

## **Officers Report**

### **Planning Application No: 142302**

**PROPOSAL:** Outline planning application for the demolition of a dwelling and associated outbuildings and to erect a retail food store building and a detached coffee shop drive thru building - access to be considered and not reserved for subsequent applications.

**LOCATION:** Land off Gallamore Lane Middle Rasen Market Rasen LN8 3HZ

**WARD:** Market Rasen

**WARD MEMBER(S):** Cllr S Bunney, Cllr J McNeill, Cllr C E J McCartney

**APPLICANT NAME:** Mr Keith Nutter

**TARGET DECISION DATE:** 20/04/2021

**DEVELOPMENT TYPE:** Major - Retail

**CASE OFFICER:** Ian Elliott

**RECOMMENDED DECISION:** To grant planning permission, alongside the the signed and certified legal agreement under section 106 of the Planning Act 1990 (as amended) dated 17th June 2021 pertaining to:-

- £5000 for the processing of the alteration to the traffic regulation order and relocation of the existing speed limit terminal signs.
- £5000 for the future monitoring of the required Travel Plan.

This application has been referred to the Planning Committee as it comprises a main town centre use in an out of centre location, and following third party objections from another supermarket operator in regard to the Retail Impact Assessment and anticipated impact upon Market Rasen town centre.

#### **Proposal:**

Outline planning permission is sought for the demolition of a dwelling and associated outbuildings in the south east corner of the site and to erect a retail food store building and a detached coffee shop 'drive thru' building with access to be considered. Scale, appearance, layout and landscaping are reserved for a subsequent application(s) – 'reserved matters'.

#### **Description:**

The application site primarily comprises a grassed area which slopes down to the north then flattens out, a single two storey dwelling to the south east corner and some hardstanding from the access to the south section of the site. The site has an existing wide gated access off Gallamore Lane. Along the east boundary is a watercourse. The site screened to the north and west by hedging with a mix of hedging, trees and fencing to the east boundary. The south boundary is screened by a high brick wall and fencing. Open countryside sits to the north and west. To the east is a single dwelling (Sunnymede) and open countryside which is allocated for housing (CL1358 – See Planning History Section) in the Central Lincolnshire Local Plan. To the

south is Gallamore Industrial Estate. Public Rights of Way MaRA/169/1 is nearby to the south of the site and runs through Gallamore Industrial Estate. Public Rights of Way Midd/99/2 is approximately 270 metres to the west of the site and travels directly north from Gallamore Lane.

**Environmental Impact Assessment:**

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 sets out the thresholds for when a development either requires an EIA or not. The proposal is not a Schedule 1 or 2 development (the site is under 1ha, under schedule 2 paragraph 10(b)) therefore a screening opinion is not required.

**Relevant history:**

132281 - Outline planning application for redevelopment of former plant hire site for residential use, appearance and scale to be considered and not reserved for subsequent applications – 18/12/15 - Granted with Conditions

136342 - Application for approval of reserved matters, considering access, appearance, landscaping, layout and scale - following outline planning permission 132281 granted 18 December 2015 - to erect 16no. dwellings – 26/02/19 - Granted with Conditions

141745 - Pre-application enquiry to erect food store and drive thru – 05/11/20

**Conclusion**

*“The benefits of the development by providing employment opportunities and increasing services to the local area is acknowledged. However it is considered that a retail store and drive thru would comprise a departure from the Development Plan, in this open countryside location. It would need to be clearly demonstrated through the sequential test that there are no suitable sites that are available (or expected to become available) within the town centre, or edge of centre, before an out of centre site such as this could be considered. It will also need to provide a robust impact assessment on the impact on existing town centre vitality and viability.”*

**Land to the east (Allocation CL1358)**

141839 - Planning application to erect 80no. dwellings with associated car parking, gardens, roads, home-zones, pathways (foot and cycle) and public open space – Still under consideration.

**Market Rasen Leisure Centre:**

138607 - Planning application for development of a dry leisure centre, together with external sports pitch – 07/02/19 - Granted time limit and other conditions

**Sequential Test Conclusion:**

*“Therefore, none of the alternative sites assessed are considered to be sequentially preferable to the application site which lies in an edge of centre location, immediately adjacent to Market Rasen’s developed footprint and*

*within easy walking distance of bus services. There is also scope for improved links to the town centre both in terms of walking and cycling.”*

Impact Test Extract:

*“Any impact arising from the proposed Leisure Centre will be of a negligible scale and would not raise any concerns over town centre impact. The location of the application proposal – within 200 metres of Market Rasen town centre, may result in spin off benefits to retailers and services in the town centre as those attending the Leisure Centre will (due to the advantages of convenience and proximity), have the opportunity to undertake other tasks (such as make purchases and orders, collect goods, book services and appointments etc.) as part of the same visit/trip to the Leisure Centre.”*

## **Representations**

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

**Middle Rasen Parish Council:** No objections with comments

The Council have no objections, but would ask that a S106 agreement is made for provision of a footway/cycle path to Middle Rasen along A46 to join A631, and a request for a condition that the lights do not cause light spill into the next door residential development as identified on the CLLP.

**Market Rasen Town Council:** Supports

Market Rasen Town Council support this application but would like to see an extension to the proposed footpath to join it to Market Rasen and provide safe pedestrian access from the town.

**Local residents:** Representation received from (summarised):

### Supports

20 Dovecote, Middle Rasen  
58 Gordonfield, Market Rasen  
49 The Brambles, Market Rasen  
32 North Street, Middle Rasen  
2 The Homestead, Main Street, Osgodby  
82 Lammas Leas Road, Market Rasen  
Clunberry, Main Road, Linwood  
1 Meadowfield, Middle Rasen  
1 Fern Drive, Middle Rasen  
35 Fern Drive, Middle Rasen  
2 Gallamore Court, Middle Rasen

- Enable more choice and discounted food.
- Help environment as less people will travel out of town.
- Provide employment.
- More facilities to the area.
- Encourage people to use local shops.
- Enable to walk to store instead of using car.
- Great for area and enhance town.

- Will help serve 100's of new homes proposed to north of the town.
- Needed as town growing rapidly.
- Stop people having to travel through town centre to get groceries.
- Asset to community.
- Brings affordable shopping into the town.
- Need competition to keep this market town alive.
- Perfect location for such a development.
- Pedestrian access will be icing on the cake.

### Objects

Sunnymede, Gallamore Lane, Middle Rasen

### Health and Safety

- Materials could be a potential fire risk.
- Air pollutants from vehicles.
- Increase in litter.
- Anti-social behaviour in car park.

### Residential Amenity

- Serious impact on mental health, wellbeing and standard of living.
- Overbearing, out of scale and out of character in terms of appearance compared with Sunnymede.
- Light pollution on dark front and rear gardens.
- Noise pollution from traffic, deliveries, ventilation systems, shopping trolleys, night time staff.
- Loss of view from garden.
- Request, should the development be approved, that the developer build a 2.5 metre high brick wall, at their expense, along the joint boundary with Sunnymede.

### Brownfield

- Brownfield references rendered moot by fact site has been enjoyed solely as private residence for many years.

**Royal Mail:** No objections with comments (summarised)

- Do not object to the principle of the development and support new retail development.
- Concerned in relation to potential travel impacts as a result of their working hours and traffic congestion.
- Request that delivery hours are conditioned to protect Royal Mails delivery fleet from significant delays due to increased traffic on local highway.
- Royal Mail delivery officer located with Gallamore Lane Industrial Estate and additional parking in area may cause increase in parking issues for Royal Mail.
- Royal Mail needs uninterrupted access into and from its site at all times.
- Considers off street parking to development as sufficient.
- Construction Management Plan requested as pre-commencement condition.

## **TESCO Stores Ltd: Objections (summarised)**

- **The Requirement for Robust Assessment of the Significance of Trading Impacts on Market Rasen Town Centre**

The application proposal is for a retail store of 1,858m<sup>2</sup> gross. That is nearly four times the local threshold of 500m<sup>2</sup>. The Local Plan advocates that a “*robust assessment of impact on nearby centres*” is required for out-of-centre retail proposals “*greater than 500m<sup>2</sup>*” (policy LP 6). The prospect of there being a significant adverse impact justifying refusal must therefore be a realistic expectation.

- **Inadequate Assessment of Market Rasen Town Centre’s Health**

The Planning and Retail Statement only draws from a very dated and now unreliable assessment of the health of the town centre undertaken for the Council in August 2015. An up-to-date assessment is necessary as the basis against which effects on the vitality and viability of the town centre can then be properly judged.

In assessing the health of the town centre it is important that the role the Tesco store plays is correctly identified. It provides a key destination and attraction that generates footfall supporting the range and diversity of other shops and services across the centre. It is located within a short (less than 300m) and easy walk of the centre’s primary shopping centre. It must be classified as ‘an edge of centre’ store (National Planning Policy Framework (Glossary) definition). As such it is deemed to have a positive town centre function and ‘policy protection’ in the sense that it must be included in the assessment of any trading impacts on the town centre.

- **A Significant Adverse Impact on Town Centre Trading Conditions**

The applicant’s submitted Statement seeks to set the proposal within a very much broader catchment area extending to include Horncastle, much of Louth and extending up to the urban edges of Lincoln, Grimsby, Cleethorpes and Gainsborough. This is a vast catchment area that is wholly untypical of the market that these retailers seek to serve. Those settlements are all around 25km distant and thus at least a 30 minute drive away.

Had the author selected a more appropriate catchment area focused more on Market Rasen itself (for example limited to zone 14 of the Council’s Study) then a catchment population of just short of 25,000 at 2025 would have provided a more realistic and usable study area (subject to the removal of some population near to the Grimsby/Cleethorpes border).

This therefore needs to be considered in the context of, and compared with, the author’s estimate of trade draw from the Tesco store in Market Rasen that sits less than 1.5 km away from the proposal and is very conveniently located within the town’s local catchment area. Applying information available to us to assess impacts from new discounter stores on retailing in modest ‘market towns’ where alternative provision is distant, i.e. well over 20km away, confirms that the impacts on our client’s trading conditions and footfall will be significantly greater than judged to occur in the applicant’s assessment.

