

Officers Report

Planning Application No: 142146

PROPOSAL: Planning application for the removal of all existing buildings to be replaced by 13 no. new rural enterprise units for business use (Class E(g)/B2/B8).

LOCATION: Fosters Yard Station Road Langworth Lincoln LN3 5BD

WARD: Cherry Willingham

WARD MEMBER(S): Cllr C Darcel; Cllr Mrs SC Hill and Cllr Mrs A Welburn

APPLICANT NAME: Emma Truelove

TARGET DECISION DATE: 08/04/2021

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Permission subject to conditions

This application has been referred to the committee because matters are considered to be finely balanced

Description: The site of approximately 0.84 hectares is roughly rectangular in size and is in commercial use with an HGV servicing and maintenance business including an MOT testing station; an auto repair body shop and areas of the site used for outside vehicle storage. There are a number of buildings of varying design, age and condition across the site including 2 semi-circular hanger type buildings. There are also steel storage containers present. The site is located within Langworth and is accessed off Station Road to its south between 2 dwellings "Church View" to the west and a bungalow "The Beeches" to the east.

The southern section of the western boundary of the site is marked by a mix of vegetation and fencing which runs along the rear garden of a detached house "The Sleepers". The northern section of the western boundary runs alongside an area which appears to be in use as a paddock. Nettleham Beck marks the northern limit of the site with open fields beyond. The eastern area of the site runs along gardens and grassed areas serving dwellings off Scothern Lane and Station Road (Camden). The site runs along the rear garden of The Beeches to the south.

There were small pooled areas of water across the site at the time of the officers' site visit. The majority of the site falls within Flood Zone 3 (high probability), with sections in 2 (medium probability). It appears that the site was historically in use as a haulage yard as evidenced by planning history on the wider site.

Proposal: 13 new industrial units (Use Classes E(g) (business), B2 (general industrial) and B8 (storage and distribution)) in two blocks of 5 units and 6 units respectively and two freestanding buildings. The 5 unit block runs parallel to the western boundary and is set back approximately 4 metres. The 6 unit block runs along the eastern boundary set back approximately 3.5 metres.

Units 1 to 5: 50m wide and 12m in length. Eaves height of 2.8 m (along the western boundary) rising to 4.68 m.

Unit 6: This is located in the north western corner of the site with a width of 14.6m and a length of 20.6m. Eaves height is 5.5m rising to 7.27m.

Unit 7: This is located in the north eastern corner of the site with a width of 11.4m and a length of 20.6m. Eaves height is 4.3m rising to 5.35m.

Units 8 to 13: 64m wide and 13m in length. Eaves height of 2.8 m (along the eastern boundary) rising to 4.68 m.

The units will be constructed in matching materials. Blue engineering brick below dpc level with a red brick above dpc level, olive green steel cladding for walls and roof.

Relevant history:

120468 – Outline Planning Application to erect 20 dwellings or less (means of access to be considered). Granted 24.03.09

126878 – Outline planning application to erect 20 dwellings or less (means of access to be considered) – replacement of extant permission 120468. Granted 18.05.11

Bungalow to South:

98/P/0145 - Planning application to erect bungalow, garage and site access for person(s) having an interest in the management of the adjacent haulage yard. Granted 25th June 1998.

138802- Planning application to remove condition 2 of planning permission 98/P/0145 granted 25th June 1998 re: occupancy condition. Granted 19.02.19

Representations:

Cllr Darcel: My big concern, as previously mentioned, is flooding, Last Saturday a number of gardens were flooded on Station Rd and in Scothern Lane, and the residents unable to use their toilets. Apparently it is the 3rd time this year this has happened. One property in Scothern Lane did suffer water seepage into the hall, kitchen, garage and conservatory. On Wednesday the water table in Scothern Lane was still visibly high and close to the driveway surface. What has this to do with Foster's Yard? Foster's Yard is a very important part of the flood plain jigsaw that makes up this particular part of Langworth, stretching from Station Rd to Scothern Lane and including Foster's Yard. If with a modified plan to meet other residents responses and

concerns and a drainage solution that would help relieve drainage problems in Scothern Lane, I am sure most residents would welcome the development. With three alarms so far this year and a development proposal that seem to make matters worse, the application needs to be **rejected**.

