

# **Officers Report**

## **Planning Application No: 140979**

**PROPOSAL:** Planning application for replacement garage workshop/MOT testing centre

**LOCATION:** Cross Roads Garage Thornton Road South Kelsey Market Rasen LN7 6PS

**WARD:** Kelsey Wold

**WARD MEMBER:** Cllr P Howitt-Cowan

**APPLICANT NAME:** Mr Iman Zidan

**TARGET DECISION DATE:** 23/06/2020 (Extension to 24/07/20)

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Ian Elliott

**RECOMMENDED DECISION:** Refuse Permission

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### **Planning Committee:**

This application has a recommendation for refusal but has received support from the South Kelsey Parish Council and a number of residents. The application has economic and social benefits to the local community to a site which has an established vehicle repair/MOT business within their settlement. With this in mind this application is considered relevant and necessary to put before the planning committee.

### **Description:**

The application site is a vehicle repair business with a workshop/reception building and external hardstanding parking. The site is set just back from and above the level of the highway and within the developed footprint of South Kelsey. The north boundary is screened a low brick wall to the front, the north elevation of the existing garage building and fence panels. The east boundary is primarily open with some low brick walling. The south boundary is screened by hedging and the north elevation of the adjoining dwelling. The west boundary is screened by fence panels. Neighbouring dwellings are adjacent or opposite to the north, south east, south and west with the Bull Inn Public House to the north east/east. The site is in the setting of a number of Grade II Listed Buildings. These are:

- The Bull Inn
- St Marys Church
- Monument to Skipworth Family in Graveyard of St Marys Church
- Old School House

The application seeks permission for a replacement garage workshop/MOT testing centre.

**Relevant history:**

None

**Representations**

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

**South Kelsey and Moortown Parish Council:** Fully support

**Local residents:** Representations received from:

5 Westerby Court, South Kelsey: Supports

I believe it is rare that a young business entrepreneur is keen to invest and rebuild a premise in keeping with many original features, especially in a remote village like South Kelsey. This development would be a great asset to the village both visually and providing a service to local residents. Every effort should be made to encourage and support the applicant with the least amount of stress and cost especially under the current unprecedented times and the unknown futures of many small independent businesses.

Poolthorne Farm, Cadney: Supports

Whilst many village based business are relocating or closing, I fully support the expansion of Zidan Motorsport and the extension of services. It would be a great shame to not allow this opportunity, and a loss to the fabric of the village and local community if the site were to be left undeveloped. The ascetics improvements proposed to the existing buildings on the site are welcomed. The current selection look tired and detract from the rest of the well-kept village surrounding. The potential to boost employment within the local community will also be a great opportunity through this expansion.

Kelsey Place, Brigg Road, South Kelsey: Supports

I support the application to redevelop the existing garage, it will be a welcome addition to the village, create local employment and enable people to have their vehicles repaired locally.

23 Lammas Leas Road, Market Rasen:

Great to see a local company expanding and investing in the future.

Langmead, West Street, North Kelsey:

I would like to support the planning application, I like many have used the old Balderson Motors garage and Zidan Motorsport for many years and feel an improved building would allow this business a much better opportunity to thrive and carry on being a tremendous asset to all the surrounding areas for years to come.

42 Grammar School Road Brigg:

Always amazing customer service and excellent standards of work. Very reliable business with an amazing future.

8 Tennyson Close Caistor:

Always used this garage for mot with previous owners but needs a update

Beckside Lodge, Caistor Road, South Kelsey:

I fully support the proposal and think it's a great scheme.

27 Foxglove Road Market Rasen:

More than happy to support this application. Its clear to see that Mr Zidan takes care about the appearance of all his buildings and this will bring benefits to the surrounding area.

Keptie House Brigg Road South Kelsey:

Yes 100% agree with this proposal

The Magpies Gainsborough Road Middle Rasen

I think this development would not only be a huge gain for the village allowing for more jobs and services but would intern bring people with it and potentially support other local business to with passing trade.. the development looks great and compliments the village and surrounding building with the compromise on height on the new building.. all in all this is an excellent plan and I am all for it.

23 Caistor Road Market Rasen:

Think this is worth supporting and can comply with the rules and regulations to fully allow this to go ahead safely and without major disruption.

