

## **Officers Report**

### **Planning Application No: 147527**

**PROPOSAL:** Planning application for replacement of existing raw milk vending unit with a larger structure including an ice cream vending machine and internal seating area

**LOCATION:** Raw Milk Vending Machine, Home Farm Ermine Street  
Spital In The Street Market Rasen LN8 2AU

**WARD:** Waddingham and Spital

**WARD MEMBER(S):** Cllr A M Duguid

**APPLICANT NAME:** Mr Adam Duguid

**TARGET DECISION DATE:** 05/01/2024

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Grant with conditions attached.

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The application has been referred to the Planning Committee as the applicant is also the Ward Member.

#### **Description:**

The application site is situated in the open countryside, approximately 1.4 kilometres to the east of Hemswell Cliff, and lies within a Limestone Minerals Safeguarding Area. The site forms part of a working farm (Home Farm) which is located to the north and north east of the site. The site is accessed off the A15 to the west which leads to an area of hardstanding to the south of the access to Home Farm on which stands a single storey wooden raw milk vending unit. Apart from Home Farm to the north and north east of the site, to the south and east are agricultural fields and to the west on the other side of the A15 are other agricultural buildings belonging to Home Farm.

Four Grade II listed buildings which form a small cluster are located to the north and north west of the application site, the nearest of which (Barn at Spital Almshouse) is approximately 62 metres in distance from the application site.

The application seeks permission to replace the existing single storey wooden raw milk vending unit with a larger single storey wooden structure to house a raw milk vending unit as well as an ice cream vending machine and internal seating area.

#### **Relevant history:**

**136284** – Planning application to erect a shed to house a direct to the public milk vending machine. Granted 19/07/2017.

**Representations:**

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

**Glentham Parish Council:** No representations received to date.

**Local residents:** No representations received to date.

**LCC Highways/Lead Local Flood Authority:** The proposal is for a replacement structure and it does not have an impact on the Public Highway or Surface Water Flood Risk. 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.

**LCC Archaeology: 18/12/2023:** The site lies in the remains of the medieval settlement of Spital in the Street. We do not have much information on the medieval settlement, but it would have encompassed more than the current roadside buildings. Given the site's location in the area of the medieval settlement there is a high potential for below-ground archaeological remains pertaining to the medieval period.

Not enough information has been provided with the proposed application regarding the foundations of the proposed building and any other associated groundworks. Once further information has been provided regarding this, a recommendation can be made by this department.

If the building does have foundations and ground reduction works are to be carried out, I will be recommending that a condition is placed for archaeological monitoring and recording of groundworks.

Further comments received 21/12/2023: I will not be recommending any archaeological conditions.

**Conservation Officer:** No objection or comments to make.

**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 2023) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

**Development Plan:**

The following policies are particularly relevant:

Central Lincolnshire Local Plan adopted 2023 (CLLP):

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development in the Countryside

Policy S12: Water Efficiency and Sustainable Water Management

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S57: The Historic Environment

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

Lincolnshire Minerals and Waste Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area (MSA). Policy M11 applies.

<https://www.lincolnshire.gov.uk/directory-record/61697/minerals-and-waste-local-plan-core-strategy-and-development-management-policies>

Neighbourhood Plan:

No plan currently being prepared.

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 December 2023.

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

<https://www.gov.uk/government/publications/national-design-guide>

- **National Design Code (2021)**

<https://www.gov.uk/government/publications/national-model-design-code>

Listed Building Legal Duty

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

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

**Main issues:**

- Principle of Development
- Residential Amenity
- Visual Impact
- Impact on listed buildings
- Highway Safety and parking
- Archaeology
- Other Matters

### Principle of Development

The proposal is located in the open countryside and the site comprises an existing single storey wooden raw milk vending unit with associated car parking. It is now proposed to replace the existing unit with a larger single storey wooden structure to house a raw milk vending unit as well as an ice cream vending machine and internal seating area.