However, notwithstanding the applicant's significant under estimate of trade diversion within Market Rasen, they estimate impact on that it has been undertaken in accordance with Guidance Tesco store to be 27.2%. And when the overall impact on all relevant stores in Market Rasen is aggregated, impact still exceeds 22%. Thus, even with all the under-estimation factors and poor judgements put aside, this represents a very substantial diversion of trade. It would cause a substantial reduction in footfall within the town centre thus harming the vitality and viability of shops and services there. It is of a magnitude where a "*significant adverse impact*" would normally be expected to arise and that in turn would justify refusal of planning permission (as per the development plan and paragraph 90 of the NPPF). A final confirmatory judgement can safely be made when the Council is in possession of an up-to-date assessment of the current, post COVID -19 health of the town centre.

- **Employment benefits vastly overstated**

The applicant's Statement asserts that there would be 107 FTE new jobs. Typically around 40 jobs (in total) would typically be created with drive-through restaurants not exceeding 20.

- **Poor Transport Accessibility**

The site has very poor accessibility by non-car modes. In particular the A46, Gallamore Lane, has no bus services running along it. East-west routes run along Gainsborough Road and King Street to and from the town centre. This is confirmed in the applicant's Statement that confirms, "*the nearest bus stop to the site is within 800m ...*". Policy LP 13 of the adopted Local Plan cannot therefore realistically be complied with.

- **Conflict with Open Countryside and Beyond Settlement Boundary**

Whilst the applicant's agent suggests that it's character is influenced by the 'urban fringe', the plan making process would have been aware of this but nevertheless did not exclude it. The full weight of this designation should therefore be applied together with the related breach of developing 'outside the defined Settlement Boundary'.

- **Speculative Development and the Risk of Non-Delivery**

There is no operator associated with the proposal. This is unusual in the context of planning applications for discount food retailing. The Council should recognise the potential lack of delivery risks associated with such a speculative development. That would provide adverse signals of a lack of confidence in the locality it would also lead to 'convert' the development into a potentially less acceptable form.

**WLDC Economic Development:** Supports

In principle and subject to normal planning considerations, the Growth Team are supportive of this outline development proposal and would make the following comments in respect of the economic benefits it would bring to the Market Rasen area:

The proposed location on the A46 has in part previously been used for commercial purposes and Gallamore Lane Industrial Estate sits to the south

of the site with a mix of retail and industrial uses and whilst serving the immediate catchment area (industrial estate and housing) is connected to Market Rasen town centre via bus and walking routes.

Local employment opportunities would be provided both during construction of the facility and longer term in the retail food store and coffee shop provision.

This proposal would also provide a further food retail offer in the locality for residents as well as serving passing trade on the main A46 route.

**LCC Highways/Lead Local Flood Authority:** No objection subject to conditions and S106 contributions.

#### Highways

The Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to the NPPF.

#### Drainage

This application has provided details to support a site specific sustainable drainage system with a controlled rate of surface water run-off, and therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

Recommended conditions:

- Construction Management Plan
- Timely closure of existing accesses
- 1.8 metre wide footway to connect the development to the existing footway network on the north and south side of Gallamore Lane
- works to improve the public highway by means of a pedestrian refuge island
- Travel Plan
- Surface Water Drainage Scheme

S106 contribution:

- £5000 for the processing of the alteration to the traffic regulation order and relocation of the existing speed limit terminal signs.
- £5000 for the future monitoring of the required Travel Plan.

**Environment Agency:** No objections with advice

We note that the Suggested Informative Statements and Conditions Report (ref: 169656/1/0114192) from Anglian Water dated 09 February 2021 highlights that the foul drainage from this development is in the catchment of Market Rasen Water Recycling Centre (WRC) which currently does not have capacity to treat the flows the development site.

**LCC Archaeology:** No objections

The development is located outside of the historic settlement cores of Market and Middle Rasen. The site would have been within the open fields of these settlements in the medieval period so it is unlikely that any remains of this date would be found. There is also no evidence for earlier Roman or

prehistoric settlement nearby, and so in my view there is nothing to justify any archaeological input for this development.

**WLDC Environmental Protection Officer:** No objections subject to conditions:

Representations received 19th March 2021

Responses received – no comment or objection

Site plan – please consider running this by the Ancholme IDB.

Representations received 12th and 17th February 2021:

#### Riparian Responsibility

There is no indication of the watercourse on the east boundary on the site.

Assurance of ability to manage riparian responsibilities ought to be required at an early stage and this would entail ability to access and maintain.

#### Contamination

A comprehensive contamination condition ought to be attached to any permission.

#### Noise

I agree in principal with the noise assessment, subject to the below, I advise revisiting it at detailed design stage and recommend a condition to this effect.

A decision ought however to be made about the acoustic fence before outline permission is granted as a revision of layout may well be necessary.

I would, regardless, like to see graphical analysis of LAeq and L90 data to visually assess variance across time as against the statistical analysis of noise occurrence that has been provided and for it to be assessed against pre-covid restrictions as regards traffic movements for which I am sure comparative data will be available.

A noise condition would ensure a follow up report. Also and significantly I would like to see:

1. the additional info (a) LAeq Graphs and (b) pre Covid assessment and crucially
2. how the acoustic fence positioning will be managed around Riparian Responsibility in respect of assumptions of its presence (ought to be addressed before granting permission).

#### Deliveries

I note a delivery vehicle turning as well as a loading area and in it increased potential for noise disturbance especially during sleep disturbance hours (23:00 to 07:00) and through periods of diminishing background noise in the evenings.

At 1.6 of the assessment is an indication of proposed opening hours. These ought to be conditioned and exclude deliveries outside of these hours except for exceptional circumstances.



Assumptions apparent at 4.16 are that delivery vehicles will be unloaded indoors and that deliveries could be made at any time of the day or night. The former ought not to be assumed and if fact then ought to be conditioned, the latter ought to be discouraged and appears substantiated in the table at 4.21 with a 'significant adverse' attributed to night time noise (albeit recommendation at 4.25 is for a restriction against during the hours 23:00 to 05:00 as against the 23:00 to 07:00 I advise so as to minimise potential for complaint as and when the neighbouring proposed development is occupied.

#### Piling

It is likely that piling will be necessary at this site due to high ground water, a piling strategy ought to be agreed in order to minimise disruption.

#### Plant

I note assumption at 1.4 as regards location of plant as being west of the store, inference therein apparently being of lesser need to assess and mitigate. This should not to be assumed and ought to be subject of a follow up report/addendum, as appropriate.

#### Lighting

An illustrated lighting impact plan is needed, one that includes any light spill from internal lighting as may impact outside of the boundary. Need for an hours control on unnecessary and out of hours lighting in the as yet remote location is also apparent. A condition ought to be applied to any grant of permission

#### Odour

An odour condition ought to be applied in respect of any hot food preparation 'In Store' and the 'Drive-Thru'

#### Anti-Social Behaviour

Consideration ought to be given as to the management of potential for and of Anti-Social Behaviour, especially on the car park(s) and associated areas out of hours.

#### **WLDC Tree and Landscape Officer: Comments**

The northerly and easterly boundaries show adequate planting space for a range of trees and shrubs in addition to the existing hedgerows to create good landscape buffers between the proposed retail site and the adjacent housing allocated site to the east and open countryside to the north.

A line of fastigiate (narrower crown shaped) trees are proposed along the westerly planting area in addition to the existing low-level hedgerow for amenity and screening. Ground cover plants are also proposed along this planting bed, and would be to inhibit weeds and for amenity within the site, as they would not be visible from outside the site and would not contribute to screening or softening of the development. The line of fastigiate trees along the westerly boundary are shown planted in an evenly-spaced line. This gives a regimented line appearance, and would look better if they were more randomly spaced to give a more natural effect, and the trees should not be all

the same species. Something similar to the tree spacing along the easterly side would be preferable for a more natural appearance, particularly due to being on the edge of open countryside and prominent along Gallamore Lane in the approach to the town.

The existing boundary hedgerows have a few thin areas, and there is an opening in the northerly hedgerow. Some infill planting of locally characteristic mixed native species will be required, and details should be given on a landscape scheme in a Reserved Matters application.

A scheme of landscaping will be required as part of a subsequent Reserved Matters application.

**LCC Public Rights of Way:** No objections

**Anglian Water:** Comments

Representation received 12th May 2021:

Same as 8th February 2021 comment but now states that:

The foul drainage from this development is in the catchment of Market Rasen Water Recycling Centre that will have available capacity for these flows

Representation received 8th February 2021:

Assets

There are no Anglian Water assets within the site boundary

Wastewater Treatment

The foul drainage is in the catchment of Market Rasen Water Recycling Centre which currently does not have capacity to treat the flows. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Used Water Network

The sewerage system at present has available capacity for these flows.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

**Nexus Planning (on behalf of the applicant):** Response to TESCO objections (summarised)

- The Requirement for Robust Assessment of the Significance of Trading Impacts on Market Rasen Town Centre

The submitted Planning and Retail Statement utilises the household survey undertaken in support of the Central Lincolnshire City and Town Centre

Studies of 2012 and 2015, but provides a fully updated position in respect of the trading performance of existing stores through the use of the latest Experian expenditure data and forecasts. In this regard, we note that paragraph 017 of the Town Centres and Retail Planning Practice Guidance recommends that:

**‘The impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.’** (Our emphasis.)

Our approach in comprehensively updating the Council’s own evidence base is wholly consistent with this guidance. The impact assessment has been undertaken on a detailed basis and clearly demonstrates that the level of trade diversion occurring from any defined centre will be very limited. In our view, this is unsurprising given that there are no comparable large format grocery retailers located within Market Rasen town centre.

It is relevant to note that the Tesco store at Linwood Road in Market Rasen is accurately categorised as ‘out of centre’, given that the most direct route between the store and the town centre is well in excess of 300 metres.

- **Inadequate Assessment of Market Rasen Town Centre’s Health**  
The submitted Planning and Retail Statement draws upon the most recently published health check assessment of Market Rasen town centre, which we have verified through our observations ‘on the ground’ in visiting the centre in December 2020. We believe that the Council’s own evidence is particularly helpful in this instance given that the purpose of Covid-related restrictions is to ensure that there is a lesser amount of activity within any given destination through the temporary closure of businesses. Solely relying on the trading position of a centre within a period of trading restrictions would provide a misleading position.

Notwithstanding this, our December 2020 visit has verified the key conclusions of the Council’s own earlier health check assessment in respect of:

- the pleasant town centre environment;
- the focus of the centre in meeting service and day-to-day needs;
- the limited national multiple offer; and
- the apparent limited number of pedestrian linked trips between the Tesco store at Linwood Road and the town centre to the north.

