surrounding streets and junctions along with the proposed the store access would be such that traffic could be accommodated in a safe manner without having a detrimental impact on capacity of the surrounding streets. Such an assessment has been made with reference to the combined levels of traffic generated by the store, but also the 80 dwellings proposed and medical centre. Proposals to enhance pedestrian access to the site would also allow some trips to be made without resorting to motor vehicles. It is therefore deemed that the proposal would concur with policy LP13 of the Central Lincolnshire Local Plan.

Finally, the proposal would be suitably drained through sustainable methods and the retention of the majority of the site's hedging plus a suitable landscaping scheme would help to maintain biodiversity and the site and create an attractive environment within the street scene in accordance with policies LP14, LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

In conclusion therefore it is considered that the benefits of the scheme, providing an accessible retail store in a large village, would outweigh policy considerations (the site allocation) and other material considerations in accordance with policies LP2, LP6, LP13, LP14, LP17, LP21, LP23, LP26 and LP52 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

Recommendation: Approve subject to conditions:

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

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

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

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

2. No development, including ground works, shall take place until, the applicant has arranged for an archaeologist recognised by the Local Planning Authority to carry out an archaeological watching brief (along the lines of 4.8.1 in the Lincolnshire Archaeology Handbook 2016) during all stages of the development involving ground disturbance in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Such arrangements shall include provision for the observation, recording and recovery of artefactual evidence and post-excavation analysis. Fourteen days notice shall be given to the Local Planning Authority prior to the commencement of works. A report of the archaeologist's findings shall be submitted to the Local Planning Authority within two months of the last day of the watching brief, or such longer period as may be agreed by the Local Planning Authority, and shall include arrangements for the conservation and long-term storage of artefacts removed from the site.

**REASON:** To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible and in accordance with policy LP25 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework, notably section 16, paragraph 199.

3. No development shall take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:
  - a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
  - b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
  - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk

assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

**REASON:** In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with Central Lincolnshire Local Plan policy LP16.

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

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities and;
- strategy stating how surface water run off on and from the development will be managed during construction, including drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

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

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

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

5. No development above damp course level on the building shall take place until full details of facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

**REASON:** To ensure a satisfactory external appearance of the development and ensure the proposals uses materials and components that have a low environmental impact in accordance with policy LP17 and LP26 of the Central; Lincolnshire Local Plan.

6. Notwithstanding the approved plans details of the species of trees proposed to be planted on site shall be submitted to and approved in writing by the Local Planning Authority before the development progresses beyond damp course level.

**REASON:** To ensure a satisfactory external appearance of the development and to maintain biodiversity in accordance with policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

7. All planting, seeding or turfing comprised in the approved details of landscaping (as amended through condition 6) shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**REASON:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality (and occupiers of adjacent buildings – where appropriate) and in accordance with policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

8. Before the store is first brought into use the access, parking (including for bicycles), turning and servicing areas shown on the approved plans shall be completed in accordance with the approved designs and details and thereafter shall be made available at all times for their designated purposes.

**REASON:** As recommended by the Highway Authority to ensure the timely provision of the facilities and their retention and in the interests of highway safety and capacity and in accordance with policy LP13 and LP26 of the Central

9. The development hereby permitted shall not be occupied before a 2 metre wide footway along the site frontage to connect the development to the existing footway network on the South Street/ Stallingborough Road junction, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway and tactile crossing points on South Street and Stallingborough Road.

**REASON:** To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

10. Before the store is first brought into use the surface and foul drainage system shown on approved plans and document shall be implemented in full and shall be maintained as such thereafter.

**REASON:** To ensure the site is adequately drained and contamination does not occur and in accordance with policy LP14 of the Central Lincolnshire Local Plan.

11. No external lighting shall be erected until, details of the type, position and angle of glare on the floodlights, (including measures for ensuring that light does not shine directly on the highway housing opposite or is visible to highway users to the detriment of highway safety nor residential amenity) shall have first been submitted to and approved in writing by the Local Planning Authority, The details and measures approved shall be carried out and maintained thereafter whilst the use subsists.

**REASON:** To avoid drivers being dazzled or distracted in the interests of highway safety and to protect residential amenities of adjoining occupiers in accordance with policies LP13 and LP26 of the Central Lincolnshire Local Plan.

12. Before the retail store is first brought into use details of any extract/refrigeration plant and equipment proposed and measures to mitigate noise from including its acoustic performance shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed only in strict accordance with approved scheme and maintained as such thereafter.

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

13. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 101 rev P1, 112 rev P1, j1830-00101 rev A, j1830-00103 rev B, j1830-00104 rev B, j1830-00105 rev B, j1830-00106 rev B, j1830-00107 rev B, j1830-00108 rev A, j1830-00110 rev A, and reports Air Quality Assessment, Archaeological Evaluation (KESR18), Bat Survey by Scarborough Nixon, Ecology & Protected Species Survey by Scarborough Nixon, First Report of Noise Impact Assessment by S& D Garritt Ltd, Surface Area Drainage Strategy by York Sills Limited and Delivery and Associated Noise Plan Keelby.

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

**REASON:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework

and policies LP2, LP6, LP13, LP14, LP17, LP21, LP25 and LP26 of the Central Lincolnshire Local Plan.

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

14. The retail store hereby permitted shall not be open to customers outside the following times: 7 am to 10 pm each day and deliveries to and from the site shall also not occur outside of the following hours 7am to 7pm (including waste disposal services).

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

15. There shall be no outside storage of goods, materials equipment or any other articles on the site otherwise than in the defined screened service yard.

**REASON:** In the interest of residential and/or visual amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

**Notes to the Applicant**

- Please be aware that as of the 22<sup>nd</sup> January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge.
- The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal [www.west-lindsey.gov.uk/cilforms](http://www.west-lindsey.gov.uk/cilforms) and West Lindsey District Council's own website [www.west-lindsey.gov.uk/CIL](http://www.west-lindsey.gov.uk/CIL)

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties

- The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

The permitted development requires the formation of an amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. For approval and specification details, please contact [vehiclecrossings@lincolnshire.gov.uk](mailto:vehiclecrossings@lincolnshire.gov.uk)



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

**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