

Officers Report

Planning Application No: 145953

PROPOSAL: Planning application for development of a dry leisure centre, together with external sports pitch being variation of conditions 6 & 15 of planning permission 139552 granted 14 November 2019 - amendments to drawings for drainage and landscaping.

LOCATION: Market Rasen Leisure Centre Gainsborough Road Market Rasen
Lincolnshire LN8 3JW

WARD: Market Rasen

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

APPLICANT NAME: West Lindsey District Council

TARGET DECISION DATE: 02/03/2023

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Rachel Gordon

RECOMMENDED DECISION: Grant permission

The application is presented to committee as West Lindsey District Council is the applicant.

Description:

The application site is located on the western edge of the market town of Market Rasen. It is located on the southern side of Gainsborough Road. The Limes Hotel and associated grounds are to the west, with a small part of the curtilage of the Limes Bungalow adjacent to the south western edge of the site. There are dwellings served off Dear Street next to the north eastern boundary of the site, although the majority of the eastern boundary is with land forming part of the grounds of the Market Rasen Church of England Primary School. A playground/area of open space runs along the entirety of the southern boundary beyond which are semi-detached dwellings facing Coronation Road.

The application seeks permission to vary conditions 6 & 15 of planning permission 139552 (development of a dry leisure centre, together with external sports pitch) granted 14 November 2019 - amendments to drawings for drainage and landscaping.

The amendments are being sought because it has come to the attention of the applicant that a concern regarding standing water in the detention basin has been raised, and although this is not a surface water drainage design or a performance issue they want to alleviate this concern. The concern was that rather than the water soaking away it was remaining in the ponds as the level was too low to reach the outlet for the water to drain. This has required soil fill in the detention basin/attenuation ponds to allow the water reach the outlet in order to drain. The works are now complete. The ponds will

also only fill in extreme events where water will need to be stored. This will drain away as designed.

The conditions therefore need to reflect the amended drainage plans. The landscaping has included some wild grassed areas with a meadow mix and amenity grass areas which need to be read in conjunction with the previous landscaping plan.

Relevant history:

138607 – Planning application for a development of a dry leisure centre, together with external sports pitch. Permission granted 07/02/19

139552 - Planning application for development of a dry leisure centre, together with external sports pitch being variation of conditions 4, 6, 11 and 15 of planning permission 138607 granted 07 February 2019 – updated drawings, landscaping, acoustic fence details and drainage. Granted 14/11/19

Representations:

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

Parish/Town Council/Meeting: No representations received to date.

Local residents: No representations received to date.

LCC Highways and Lead Local Flood Authority: 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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Environmental Protection: Environmental Protection did not recommend conditions 6 & 15 of planning permission 139552 granted 14 November 2019. We therefore have no comments to make on this application.

Lincolnshire Police: No objections.

Natural England: No objections.

Environment Agency: We did not recommend the conditions referred to on application 145953 and therefore have no comment to make on this application.

Idox checked 26/01/23

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP6: Retail and Town Centres in Lincolnshire

LP9: Health and Wellbeing

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP15: Community Facilities

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP22: Green Wedges

LP24: Creation of New Open Spaces, Sports and Recreation Facilities

LP25: The Historic Environment

LP26: Design and Amenity

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

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)*

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- **Draft Central Lincolnshire Local Plan**

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 the 8th July 2022 The Draft Local Plan Review was submitted to the planning inspectorate in order for it to commence its examination. The examination hearing took place between 15th November 2022 and 16th December 2022. Consultation on the post-examination modifications to the Plan, commenced on 13th January 2023 and will close on 24th February 2023.

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.

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan-review/#:~:text=The%20Local%20Plan%20Review%20is,it%20to%20commence%20its%20examination.>

Main issues

- Principle

- Variations

Assessment:

Principle

This application seeks to vary conditions 6 and 15 of planning permission 139552 by amending the drainage and landscaping.

The principle of the development has already been established by consent 138607 and subsequent variation application 139552. What has to be considered is the impact, if any, the changes will have. The leisure centre is now built.

