

Officers Report

Planning Application No: 144738

PROPOSAL: Planning application to erect 7 no. commercial units, 5 units to fall within Use Class E((g)i) office ii) the research and development of products or processes or iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)) and 2 units within Use Class B8 (Storage and Distribution)

LOCATION: Land off Willoughton Drive, Gainsborough DN21 1DY

WARD: Gainsborough East

WARD MEMBER(S): Cllr T Davies Cllr M Devine Cllr D Dobbie

APPLICANT NAME: Mr Ben Dixon, Brexons Ltd

TARGET DECISION DATE: 22/07/2022

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Permission subject to conditions

This application has been referred to the planning committee, following third party representations, including from the Town Council, with objections on planning grounds. The application was deferred for a site visit scheduled for 31st October 2022.

Description:

The application site is a grassed area located within Foxby Lane Business Park, which is an established local employment site within the developed footprint of

Gainsborough. Internal roads and the access to the site from Foxby Lane (Willoughton Drive) have been laid out with Mercury House at the eastern end of the park. Mercury House is a two-storey managed workspace, business incubation and business innovation centre built under planning permission 120777. Commercial units are located to the north east of the park and work is underway across the wider site implementing approvals granted for business use. This site is located in the south western corner of the park. West is housing accessed from Maybell Close separated from the site by fencing and hedgerows. To the south is an office building occupied by Vulcan Bossit.

The application as originally submitted was for a terrace of 6 commercial units running along the entire length of the western boundary (Units C, D, E, F G and H). During the course of the application amendments were made to the application. As originally submitted a unit was to run along the side of the rear garden of 36 Maybell Close for a distance of 12 metres set back 1.3 m This was changed and reduced to a terrace of 5 units so a unit now only runs along the corner of the rear garden for approximately 1.8 m set back 1.7m. All of these terraced units will now fall within Use Class E(g)i) office ii) the research and development of products or processes or iii)

any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area). Opposite the terraced units two larger detached units are proposed either side of the main access to the site. Originally a workshop was proposed in one of these units which was subsequently amended to a use falling with Use Class B8 (storage and distribution).

Relevant history:

Larger Site

M03/P/1164 – Outline application to create business park layout including 271 metres of new road and services. Granted 22/04/2004.

M04/P/1173 – Planning application to vary condition 9 of planning permission M03/P/1164 (no development shall take place until improvements to the junction of Foxby Lane with the A156 Lea Road have either been completed or subject of a contract). Granted 10/11/2004.

M05/P/1095 - Planning Application to vary condition numbers 1 and 5 of Planning Permission M03/P/1164. Granted 05/01/2006.

Land to south

141923- Application to erect a commercial office building for single business use GC 07.01.2021

Land to east

143678- 4 light Industrial units with parking. CG 27.01.22

143679- 3 light industrial units with parking. CG 27.01.22

Residential Development to West

128336

Planning application for proposed housetype substitution to plots 117 - 147 with associated roads and garages as a replan of the existing scheme previously approved (outline consent M02/P/1147) and reserved matters (M06/P/0984. Reduced no of houses from 35 to 31 and a new access road formed onto Foxby Lane

Foxby Lane Gainsborough DN21 1PP

GC 17.05.12

Representations:

Chairman/Ward member(s): No comments received

Gainsborough Town Council: Resolved to **object** on the grounds of the environmental impact with the removal of greenery, contamination risk and would await a response regarding how the noise and air quality impact on the residential housing will be mitigated.

Local residents:

27 Maybell Close ;(Summary) The full representation is available to view on our website. **object** strongly to this, as removal of these is not environmentally acceptable, more trees/bushes should be planted not removed in these times of global warming. The buildings on this scheme are positioned closer to the plot boundaries than any other of the applications. These proposed new trees are not going to provide any screening of the building until they have grown for several years. Once the hedgerow is removed, there will be no screening from the business park for the residents of Maybell Close.

36 Maybell Close: (Summary) The full representation is available to view on our website. The trees/bushes, on the boundary of the proposal will be removed, I would like to **object** strongly to this, as removal of these is not environmentally acceptable, more trees/bushes should be planted not removed in these times of global warming. They will provide a barrier to sound. If the ground level is raised this could then appear to take the height of the units above that of adjacent residential properties, blocking light and view What control is envisaged for sound prevention.