In reviewing the health of Market Rasen town centre, paragraph 6.15 of our Planning and Retail Statement noted that:

**‘..it is widely anticipated that Covid-19 will result in a long-term shift in working habits, with more people working from home, at least on occasion. This will mean less commuting to higher order centres and more convenience goods expenditure being spent closer to home. This, in turn, will be of benefit both to our client’s application proposal (once implemented), but also to existing convenience goods retailers in the**

**town.’**

This commentary is consistent with the findings of the Review of High Street Footfall, which was published by the Government’s High Streets Task Force in September 2020. The Review of High Street Footfall paper identifies that larger town and city centres have been disproportionately impacted by Covid-related restrictions and that, as a consequence of working from home, the local high street has been ‘rediscovered’. Page 48 of the Review of High Street Footfall indicates that a shift to working from home has resulted in more trips to the local high street or town centre now taking place during the week. There is some expectation that this trend will continue even as restrictions are eased.

It is also important to recognise that grocery shopping has been less impacted than non-essential shopping, and that grocers have, overall, secured additional sales. Tesco has been a particular beneficiary of recent changes in shopping habits, with its food and grocery sales increasing by a reported 9.2% in 2020 compared to 2019.

As a consequence, we do not believe that there are any particular long-term concerns relating from Covid-19 which are specific to Market Rasen town centre or to the Tesco supermarket, accepting that this store comprises an out of centre destination. Furthermore, given the location of the Tesco store, it is important to confirm that it is not afforded direct policy protection in terms of the impact test’s objective of safeguarding the vitality and viability of defined centres. We believe this to be a straightforward and widely understood principle.

Should there be any doubt in this regard, assistance is provided by the Inspector in defining the area of particular interest with regard to the retail impacts arising from the proposed erection of a Sainsbury’s superstore at Meols Cop Retail Park in Southport (PINS reference App/M4320/V/1 5/3002637). At paragraph 317 of her report, the Inspector clarifies that: **‘To my mind it is reasonable to surmise that the consideration of town centre vitality and viability in Paragraph 26 [now paragraph 89 of the NPPF] is referring to the PSA, which is the area where retail development is concentrated.’**

We reiterate that Tesco store is located some distance outside the defined Market Rasen town centre boundary.

- A Significant Adverse Impact on Town Centre Trading Conditions  
The MRPP letter suggests that the submitted retail impact assessment has overstated the impacts arising at more distant locations and that, as a direct consequence, identified local impacts have been depressed.

This concern appears to be based on two erroneous assumptions. Firstly, the MRPP letter identifies that our assessment assumes that some expenditure could be diverted from the edge of destinations such as Lincoln, Grimsby,

Cleethorpes and Gainsborough to the proposed store. As a consequence, MRPP states that:

‘Those settlements are all about 25km distant and thus at least a 30 minute drive away. This vastly oversized catchment area serves to substantially distort assessment of likely effects.’

To be clear, it is not our case that residents of Lincoln, Grimsby and other relatively distant towns will travel to Market Rasen to shop at a discount food store in large numbers. Instead, we anticipate that the large majority of the turnover of the proposed store will be drawn from Zone 14 (within which the application site lies). Other zones are included in our assessment for completeness in order to help accurately identify the turnover of relevant food stores.

In this context, we believe that some expenditure which originates in locations such as Caistor (which is located within West Lindsey District) will be drawn to the proposed food store, instead of being spent within Grimsby, Cleethorpes, and so on. In addition, it is the case that some local residents are being forced to travel substantial distances as a consequence of the very limited grocery provision in Market Rasen. This is confirmed by the letter submitted in support of the application by the occupant of 1 Meadowfield, Middle Rasen who indicates that ‘...a store like this would certainly help, I know my neighbours and myself go to Lincoln rather than shop here.’

We believe that the findings of the submitted retail impact assessment are entirely realistic and plausible in this context.

Secondly, MRPP assumes that any miscalculation in respect of the quantum of trade diverted from more distant towns will materially affect the level of diversion from the Tesco at Linwood Road. In practice, the level of trade diverted from these destinations has no real bearing on the propensity for Tesco shoppers to be tempted away from that store to shop instead at the proposed new food store.

The robustness of the assumed trade diversion from Tesco needs to be judged on its own merits. In our experience, it would be highly unusual for a store to secure more than 40% of its turnover from a single competitor. Indeed, the level of trade diversion which we have estimated would occur at the Tesco store equates to around one in three of its shoppers being tempted away from their preferred grocery shopping destination. This is despite the fact that the proposed store will carry a more limited product line than the Tesco.

As a consequence of the above, we believe it to be implausible that the Tesco would be the subject of an impact materially in excess of that identified within our retail impact assessment.

- **Employment Benefits Vastly Overstated**

We take this opportunity to provide a revised assessment of the likely jobs supported by the proposal. The proposed food store would have a gross internal area of 1,858 sq.m and the proposed drive-thru would have a gross

internal area of 186 sq.m. Accordingly, the proposed development has an aggregated gross internal floorspace of 2,044 sq.m.

The most circumspect employment density estimate provided by the Homes & Communities Agency Employment Density Guide<sup>4</sup> in respect of food store and restaurant & café floorspace is one job for every 20 sq.m of net internal floorspace. Applying this benchmark suggests that the proposed development would likely support a minimum of 102 FTE jobs.

We recognise that the application has been submitted without any operator being formally associated with the proposal, and that the above figure is an estimate based on an established indicative multiplier.

This approach is commonplace in such circumstances. Furthermore, whilst we note that MRPP has a more pessimistic view in respect of the likely number of jobs supported by the proposal, its own estimate of 60 jobs still comprises a significant benefit attributable to the development. The exact employment arising from the proposal will be dependent on the end occupiers, but the Council can have confidence that a substantial number of jobs will be supported in practice.

- **Poor Transport Accessibility**

The application site is situated in the northern part of Market Rasen, which is particularly poorly served in respect of its accessibility to grocery provision. The delivery of the food store in this location will mean that shoppers living in this part of the town will be able to meet more of their needs locally, whether such trips are undertaken on foot or by car. We note that the supporting letter submitted by the occupant of 2 Gallamore Court, Middle Rasen identifies that the site comprises the 'perfect location' to deliver better choice to residents. We believe that some visits to the food store could be made on foot, both in respect of nearby residents and employees located at Gallamore Lane Industrial Estate. Furthermore, we note that the Market Rasen area benefits from the 'Call Connect' on-demand bus service, which is available to all residents to allow bus journeys to locations of their choosing. As a consequence of the above, we believe that the proposed development is consistent with the requirements of Central Lincolnshire Local Plan Policy LP13 and its requirement for proposals to offer a range of transport choices.

- **Conflict with Open Countryside and Beyond Settlement Boundary Designations**

The site is predominantly previously-developed in character and is situated opposite an existing commercial estate which accommodates large-format development. The submitted Planning and Retail Statement of January 2021 demonstrates how the proposal addresses the four criteria of relevance to Part E of Policy LP55 of the Central Lincolnshire Local Plan. We remain of the view that the proposed land use represents an appropriate use of the site in this context, and do not believe that the MRPP letter introduces any additional information which requires further consideration.

- **Speculative Development and the Risk of Non-Delivery**

Morbaine continues to engage with interested operators to secure occupation of the proposed development. It can confirm that there is significant interest in the development, and that such discussions are assisted by the generally positive manner in which the proposals have been welcomed by the local community. Morbaine expects to be able to agree terms with interested parties promptly should planning permission be granted for the development.

#### Summary and Conclusion

We reiterate that the proposal is appropriately located to provide increased customer choice and to ensure that more needs are able to be met locally, therefore removing the requirement to travel further afield. Any impacts which would occur within defined centres are very limited in nature and certainly not of the 'significant adverse' magnitude which could merit the refusal of the application.

**Further late representations have been received from Tesco (11<sup>th</sup> May) and a response from Nexus Planning (17<sup>th</sup> May) continuing this debate and can be viewed on the Council website.**

#### 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)***

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP6 Retail and Town Centres in Central Lincolnshire

LP12 Infrastructure to Provide Growth

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP16 Development on Land Affected by Contamination

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Development in the Countryside

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

- **Neighbourhood Plan (NP)**

The site is not within an allocated Neighbourhood Area. There is no neighbourhood plan to consider.

- **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)**

<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 20 states:

*“Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:*

- a) *housing (including affordable housing), employment, retail, leisure and other commercial development”*

Paragraph 85 states:

*“Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:*

- a) *define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters”*

Paragraph 86 states:

*“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in 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 sites be considered.”*

Paragraph 87 states:

*“When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility*



*on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”*

Paragraph 89 states:

*“When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:*

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).”*

Paragraph 90 states:

*“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.”*

Paragraph 117 states:

*“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”.*

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).”*

Annex 2 states:

*“**Edge of centre:** For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.”*

*“**Main town centre uses:** Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants,*

bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).”

**“Primary shopping area:** Defined area where retail development is concentrated.”

**“Previously developed land:** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

- **National Planning Practice Guidance**

Town Centres and Retail

<https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres#planning-for-town-centre-vitality-and-viability>

- **National Design Guide (2019)**

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

Other:

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (UCO)

<https://www.legislation.gov.uk/ukxi/2020/757/made>

**Main issues:**

- Principle of the Development
  - Location
  - Central Lincolnshire Local Plan 2012-2036
  - Assessment of Local Policy LP6 of the CLLP
  - Town Centre Sequential Test
  - Town Centre Impact Test
  - Local Policy LP55 Part E
  - Previously Developed Land
  - Concluding Statement
- Community Engagement
- Access

## **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.

### *Location:*

Local Policy LP2 of the CLLP defines the developed footprint as:

*“throughout this policy and Policy LP4 the term ‘developed footprint’ of a settlement is defined as the continuous built form of the settlement and excludes:*

- a) individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;*
- b) gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;*
- c) agricultural buildings and associated land on the edge of the settlement;*  
*and*
- d) outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.”*

Adjacent to the east of the site is housing allocation CL1358 which is currently under consideration in planning application 141839 (80 dwellings). If approved and constructed the application site would be adjacent and opposite the developed footprint of Market Rasen in the form of Sunnymede and Gallamore Industrial Estate.

At this moment in time in accordance with local policy LP2 of the CLLP and the definition of the developed footprint the application site is considered as being in the open countryside.