2 Bracken Way Market Rasen:

Use zidan motorsport for all my vehicle repairs and maintenance. He's a good garage and a trusted mechanic. I don't trust any other garage around this area. I support his business 100%.

**LCC Highways/Lead Local Flood Authority:** No objections

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.

**WLDC Environmental Protection Officer:** Comment

Representation received 14th May 2020:

Noise

I am however aware that modern cladding materials can offer high levels of noise reduction and don't dispute the potential. The applicant site is a central village location which has typically undergone change to a more residential nature and in any event has a likelihood of low background noise of which there has been no measurement, let alone an assessment of the modern day noise potential of a business of this nature.

There is no assurance that the cladding will meet the potential of an unspecified need; further and more significant is maintaining the mitigation potential of the panels when utilised in the built structure being proposed i.e.

air tightness. Walls, roof and fenestration all play a part, as will need of ventilation (an additional noise potential) should windows and doors be closed, as might reasonably be expected but is not readily apparent in either the applicant description of the existing premises or the drawing of the rebuild proposed.

Identification of noise sources and a qualified assessment is required, as is the obtaining of existing background levels for operating hours that ought to be specified. Comparison ought then to be made for purposes of identifying any adverse effect when assessed against the mitigation factors of the proposed 'airtight structure' and any loss of integrity that might reasonably be expected in terms of built factors and openings and use thereof.

Assessment against WHO, PPG and significantly BS 4142 (Method for rating industrial noise affecting mixed residential and industrial areas) is required so as to assure that noise correction factors, particularly those of Impulsivity and Intermittency, are adequately accounted for in respect of potential for activities that include use of percussion and mechanical noise.

Representation received 6th May 2020:

Noise

An assessment of impact(s) and recommendation(s) for mitigation is needed – it can be conditioned but mitigation is likely to reflect on the fabric of the building, i.e. the materials used.

Contamination

I suggest a condition:

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

Along with a note as per my response – it would be in the applicants interest to be aware of the potential problems for the future, indeed if there is evidence to hand to prove any applicable deregulation AND assessment of contamination – it can only get harder to prove as time goes on.

Representation received 5th May 2020:

Noise

A noise assessment ought to be required detailing the potential for impact and mitigation as might be necessary. Fact that the business is being revamped out not to exclude assessment and any need to upscale noise mitigation at this 'sensitive' location. Reference within the application infers that the current premises are energy inefficient and an intention to address this in the rebuild. It should be born in mind however that energy efficient structures and insulation ought not necessarily to be considered to be both thermally and

sound attenuating and appropriate mitigating properties ought as such to be assured.

Reference in the application is also change in appearance in the existing perception of scale and frontage change depending on whether the workshop door is open or closed which potentially flags the need for consideration of noise impact in future intent.

#### Contamination

It is apparent that the premises at one time or another served as a filling station and in any event has history of activity likely to give rise to contamination. Same or similar use as such ought not to flag as a significant concern albeit there may be risk to ground and office/reception workers.

It is noted that there is intent to remove the existing island, accordingly it would be advisable to flag up the risk apparent in any service station infrastructure that may not have been properly decommissioned/removed at 'end of use' e.g., UST's (underground storage tanks), service pipes and contamination inherent to leakage of the same.

In any event the property as a whole is potentially contaminated until proven otherwise and these matters ought to be addressed and any residual risk placed/retained on record.

#### Drainage

It is noted that the footprint of the building is increasing and in any event drainage strategy ought to be subject of review in terms of planning policy and requirements for 1:100 plus the appropriate climate change factor for commercial premises. It is also noted that the application form indicates intent to discharge surface water to mains sewer. This ought to be sequentially justified and in any event, if permitted ought to be attenuated and as such have suitably sized storage.

#### **LCC Archaeology: Objects**

The proposed development involves the demolition of an early timber-framed and corrugated iron clad garage within the historic village of South Kelsey, adjacent to the Grade II Listed Bull Inn and close to the Grade II Listed Church of St Mary. Cross Roads Garage is a rare survival of the early days of motoring, and is of a type which is now an increasingly scarce resource both locally and nationally.

This office disagrees with the assessment in the Planning Statement that "though the existing garage workshop exhibits a number of unusual ad-hoc design features and rather dated design/appearance, such is not considered to comprise a non-designated heritage asset."