One thing was clear, last Saturday computer models did not show any flooding in Scothern Lane and yet No 8 suffered as described above and Nos 4 & 6, and opposite were biting their fingernails. Between the EA, WIDB, LCC and Anglian Water a solution could easily be found that would help protect the site and reduce the flooding risk to nearby residents. The Foster's Yard site is key to any plan to protect Langworth from future flooding but the plan is not there yet.

Langworth Group Parish Council:

08.04.21: At their meeting last Tuesday Langworth Group councillors considered the above application. Although some councillors are pleased that developing this area will tidy it up, they agreed that the concerns of the Witham Internal Drainage Board should not be ignored and those concerns should be addressed. It is also disappointing that the Witham Internal Drainage Board having identified concerns have not visited the site in order to report action (if any) to mitigate the concerns they raised. Clearly they are not the people who will be inconvenienced if the development adds to the flood risk in the area.

- 03.02.21: 1) Fosters Yard has been an industrial site for over sixty years and would benefit from being tidied up.
- 2) The new development has the potential to create employment opportunities which would be welcome.
- 3) Although a majority of the parish council support the application there are serious concerns regarding the poor quality of the flood risk assessment. Flood risk management is important in this area and needs to be addressed if the support from the whole of the parish council is to be achieved.
- 4) Some residents have concerns about the potential for increased noise nuisance.

Local residents:

The Beeches, Station Road: Object

The revised submission does not address the scale massing, overbearing and loss of amenity due to the proximity of the industrial buildings abutting our rear boundary fence. The photos shows the current situation and aspect of our rear garden. As you can see, there is currently a small domestic scale sized building. The proposed commercial shed will be some 15 metres long and extends to over 50% of our rear boundary. The elevation and sectional drawings show that the eaves level of the shed will be above our current fence height which is 1.8 metres. The eaves height of the shed is 3.5 metres rising to almost 4.7 metres. This datum level is +150mm to DPC (4.85 metres above ground level). No dimensions are given of the new shed in relation to our rear boundary but looking at the car spaces provided, proportionally it would suggest it is within 1.5 metres.

Our concerns are that the proposed industrial estate, accompanied with the considerable increase in commercial activities, will have a substantial negative impact on the residential amenity of our property and has the potential to cause significant harm. The proposal is not compatible with neighbouring domestic land uses including noise, fume pollution, overbearing, loss of light and intrusion into our privacy. The general wider area is "residential" in planning use and the proposed enterprise park is in stark contrast to this. Health and Safety - We are deeply concerned as to the health, safety and wellbeing when considering the significant increase in the number of vehicle movements (both cars and Lorries), which will pass within close proximity to the bungalow and immediately across the front of our access. There will be the impact of artificial light or glare and noise of lorry Engines associated with the yard itself. The A158 is an extremely busy road and we regularly struggle to exit our property. The proposal which provides for 80 plus parking spaces, together with lorry deliveries and the alike would make it almost impossible for us to exit our property. There is a high possibility that vehicles will be sitting, with engines running, every day of the week immediately adjacent and within a few metres of our garden and patio areas. The noise, vibration and exhaust fumes from Lorries and cars within feet of our gardens are of great concern, as is the safety of our family and friends and in particular our grandchildren playing in our gardens. Visibility, as you exit our drive, is currently limited but the proposals presented would make the situation quite dangerous for us

Visual Amenity. The proposals do not relate well to the site and surroundings, particularly in relation to density, siting, height, scale, and massing.

Residential Amenity within the planning policy requires proposals to proportionately demonstrate that the following matters have been considered: - including overlooking, overshadowing and loss of light. The proposed industrial warehouse, which almost abuts our rear boundary is significantly higher than our fence and runs the full length of our property. The proposed commercial sheds are positioned within a few feet of our boundary and Will clearly have a devastating and adverse effect on the quiet enjoyment of our gardens and home. A commercial enterprise park together with the overbearing nature of the sheds will seriously impact on the value of our home and our ability to sell the property in the future. The increased intensity of the proposal means it is no longer a small, localised commercial yard with little associated vehicle movement, but becomes an intensive commercial industrial estate with increased noise and light pollution 24 hours a day, 7 days a week, which would be detrimental not just to our own residential amenities, but those in the surrounding area.