### *Central Lincolnshire Local Plan 2012-2036:*

Local policy LP6 of the CLLP states:

*“The following retail hierarchy will be used by the Central Lincolnshire authorities and their partners to guide investment and other activity to improve the vitality and viability of the identified centres, and in planning applications for retail and other town centre uses (as defined in the NPPF):*

Tier	Type of Centre	Role and Function	Location
1	City Centre	Largest centre within Central Lincolnshire, having an extensive catchment and a sub-regional role, providing a wide range of town centre uses.	Lincoln
2	Town Centre	Centres providing a range of facilities and services for a wider catchment area within the main towns and market towns.	Gainsborough Sleaford Market Rasen Caistor
3	District Centre	Centres serving particular areas within the main settlements, typically including a range of services such as banks, building societies, restaurants, library, and usually with at least one supermarket.	Existing locations are all within the Lincoln Area. The potential requirement for new District Centre development serving the proposed SUEs is covered in the individual SUE policies in the area chapters.
4	Local Centre	Centres within the main settlements that serve their locality, typically including a small supermarket and a limited range of other local shops and services such as a pharmacy, sub-Post Office, newsagent, hot food takeaway.	The potential requirement for new Local Centre development for proposed SUEs is covered in the policies for the individual SUEs in the area chapters.
5	Rural Settlements	Small rural centres serving the local population which may include local health and leisure services	Retail hierarchy within rural settlements follows the settlement hierarchy as defined in Policy LP2, other than Market Rasen and Caistor as identified above

*“The boundaries of Tier 1 to 4 centres referred to in this table, together with primary shopping areas are defined on the Policies Map.*

*Development proposals for retail and/ or other town centre uses will be directed to the Tier 1 to 4 centres defined in this policy, and will be appropriate in scale and nature to the size and function of the relevant centre and to the maintenance of the retail hierarchy as a whole. Within the Rural Settlements, other than Market Rasen and Caistor, the scale of provision should be proportionate and strengthen their roles in providing mainly convenience shopping and local services to meet local needs.*

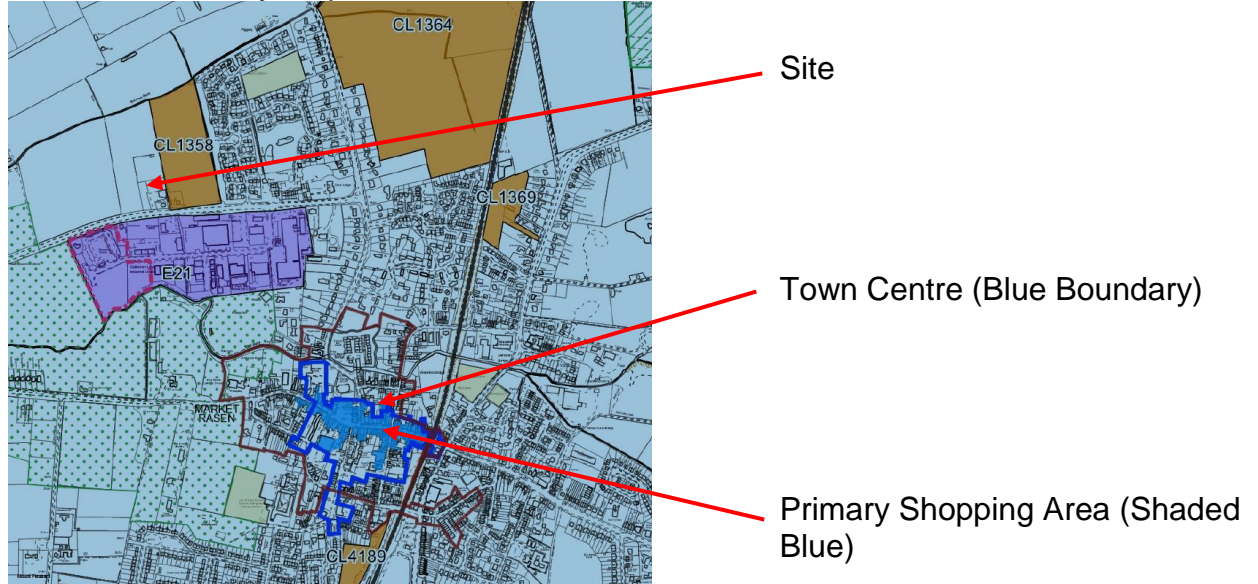
*Development proposals for main town centre uses in out-of-centre and edge-of-centre locations will be required to demonstrate their suitability through a sequential site test in line with the NPPF.*

*In addition, a robust assessment of impact on nearby centres will be required for any edge-of-centre or out-of-centre retail, leisure or office proposal that is located:*

- 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>.*

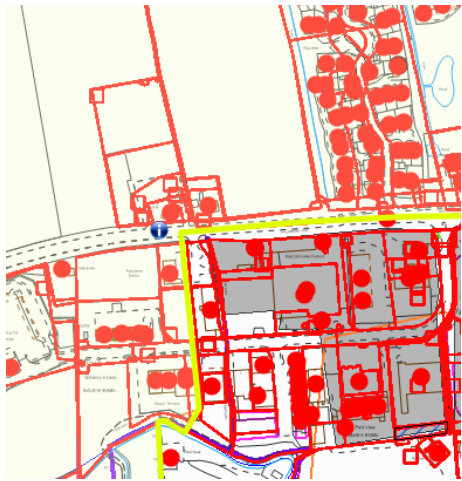
Extract from Policy Map 51<sup>1</sup> – Market Rasen



*Assessment of Local Policy LP6 of the CLLP:*

Local policy LP6 of the CLLP sets out a hierarchy (pg28 (see above)) “to guide investment and other activity to improve the vitality and viability of the identified centres, and in planning applications for retail and other town centre uses (as defined in the NPPF)”.

Although the site is in the parish of Middle Rasen it is located closer and has more of a physical connection/relationship with Market Rasen, than Middle Rasen village. For reasons of clarity the parish boundary (see highlighted yellow on plan below) of Middle Rasen and Market Rasen runs along the south side of Gallamore Lane from Caistor Road (B1202) and then re-directs south past the east elevation of the Ambulance Station. The application site is partly opposite the boundary.



<sup>1</sup> <https://www.n-kesteven.gov.uk/central-lincolnshire/policies-map-and-interactive-map/>

The hierarchy allocates Market Rasen as a Town Centre and Middle Rasen as a Local Centre. The application site is located approximately 1327 metres (0.8 miles) from the Middle Rasen Local Centre and approximately 480 metres (0.29 miles) from the Town Centre boundary of Market Rasen. The site is additional approximately 640 metres (0.39 miles) from the Primary Shopping Area of Market Rasen which is in and around the Market Place.

In accordance with the UCO the proposed development would introduce a class E (Commercial, Business and Service use) retail and drive through restaurant use onto the site. This application therefore proposes to install a main town centre use onto a site which is more than 300 metres from the Primary Shopping Area (see edge of settlement definition in the national policy section above) of Market Rasen. Therefore the proposed site is considered as being an out of centre location and the application must demonstrate and justify through a full assessment how the application site would pass the main town centre sequential test.

The proposed development would have a total gross new internal floorspace of 2044m<sup>2</sup>. Therefore in line with criteria d) of the Local policy LP6 and paragraph 89 of the NPPF the application must in this case provide a robust impact assessment on the Town Centre of Market Rasen.

The application has included a Planning and Retail Statement (PRS) dated January 2021 by NEXUS Planning which provides an assessment of the sequential test in section 5.0 and the impact test in section 6.0.

*Town Centre Sequential Test:*

In paragraph 5.21 the PRS clearly sets out the parameters which have informed the completion of the sequential test: These are:

- *at least 0.6 hectares in size, in order to accommodate a materially similar form of development;*
- *within the Market Rasen area, such that any sequential alternative site would serve the same broad catchment area; and*
- *in a visible location which benefits from good access to the transport network in order to meet the needs of prospective operators.*

The sequential test focusses on Market Rasen and included a survey visit in December 2020 by the author. The concentration of the sequential test on Market Rasen is accepted as the site has a closer relationship to and would primarily serve the people of the town.

This survey found only one unit (10 Market Place) within the town centre measuring 280m<sup>2</sup> and assessed the potential of the Market Rasen Leisure Centre site. The Market Rasen Leisure Centre as witnessed during the site visit is now fully constructed and operational. It is agreed that there are no town centre locations large enough to accommodate the proposed development and the Market Rasen Leisure Centre site is occupied.

It is relevant at this point to acknowledge that the Market Rasen Leisure Centre (136807) recently passed the main town centre sequential test as an edge of centre site.

Considering local knowledge, and having interrogated the Authority's internal GIS mapping system and explored around the Market Rasen area I am unaware of any other sites that it would be appropriate to include within the town centre sequential test.

Therefore, none of the alternative sites assessed are considered to be sequentially preferable to the application site which lies in an out of centre location, opposite to Market Rasen's developed footprint and within easy walking or cycling distance of Market Rasen's residential form subject to highway and pedestrian footpath improvements (see later in report).

#### *Town Centre Impact Test:*

Whilst the national threshold for an Impact Assessment is set for proposals that would exceed 2500sqm, which the proposed development would fall below, one is required by virtue of criteria d. of policy LP6 which places a local threshold of 500sqm.

To reiterate paragraph 89 of the NPPF provides the criteria to be met by the impact test. These are:

- a) *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."*

Paragraph 15 (Reference ID: 2b-015-20190722) and 18 (Reference ID: 2b-018-20190722) of the Town Centres and Retail section of the NPPG sets out what it is important to consider and a checklist for its application.

Consider:

- *"scale of proposals relative to town centres*
- *the existing viability and vitality of town centres*
- *cumulative effects of recent developments*
- *whether local town centres are vulnerable*
- *likely effects of development on any town centre strategy*
- *impact on any other planned investment"*

Checklist:

- *"establish the state of existing centres and the nature of current shopping patterns (base year)*
- *determine the appropriate time frame for assessing impact, focusing on impact in the first five years, as this is when most of the impact will occur*



- *examine the ‘no development’ scenario (which should not necessarily be based on the assumption that all centres are likely to benefit from expenditure growth in convenience and comparison goods and reflect both changes in the market or role of centres, as well as changes in the environment such as new infrastructure);*
- *assess the proposal’s turnover and trade draw\* (drawing on information from comparable schemes, the operator’s benchmark turnover of convenience and comparison goods, and carefully considering likely catchments and trade draw)*
- *consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities (which may require breaking the study area down into a series of zones to gain a finer-grain analysis of anticipated impact)*
- *set out the likely impact of the proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues*
- *any conclusions should be proportionate: for example, it may be sufficient to give a broad indication of the proportion of the proposal’s trade draw likely to be derived from different centres and facilities in the catchment area and the likely consequences for the vitality and viability of existing town centres”*

Paragraph 6.21 of the PRS states that the only known investment in Market Rasen is the Leisure Centre which is now in an operational position therefore its investment cannot be impacted on.