Historic England's guidance on heritage assets of this type, Buildings and Infrastructure for the Motor Car, states: "many of the rural garages that sprang up in the 1920s were rudimentary corrugated iron or timber shack-like buildings, sometimes with a further shack as a café... reused first world war

aircraft hangers and prefabricated agricultural buildings were on occasion employed as workshops."

Cross Roads Garage is typical of the interwar rural garage so described, which are of heritage value. It is a characterful vernacular building that still survives in its historic village setting, where it contributes a great deal to the local distinctiveness and sense of place in South Kelsey. As noted elsewhere in the Planning Statement it is clear that: "the traditional character and appearance of the existing premises does add interest to the setting of the street scene".

This office is not aware of another garage of this vernacular rural type anywhere in the county to have survived. There is only one interwar village garage recorded in the Lincolnshire Historic Environment Record, at Wellingore in North Kesteven, which is now Grade II Listed. This is however a grander architect-designed building of L limestone in a style inspired by local village buildings in response to the public concerns at the time, led by groups like the CPRE about the design of the unplanned garages (such as here at South Kelsey) that were springing up along the country's roads. Whilst garages such as Cross Roads were once ubiquitous on country lanes, comprehensive replacement and demolition across the country, particularly since the 1970s, means examples such as this are now increasingly rare in our villages and rural landscapes.

Because of the current crisis it has not been possible to access information in local studies libraries or the Lincolnshire Archives, but from the available sources of evidence it is likely that Cross Roads Garage was built in the interwar period (1920s-30s), as it appears on the Ordnance Survey's mapping for the first time in 1956, but not on the preceding 1905 map. At this point only the single northern workshop is depicted, but by the following 1976 map the smaller southern workshop and brick office lean to had been added. Prior to the current ownership, the garage had been run by the Balderson family since at least the early 1950s. It is probable that this northern workshop was built between the wars when the firm of 'Balderson Bros.' ran one of Lincolnshire's earliest rural motorbus services. From South Kelsey this linked the village with nearby towns, at first using a single Model-T Ford bus purchased after the brothers' return from the First World War.

Despite its rarity, Historic England's listing selection guide on Infrastructure: Transport states that although early garages are increasingly rare, they would only consider them for national designation where they possess architectural interest (such as that at Wellingore noted above). Cross Roads Garage therefore does not fulfil the criteria needed for national designation, but it does represent a non-designated heritage asset (defined in the NPPF as a building possessing heritage value that has not been formally designated).

The garage is of local significance and townscape value, and the public benefits of its conservation should be a material consideration in the planning balance.

**Recommendation:**

In light of the rarity of the historic garage and its contribution to the local character and distinctiveness of South Kelsey, we recommend that the applicant and the local planning authority consider all options to preserve and upgrade the original older timber-framed northern workshop. We welcome the intention to use reclaimed brick for the proposed replacement link building, which alongside timber doors and continued use of corrugated metal would also help any modernisation of the garage to fit into this historic village setting.

**Secondary recommendation (if demolition and replacement approved):**

If there is no option but to pursue complete demolition and replacement we would recommend that the garage be subject to a programme of historic building recording prior to its demolition, in order that the evidential value of its fabric can be captured and 'preserved by record'. This would help advance the understanding of its unique ad hoc historical development, and the potential reuse of materials in its construction. It is recommended that, prior to any development/demolition, the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) according to a written scheme of investigation to be agreed with, submitted to and approved by the local planning authority. This should be secured by an appropriate condition to enable this heritage asset to be recorded prior to its destruction. The results of the survey should be submitted and approved by the Local Planning Authority prior to work commencing on site. This scheme of works will consist of historic building recording.

**WLDC Conservation Officer: Objects**

Representation received 3rd June 2020:

I find there is no additional information supplied that would change my original advice in respect of this site. In fact, as it is now confirmed that the building will be a completely new structure, I would advise that it is imperative that these listed buildings and their settings are fully considered in the planning process. I would reiterate my advice in respect of the proposed building, in that its design is wholly inappropriate to the setting of two listed buildings, one which is grade I listed, and is wholly inappropriate to the historic centre of a rural village.