Sleepers, Station Road: Object. As much as the improvements to the yard will be aesthetically appealing within the site and as viewed from the A158, the proposed build of Unit 2 (5 workshops) will have an overpowering dominant influence on the view from my property. In specific, a 4.68m tall rear build running adjacent to the entire length of the side boundary of my rear garden (50m) will be seen immediately adjacent to the views from the side

and rear from my kitchen. Additionally, there may be an increased likelihood of flood to my property as a result on this new build without infrastructure changes to cope with proposed 'bund' diverted water volume; this presents an unacceptable risk. Furthermore additional sewage would possibly overwhelm the existing pipe capacity. Finally, noise pollution is also a threat with 5 commercial units backing onto my property reducing my enjoyment in the back of house conservatory or for recreational opportunity in the garden.

The Sidings: **Object** Following lack of response to my original observations and the level of water saturation apparent in the rear of my own and adjacent properties as a result of rainfall in the last couple of days there is no way any development can be feasible without substantial rework to existing drainage and sewage systems. Not only is the level of water in our rear garden already 2 -3 inches deep but the ground floor WC trap constantly bubbles violently as a result of water back up. The paddock behind the rear of ours and 4 adjacent properties also appears as a lake at these times as viewed from above. When will the local and district councils address this adequately to prevent inevitable flooding to local properties.

16 Scothern Lane: **Object** Until such time as a full report is provided on this land in respect of heavy contamination of various substances this proposed development should be withdrawn.

Primrose House, Station Road: **Object** Whilst aesthetically there will be great improvement to the area , we have huge concern regarding a possible increased flooding risk , increased road traffic, as well as noise at weekends encroaching on our relaxation

Camden Station Road: **General Observation** Although at this stage we are open minded regarding the proposed development and can see the potential for enhancing the viability of the village, there are, however, a number of questions that require further clarification.

1. Flooding: Has any research been carried out as to the effect the 900mm surrounding flood protection wall will have on the neighbouring properties should flooding occur? How will water flow be affected by this flood wall? Will adjacent properties be subject to greater water ingress?
2. Noise: The design of the proposed units will amplify any noise when the doors are open. How do the developers intend to prevent excessive noise, from radios, power tools etc., from 14 separate units becoming a nuisance to the residential neighbours? Bearing in mind that this is a mainly residential area, can hours of business be restricted in consideration of the welfare of local residents.
3. Surface water: Once the whole ground area of the site is covered with hard standing there will no doubt be a quantity of surface water produced after any heavy rain. Is it intended that this water will drain into the lagoon shown on the site plan? This water could contain contamination from the industrial units.

What precautions are in place to ensure this water does not reach local water courses and therefore become a hazard to wildlife?

4. Access: The pictures shown of the A158 are totally untypical. Throughout the working day this road is usually subject to a continual flow of traffic in both directions. Entrance and exit from the site, therefore, can be both time consuming and hazardous.

5. Monitoring: Will the West Lindsey District Council monitor the site throughout development and ensure that there are no unauthorised modifications made to the development?

6. Eastern Boundary: Is the eastern boundary taken from the original plans or has the fence line been used? The Camden fence is somewhat to the east of the site boundary. How far inside this boundary will the rear of the units be?