The PRS sets out the methodology used to assess the impact test with detailed tables in appendix A providing a “*step-by-step retail impact assessment*”.

The Impact Assessment assesses the health of the Town Centre, taking into account previous assessments and their own surveying, finding “*Market Rasen remains a pleasant centre to visit, with a strong community feel*” and that “*Whilst Market Rasen’s vacancy rate appears to have been the subject of a further increase, this is consistent with the position nationwide. Boots remains the highest profile national multiple and the centre remains focused in day-to-day and service uses*”.

It goes on to state “*it is also important to recognise that the foodstore proposed by this planning application would compete against comparable existing main food shopping destinations elsewhere. This includes the Tesco at Linwood Road, and foodstores at Grimsby and Cleethorpes; there is no such comparable offer within Market Rasen town centre itself. There are two important consequences of this:*

*Firstly, it is highly unlikely that the implementation of the proposal would materially impact on the trading performance of any retailer located within the town centre. In simple terms, the proposal caters for a different market.*



*Secondly, we anticipate that the proposal will 'claw back' expenditure which currently originates within Market Rasen and its surrounding area, but which is spend further afield. We believe that this will have benefits for town centre operators. If greater a greater number of convenience shopping trips are undertaken in Market Rasen, this in turn increases the propensity for linked trips to support other facilities in the area..."*

Table 8 of Appendix A is considered significant as it provides an estimated trade diversion from all the local supermarkets and convenience stores. Paragraph 6.49 and 6.52 of the PRS concludes that *"no significant adverse impacts arising from the application"* would occur in relation to the impact on trade diversion.

Paragraph 6.54 of the PRS states that the *"coffee shop drive-thru is not of a scale which would have any material impact on Market Rasen"*

Late objections, beyond the statutory consultation period, have been received from Tesco Stores Ltd, who operate a supermarket on Linwood Road, approximately 250-300 metres to the south of the Market Rasen Town Centre designation (an "Edge of Centre" site).

Tesco Stores Ltd claim the Impact Assessment to be inadequate. They claim it uses out of date information by using the Council's own 2015 Assessment. However, the National Planning Practice Guidance states that such tests should be *"undertaken in a proportionate and locally appropriate way"* and should *"draw on existing information where possible"*. It is clear within the Assessment that they have drawn upon existing published information before making there own assessments as to whether there has been any changes.

Tesco Stores Ltd question the catchment area employed for the assessment stating *"catchment areas are typically based on a five minute drive, or exceptionally in rural areas of up to a 10 minutes drive"* and *"had the author selected a more appropriate catchment area focused more on Market Rasen itself... would have provided a more realistic and useable study area.."*

I do not however finding this to be a very compelling argument. *The National Planning Practice Guidance does not set any such parameters and it is for the applicant to demonstrate compliance with the impact test in a proportionate and locally appropriate way.* The objector does not give any explanation as to why a 10 minute drive is "exceptionally" appropriate. In view of the rural nature of the location, and limited alternative provision, a larger catchment would seem to be a more realistic prospect.

But in any event, the applicant's statement does say that *"The type and format of foodstore proposed is such that the development will cater for needs which arise in the local area. Consequently, it is anticipated that the vast majority of customers will be Market Rasen residents, as it would generally be illogical for residents in outlying areas to drive past more convenient options in order to access the site. As we go on to consider in detail... the impacts arising from the proposal would generally be borne by retailers which currently trade*

*successfully and would likely continue to do so subsequent to the proposal's implementation."*

The Assessment also considers the development will "claw back" convenience expenditure from Market Rasen residents that are travelling further afield for their convenience shopping. This includes from stores in Grimsby and Cleethorpes.

It does consider that the greatest trade diversion would be from the Tesco Store on Linwood Road (-27.2%). Tesco Stores Ltd put forward that the Impact Assessment underestimates the impact on their own trading conditions. However, the Tesco Store is not within the Town Centre, for which the planning system seeks to protect, and the planning system is not devised to regulate competition between rival supermarket operators.

Tesco have commented on the accessibility by non-car modes to the location of the site. At present the site is not served by a pedestrian footpath and only a Call Connect bus service would currently be available to take people directly to the site. The proposal would include the installation of a 1.8 metres wide footpath to connect to the existing footpath to the north of Gallamore Lane and a payment through a Section 106 Legal Agreement to move the 30mph speed limit signs to the west of the site. This would provide a safer environment for the local people who want to walk to the site. Although not necessary or reasonable to make the development acceptable the permission advises that the developer should discuss the imposition of bus stops along Gallamore Lane with Lincolnshire County Council.

It has been demonstrated that the location of the development passes the Town Centre sequential test. Infrastructure has been put forward in the application to provide safe pedestrian access to the site and there is currently a CallConnect bus service which can be used to take residents to the site. Whilst the comments from Tesco are acknowledged it is not considered that the development would not be accessible on foot, by bicycle or through the CallConnect public bus service

Tesco Stores Ltd allege that the applicant overstates the job creation that would arise from the development, at 107FTE. They propose a figure nearer to 40-60 FTE. As stated later in the report the information submitted with the application differs from 40 to 107 job opportunities. Without an end operator, it is not possible to establish the resultant figure but even if employing the objectors more conservative estimate of 40 jobs, this would still be a significant employment generation within the local area that would arise from the development, that can be attributed weight in the overall balance.

Tesco Stores Ltd state that as there is no operator the development is merely speculative and that issues may arise with design and delivery. However, there is no obligation for an operator to be involved at this stage. The Council may only consider the development being proposed, in accordance with the development plan. Any planning application would have a condition requiring a time limit by which development may commence, as is standard, and matters of scale and appearance would be reserved for subsequent approval.

The PRS appears to have been completed in accordance with the guidance set out within the NPPG and provides the relevant information required.

The Town Centre has little comparable comparison goods trading, and conclusions that trade diversion from the Town Centre would be limited, seems reasonable. It also seems a reasonable conclusion that the store would “claw back” leakage from destinations further afield, and which may have spin off benefits for the town centre. The assessment concludes that

*“Our assessment indicates that the locally-derived convenience goods turnover of stores within Market Rasen as a whole would increase from around £22.9m to at least £30.4m as a consequence of the application proposal. Within Zone 14, this represents an increase in market share from around 32.5% to around 53.1%.”*

It is considered that the proposed development would be likely to increase turnover within Market Rasen and increase the market share.

On this basis, notwithstanding comments received to the contrary, it would be reasonable to conclude, that it would not harm any planned investment within the Town Centre or undermine the vitality and viability of Market Rasen Town Centre.

*Local Policy LP55 Part E:*

LP55 Part E states that *“proposals for non-residential developments will be supported provided that:*

- a) The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*
- b) The location of the enterprise is suitable in terms of accessibility;*
- c) The location of the enterprise would not result in conflict with neighbouring uses; and*
- d) The development is of a size and scale commensurate with the proposed use and with the rural character of the location.*

This is an outline application with access to be considered therefore not all of the criteria can be fully assessed at this point. The site is on the edge of the settlement opposite an established industrial estate and close to the main residential form of Market Rasen. The sequential and impact test (see earlier in the report) have justified the location of the site in the open countryside on the planned edge of Market Rasen’s developed footprint.

*Previously Developed Land:*

As identified by the photographs below part of the site includes some hardstanding and has included industrial buildings (now demolished). The submitted design and access statement (DAS) confirms that *“Whilst currently predominantly vacant, at least half the site is brownfield and until recently was occupied with concrete hardstanding and industrial sheds for a plant hire company”*.



Taken during officer site visit 2021



Google Street View 2008<sup>2</sup>

Although the site includes previously developed land it is considered that the area of previously developed land is less than the half described in the DAS.

#### *Concluding Statement*

The application has submitted an acceptable town centre sequential test and robust impact assessment to justify the location of the site and the minimal impact on comparative uses in the town centre of Market Rasen. The proposal would develop an area of previously developed land occupied by a former plant hire company.

It is therefore considered that the principle of the development is acceptable and accords to local policy LP6 and LP55 of the CLLP and the provisions of the NPPF, in particular paragraph 20,85, 86, 87 and 89.

It is considered that policy LP6 and LP55 are consistent with the retail use location and open countryside guidance of the NPPF and can be attached full weight.

#### Community Engagement

The application has included a Statement of Community Involvement (SCI) dated December 2020 by Counter Context. The completion of a community consultation is not a requirement of policy but was never the less completed. The SCI sets out the consultation activities in section 2. These included:

- Letters to 265 addresses (Residential and Commercial)
- Email and individual briefing to Market Rasen Ward Members
- Email proposal introduction and briefing to Market Rasen Town Council
- Email proposal introduction to Middle Rasen Parish Council
- Press release including in Market Rasen Mail

<sup>2</sup> <https://www.google.com/maps/@53.3922598,-0.3437038,3a,75y,359.68h,90.6t/data=!3m7!1e1!3m5!1sDnCO5OPQNZCPGOCNlcLbxQ!2e0!5s20090601T000000!7i13312!8i6656?hl=en>

- Consultation website (main source of information due to COVID)
- Facebook advertising campaign

Several methods of enabling the completion of representations was put in place via email, telephone and an online feedback form. The SCI then provides a breakdown of all the feedback received in section 3, although evidence of all the responses received and from which addresses is not provided.

### Access

The application has included an indicative site layout plan (ISP) 7536/27 dated February 2021 identifying the position of a new vehicular access off Gallamore Lane which has a national speed limit of 60mph. The site currently has a wide vehicular access to the previous commercial use of the site and a driveway access to The Close (residential dwelling) which is to be demolished as part of this application. Both of the existing vehicular access points are to be blocked off by landscaping as identified by the ISP.

From the position of the proposed access Gallamore Lane runs in a straight line towards Market Rasen and gently runs south west towards Middle Rasen. At the officers site visit the observation views appeared acceptable even at 60mph.

The Highways Authority at Lincolnshire County Council have not objected to the proposed access subject to conditions including the timely closure or block off of the existing access points.

Therefore the proposed vehicular access would not have a severe highway safety impact and would accord to local policy LP13 of the CLLP and the provisions of the NPPF, most notably paragraph 109.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

### **Other Considerations:**

#### Scale, Appearance, Layout and Landscaping

Details of scale, appearance, landscaping and layout cannot be assessed at this stage as they are reserved for subsequent approval. The application has included the submission of an indicative site layout plan (ISP) 7536/27 dated February 2021 and indicative elevation 7395/24 Rev C dated 18th December 2020 and visual plans 7395/25 dated December 2020.