Policy S5, Part F - Agricultural diversification states that:

*'Proposals involving farm based diversification to non-agricultural activities or operations will be permitted, provided that the proposal will support farm enterprises and providing that the development is:*

- a) In an appropriate location for the proposed use;*
- b) Of a scale appropriate to its location; and*
- c) Of a scale appropriate to the business need.'*

In this case the proposal seeks permission for a single storey timber clad building approximately 9.9 metres by 4 metres to house a storage area, a milk vending and ice cream vending machine and a seating area. The building will sell milk and ice cream to members of the public with Home Farm Dairy located a short distance away to the north east of the site. This type of development is considered to be a farm-based diversification and will therefore be supportable if the criteria set out in the above policy are met.

In regards to criteria (a) the proposed building will be situated to the south of an existing access to Home Farm which has an access onto the A15, a busy main road which provides one of the main routes into Lincoln. The application site is located in close proximity to the main body of the farm and will be easily accessible from the nearby highway. The application site is not in a Conservation Area, Area of Outstanding Natural Beauty or other form of designated land, the site falls within flood zone 1. It is therefore considered that the location of the application site is acceptable.

In regards to criteria (b) the proposed timber clad single storey building will be approximately 2.9 metres in height on its front (west) elevation sloping down to approximately 2.2 metres on its rear (east) elevation. The proposed building is approximately 9.9 metres by 4 metres in size with the existing building having a height of 3.8 metres, 2.2 metres to the eaves and being 4 metres in length and 3.5 metres in width. The proposed building is small in scale and would not appear as a dominating or intrusive feature in the surrounding landscape. Further to this there are several large existing agricultural buildings in the nearby vicinity to the proposed building and it is

considered that the proposal will be seen in context with these buildings rather than be seen as an isolated feature.

In regards to criteria (c) the proposal is considered to be a small form of diversification and one that is appropriate considered the size of the main business.

The proposal is therefore acceptable in principle subject to other planning considerations.

#### Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things.

The proposal is small in scale and will have the following opening hours as previously approved under planning permission 136284. If it is minded to grant permission an appropriate condition in terms of opening hours will be attached to the decision notice:

- Monday to Friday 8:00 to 21:30
- Saturdays 8:00 to 21:30
- Sunday and Bank Holidays 8:00 to 21:30

The proposal will also utilise the same access and car parking arrangements as previously approved under planning permission 136284. There are also no near neighbours to the proposal. It is therefore considered that the proposal accords with Policy S53 of the Central Lincolnshire Local Plan as it will not have an unacceptable impact on the living conditions of nearby residents.

#### Visual Impact

Local Plan Policy S53 states that all development *'must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.'*

Development must *'relate well to the site, its local and wider context and existing characteristics including the retention of existing natural and historic features wherever possible and including appropriate landscape and boundary treatments to ensure that the development can be satisfactorily assimilated into the surrounding area'*. It further states that development should *'contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness'*, and should *'be appropriate for its context and its future use in terms of its building types, street layout, development block type and size, siting, height, scale, massing, form, rhythm, plot widths, gaps between buildings, and the ratio of developed to undeveloped space both within a plot and within a scheme.'* In addition, development must *'achieve a density not only appropriate for its context but also taking into account its accessibility.'*

The proposed single storey timber clad building is small in scale and would not appear as a dominating or intrusive feature in the surrounding landscape. Further to this there are several large existing agricultural buildings in the nearby vicinity to the proposed building and it is considered that the proposal will be seen in context with these buildings rather than be seen as an isolated feature.

It is therefore considered that the proposal accords with Policy S53 as it will not harm the character and appearance of the street scene or the countryside.

#### Impact on Listed Buildings

Four Grade II listed buildings which form a small cluster are located to the north and north west of the application site, the nearest of which (Barn at Spital Almshouse) is approximately 62 metres in distance from the application site. It is considered that due to this separation distance and the limited scale of the proposal, the application will preserve the setting of these listed structures. The WLDC Conservation Officer has also commented that they have no objections to the proposal.