Brook House Scothern Lane: General Observation I do not have any objection to the proposal .However what concerns me is the inadequate sewerage system we have in Langworth. It can't cope. At the start of last year during a time of heavy rain a large amount of untreated sewerage was spilling out of the manhole covers in Scothern Lane. If it hadn't been for residents using their own pumps and sandbags properties would have been flooded. Anglian Water was of little help .A tanker is removing sewerage today due to heavy rain .Given that some of the new dwellings(The Meadows) next to the George and 20 + dwellings on Barlings lane yet to be built .I would not want to see the development go ahead without action by Anglian Water to improve their sewerage system. At a meeting with some residents of Scothern Lane AW said they were unlikely to do any improvements for 10 years. If the proposed development goes ahead I think that Scothern Lane residents' dwellings will be at risk every time there is heavy rain

Church View Station Road: Supports

Please see the included photographs. These offer an overview of Fosters Yard in its current state. With respect to current users, the yard is dirty , scruffy, dusty, has buildings clad with asbestos, with a very poor yard surface, no proper drainage, dangerous uncovered manholes and the amenities are . well let's say they could be much improved.

1) Is the lagoon, is this needed? Is this not taking up space which could be put to better use?

2) Concern- the new plan revision 1 shows a bin area, please can this be discussed as it is very close to and right outside a full time office with windows. What will be put into these bins? The previous position would be preferred.

3) What are the developers proposing as boundary fencing?

4) If the inclusion of a village shop or Post Office is available within this development, we would welcome this to our village.

This is an excellent development, we have seen site photo`s which are 50 years old or older and the basic layout and yard is still the same. Church View is adjacent to Fosters Yard, we have recently purchased this house and are spending considerable funds upgrading and renovating along with the business premises to the rear.

As a business owner to find that Fosters Yard is to be completely revitalized, is very good as it will enhance the properties either side. With 14 units this development will bring businesses into Langworth and help to ensure the Village is moving forward as a community.

3 Providence Row Station Road: **Supports.** The plans for a commercial site can only improve fosters yard. In my opinion it will also be a bonus for the area, and I fully endorse it.

5 Providence Row Station Road: **Supports.** Totally support the proposal of commercial units being built. I have worked from these premises for 60 years and it is in need of modernisation. There has always been a commercial site here long before many of the surrounding houses were built. I have lived in Langworth for 75 years and in the past 10 it feels like it has lost its village feel. If these units they are erecting can benefit the residents of Langworth whether it be for car repairs, fire wood and perhaps a village shop again I can only see as positive. Let's bring the village back to life!!!!

AJB Plant & Commercials, The Foundry, Station Road: **Supports.**

Comments: AJB Plant & Commercials has been trading from Fosters Yard for 11 years and fully support the proposals to improve the site. As well as being a commercial business, the majority of its staff are either from or live in the village. Fosters Yard has been a commercial site for more than 70 years and has provided employment opportunities to those in and around the village of Langworth. The proposals to add more commercial units and improve the appearance of the yard should be welcomed by the increasing number of residents in Langworth as it will, in turn, provide yet more employment opportunities. We are hoping to open a convenience store in one of the new buildings, and wish that we will be supported by the local community. Langworth has lost its identity over the years (having lost its school, post office and shops) and so we believe that this development will go a long way in helping to put the village back on the map. So much already goes into keeping Langworth looking its best with the planting of flower beds, and cleaning up of the area, so this development will go a long way in improving the appearance of the village, especially as the yard is situated on the main road. If the development wasn't to go ahead, there is a chance that AJB would have to relocate. This would be a dreadful shame as we have strong ties to the village, in the fact that we service many local residents' cars and local businesses vehicles

Shane Graves Bodyworks Ltd. Station Road: **Supports.** I cannot see that it is anything but a good thing to regenerate the area. This will smarten up surroundings greatly for the good of the local residents and business

owners alike. As the proposal is to add more units it will also bring more prosperity/opportunities to the area. There has been recent houses built close by and a large development up the road at Sudbrooke under way!
I look forward to seeing it all come to fruition.

LCC Highways:

18.05.21: No issues with the drainage strategy or the Construction Management Plan details. They may need consent from the IDB for discharge into Nettleham Beck though.

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

No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development.

The Construction Management Plan and Method Statement shall include;

- phasing of the development to include access construction;
- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Wheel washing facilities;
- The routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- Strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

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 during construction and to ensure that suitable traffic routes are agreed.

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 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 5 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 dwelling 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.