Were this proposal located in the middle of a large modern farmstead, it may well be appropriate. However, this site is surrounded by historic buildings in a rural historic village settlement. Changing this setting requires development that will either preserve this setting (e.g. leave it like it is), or that any new development can be shown to pose no harm to the setting of listed buildings. The proposal does not preserve this setting and would instead be harmful to the setting and fails to meet entirely criterion d and e of LP25 of the CLLP. The proposal fails to meet criterion c, i, j and k of Policy LP26 of the CLLP

In its current form, the only recommendation that can be made is that of refusal.

Representation received 20th May 2020:

The site consists of some conjoined former garage premises. The main structure has a traditional pitched roof with over-sailing barge boards and is constructed of timber and corrugated iron. A smaller more modern building with a flat roof links to a perhaps slightly later structure with shallower roof. The site is located directly opposite the grade II listed Bull Inn, and above the host building, the tower of the grade I listed Church of St. Mary can be seen as part of the street scene and is very much 'read' against the roof structure.

It is very clear that great care must be taken with any changes to the roof shape and it's covering if the setting of the church is to be preserved. The proposals include changing the roof pitch for much longer slope, which would result in a very visually dominant roof structure that would reduce views of the church tower. These changes are not easy to clarify properly, because they are not shown on plans as existing and only proposed plans have been submitted (although these are marked as existing and proposed, there is no indication of the changes shown on these either).

External cladding is also proposed, and the proposed plans show images where the finished development would have an appearance similar to a modern portal frame agricultural building. As such, I remain to be convinced that this proposal will not result in a harmful impact on the setting of the grade I listed church due to visual harm.

In its current form, I strongly object to this proposal which does not preserve the setting of the grade I listed church or the grade II listed Bull Inn. Any revised proposals need to take full account of this setting and provide a quality solution that will not result in visual harm to these listed buildings. If any revisions are made, I would advise that plans as existing are required as well as plans as proposed.

**Economic Development:** No representations received to date

**IDOX checked:** 23rd June 2020

**Relevant Planning Policies:**

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

Development Plan

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

Relevant policies of the CLLP include:

LP1 A presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP5 Delivering Prosperity and Jobs



LP13 Accessibility and Transport  
LP14 Managing Water Resources and Flood Risk  
LP16 Development on Land Affected by Contamination  
LP17 Landscape, Townscape and Views  
LP25 The Historic Environment  
LP26 Design and Amenity

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

### **South Kelsey Neighbourhood Plan (SKNP)**

West Lindsey District Council has approved the application by South Kelsey Parish Council to have the parish of South Kelsey designated as a neighbourhood area, for the purposes of producing a neighbourhood plan. The neighbourhood plan group are now consulting with the public and working towards the production of the neighbourhood development plan. There is, however, currently no neighbourhood plan in circulation that may otherwise be taken into consideration.

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

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

### **National policy & guidance (Material Consideration)**

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

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

Paragraph 83 states:

*'Planning policies and decisions should enable:*

*a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*

*c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*

*d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship'.*

Paragraph 213 states:

*"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication*

*of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

- **National Planning Practice Guidance (NPPG)**
- **National Design Guide (2019)**

<https://www.gov.uk/government/collections/planning-practice-guidance>  
<https://www.gov.uk/government/publications/national-design-guide>

**Other:**

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

<http://www.legislation.gov.uk/ukpga/1990/9/section/66>

**Main issues:**

- Principle of the Development  
*Central Lincolnshire Local Plan 2012-2036*  
*National Planning Policy Framework*  
*Heritage*  
*Assessment of Local Policy LP5 (Expansion of Existing Business)*  
*Concluding Assessment*
- Archaeology
- Contamination
- Drainage

**Assessment:**

Principle of the Development

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

*Central Lincolnshire Local Plan 2012-2036:*

Local policy LP5 (Expansion of Existing Businesses) of the CLLP sets out the criteria for the acceptability of growth, expansion and improvements to local businesses outside of allocated employment sites.