Variation

The reason for the variation is it has come to the attention of the applicant that a concern regarding standing water in the detention basin has been raised, and although this is not a surface water drainage design or a performance issue they want to alleviate this concern. The concern was that rather than the water soaking away it was remaining in the ponds as the level was too low to reach the outlet for the water to drain. This has required soil fill in the detention basin/attenuation ponds to allow the water reach the outlet in order to drain. The works are now complete. The ponds will also only fill in extreme events where water will need to be stored. This will drain away as designed.

The conditions therefore need to reflect the amended drainage plans. The landscaping has included some wild grassed areas with a meadow mix and amenity grass areas which need to be read in conjunction with the previous landscaping plan.

LCC Highways and Lead Local Flood Authority have been consulted on the works and do not raise any objections.

It is not considered that the works to address the standing water raise any planning concerns or affect the amenities of neighbouring land.

Review of conditions

Condition 2 – Construction Method Statement – No change

Condition 3 – Tree Protection – No change.

Condition 4 – Plans – No change.

Condition 5 – Access – Now void.

Condition 6 – Drainage – Changed to the new drainage details.

Condition 7 – Site Layout – No change

Condition 8 – Ecology – No change.

Condition 9 – Materials – No change

Condition 10 – Landscape Management – Change to details of discharge of conditions 140523

Condition 11 – Acoustic Fence – No change

Condition 12 – Noise – No change.

Condition 13 – Lighting – Change to details of discharge of conditions 140523

Condition 14 – Contamination – No change.

Condition 15 – Landscaping – Changed to include the new drawing.

Condition 16 – Footpath – No change.

Condition 17 – Noise Report – No change

Condition 18 – Access – No change.

Condition 19 – Travel Plan – No change.

Condition 20 – Construction Times – No change.

Condition 21 – Planting – No change.

Condition 22 – Opening Times – No change.

Condition 23 – Lighting – No change.

Condition 24 – Travel Plan – No change.

Condition 25 – Noise – No change.

Conclusion

The application has been assessed in the first instance against the provisions of the development plan policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP6: Retail and Town Centres in Lincolnshire, LP9: Health and Wellbeing, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP15: Community Facilities, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP22: Green Wedges, LP24: Creation of New Open Spaces, Sports and Recreation Facilities, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan as well as other material considerations and guidance contained within the

National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the variations to the drainage and landscaping would be acceptable. There would be no detrimental impact upon the character and appearance of the area or site and would not be detrimental to surrounding uses amenity.

The application is recommended for approval subject to the following conditions:

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

1. Void

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

None

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

2. The development shall be carried out in full accordance with the Construction Phase Health and Safety Plan (CPHSP) – (PEP Part 2) Rev A dated 7th March 2019 and Environmental Management Plan (EMP) – PEP Part 3 Rev A dated 15th April 2019.

Reason: In the interest of the amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

3. The tree protection measures shall be carried out in strict accordance with details within Tree protection Root Barrier Plan and Specification Rev 00 dated 28th January 2019.

Reason: To ensure that adequate measures are taken to preserve trees and their root systems whilst construction work is progressing on site in accordance with policy LP17 of the Central Lincolnshire Local Plan.

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

MRLC1-CPM-01-00-DR-A-X-2001 revision C02 dated 12.09.2018
MRLC1-CPM-01-01-DR-A-X-2002 revision C02 dated 12.09.2018
MRLC1-CPM-01-ZZ-DR-A-X-2010 revision C02 dated 12.09.2018
2001 Rev C04 dated 30.11.18

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

Reason: To ensure the development proceeds in accordance with the approved plans.

5. Void

6. The detailed arrangements for the foul and surface water drainage shall be completed in accordance plan 9601 Rev C04 Drainage Plan. The scheme shall be retained and maintained in full in accordance with this strategy.

Reason: To ensure the site is adequately drained in accordance with policy LP14 of the Central Lincolnshire Local Plan.

7. The arrangements shown on the approved plan 2001 Rev C04 dated 30.11.18 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

8. The development shall be carried out in strict accordance with the ecological reports (Extended Phase 1 Habitat Survey by CBE Consulting dated 14 October 2016 and Review of Ecological and Aboricultural Reports by CBE Consulting dated 25 October 2018) submitted with the application, including provision of any proposed details of habitat protection/ creation.