Highway Informatives

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

There is no precise definition of "severe" with regards to NPPF Paragraph 109, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes

- Whether the level of queuing on the network causes safety issues.

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. This application provides a suitable on site drainage strategy and therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site. Consent from the relevant authority will be required for the discharge into Nettleham Beck

22.02.21: Requests that the Local Planning Authority request the applicants provide additional information as set out below.

No objection in principle to this development. Before the Highway Authority pass final comments it is requested that a site intrusive ground investigation report is carried out to support the proposal of infiltration as the site drainage strategy. Please include a permeable pavement design in line with the hydraulic calculations determined from the infiltration testing and surface water storage requirements for the site.

Environmental Protection:

18.05.21: The demolition method statement provided covers all aspects which I would expect and is suitable for purpose, the applicant should ensure that all recommendations and requirements within the document are adhered to. The noise assessment provided shows that suitable mitigation can be implemented to protect neighbouring sensitive receptors from significant impact by the use of an appropriate boundary fence and suitably designed buildings, and with any external plant required to be designed to operate below recommended noise levels. As such it is fit for purpose and provided the applicant ensures that the recommendations within are followed there should be no adverse impact on neighbours. I trust that suitable conditions can be implemented to ensure the applicant adheres to the details within the reports.

06.04.21: The contaminated land report indicates that generally the site is suitable for the proposed end use provided suitable measures are taken during construction, however further investigation is recommended in a specific area where higher levels of contamination have been noted and there may be further isolated hot spots across the site, not identified by the investigation, which would require further action if found during construction. As such I would recommend that the further investigation is undertaken and once completed a suitable remediation method statement for the whole site is submitted and approved by LPA prior to any construction, and on completion of those works a verification statement will be required.

29.03.21: Further to my initial comments as attached and as discussed the applicants will need to establish that any new development will have no

significant impact upon existing near neighbours from noise, vibration, dust etc. as part of the proposed use of the site. As such a full noise assessment To BS4142 standards will need to be provided to the LPA to demonstrate that the proposed industrial use will be acceptable and any noise etc. created can be suitably mitigated against to protect all near sensitive receptors.

19.01.21: Contamination: a comprehensive contaminated land assessment will need to be undertaken prior to any development, to be submitted and approved by LPA at each stage and any mitigation found to be required is to be agreed by LPA prior to being undertaken.

Demolition: a comprehensive demolition method statement is required prior to any demolition taking place, to include an assessment of existing materials, measures to protect neighbouring premises from noise, dust, and vibration and run off etc. during the demolition process. Measures to be implemented to deal with all forms of waste created, particularly how it is dismantled, stored and disposed of.

Construction: a comprehensive construction method statement is required prior to any construction taking place. To include measures to protect neighbouring premises from noise, dust, vibration etc. Management of deliveries, suitable storage of materials and wastes, protection of the road and paths from mud and surface water run-off.

Post development noise, dust, odour etc.: a comprehensive assessment of the suitability of the built units or requirement of other suitable measures to protect neighbouring premises from any excessive noise, dust, odour etc. created by end users is required. Consideration as to the orientation and location of any openings, any extraction/air conditioning plant, the acoustic properties of construction and insulating material etc. should be taken into account.

External Lighting: details of any external lighting are required to be submitted to and agreed by LPA

General: Working times during demolition and construction should be limited to reasonable periods. No burning to take place on site during either demolition or construction phases. Prior agreement with the LPA on the permitted operational hours of the finished units to be considered.

Environment Agency:

08.04.21: We have reviewed the site plan and consider that it satisfactorily addresses our earlier concerns. Subject to the condition below, we therefore **withdraw our previous objection**, dated 22 January 2021 (our ref: AN/2021/131361/01-L01).

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the following planning condition is included.

1. The development shall be carried out in accordance with the submitted flood risk assessment dated July 2020 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 7.45 metres above Ordnance Datum (AOD).
- Flood resilience and resistance measures shall be incorporated as stated in the FRA.