Heritage

The site is considered to be within the setting of a number of grade II listed buildings most notably The Church of St Mary's and the Bull Inn Public House. The Historic Environment Officer (Lincolnshire County Council) refers to the garage building as a non-designated heritage asset, however no evidence of where this is listed is provided and is considered to be an individual opinion of the officer. Paragraph 30 of the Historic Environment section of the NPPG states that "*non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting*

*consideration in planning decisions but which do not meet the criteria for designated heritage assets. A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.”*

*It goes on to state that “There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.”*

Whilst the views of the Historic Environment Officer are recognised, it is considered that there is insufficient evidence in which to consider the existing building is not a non-designated heritage asset.

Local policy LP25 of the CLLP states that *“Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire”* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

It further states that *“Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.”*

Guidance contained within Paragraph 189 of the NPPF states that *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

Paragraph 193 states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Paragraph 195 provides guidance that *“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to*

*achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.”*

The impact of a development of the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

*“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*

Paragraph 13 (Conserving and Enhancing the Historic Environment) of the NPPG (Reference ID: 18a-013-20140306) further supports this definition declaring that ‘*Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage*’ and ‘*although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors*’.

The application has included the submission of a Heritage Statement (HS) within the Supporting Planning & Heritage Statement (SPHS) by JHG Planning Consultancy dated April 2020. The HA concludes in paragraph 4.10 that the “*The proposed development will not result in a fundamental change of characteristics compared to baseline visual conditions, but it is reasonable to conclude that the scheme will subtly enhance the setting of the neighbouring Listed Building*”.

The Local Authority’s Conservation Officer (CO) concludes that “*the site is located directly opposite the grade II listed Bull Inn, and above the host building, the tower of the grade I listed Church of St. Mary can be seen as part of the street scene and is very much ‘read’ against the roof structure*” and “*its design is wholly inappropriate to the setting of two listed buildings, one which is grade I listed, and is wholly inappropriate to the historic centre of a rural village.*” Whilst the comments of the CO are noted, it is acknowledged that the Church of St Mary is grade II listed.

The CO goes on to say that in light of its agricultural appearance “*were this proposal located in the middle of a large modern farmstead, it may well be appropriate. However, this site is surrounded by historic buildings in a rural historic village settlement*” and “*The proposals include changing the roof pitch*

*for much longer slope, which would result in a very visually dominant roof structure that would reduce views of the church tower.”*

The agent was offered a meeting to discuss possible amendments to the design of the proposal with the case officer and conservation officer prior to determination. This offer was politely declined. Accordingly, it falls to consider the proposed development on the design as submitted.

The CO has therefore strongly objected to the scale and design of the proposed replacement garage building as it *“fails to meet entirely criterion d and e of LP25 of the CLLP and criterion c, i, j and k of Policy LP26 of the CLLP”*

Therefore the development would harm and does not preserve the setting of the adjacent and nearby Listed Building and is contrary to local policy LP25 of the CLLP, the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF.

It is considered that policy LP25 is consistent with the heritage guidance of the NPPF and can be attached full weight.

*Assessment of Local Policy LP5 (Expansion of Existing Business)*

Local policy LP5 states that: *‘the expansion of existing businesses which are currently located in areas outside allocated employment sites will be supported, provided:*

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

The proposed development is a complete replacement of the existing garage building therefore proposes an expansion and growth of the business through proposing a modern purpose built building.

*Existing buildings are reused where possible:*

The site currently comprises a building which is primarily a timber framed construction, clad with a single layer of corrugated steel. Paragraph 2.8 of the SPHS states that *“an inspection of the premises indicated that the existing workshops are in very poor condition with elements of the main building being subject to a degree of structural instability”*. This statement is acknowledged given the age of the building, however no professional structural survey has been submitted to evidence this claim.

The existing building is considered by the application to be unfit for purpose or renovation and applies to provide a bespoke workshop built to modern specifications to establish a functionally and commercially viable base of operations.

*They do not conflict with neighbouring land uses:*

The site is within the centre of the village with residential uses in all directions. To the north east/east of the site is the Bull Inn Public House which includes residential accommodation on its first floor. No objections have been received from neighbouring residents.

The proposed building would have a modestly larger footprint than the existing building which would particularly project the south elevation approximately 2.1 metres closer to the south boundary and Perrymount. The separation distance would still be sufficient at approximately 4.6 metres with the roof slope of the single storey structure falling away from the shared boundary with Perrymount.