The proposal therefore accords with the NPPF, Policy S57 of the Central Lincolnshire Local Plan and the statutory duty in S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Highway Safety and Parking

Local Plan Policy S47 and S49 requires well designed, safe and convenient access for all, and that appropriate vehicle parking provision is made for development users. Policy S49 states that all development apart from residential should incorporate a level of car parking that is suitable for the proposed development taking into account its location, its size and its proposed use, including the expected number of employees, customers or visitors.

The site will utilise the existing access off the A15 which leads to the existing car park for the existing raw milk vending shed approved under planning permission 136284. 5 Parking spaces including 1 space for disabled users are therefore provided for the proposed enlarged building. The agent previously stated under the submission for planning permission 136284 that the site is predicted to get 4/5 vehicles per hour at the busiest times. It is likely that visitor times will be staggered and it should also be noted that the parking spaces will not be required for a particularly long period of time for each user of the vending machine. It is therefore considered that the parking spaces provided will be sufficient to accommodate the predicted number of vehicles.

It is considered that the proposal will not have a significant impact on traffic movement or a detrimental impact on highway safety in accordance with Policy S47 and S49 of the Central Lincolnshire Local Plan and the NPPF.

#### Archaeology

The proposed development is located within the remains of the medieval settlement of Spital in the Street and Lincolnshire County Council

Archaeology wanted more information from the applicant on the foundations of the proposed building and any other associated groundworks.

The applicant has confirmed that the proposed building is located on existing hardstanding and the structure will have no foundations and will sit on a surface level concrete slab.

Lincolnshire County Council Archaeology have subsequently confirmed that they will not be recommending any archaeological conditions.

### **Other Matters:**

#### Surface Water Drainage

For the proposed structure and for other buildings on the farm, all surface water is harvested wherever possible and goes into either water butts or underground storage tanks. The water is then re-used in the farm operations.

The existing car park is also constructed from permeable gravel. It is therefore considered that the proposal accords with Policy S21 of the Central Lincolnshire Local Plan and the NPPF.

#### Minerals and Waste

The application site is within a Mineral Safeguarding Area (MSA). Policy M11 of the Core Strategy & Development Management policies (CSDMP 2016) therefore applies. No limestone extraction companies would be interested in extracting from this site for the following reasons:

- a) The site is too close to existing dwellings and the noise, dust and vibration nuisance would be too great.
- b) The owner of the land would not be willing to make the land available for mineral extraction.
- c) The site is an existing raw milk vending shed with associated car parking.
- d) In view of the above it is highly unlikely that planning permission would be granted for this use in this location.

Although a minerals assessment has not been submitted it is considered that the effect on the sterilisation of the minerals resource is likely to be negligible given the small-scale nature of the proposal.

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

The decision has been considered against Policy S1: The Spatial Strategy and Settlement Hierarchy, S5: Development in the Countryside, S12: Water Efficiency and Sustainable Water Management, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity and S57: The Historic Environment of the adopted Central Lincolnshire Local Plan in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal is considered to be an appropriate form of farm diversification which will help to support the rural economy, whilst not resulting in any harm to the surrounding landscape, residential amenity, nearby listed buildings or on the nearby highway.

**Recommendation: Grant planning permission subject to the conditions below:**

**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:**

None.

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

2. 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: R0377 - 002 - P0 dated 25/10/2023. 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 and to accord with the National Planning Policy Framework.

3. The materials used in the development shall match those stated on the application form.

**Reason:** To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

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

4. The use hereby permitted shall not be open to customers outside the following times: Monday to Friday 8:00 to 21:30, Saturdays 8:00 to 21:30, Sunday and Bank Holidays 8:00 to 21:30.



**Reason:** In the interests of residential amenity and to accord with the National Planning Policy Framework and Policy S53 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