Reason: To reduce the risk of flooding to the proposed development and future occupants. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

22.01.21: In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is **refused**. The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to consider the impact that the development will have on flood risk elsewhere. Whilst the FRA identifies the flood risk to the site and proposes suitable mitigation it does not consider the impacts that the earth bund and concrete flood wall around the site will have on the existing flood plain. In order to fully assess flood risk we would need the FRA to assess whether flood risk elsewhere will be increased as a result of the development. The applicant should explain why the site requires the earth bund and flood wall, and it must be demonstrated that any loss of flood storage can be mitigated for.

Witham Internal Drainage Board:

24.03.21: I note that they propose to remove the comments about the flood defence which answers one of my comments. I still think they need to address the raising of levels and the impact on the surrounding properties, I am sure that any residents with soggy gardens in the future will be blaming the development. Having said that the EA surface water flood map below would seem to indicate that the site is already higher than the adjacent land and water could be trapped. Having not been to site I do not know if this is representative of the true ground levels and any potential impact.

22.01.21: The site is in Zone 3 on the Environment Agency Flood Maps and at flood risk as identified by the Flood Risk Assessment. The Flood Risk Assessment is included in the Application proposes mitigation by ground raising of the units above the design flood level. However there is no information to assess the impact on the surrounding properties.

The FRA states on the Board minor flood defence a defence level of 7.40m. This is not correct, while some raising was done to that level other lengths were not raised and where recorded as 7.37. The Board did not take on the Future maintenance.

Comment and information to Lincolnshire CC Highway SUDs Support

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water Drainage system. It is noted that the use of SuDS box has been ticked, but no details submitted.

- If soakaways are proposed the suitability of new soakaways, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority.

If the suitability is not proven the Applicant should be requested to Re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be reconsulted.

- Where Surface Water is to be directed into a Mains Sewer System the relevant bodies must be contacted to ensure the system has sufficient capacity to accept any additional Surface Water.
- Any discharge into a water course will require a consent from the Board under the Land Drainage Act. If there is an existing discharge into Sudbrook Beck as a brownfield site any proposed discharge must be limited to 70% of the actual existing rate. If there is no existing discharge the discharge rate must be limited to green field.

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority. The applicant proposes ground raising for the units, the LPA must ensure that this will not have a detrimental effect on the neighbouring properties.

Comment and information to Agent/Applicant

Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw distance (9m) of the top of the bank of a Board maintained watercourse. At this location while the Board generally maintains the watercourse from the opposite bank periodic access may be required to undertake maintenance, repair or improvement.

:

Anglian Water: Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. Or, in the case of apparatus under an adoption agreement, liaise with the owners of the

apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

Wastewater Treatment

The foul drainage from this development is in the catchment of reepham Water Recycling Centre which currently does not have capacity to treat the flows the development site. 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

This response has been based on the following submitted documents: Flood Risk Assessment Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed Development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A full assessment based on the development type and size has concluded the sewer does not have capacity.

We therefore request a condition requiring a phasing plan and/or on-site drainage strategy.

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. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable.

We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Suggested Planning Conditions

1. Prior to construction above damp proof course a Phasing Plan setting out the details of the phasing of the development shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved Phasing Plan. Reason: To ensure the development is phased to avoid an adverse impact on drainage infrastructure.

2. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

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 include:

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

LP16: Development on Land Affected by Contamination

LP26: Design and Amenity

Draft Neighbourhood Plan

Langworth Parish Council has approval from West Lindsey District Council for the parish of Langworth and Barlings to be recognised as a designated area for the purposes of producing a neighbourhood plan. It was designated in May 2016. There is no draft plan or policies that can be considered.

- ***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 February 2019. Paragraph 213 states:

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

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

Main issues

- **Principle**
- **Flood Risk and Drainage**
- **Impacts on the amenities of occupants of nearby dwellings in terms of increased noise and disturbance and visual impact of new buildings**
- **Impacts on existing character and appearance of site and wider area**
- **Contaminated Land**

Assessment:

Principle. Whilst what is actually being proposed is a redevelopment of the site as it exists it is considered helpful to consider Policy LP 5 which supports the "Expansion of Existing Businesses" outside allocated employment sites provided:

- Existing buildings are reused where possible

This is not the case as the site is being redeveloped with 13 new units created.