#### Scale and Appearance

Objections have been received in relation to the proposal being out of scale and character with the adjacent dwelling.

The indicative plans provide a visual impression of how the built form of the site would look and its scale. The indicative elevation plans indicates that the proposed retail store and drive thru building would be:

	Metres		
	Height	Width	Length
Retail Store	6.5	28	77
Drive Thru Building	5.4	18.2	13

\*Measurements taken as you would view the buildings from Gallamore lane

The retail store is indicated to be constructed from:

- Glazed Entrance
- Vertical Timber Cladding
- Buff Facing Brickwork
- Buff Facing Brickwork Plinth
- Buff Composite Cladding
- Timber Screen around Plant

The drive thru is indicated to be constructed from:

- Vertical Timber Cladding
- Buff Render
- Buff Facing Brickwork Plinth

The indicative scale of the buildings is what would be expected from the uses proposed. The location of the buildings accepted through the sequential test would be adjacent the open countryside to the north and west. At present open countryside is also to the east but this could potentially change in the future given that the land to the east is allocated for housing and a full application for 80 dwellings on the site is currently under consideration.

The application included a Landscape and Visual Appraisal (LVAA) by DEP Landscape Architecture Ltd dated 11th January 2021 (2nd Issue) and Landscape and Visual Appraisal (LVA2) by DEP Landscape Architecture Ltd dated January 2021 (4th Issue).

The LVA1 provides a number of maps including a map identifying the position of viewpoint photographs taken and a montage of the photographs take. Given the built form of Market Rasen a high number of the photographs were taken from the north of the site. All of the photographs helpfully identify the extent of the site.

The LVA2 provides the assessment of the landscape and visual impact in line with the guidelines for Landscape and Visual Impact Assessment (GLVIA) 3rd Edition 2013. Appendix 1.0 of the LVA2 sets out the methodology adopted including 9 tables providing the criteria's used. Table 9 displays the criteria used to assess the visual effect.

The conclusion (section 14 - Page 16) of the LVA2 states that (key points):

- *“The site has a ‘Low’ landscape sensitivity to development”.*
- *“The nature and scale of landscape effects resulting from the development is not considered to be Significant”.*

- *“Sunnymede and two farmhouses on elevated land at Skinner’s Lane will experience a change in view. These changes will be discernible during construction and early operational phases but will not occupy an extensive portion of the view. Following establishment of boundary planting, views into the site will be filtered to the extent that new built and landscape elements will not appear out of character, when viewed against the urban fringe backdrop”.*
- *“Users of footpath Midd/99/2 will experience ‘Moderate-Substantial’ adverse visual effects, considered a ‘Significant’ Impact primarily due to the underlying sensitivity of this type of receptor, the proximity to the site and the open nature of existing views. Visual effects will only be experienced over a limited distance (c.300m) when walking in a southerly direction from elevated land, sinking towards Gallamore Lane. The footpath does not connect into a wider footpath at this point and the busy A46 and the Gallamore Lane Industrial Estate feature prominently in the backdrop to existing views. During construction and early operational phase the scale of the impacts primarily reflect the extent of change to the view and the strong contrast compared to the open, arable monoculture in the foreground. The scale of the building and palette of materials indicated in the illustrative proposals reflect those used in surrounding agricultural buildings, therefore if implemented as shown the building will not be out of character with the local landscape context. Once boundary planting has established this will screen car parking and lower-level activity within the site, allowing the built form to become integrated within the wider urban fringe setting”.*

Section 12 (page 15) of the LVA2 provides *“mitigation measures to minimise any remaining landscape and visual effects”*. These include:

- Locating the buildings as far away from Sunnymede as possible
- Landscaping
- Omission of lighting from the northern and western boundaries
- Use of agricultural materials and colours

As part of the officers site visit a number of viewpoints were visited including those put forward in LVA1. To enable some context the structures on Gallamore Lane Industrial Estates were used as focal points alongside the LVA1 photos to gain an understanding of the visibility of the site.

The highways to the north of the site are primarily countryside lanes (Low Lane and Skinners Lane) which are positioned above the level of the site with high hedging and sporadic trees either side. The hedging does have some gaps including field access points but these are limited. The countryside lanes run east to west facing away from the application site.

The built form of Market Rasen and the vegetation to the east of the site would screen the site from Caistor Road. The scale of the development would become more noticeable the closer you get to the site along Gallamore Lane from both directions.

To the south of Gallamore Lane is Gainsborough Road which runs east through the centre of Market Rasen. Gainsborough Road has a long run of linear dwellings to its north side with gaps only appearing as you get closer to the town centre. Views from this point take in Gallamore Industrial Estate which sets a context.

Open views of the site would be expected from Public Rights of Way Midd/99/2 but mainly as you walk south along it. As you walk south along Midd/99/2 there are already views of the Industrial Estate on the other side of Gallamore Lane. Although the proximity of the site would intensify the view of a commercial building it would still be viewed in context with existing commercial buildings.

Sunnymede is the closest residential dwelling to the site. It is acknowledged that a right to a view is not a material planning consideration. As identified in the previously developed land section above the occupants of Sunnymede have lived next door to a large commercial building in the recent past although this building has been demolished from the site.

It is acknowledged with the indicative plans in mind that the proposed development would be visible in differing degrees from local public highways and residential dwellings. It is expected that any visual harms caused by the development are expected to be mitigated by the indicative agricultural concept of the materials proposed and appropriate landscaping (see below).

#### Layout

The ISP indicates that the proposed retail store and coffee drive thru buildings are expected to be located along the western boundary of the site as far away from Sunnymede as possible. The associated customer onsite road and car parking facilities would then be to the eastern half of the site. The car parking spaces are likely to amount to approximately 120 parking spaces plus 8 disabled parking spaces and 9 parent/toddler spaces (137 in total). Green spaces of mixed size between the on-site road and the existing and potential future dwellings to the east would provide a further landscaping buffer and softening to the site. The delivery area for the retail is indicated to be in the far north west corner of the site and set back further from the east boundary than the indicative shop front.

It is considered that the indicative layout submitted is the best option available to keep the built form of the site as far away from the existing and potential future dwellings as possible whilst providing sufficient parking.

#### Landscaping

The ISP provides an indication of landscaping including acoustic fencing to the north and east boundaries. The submitted design and access statement indicates that additional planting would be proposed to all boundaries to soften the appearance of the site and provide a better relationship to the open countryside in particular to the north and west.



The Authority's Tree and Landscape Officer has provided landscaping advice in terms of the need for native species and in particular for the trees to the west of the buildings to be planted in a more random arrangement for a more natural effect.

Careful consideration would need to be taken at reserved matters stage to ensure appropriate access and maintenance space remains for the watercourse to the east. The submitted ISP proposes acoustic gates along the east boundary for access and the acoustic fencing/gates set in from the watercourse to allow for maintenance.

Effective landscaping is likely to be an important aspect of the development in terms of visual and residential amenity therefore comprehensive details would be required as part of a subsequent Reserved Matters application.

### Residential Amenity

Objections have been received in relation to residential amenity from Sunnymede, Gallamore Lane.

The application site has only one adjoining neighbouring dwelling namely Sunnymede. As already stated the remaining land to the east of the site is allocated for housing in the CLLP (CL1358) and a full application (141839) for 80 dwellings is currently being considered.

The ISP indicates that the proposed retail store and drive thru building can be accommodated over 30 metres from the east boundary therefore the built form is not expected to have a harmful overbearing impact, cause a significant loss of light or have a harmful overlooking impact on Sunnymede or potential dwellings on the allocated housing site.

It is important to additionally consider noise pollution, light pollution, odour and anti-social behaviour from the site.

### *Noise:*

The application has included the submission of a Noise Impact Assessment (NIA) dated December 2020 by Hepworth Acoustics.

Section 4.0 of the NIA sets out noise levels created by the different operations that are associated with a retail store, a drive thru's and their necessary infrastructure. These are

### *Customer Car Parking (page 10 Paragraph 4.7):*

**Table 5: Calculated Noise Levels from Customer Car Parking (dB)**

Location	L <sub>Aeq,1hr</sub>
Proposed Residential Development to east/north-east	43
Sunnymede Cottage, Gallamore Lane	37

Paragraph 4.9 concludes that *"car parking noise would not result in any unacceptable impact to residential amenity"*.

Drive Thru Noise (page 11 Paragraph 4.13):

**Table 6: Calculated Noise Levels from Coffee 'Drive Thru' (dB)**

Location	L <sub>Aeq,1hr</sub>
Garden area of nearest dwelling	27

Paragraph 4.15 concludes that “noise associated with the ‘Drive Thru’ would not result in any unacceptable impact to residential amenity”.

Delivery/Servicing Noise (page 12/13 Paragraph 4.21):

**Table 8: BS 4142 Initial Assessment of delivery noise at the proposed dwellings to north east (dB)**

Description	Late Evening	Night-time
Calculated Specific Sound Level outside dwelling	34	40
Acoustic feature correction	3	3
Rating Level at dwelling	37	43
Representative Background Sound Level	41	30
Difference	-3	+13
Likely Noise Impact	'low'	'significant adverse'

**Table 9: BS 4142 Initial Assessment of delivery noise at Sunnymede Cottage (dB)**

Description	Late Evening	Night-time
Calculated Specific Sound Level outside dwelling	25	33
Acoustic feature correction	3	3
Rating Level at dwelling	28	36
Representative Background Sound Level	40	29
Difference	-12	+7
Likely Noise Impact	'low'	'adverse' but not

Paragraph 4.25 and 4.26 recommend deliveries are restricted between 5:00 and 23:00 hours and “subject to installation of the recommended acoustic fencing and restrictions to the delivery hours, there will be no unacceptable noise impact from delivery activities”.

Noise limits for Mechanical Servicing Equipment (page 14 Paragraph 4.2):

**Table 10: Cumulative Buildings Services Plant Rating Sound Levels (dB)**

Location	Daytime	Night
Proposed Residential Development	41	29
Sunnymede Cottage, Gallamore Lane	40	30

The NIA concludes on page 14 that with the following mitigation measures the *“development would not result in any unacceptable harm to residential amenity by reason of noise disturbance”*.

