

Officers Report

Planning Application No: 142916

PROPOSAL: Planning application to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping being variation of condition 9 of planning permission 140485 granted 8 July 2020 re: approved plans

LOCATION: Land East of A15/North of A631 Caenby Corner Market Rasen Lincolnshire LN8 2AR

WARD: Waddingham and Spital

WARD MEMBER(S): Cllr Summers

APPLICANT NAME: Mr A Selby

TARGET DECISION DATE: 19/07/2021

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve.

This application is reported to planning committee because the application is made by an employee on the behalf of West Lindsey District Council.

Description:

Planning permission, reference 140485, "to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping" was granted subject to conditions on the 8th July 2020. Development has commenced. Condition 9 states:

"9. Development shall proceed in accordance with the following approved drawings:

Location Plan (received 21/1/2020)

Proposed Building Plan (received 21/1/2020)

Proposed Building Elevations (received 21/1/2020)

Proposed Storage Building (received 21/1/2020)

Fuel Package Tank (received 21/1/2020)

Proposed Water Services Layout (received 10/3/2020)

Proposed Site Plan (received 18/3/2020)

0004 Rev A02 (received 13/5/2020)

0005 Rev A02 (received 13/5/2020)

Reason: For the sake of clarity and in the interests of proper planning."

This application seeks to vary condition 9 by adding a roof plan drawing and amending the proposed site plan and elevations. The application form gives

the reason as wanting to add photovoltaic panels to the main building roof in order to provide on site renewable energy in line with national and local policy and the extent of soft landscaping adjacent the pedestrian footpath next to the access gates would be increased to address level differences on site. The amended condition 9 would state:

“9. Development shall proceed in accordance with the following approved drawings:

Location Plan (received 21/1/2020)

Proposed Building Plan (received 21/1/2020)

Proposed Roof Plan rev P01 (received 19/4/2021)

Proposed Building Elevations (received 13/5/2021)

Proposed Storage Building (received 21/1/2020)

Fuel Package Tank (received 21/1/2020)

Proposed Water Services Layout (received 10/3/2020)

Proposed Site Plan rev P10 (received 19/4/2021)

0004 Rev A02 (received 13/5/2020)

0005 Rev A02 (received 13/5/2020)

Reason: For the sake of clarity and in the interests of proper planning.”

Relevant history:

140485- noted above.

141372- Request for confirmation of compliance with conditions 2, 3 and 4 of planning permission 140485 granted 08 July 2020. Approved 2/9/2020.

142188- Request for confirmation of compliance with conditions 6, 7 and 8 of planning permission 140485 granted 8 July 2020. Approved 8/2/2021.

Representations:

WLDC Environmental Protection Officer:

No objection.

LCC Highways:

No objection.

Environment Agency:

No comment.

Natural England:

No comment.

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); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- Central Lincolnshire Local Plan 2012-2036 (CLLP)
<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Relevant policies of the CLLP include:

Policy LP18: Climate Change and Low Carbon Living

Policy LP19: Renewable Energy Proposals

Policy LP26: Design and Amenity

- Lincolnshire Minerals and Waste Local Plan (LMWLP)

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

The site is within a Limestone Minerals Safeguarding Area where policy M11 of the Core Strategy applies. The proposal is exempt from this policy.

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF)

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

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 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**
- **National Design Guide (2019)**

Main issues

- **The acceptability of the proposed amendment.**

Assessment:

Relevant development plan policies state:

“Policy LP18: Climate Change and Low Carbon Living

Development proposals will be considered more favourably if the scheme would make a positive and significant contribution towards one or more of the following (which are listed in order of preference):

Reducing demand: *by taking account of landform, location, layout, building orientation, design, massing and landscaping, development should enable occupants to minimise their energy and water consumption, minimise their need to travel and, where travel is necessary, to maximise opportunities for sustainable modes of travel;*

Resource efficiency: *development should (a) take opportunities to use sustainable materials in the construction process, avoiding products with a high embodied energy content; and (b) minimise construction waste;*

Energy production: *development could provide site based decentralised or renewable energy infrastructure. The infrastructure should be assimilated into the proposal through careful consideration of design. Where the infrastructure may not be inconspicuous, the impact will be considered against the contribution it will make;*

Carbon off-setting: *development could provide extensive, well designed, multi-functional woodland (and, if possible, include a management plan for the long term management of the wood resource which is produced), fenland or grassland. The Central Lincolnshire Biodiversity Opportunity Mapping (or subsequent relevant document) should be used to guide the most suitable habitat in a particular area.*

In principle, proposals will be supported where occupiers of existing developments (whether that be a dwelling(s) or business(es)) are seeking to reduce their resource use. However, the authority's preference, if options exist, is as set out above.