Reason: To safeguard wildlife in the interests of nature conservation in accordance with LP21 of the Central Lincolnshire Local Plan.

9. The development shall be carried out using the following materials –

Timber cladding – NORclad Scandanvian Redwood 15mm gap
NORclad Scandanvian Redwood 30mm gap

Curtain Wall Frame – RAL 8019

Render – WEBER Mushroom

Brick – IBSTOCK Leicester Multi Cream

Reason: To ensure the materials proposed create a positive appearance and safeguard the character of the surrounding area in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

10. Landscape Management shall be carried out in accordance with the details contained within the Landscape Management Plan (LMP) Ref: INF_N0515 R01 dated 06.03.2020 by influence.

Reason: In the interests of visual and residential amenity in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan.

11. The acoustic fence shall be erected as shown on plan 2001 Rev C04 dated 30.11.18 prior to occupation and maintained and retained thereafter.

Reason: In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

12. In the event that a complaint is raised to the Local Planning Authority on the grounds of noise within the first 12 months of the development's first use, noise monitoring shall be carried out by a suitably qualified person, subject to a methodology that has been agreed in writing by the Local Planning Authority prior to monitoring works. Should noise be deemed as reaching unacceptable levels (>50dB LAeq, 1hour) by the Local Planning Authority, a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority including a timescale for implementation. Mitigation shall be carried out in accordance with the agreed mitigation strategy.

Reason: In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

13. The lighting for the site shall be carried out in accordance with the details submitted on Plan MRLC1-EKE-XX-XX-DRE-0111-C04 dated Feb 20 and the details contained within Lighting Design Report by Ansell Lighting Rev A dated 06.03.2020.

Reason: In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

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

Reason: In order to safeguard human health and the water environment as recommended by Public Protection.

15. The landscaping shall be carried out in accordance with the details submitted on plan 9601 Rev C04 Landscape Plan (wild grassed areas with meadow mix and amenity grass only) and 9601 Rev CO2.

Reason: In the interests of visual amenity and biodiversity in accordance with policies LP17 and LP21 of the Central Lincolnshire Local Plan.

16. Prior to occupation and notwithstanding the technical details required by the highway authority, the footpath and tactile crossing shall be installed in accordance with plan SK008 A.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

17. The development shall be carried out in accordance with mitigation measures included in Noise Impact Assessment to inform Planning Application report ref: 21096R01bPKsw by Environoise dated 16 October 2019.

Reason: In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

18. Within seven days of the new access being brought into use, the existing access onto Gainsborough Road shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.

Reason: To reduce to a minimum, the number of individual access points to the development, in the interests of road safety.

19: The approved development shall not be occupied until those parts of the approved Travel Plan that are identified therein as being capable of implementation before 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 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.

20. Construction works shall only be carried out between the hours of 07:00 and 19:00 on Mondays to Fridays; between 08:00 and 13:00 on Saturdays and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings in accordance with policy LP26 of the Central Lincolnshire Local Plan.

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

21. 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 building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with policy LP17 of the Central Lincolnshire Local Plan.

22. The use hereby permitted shall not be open to customers outside the following times 07:00 to 22:00 Monday to Sunday and shall not open on Christmas Day, Boxing Day or New Years Day.

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

23. The lighting for the 3G pitch shall only be illuminated between the hours of 06:45 and 22:15. The illumination shall be in accordance with details in Lighting Impact Assessment Report Issue P02 by built environment consulting Ltd dated 9th January 2019.

Reason: In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

24. The development shall be carried out in strict accordance with the amended Travel Plan (Framework Travel Plan by Turvey Consultancy Limited dated January 2019).

Reason: To ensure that access to the site is sustainable and reduces dependency on the car in accordance with the National Planning Policy Framework.

25. Plant noise shall not exceed background noise (41dB LA90(15min) for daytime and 29dB LA90(15min) for night time as per details within the Noise Impact Assessment to inform Planning Application report ref: 21096R01aPKsw by Environoise dated 09 January 2019.

Reason: In the interests of residential amenity in accordance with LP26 of the Central Lincolnshire Local Plan.

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