- They do not conflict with neighbouring land uses

This is considered in the report below under the heading

“Impacts on the amenities of occupants of existing dwellings in terms of increased noise and disturbance and visual impact of new buildings”

- They will not impact unacceptably on the local and /or strategic highway network

No objections are raised by the Local Highways Authority.

- The proposal would not have an adverse impact on the character and appearance of the area

This is considered in the report below under the heading:

Impacts on the character and appearance of the existing site and the wider area.

It can be concluded that principle of development could be supported subject to consideration of the detailed impacts of the proposal including its location in an area at high risk of flooding.

Flood Risk, and Drainage LP14

Under Table 2 of the Flood risk vulnerability classification¹, the general industry and storage and distribution uses proposed fall within the “less vulnerable” classification. Table 3² sets out the Flood risk vulnerability and flood zone ‘compatibility’ which confirms that development within this category is appropriate.

A Flood Risk Assessment was submitted. Flood mitigation is proposed by raising the ground floor level above predicted flood levels to 7.45m ODN. Current site levels range from 7.05 ODN to 7.20 ODN. The proposed units will also incorporate flood resilient works. The ground floor will be constructed with a solid concrete floor with no voids beneath and no low-level wall vents. All service circuits to be routed at first floor level where practical socket outlets, boilers will be a minimum of 0.5m above the raised ground floor level.

Surface Water Disposal:

Planning Practice Guidance³ sets out 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);*

¹ National Planning Practice Guidance Paragraph: 066 Reference ID: 7-066-20140306 (<https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-2-Flood-Risk-Vulnerability-Classification>)

² See <https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-3-Flood-risk-vulnerability>

³ Paragraph: 080 Reference ID: 7-080-20150323 (<https://www.gov.uk/guidance/flood-risk-and-coastal-change#sustainable-drainage-systems>)

2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Particular types of sustainable drainage systems may not be practicable in all locations.

During the course of consideration of this application a Drainage Strategy (DS) was submitted. Following soil infiltration testing none of the attempted test locations returned positive results. As the underlying soil is not suitable for infiltration it is not possible to incorporate any infiltration SuDS into the scheme design. It is however possible to incorporate source control (water quality) SuDS into the scheme design

- i) Fit water butts to rainwater downpipes on all rear elevations.
- ii) Construct vehicular surfaces in permeable materials with a type 3 granular sub base reservoir layer providing source control prior to discharge.
- iii) Construct a porous under-drain to convey previously filtered rainwater to the flow control.
- iv) Construct an off-line surface water balancing facility prior to discharge to provide attenuation and sedimentation control features.

Surface water from the commercial unit roof areas (0.249 Ha) will discharge directly into the sub base reservoir layer of the main courtyard which will be under-drained by a centrally located perforated twin wall pipe. This will also take runoff from the courtyard access, hardstanding and parking areas (0.415 Ha) which will percolate through the permeable surfacing layers. A slight cross-fall will be incorporated into the surfacing levels to direct flows away from any commercial unit door openings towards the central under-drain. The under-drain will then flow towards the Nettleham Beck where a flow control device, fitted to the outgoing pipe will be incorporated to restrict discharge from the development to the Beck to green field values, specifically the 5.0 l/s default value. This will also provide an “on-plot” source control treatment stage for all roof and courtyard runoff prior to entering the drain. An off-line surface water attenuation lagoon provides additional storage at the flow control location. The lagoon will be dry under normal conditions.

Third parties have raised concerns with surface water run-off, and existing flooding problems. However, the proposals will introduce a positive surface water drainage scheme which accords with today’s Sustainable Drainage System (SUDS) principles, and therefore can be deemed as a betterment, and a matter that weighs in favour of the development.

The Lead Local Flood Authority have no concerns with the drainage strategy concept, with conditions required to ensure a detailed scheme is submitted for

written approval and subsequent implementation in accordance with the details approved.

Foul Water Disposal

Anglian Water have stated foul drainage from this development is in the catchment of Reepham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are however 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.