Gainsborough Park: (Summary) The full representation is available to view on our website. A number of years earlier, the ownership Title of the immediately adjacent strip of land to the west, of Glentham Road, was transferred to me directly by/from WLDC, and includes mature trees. They have absolutely no relevance to the discussion surrounding Planning Application (PA) Number 144738. One "Existing tree (is) to remain", all the rest of the 20-year-old mature tree-line screen of "hedge/shrubs (are) to be removed. The elevation of all the units is a harsh, industrial "composite panel", which will be visible

7 Adlington Mews Gainsborough:

Brooklands Gainsborough Management Company Limited has an objection against the removal of any trees, bushes and green matter as we are striving on Brooklands to maintain a zero-carbon environment. We have striven for many years to accomplish this and do not want anything to happen to endanger the possibility of this continuing for many years to come. We have planted and laboured for this and nothing, yet nothing should jeopardize this for the foreseeable future.

Vulcan Bossit House Wharton Close (Summary) The full representation is available to view on our website.

There seems to be some inconsistencies between the 'site layout drawings' and the 'design and access statement'. The western edge of the site currently has a wooden feather and edge fencing marking the boundary between the plot and the garden of the neighbouring houses in Maybell Close. Approx. 3 metres east of this boundary line is a deciduous shrub line made up of natural species of shrubs and trees. There are a few evergreen trees west of the plot boundary but this land is owned by others. The shrubs and bushes line within the plot would need to be totally removed to accommodate 'Unit C' being built within 4m of the western boundary. Although the

planning statement points toward no significant impact to the local area, a new commercial development will always impact on the environment.

The counteracting of the greenhouse gases that the development will produce would be totally reliant on the tree and shrub planting of the other developments within the Foxby Business Park and the neighbouring housing estate. This surely cannot be acceptable with the recognised global climate crisis situation. If our interpretation of the planning request is incorrect and the existing hedgerow will remain and become part of the building scheme, there is a further issue that there is no access to maintain the hedgerow. Leaving the hedgerow without maintenance may cause the weakening of the hedgerow root system with risks of falling trees etc.

LCC Highways: Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, **does not wish to object** to this planning application.

Requests that any permission given by the Local Planning Authority shall include the conditions below.

Highway Condition 33

The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been 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 flood exceedance routing for storm event greater than 1 in 100 year;
- 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 greenfield rates;
- 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 building shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved

scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of the permitted development

Environmental Protection:

14.09.22: I have reviewed the revised plans and I have **no objections**. I would still recommend the following hours of use for the units in order to protect residential amenity: 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays with no Sunday or Bank Holiday operation.

12.05.22 I have concerns that the some of the units back on to residential housing, however the application does not address this. I therefore request further information on how the potential impacts on residential amenity (primarily noise) will be mitigated. If this issue can be addressed I would also like to see conditions for a Construction Method Statement and Unexpected Contamination.

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 Gainsborough Neighbourhood Plan adopted 28th June 2021 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

LP5: Delivering Prosperity and Jobs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

- ***Gainsborough Neighbourhood Plan (NP)***

Relevant policies of the NP include:

NPP 1 Sustainable Development

NPP 2 Protecting the Natural Environment and Enhancing Biodiversity

NPP 5 Protecting the Landscape Character

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

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

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

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in July 2021. .

Paragraph 219 states:

"Existing [development plan] policies should not be considered out of date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**
- **National Design Guide (2019)**
- **National Design Model Code (2021)**
- ***Consultation Draft Central Lincolnshire Local Plan Review June 2021 (DCLLPR)***

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination. The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those

policies (the less significant the unresolved objections, the greater the weight that may be given).

Consultation responses can be found in document STA022 Reg 19 Consultation Responses by policy / STA023 Reg 19 Consultation Responses by respondent.