The proposed building would additionally be approximately 2 metres longer adjacent the shared boundary with The Stores. The Stores has a double garage and driveway adjacent this shared boundary which so their main external amenity space will not be affected.

It is therefore considered that the scale and position of the building will not harm the living conditions of neighbouring dwellings.

The Authority's Environmental Protection Officer (EPO) has recommended that a noise assessment ought to be commissioned in this sensitive location with mitigation measures provided. The site already has a vehicle MOT and repair use therefore the activity and noise on the site will remain as that created by such a business.

The existing building is primarily a timber framed building with single skin corrugated steel elevations. The proposed development will be constructed from Steadmans insulation cladding and the acoustic performance of the panels has been submitted in the application. It is considered that the more modern construction will at least retain and in all likelihood reduce the noise impact on the surrounding area.

Although the recommendation of the EPO is acknowledged it is not considered reasonable to expect a noise assessment to be commissioned and submitted with the application – however, a condition for noise mitigation would be reasonable and relevant.

*They will not impact unacceptably on the local and/or strategic highway network:*

The proposal will retain the existing vehicular access off Thornton Road but modestly reduce the amount of external space left for vehicle parking. The workshops can additionally be used for vehicle parking/storage overnight. It is considered that adequate off street parking will remain for employees and customers. The Highways Authority at Lincolnshire Council have no objections to the proposal. The proposal would therefore not have a harmful impact on highway safety.

*The proposal would not have an adverse impact on the character and appearance of the area:*

*Local policy LP17 states that “To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements.”*

*Developments should also “be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas.”*

*Local policy LP26(c) states ‘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:*

*(c) Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;’*

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

The visual impact of the proposed development on the site, the street scene and the surrounding area has already been discussed in the heritage section of this report.

The proposed agricultural style building in terms of its scale, massing and form will not relate well to the site and its surroundings or use high quality materials which will reinforce or enhance local distinctiveness.

*Concluding Statement:*

The proposed development would expand the existing building on the site through a purpose built replacement building and proposes to increase its employee number by one full time member of staff. The development would not have an impact on the living conditions of neighbouring dwellings, highway safety or be able to make use of the existing building. The development through its scale, massing and form would have a harmful visual impact on the character and appearance of the area and would not preserve the setting of nearby listed buildings. It therefore considered that the harms of the development outweigh the benefits to the business and employment opportunities

Therefore it is considered that the principle of the development cannot be supported and the proposal is contrary to local policy LP5, LP17, LP25 and

LP26 of the Central Lincolnshire Local Plan, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF and the National Design Guide.

It is considered that policy LP5, LP13, LP17, LP25 and LP26 are consistent with the business, expansion, highway safety, heritage and visual amenity guidance of the NPPF and can be attached full weight.

#### Archaeology:

The Historic Environment Officer (HEO) at Lincolnshire County Council has provide comment on the historical value of this typical interwar rural garage. The HEO has additionally indicated that the existing garage is worthy of non-designated heritage status and is of local significance and townscape value, and the public benefits of its conservation should be a material consideration in the planning balance.

Whilst these comments are noted the existing garage is not identified anywhere as being a non-designated heritage asset and the impact of the development on the built heritage form is assessed in the heritage section earlier in the report.

However if it was minded to approve the application then the condition recommended for an appropriate Scheme of Archaeological Works and a historic building recording would be attached to the permission.

Therefore the development will not be expected to have a harmful archaeological impact and accords to local policy LP25 of the CLLP and guidance contained within the NPPF.

It is considered that policy LP25 is consistent with the historic environment guidance of the NPPF and can be attached full weight.

#### Contamination

The Authority's Environmental Protection Officer has recommended that any approval should include a pre-cautionary contamination condition. Given the previous use of the site this is considered as acceptable and would be attached to the permission if it was minded to approve the application.

Therefore subject to a condition the development would not have a harmful impact on contamination and accords to local policy LP16 of the Central Lincolnshire Local Plan 2012-2036 and the provisions of the National Planning Policy Framework.

It is considered that policy LP16 is consistent with the drainage guidance of the NPPF and can be attached full weight.

#### Surface Water Drainage

The application form states that the foul and surface water would be disposed of to the mains sewer to replicate the existing building. Therefore the development would retain its current drainage disposal methods.