- *“The proposed acoustic fencing must be imperforate (i.e. have no holes or gaps) with double-rebated boards or joint cover strips, have a surface mass no less than 10 kg/m<sup>2</sup>, and be at least 20mm thick timber; and*
- *Restrict delivery hours to between 05:00 to 23:00 hours.*
- *Control noise from fixed plant associated with the development to the noise design limits stated above.”*

The EPO has also recommended that delivery hours are actually restricted to 7:00 to 23:00 hours to avoid night time sleep disturbance. The applicant has agreed to these hours in the responses document received 16th March 2021. The other recommendations are expected to be capable of being satisfied through the reserved matters application.

The Authority’s Environmental Protection Officer (EPO) has accepted the principle of the noise assessment subject to *“revisiting it at detailed design stage and recommends a condition to this effect”*. The EPO advises that the detailed design stage needs to include:

- *“the additional info (a) LAeq Graphs and (b) pre Covid assessment and crucially*
- *how the acoustic fence positioning will be managed around Riparian Responsibility in respect of assumptions of its presence (ought to be addressed before granting permission).”*

The need for a pre-covid noise assessment is understood to hopefully enable a more normal background noise reading for the area. The need for acoustic fencing would be required, however its exact position would be considered as part of the reserved matters of landscaping and layout.

Plant machinery can additionally create noise levels on the site therefore the position of the plant must be carefully considered at reserved matters stage. Installing it to the north or west elevation would be preferred furthest away from Sunnymede with the indicative retail building position providing attenuation.

The development would be likely to introduce noise and consequently have a noise impact on Sunnymede but subject to detailed mitigation measures, informed by a further noise report, it is considered that the impact caused is capable of mitigation to avoid a significant harmful impact.

*Light pollution:*

The application has not included any details on lighting but the submitted design and access statement states that *“Adequate car park and street lighting. The detailed design for this will be carried out at the next stage, but design will emphasise the need to eliminate light overspill beyond site boundaries and in particular to the north and eastern boundaries”* and *“External lighting designed to minimise overspill”*.

It is additionally important to consider harmful light spill occurring on Sunnymede and the land to the east.

As recommended by the EPO external lighting of the site would need to be conditioned on the permission including restrictions on times of operation. The applicant has agreed to a lighting condition in the responses document received 16th March 2021.

*Odour:*

The EPO has recommended an odour condition *“in respect of any hot food preparation ‘In Store’ and the ‘Drive-Thru’”*. The applicant has responded in the responses document received 16th March 2021 by stating that both buildings will use vent-less extraction ovens that do not extract fumes externally. Following this comment the EPO has no further comments.

It is therefore not considered necessary or relevant to condition odour assessments but it is considered necessary to attach a condition to the permission restricting any vents from being installed prior to planning permission being applied for and given.

*Other:*

The EPO has suggested given the ground conditions that foundations would have to be completed through a piling method. This can cause a disturbance to the area given the techniques involved in installing a piling system. The EPO has recommended a piling strategy condition is attached to minimise such disruption. The applicant has agreed to a piling condition in the responses document received 16th March 2021.

Anti-social behaviour on the car parking areas has been raised as a concern. Anti-social behaviour is not a planning matter and is the responsibility of the sites operators to control themselves or through police enforcement. The applicant has responded in the responses document received 16th March 2021 by stating *“both discount foodstore operators are experienced in managing their own car parks to avoid any anti-social behaviour without the need for barriers”*.

To further protect the living conditions of Sunnymede a condition will be attached to the permission for the submission of a comprehensive construction management plan.

The proposed development would only as it stands have one neighbouring dwelling (Sunnymede) to the south east corner of site. The siting of the retail store and drive thru in this location is likely to have some impact on the occupants of Sunnymede in particularly in terms of noise and disturbance. However it is expected that mitigation measures and operational conditions are likely to reduce the impact to an acceptable level to not significantly harm the living conditions of Sunnymede or the potential future housing to the east.

Highway Safety

The application has included a Transport Statement dated December 2020 by Turner Lowe Associates December which concludes in paragraph 7.9 that:

*“It is concluded that the site is accessible by a choice of modes of transport and that there are no highways/traffic related reasons why the proposed development should not be approved”.*

As previously assessed the Highways Authority at Lincolnshire County Council have not objected to the proposed access off Gallamore Lane. For the purposes of pedestrian access and safety the Highways Authority has additionally recommended the following conditions are added to provide:

- A 1.8 metre wide footpath to connect the development to the existing footway network on the north and south side of Gallamore Lane.
- Provision of a pedestrian refuge island to allow safer crossing from the south side of Gallamore Lane (terminates at the entrance to Gallamore Industrial Estate) to the north side of Gallamore Lane.
- Travel Plan
- Construction Management Plan (see residential amenity section above)

These conditions are considered relevant and necessary to provide the appropriate infrastructure to afford future customers the option of walking to the site using a safe environment.

The Transport Assessment includes a plan (2005902/03 dated December 2020) demonstrating the extent of the highways and pedestrian safety works proposed including the re-positioning of the speed limit signs, the pedestrian footpath extension to the north and south of Gallamore Lane and the position of a refuge island to connect the footpaths on the either side of Gallamore Lane.

In addition to the conditions the Highways Authority has requested the following is secured through a Section 106 Legal Agreement:

- £5000 for the processing of the alteration to the traffic regulation order and relocation of the existing speed limit terminal signs.
- £5000 for the future monitoring of the required Travel Plan.

An opinion as to whether these obligations meet regulation 122<sup>3</sup> of the Community Infrastructure Levy Regulations 2010 and can be secured through a Section 106 Agreement has been received from the Authority’s Legal Officer. The officer replied in email dated 19th March 2021 that *“I am content that they are both capable of satisfying the reg 122 test and could be included in s106 HOT”*. The agent has agreed to the submission of a draft Section 106 Agreement for our consideration.

The Middle Rasen Parish Council has requested a pedestrian footpath is constructed to connect the site to Middle Rasen. The closest existing pedestrian footpath is to the north of the A46 and terminates at the junction of the A631. This footpath is approximately 1020 metres from the position of the

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<sup>3</sup> <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122>

proposed access. It would not be reasonable or necessary to expect the developer to install a footpath of such length.

The S106 Legal Agreement has now been signed and certified with a completion date of 17th June 2021.

The outline permission would include an advisory note to consult with Lincolnshire County Council Transportation with regards to the provision of two bus stops on Gallamore Lane.

#### Archaeology

The Historic Environment Officer (HEO) at Lincolnshire County Council has no objections to the development.

The proposal would not be expected to have an archaeological harm and accords to local policy LP25 of the CLLP 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.

#### Biodiversity

Guidance contained within paragraph 170 of the NPPF states that *'planning policies and decisions should contribute to and enhance the natural and local environment by*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)'*

Guidance contained within paragraph 175 of the NPPF states that *'When determining planning applications, local planning authorities should apply the following principles'*. The applicable ones to the development are:

*a) 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

*c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity'.*

Local Policy LP21 of the CLLP states that '*All development should:*

- *protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity.*

The application has not included an ecology survey but has included a Biodiversity Enhancement and Management Plan (BEMP) dated January 2021 by professional ecologists at WYG. The BEMP has considered an ecology survey from 2014 and the use of site photos to inform and create the BEMP. Whilst the 2014 is now out of date and a new survey has not been produced the BEMP identifies its authors as suitably professionally qualified ecologists.

Section 3 of the BEMP sets out (summarised):

- retained habitats
- habitats to be created from tree planting, hedgerows, shrubs etc.
- installation of 3 integral or wall mounted sparrow terraces
- installation of 3 small hole bird nest boxes
- installation of 2 integral or wall mounted bat boxes
- Timber acoustic fence to east boundary to include hedgehog highways

Section 4 of the BEMP (Protection, Mitigation and Management) states that the following (summarised):

*Construction phase:*

- Great Crested Newt non licensed method statement produced by a suitably qualified ecologist and pre-cautionary measures
- Reptile pre-cautionary measures
- Bat complaint lighting where required
- Bird and hedgehog compliant vegetation clearance
- General good practice measures

*Operational phase:*

- Maintenance of trees, shrubs and hedgerows
- Maintenance and annual checking of bird boxes
- Maintenance and monitoring of bat boxes
- Use of wildlife sensitive lighting

Providing all the recommendations in the BEMP are adhered to and replicated at reserved matters stage then the proposal would not have a harmful impact on protected species and would provide a positive biodiversity net gain in terms of tree/vegetation planting. The proposal therefore subject to conditions accords to local policy LP21 of the CLLP and the provisions of the National Planning Policy Framework.

It is considered that policy LP21 is consistent with the biodiversity guidance of the NPPF and can be attached full weight.

#### Flood Risk

The application has included the submission of a Flood Risk Assessment and Drainage Strategy (FRADS) dated January 2021 by Waterco Ltd. The site is in flood zone 1 and the FRADS on page 8 concludes that *“the risk of flooding from all sources is low. Therefore, no site-specific mitigation measures are considered necessary”*.

#### Drainage

The application has included the submission of a Flood Risk Assessment and Drainage Strategy (FRADS) dated January 2021 by Waterco Ltd.

#### *Foul Water:*

The FRADS on page 11 states that foul drainage would be connected to an existing foul sewer on the site (subject to a connection investigation survey) or to an existing foul sewer in Gallamore Lane or within Gallamore Lane Industrial Site. The use of an existing foul sewer is acceptable, however further information is required to confirm how and where the development would connect to the local sewer system.

Anglian Water have stated that *“the foul drainage is in the catchment of Market Rasen Water Recycling Centre which currently does not have capacity to treat the flows. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission”*.

Anglian Water has subsequently amended their comment to state that Market Rasen Water Recycling Centre will have available capacity for these flows.

The developer would need to serve notice on Anglian Water under section 106 of the Water Industry Act 1991 to connect to an available existing foul water system.

#### *Surface Water:*

Paragraph 80 (Reference ID: 7-080-20150323) of the Flood risk and coastal change section of the NPPG states that *“Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer.”*

In summary page 8 to 11 of the FRADS assesses the ground conditions as unsuitable for infiltration methods (see appendix H - percolation tests) therefore surface water is proposed to be discharged to the watercourse to



the east of the site at a rate of 2 litres per second. Attenuation would be provided within an attenuation tank recommended to be installed in the northern section of the site. The developer would need to gain consent from the appropriate Internal Drainage Board.

The Lead Local Flood Authority have not objected to the proposed subject to conditions.

Therefore it is considered that foul and surface water is capable of being addressed by condition. Subject to the condition the development accords to local policy LP14 of the CLLP and the provision of the NPPF.