Main issues

- **Principle of Development including consideration of impacts on neighbouring land uses; scale and character; impacts on the amenities of neighbouring occupiers and on the local and strategic highway network**

Assessment:

Principle of Development

The site is located on Foxby Lane Business Park, an established business area within the built footprint of Gainsborough. Gainsborough is classified as a main town within Policy LP2. Policy LP2 states:

*“To maintain and enhance their roles as main towns, and to meet the objectives for regeneration, Sleaford and Gainsborough will, primarily via sites allocated in this Local Plan, be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision. Additional growth on non-allocated sites in appropriate locations** within the developed footprint*** of Sleaford and Gainsborough urban area* will also be considered favourably.*

**** throughout this policy, the term ‘appropriate locations’ means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an ‘appropriate location’, the site, if developed, would:*

- *retain the core shape and form of the settlement;*
- *not significantly harm the settlement’s character and appearance; and*
- *not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement*

**** 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.”

In addition, Policy LP3 states that Gainsborough will facilitate around 12% of the total homes and employment land needed. The site is not subject to a specific allocation, but is considered to be in an appropriate location within the developed footprint of the Gainsborough urban area. Policy LP2 supports the principle of development. This site is on land that has been previously allocated and has previously benefited from planning permission for business use and forms part of the wider Foxby Lane Business Park. It would need to be assessed against Policy LP5 – Local Employment Sites (LES) of the Central Lincolnshire Local Plan which supports new B1/B2/B8 employment development on non-allocated but existing employment sites such as this site where the proposal:

- Does not conflict with neighbouring land uses;
- Does not harm in terms of scale the character of the locality and/or the amenities of neighbouring occupiers; and
- Does not impact unacceptably on the local and/or strategic highway network

Taking these criteria in turn

Neighbouring land uses:

These are primarily commercial in nature on the wider employment park nevertheless existing housing is to the west with a small part of site next to the rear garden of 36 Maybell Close.

Scale, Character and impacts on amenities of neighbours

The closest dwellings to the site are 36 Maybell Close and then 27 Maybell Close. These were plots 126 and 125 on the approved application 128336. Scaling off the approved plans shows that eaves height for 36 is approximately 5.2 metres with an approximate ridge height of 8.8m. Number 27 has an approximate eaves height above ground level of 5.2m which rises to a ridge of 8.2 m. The terraced block along the western boundary is closest to these dwellings. The first 16m of the terrace has an eaves height of 4m which rises to a ridge of 5.6m which then rises to an eaves height of 5.4m with a maximum ridge height of 7.6m which is still 1.2m less than that at 36.

As a consequence of proximity to housing all the units located along this part of the site will be restricted to Use Class E (g)i) an office to carry out any operational or administrative functions ii) the research and development of products and processes or iii) any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. . This replaced the former B1 Light Industrial Use Class. On this basis it is considered that the operation of these units and the 2 detached ones falling within Use Class B8 (storage and distribution) which

will be conditioned to the hours recommended above would not give rise to undue noise and disturbance. Subject to the restriction in hours no objections have been raised by environmental protection. A construction management plan condition will also be imposed to minimise impacts caused by development of the site.

The units will be roughly rectangular in footprint with a pitched roof above. The materials used on the units include a mix of black facing brick, timber effect composite panels and composite steel cladding wall and roof. This is not untypical for such buildings although there is a greater mix of materials that will add visual interest than some of the units previously approved which have predominantly steel-clad walls and roof. This is considered appropriate for this commercial site and the scale described above is also considered acceptable.

The loss of the existing mature hedgerow that runs along the boundary has given rise to substantial objections. The council's tree and landscape officer described the hedgerows as "unmanaged" i.e. left to grow. They are not subject to any protective designations and could be removed without the need for approval independent of this application. The objections are made on the basis of a loss of screening and harm to the natural environment. In terms of screening as discussed above the scale of development simply in terms of the maximum height is below that of existing housing that neighbours the site. A 3D image submitted in support of the application is reproduced below



The approved floor plans for no.36 label the wall that runs along the application site as the rear elevation which contains an entrance door and kitchen window at ground floor level and bathroom window at first floor. All the windows and openings are directed towards the existing office building to the south. The approved plans for number 27 show no openings at ground floor or first floor level to the side elevation that is opposite the application site. At its closest Gainsborough Park is approximately 30 metres from the site rising to almost 40 metres. The loss of what is described as screening is not considered critical and does not represent a reason to withhold permission. In terms of the loss of existing planting the removal of a unit has allowed retention of a small section of the existing hedgerow and new tree planting is proposed at the end of the unit whilst a landscape scheme has been submitted it is considered a condition is required to secure additional details to ensure it is of an appropriate standard and includes measures to ensure it is retained, and enhance biodiversity.

Subject to the imposition of this condition the removal of existing hedgerows does not represent a reason to withhold permission.