The development would not have a harmful impact on drainage and accords to local policy LP14 of the CLLP and guidance contained within the NPPF.

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

**Other Considerations:**

Community Infrastructure Levy

This development is not liable to a CIL payment.

**Conclusion and reasons for decision:**

The decision has been considered against LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP5 Delivering Prosperity and Jobs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide.

On balance it is considered that the harm caused by the development would outweigh the benefits of a replacement purpose built building and the increase in employment of 1 full time employee. In light of the above assessment it is considered that the principle of the proposal is not acceptable and is refused for the following reasons:

1. The scale, massing and appearance of the proposed development would neither respect nor relate well to the built environmental qualities of the area. As a result the development would not preserve the setting of the adjacent and nearby Listed Buildings and would harm the character and appearance of the site, the street scene and the surrounding area. The development would therefore not accord with local policy LP5, LP17, LP25 and LP26 of the Central Lincolnshire Local Plan, the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the National Planning Policy Framework and the National Design Guide.

**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

## **Draft conditions**

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

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

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

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

2. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following
  1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
  2. A methodology and timetable of site investigation and recording.
  3. Provision for site analysis.
  4. Provision for publication and dissemination of analysis and records.
  5. Provision for archive deposition.
  6. Nomination of a competent person/organisation to undertake the work.
  7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
  8. Historic Building Record

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation to accord with the National Planning Policy Framework and Local Policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

3. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 2 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and Local Policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

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

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

- F2950-A1-01 dated April 2020 – Location, Site, Elevations, Floor, and Roof Plan.

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) must be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the local planning authority. The contamination must then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and to accord with the National Planning Policy Framework and local policy LP16 of the Central Lincolnshire Local Plan 2012-2036.

#### 6. MATERIALS

7. No development above ground level must take place until details of noise mitigation have been submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures must be completed in accordance with the approved measures and retained as such thereafter.

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

8. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 2.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and Local Policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

9. Following the archaeological site work referred to in condition 8 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and Local Policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

10. The report referred to in condition 9 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and Local Policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

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

11. The site outlined on red on location plan F2950-A1-01 dated April 2020 must only be used as a car mechanics and MOT Service business. Any other uses including any different use within Class B2 must require an application for planning permission.

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

Representations received following recommendation:

1. **1 Skipworth Ridge Waddingham Road South Kelsey**
2. **2 Bridge Cottage Brigg Road South Kelsey**
3. **5 Manor Gardens Brigg Road South Kelsey**
4. **Beckside Lodge Caistor Road South Kelsey**
5. **Hawthorne Cottage Brigg Road South Kelsey**
6. **The Bull Inn Caistor Road South Kelsey**
  
7. **12 Patricks Close North Kelsey**
8. **Bridge Willow Little London North Kelsey**
9. **Lyndon Church Street North Kelsey**
10. **North Kelsey Post Office High Street North Kelsey**
11. **Rovama West Street North Kelsey**

- 12. Manor Farm Cottage Moortown Road Nettleton**
- 13.14 Lime Walk Market Rasen**
- 14.15 Highfield Close Gainsborough**
- 15.18 Mill Road Market Rasen**
- 16. Brickyard Cottages Brickyard Lane Holton Le Moor**
- 17.21 Lancaster Drive Market Rasen**
- 18.23 Gordon Field Market Rasen**
- 19.3 Jacksons Field Middle Rasen**
- 20.4 Lime Walk Market Rasen**
- 21.41 Epsom close Lincoln**
- 22.6 Mill Street Market Rasen**
- 23.64 Gordon Field Market Rasen**
- 24.74 Willingham Road Market Rasen**
- 25. Lilly Cottage Low Church Road Middle Rasen**
- 26. Tanglewood Owersby Bridge Road Kirkby Cum Osgodby**
- 27. The Chestnuts Wickenby Road Lissington**
- 28. Willow House Legsby Road Market Rasen**
- 29.26 Anglian Way Market Rasen**
- 30. Pepperdale Farm Brigg Road Howsham**
  
- 31.28 Dale Park Avenue Winterton**
- 32. Springfield Avenue Eighton Banks Gateshead**
- 33.1 Windsor way Broughton**
- 34.13 Vale road London**