Proposals which address one or more of the above principles (whether in relation to an existing development or as part of a wider new development scheme) which are poorly designed and/or located and which have a detrimental impact on the landscape, the amenity of residents, or the natural and built environment, will be refused."

"Policy LP19: Renewable Energy Proposals

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Proposals for non-wind renewable energy development

Proposals for non-wind renewable technology will be assessed on their merits, with the impacts, both individual and cumulative, considered against the benefits of the scheme, taking account of the following:

- *The surrounding landscape and townscape;*
- *Heritage assets;*
- *Ecology and diversity;*
- *Residential and visual amenity;*
- *Safety, including ensuring no adverse highway impact;*
- *MoD operations, including having no unacceptable impact on the operation of aircraft movement or operational radar; and*

- *Agricultural Land Classification (including a presumption against photovoltaic solar farm proposals on the best and most versatile agricultural land).*

Proposals will be supported where the benefit of the development outweighs the harm caused and it is demonstrated that any harm will be mitigated as far as is reasonably possible.

Renewable energy proposals which will directly benefit a local community, have the support of the local community and / or are targeted at residents experiencing fuel poverty, will be particularly supported.”

The NPPF states:

“148. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

Policies LP18 and LP19 are consistent with the NPPF in encouraging renewable energy proposals. They are given full weight.

The proposed variation is to be considered favourably because it makes a contribution towards renewable energy production, the design of which would be inconspicuous as it hugs the roof slope rather than protruding significantly from it. No detrimental impacts to the landscape, the amenity of residents, or the natural and built environment are apparent. No impact on heritage assets or ecology would arise. LCC Highways raises no objections and there is no requirement to consult and there have been no representations from MoD and radar operators. Therefore, no safety issues are apparent.

The very small change to a strip of landscaping entails slightly more grass near the gated access which is an acceptable design in accordance with Policy LP26.

The proposal is considered to comply with Policies LP18, LP18 and LP26 as well as the provisions of the NPPF. Therefore, it is recommended that planning permission is granted subject to amended conditions to reflect previous condition approvals and the amendment sought:

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

None.

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

1. Foul water drainage shall proceed in accordance with the details approved in compliance with condition application 141372 and the scheme shall be in place prior to the first use of the site.

Reason: To ensure appropriate foul water treatment facilities are in place to serve the development and prevent pollution and flooding of the surrounding area in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

2. The scheme for the prevention and interception of any pollutants from the development to the water environment shall proceed in accordance with the details approved in compliance with condition application 141372 and the scheme shall be in place prior to the first use of the site.

Reason: To prevent pollutants from the development contaminating the water environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

3. The scheme of ecological enhancements for the site shall proceed in accordance with the details approved in compliance with condition application 141372.

Reason: To secure ecological enhancements in accordance with the requirements of Policy LP21 of the Central Lincolnshire Local Plan.

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

4. Development shall proceed in accordance with the precautionary mitigation measures as recommended for amphibians at paragraph 5.11, 5.12 and 5.13; birds at 5.18; and reptiles at 5.23 of the Preliminary Ecological Appraisal as submitted with application 140485.

Reason: To prevent harm to protected species in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

5. External finishing materials shall proceed in accordance with the details approved in compliance with condition application 142188.

Reason: To secure good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

6. Landscaping shall proceed in accordance with the details approved in compliance with condition application 142188. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the site or the completion of the development, whichever is the sooner; and any planting 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 a landscaping scheme to soften the appearance of the development and provide ecological enhancements is provided in accordance with Policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

7. External lighting shall be installed in accordance with the details approved in compliance with condition application 142188. No additional external lighting shall be installed unless details of the number, location, design and light pollution reduction measures have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise light pollution in the interests of the amenities of the area and ecology in accordance with Policies LP21 and LP26 of the Central Lincolnshire Local Plan.

8. Development shall proceed in accordance with the following approved drawings:

Location Plan (received 21/1/2020)

Proposed Building Plan (received 21/1/2020)

Proposed Roof Plan rev P01 (received 19/4/2021)

Proposed Building Elevations (received 13/5/2021)

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Reason: For the sake of clarity and in the interests of proper planning.

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

None.

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