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

#### Contamination

The application has included a Preliminary Risk Assessment (PRA) dated December 2020 by DTS Raeburn Ltd. The Authority's Environmental Protection Officer has recommended a comprehensive contamination condition is attached to any permission in light of the PRA. . The applicant has agreed to a piling condition in the responses document received 16th March 2021.

Therefore subject to a condition and further intrusive investigation the development would accord to local policy LP16 of the CLLP and the provisions of the National Planning Policy Framework.

It is considered that policy LP21 is consistent with the biodiversity guidance of the NPPF and can be attached full weight.

#### Demolition

The application includes the demolition of an existing dwelling (The Close). The loss of a single dwelling to the Central Lincolnshire housing supply is a very minor harm caused by the development. It is however acknowledged that the dwelling could be demolished through a demolition notification application where only the method of demolition and restoration of the site can be considered.

The Close is adjacent Sunnymede therefore the demolition works are likely, without mitigation, to disturb and disrupt the living conditions of Sunnymede through noise, dust and vibration. To ensure the demolition works are completed in an appropriate manner a condition will be attached to the permission for the submission of a detailed Demolition Method Statement.

#### Operational Hours

The agent in email date 31st March 2021 states that:

- Retail Store – Opening hours of 8:00 to 22:00 Monday-Saturday with 9:00 to 18:00 on a Sunday
- Coffee drive thru – Opening Hours of 6:00 to 22:00

These hours are considered acceptable subject to further noise information at reserved matters and appropriate noise mitigation.

#### Employment

The application form states that the proposed development would provide 40 full-time job opportunities to the local area. Paragraph 1.12 of the PRS states “*the creation of around 107 new jobs*”. The creation of between 40 to 107 employment opportunities to the local area of Market Rasen would be a benefit to the economy of the area.

#### Royal Mail

As listed in the representations section of this report the Royal Mail who have a delivery office on Gallamore Lane Industrial Estate have raised concerns on the potential traffic impacts on their service and interruption to their access to Gallamore Lane Industrial Estate.

A development of this nature is likely to cause some short term disruption to all users of Gallamore Lane through the construction phase of the site and the implementation of infrastructure such as the pedestrian footpaths and Refuge Island. The proposal would not close Gallamore Lane or obstruct the access to the Industrial Estate.

#### Tesco Objection

As set out in the representations section an objection has been received on behalf of Tesco Stores Ltd who have a store off Linwood Road, Market Rasen. The entrance to the store is approximately 275-300 metres from the edge of the Market Rasen Town Centre and the Primary Shopping Area and over 500 metres from the Market Place which is the primary part of the Town Centre.

The Tesco representation identified the store as in an edge of centre location whilst the Nexus response refers to it as an out of centre location. Annex 2 of the NPPF defines an edge of centre location as

*“For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.”*

In accordance with these parameters the Tesco store is in an edge of centre location and not within the Town Centre or Primary Shopping Area.

Paragraph 89 criteria b) of the NPPF states that the impact assessment should assess “*the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).*”

The submitted impact assessment has drawn from existing information such as the Central Lincolnshire City and Town Centre Studies of 2012 and 2015 as guided by paragraph 17 (Reference ID: 2b-017-20190722) of the Town Centre and Retail section of the NPPG.

The Tesco objection additionally mentions the following:

- Open Countryside location of the development
- Employment opportunities
- Poor accessibility by non-car modes particularly bus services
- Lack of a named operator

The “out of centre” location of the site on the planned “edge of the settlement”, highway impacts, employment opportunities have been previously assessed in this report and found to be acceptable.

The lack of a named operator is noted but does not represent a reason to withhold consent

### **Conclusion and reasons for decision:**

The decision has been considered against local policy LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP6 Retail and Town Centres in Central Lincolnshire, LP12 Infrastructure to Provide Growth, 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 and LP55 Development in the Countryside of the Central Lincolnshire Local plan 2012-2036 and consideration is additionally given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide. In light of this assessment it is considered that the principle of the proposal is acceptable and the location of the site on the edge of Market Rasen has been justified through passing the main town centre sequential test and impact test. The development would benefit the local economy by creating a number of employment opportunities. The position of the proposed access is acceptable and would not have a harmful highway safety impact subject to conditions and final details submitted at reserved matters. Furthermore the proposal is not expected to have a harmful impact on visual amenity, biodiversity, contamination and drainage subject further details submitted via conditions or through a reserved matters application. There will be an impact on the adjacent property known as Sunnymede although subject to the conditions recommended it is considered that this should be capable of resolution at Reserved Matters to avoid a significant impact although it is conceded that this is a finely balanced matter.

### **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.

### **Representors to be notified -**

*(highlight requirements):*

**Standard Letter**       **Special Letter**       **Draft enclosed**

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

1. Application for approval of the reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No development must take place until, plans and particulars of the **appearance, layout and scale** of the buildings to be erected and the **landscaping** of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development must be carried out in accordance with those details.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted must be begun before the expiration of two years from the date of final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

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

4. No development must take place until a noise impact assessment has been submitted to and approved by the Local Planning Authority. The noise assessment must include any necessary noise mitigation measures and a noise management policy. No operation of the site must occur until all recommended noise mitigation measures have been installed and the site must be operated in accordance with the approved noise management strategy.

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

5. No development must take place until, a contaminated land assessments and associated remedial strategy by a suitably qualified person with non-technical summaries, conclusions and recommendations, 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. (Outcomes must appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced). 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 to accord with the National Planning Policy Framework and local policy LP14 and LP16 of the Central Lincolnshire Local Plan 2012-2036.

6. No development must take place until details of a scheme for the disposal of surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 2 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No operation of the site must occur until the surface water drainage has been fully completed in strict accordance with approved scheme. The approved scheme must be retained and maintained in full, in accordance with the approved details.

Reason: To ensure adequate surface water drainage facilities are provided to serve the buildings and hardstanding on the site, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

7. No development must take place until details of a scheme for the disposal of foul water from the site and a plan identifying connectivity has been submitted to and approved in writing by the local planning authority. No operation of the site must occur until the foul water drainage has been fully completed in strict accordance with approved scheme. The approved scheme must be retained and maintained in full, in accordance with the approved details.

Reason: To ensure adequate foul water drainage facilities are provided to serve the buildings on the site and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

8. No development must take place until a demolition and construction method statement including a construction management plan has been submitted and agreed in writing by the local planning authority. The approved statement(s) must be adhered to throughout the demolition and construction period. The statement must provide for:
- (i) the routing and management of traffic;
  - (ii) the parking of vehicles of site operatives and visitors;
  - (iii) loading and unloading of plant and materials;
  - (iv) storage of plant and materials used in constructing the development;
  - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (vi) wheel cleaning facilities;
  - (vii) measures to control the emission of dust and dirt;
  - (viii) protection of existing boundary hedging and trees
  - (ix) details of noise reduction measures;
  - (x) a scheme for recycling/disposing of waste;
  - (xi) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
  - (xii) A Piling Strategy, including measures for mitigation, where piling is proposed

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

9. No development must take place unless a non-licensed Great Crested Newt Method Statement has been submitted and agreed in writing by the local planning authority. The development must be completed in strict accordance with the approved method statement.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

10. No development must take place until construction details and position of a 1.8 metre wide footway, to connect the development to the existing footway network on the north and south side of Gallamore Lane has been submitted and agreed in writing by the Local Planning Authority. The works must include appropriate arrangements for the management of surface water run-off from the highway. No operation of the site must take

place unless the footpath has been fully completed, in strict accordance with the approved scheme.

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 to accord with the National Planning Policy Framework and local policy LP13 and LP14 of the Central Lincolnshire Local Plan 2012-2036.

11. No development must take place unless details including the position to improve the public highway by means of a pedestrian refuge island have been submitted and approved in writing by the Local Planning Authority. No operation of the site must take place until the refuge island has been completed in strict accordance with the approved details and certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development to accord with the National Planning Policy Framework and local policy LP13 of the Central Lincolnshire Local Plan 2012-2036.

12. No development must take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development to accord with the National Planning Policy Framework and local policy LP13 of the Central Lincolnshire Local Plan 2012-2036.

13. No external lighting must be installed on the site outlined in red on location plan 7536/01 dated November 2019 unless lighting details have been submitted to and agreed in writing with the Local Planning Authority. Such details are a lighting report with an illustrated light spill diagram and operational hours of all lighting. The development must adhere to the agreed lighting plan thereafter.

Reason: To restrict disruption from light spill on the living conditions of the neighbouring dwelling and the open countryside to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

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



14. With the exception of the detailed matters referred to by the conditions of this consent including the reserved matters, the development hereby approved must be carried out in accordance with the location plan 7536/01 dated November 2019 and site plan 7536/27 (strictly vehicular access only) dated February 2021. 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 and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

15. Apart from the non-licenced Great Crested Newt Method Statement the development hereby approved must only be carried out in accordance with all the habitat and ecological features set out in section 3.0 and all the Protection, Mitigation and Management recommendations set out in section 4.0 of the Biodiversity, Enhancement and Management Plan dated January 2021 by WYG.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

16. No operation of the site must take place until details to permanently close the existing accesses off Gallamore Lane have been submitted to and agreed in writing by the Local Planning Authority. The closure of the two accesses must be completed within seven days of the new access being brought into use and in strict accordance with the approved scheme.

Reason: To reduce to a minimum, the number of individual access points to the site, in the interests of road safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 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:**

17. No deliveries must take place on the site between the hours of 23:00 and 7:00.

Reason: To restrict sleep disturbance from vehicle, human and delivery noises on the neighbouring dwelling during the hours stated to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

18. The retail store must not operate outside of the following hours:

- 8:00 and 22:00 on a Monday, Tuesday, Wednesday, Thursday, Friday and Saturday

- 9:00 and 18:00 on a Sunday

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.

19. The coffee drive thru building must not operate outside of the following hours:

- 6:00 and 22:00 on a Monday, Tuesday, Wednesday, Thursday, Friday and Saturday
- 9:00 and 18:00 on a Sunday

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.

20. No extraction flues, vents or fans must be installed on the site outlined in red on location plan 7536/01 dated November 2019.

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

21. The proposed site outlined in red on location plan 7536/01 dated November 2019 must only be used for the purposes of retail and for a coffee drive thru. Any other uses including those within Class E of the Town & Country Planning (Use Classes) Order 1987 as amended, are prohibited.

Reason: To protect the amenities of nearby properties and to restrict the site from inappropriate uses in accordance with the National Planning Policy Framework, local policies LP6, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.