Highway Safety

20 car parking spaces are proposed with an area designated for cycle parking. No objections are raised to the level of parking or the access arrangements by the highways authority. On this basis highway safety does not represent a reason to withhold permission and it would be in accordance with LP13.

Drainage

A condition will be imposed requiring details of the proposed surface water drainage to be submitted to and approved in writing as recommended by LCC Highways. Foul drainage is proposed to discharge into the mains sewer which is the preferred option for disposal in the hierarchy. Subject to this there are no grounds on which to withhold consent in relation to drainage.

Comments from Town Council

The loss of existing vegetation would not require approval. A landscaping condition requiring measures to promote biodiversity is recommended. Impacts on residents have been discussed above. A construction Method Statement is recommended to minimise impact on residents during development of the site with a restriction on the hours of operation to 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays with no Sunday or Bank Holiday operation in line with the recommendation of Environmental Protection.

Planning balance and conclusion

Having considered the proposal against the provisions of the of the Development plan in in the first instance, specifically policies LP1: A presumption in Favour of Sustainable Development; LP2: The Spatial Strategy and Settlement Hierarchy; LP5: Delivering Prosperity and Jobs; LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, and LP26 Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036 and policies contained in the Gainsborough Town Neighbourhood Plan (NPP 1 Sustainable Development, NPP 2 Protecting the Natural Environment and Enhancing Biodiversity, NPP 5 Protecting the Landscape Character, NPP 6 Ensuring High Quality Design and NPP 7 Ensuring High Quality Design in each Character Area) and guidance contained within the National Planning Policy framework and National Planning Practice Guidance it is considered that subject to the imposition of the conditions above it would not conflict with neighbouring land uses or cause harm to the amenities of neighbours, the scale and appearance is acceptable and it will not impact on the local or strategic highway network and a grant of permission is recommended.

Recommendation: Grant Permission subject to the following conditions

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

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

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

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

2. No development must take place until a demolition and construction method statement has been submitted and agreed in writing by the local planning authority. The approved statement(s) must be adhered to throughout the 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) wheel cleaning facilities;
- (vi) measures to control the emission of dust and dirt;
- (vii) details of noise reduction measures;
- (viii) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

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.

3. Notwithstanding the submitted plans prior to the commencement of the development, full details of soft landscape proposals shall be submitted to, and approved in writing by, the local planning authority. Soft landscaping details shall detail measures to improve biodiversity and include planting plans; specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate.

Reason: To ensure a satisfactory landscape scheme is provided in the interests of the character and appearance of the site and biodiversity in accordance with policies LP21 and LP26 of the Central Lincolnshire Local Plan.

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

4. In the event that previously unidentified contamination is found when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of the remedial works a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be submitted to the local planning authority. No unit shall be occupied prior to the approval of the verification report in writing by the local planning authority.

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 policy LP14 and LP16 of the Central Lincolnshire Local Plan 2012-2036.

5. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been 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 flood exceedance routing for storm event greater than 1 in 100 year;
- 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 greenfield rates;
- 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 building shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of the permitted development.

6. Prior to any work above existing ground levels details of the proposed walling and roofing materials shall be submitted to and approved in writing by the local planning authority with the development carried out in accordance with the approved details

Reason: To ensure the use of appropriate materials to accord with Policy LP26 of the Central Lincolnshire Local Plan

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

Site Location and Block Plan D01 P06;
Proposed Site Plan D02 P07;
Unit C to Unit G floor and elevation plans D06 P06;
Proposed Landscaping Plan D08 P02;
Unit A Plans and Elevations D04 P03;
Unit B Plans and Elevations D05 P03;

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

Reason: To ensure the development proceeds in accordance with the approved plans in the interests of proper planning.

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

8. The hours of use of the hereby approved units shall be **limited to:**

08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays with no Sunday or Bank Holiday operation.

Reason: In the interests of the amenities of nearby residents in accordance with policy LP26 of the Central Lincolnshire Local Plan.

9. Notwithstanding the 1987 Use Classes Order (as amended) Units C, D, E, F and G shown on drawing D06 P06 can only be used for purposes falling within Use Class E (g)i)ii) and iii) and for no other uses.

Reason: In the interests of the amenities of nearby residents in accordance with policy LP26 of the Central Lincolnshire Local Plan

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

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the character and appearance of the site and biodiversity in accordance with policies LP21 and LP26 of the Central Lincolnshire Local Plan.