In their Pre Planning Assessment Report (PPAR) to the Applicants dated 4th March 2021 and appended to the Drainage Strategy Anglian Water stated “Anglian Water has assessed the impact of gravity flows from the planned development to the public foul sewerage network. We can confirm that this is acceptable as the foul sewerage system, at present, has available capacity for your site.” It also confirms that the foul flows from the development can be connected to their 150mm diameter foul sewer in Station Road / A158. This would require taking a new foul sewer out of the site, along Station Road and forming a new manhole. The DS proposes that as the existing foul sewer actually crosses through the site prior to discharging to the existing foul water pumping station behind proposed unit 7 it would make better sense to form a new manhole on the line of the existing foul sewer within the site to accept flows from the 14 units. This would negate the requirement to construct a new sewer and manhole within Station Road /A158 and its associated traffic management issues and avoid unnecessary disruption to residents of Langworth and those travelling to and from Lincoln.

This is considered a reasonable proposal and with a condition imposed requiring details to be submitted and agreed in writing disposal of foul sewerage does not represent a reason to withhold consent.

Impacts on the amenities of occupants of nearby dwellings in terms of increased noise and disturbance and visual impact of new buildings

The site currently appears to have no more than 3 to 4 businesses in operation across the extent of the whole site. This proposal represents a major intensification with a threefold increase in units to be provided and potentially an increase in noise and disturbance of the same magnitude. A Noise Impact Assessment (NIA) was submitted during the course of determination of the application. This specifically addressed:

- Noise associated with internal operations
- Noise associated with external service yard operations
- Noise associated with any fixed external plant

It was assumed that the proposed operating hours of the units are to be 0730–1800 hours Monday to Saturday with no Sunday operation.

In order to establish prevailing baseline noise levels at the application site, a noise survey was undertaken on Tuesday 20th April 2021 through to Wednesday 21st April 2021.

Typical background noise levels were measured as follows:

- 45 dB LA90 (15 min) in the daytime period
- 22 dB LA90 (15 min) in the night time period

LA90(15 min) is the measure of background noise level (the sound level exceeded for 90% of the measurement period of 15 minutes).

The maximum predicted levels of noise from the site would increase to 54 dB. BS4142 sets out that a difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context. Whilst a difference of +5 dB is likely to be an indication of an adverse impact, depending on the context. The increase in noise would therefore be considered unacceptable. The NIA sets out mitigation measures that would be required to reduce the noise to acceptable levels:

1. 4 metre solid timber fence along the south-eastern boundary, returning north into the application site yard for circa 10 metres
2. 3 metre infill solid timber fences along the south-western and north-eastern boundaries between the proposed units
3. 3 metre high solid timber fence running along the west of the entrance road for circa 10 metres

With these in place the predicted noise levels would be reduced to an acceptable level. It is important to note that this does not take into account increases in vehicle movements to the site although with a restriction on the hours of use to times assumed by the NIA of 0730–1800 hours Monday to Saturday this would be restricted to day time operation.

Whilst the acoustic fences would not be visible from outside the site from Station Road, there would be impacts from the erection of these fences particularly the 4 m high ones on neighbouring land that would need to be considered. The most impacted would be “The Beeches” to the south which is not surprising as it was originally granted planning permission in connection with the management of the former haulage yard on the site.

The Local Planning Authority has negotiated with the applicant in order to set the acoustic fencing into the application site and off the shared boundaries due to the scale of the fencing proposed.

At its closest the 4m high fence would be within 2 metres of the rear garden rising to a maximum distance of 6.5 metres as it veers north. The side elevation of unit 13 also runs along part of the rear boundary at its closest at a distance of 7.5m rising to 8.5m. This has a ridge height of 4.68m which slopes down to 2.8m. This will clearly have an impact on the outlook and views from the Beeches which is currently open. This is a finely balanced issue and given the long history of commercial usage on the site and the history of the

property affected it is considered that on balance the harm that will arise would not justify a refusal of planning permission.

Units 1-5 will run along the full extent of the side boundary of the rear garden of "Sleepers" on Station Road. They will be set back approximately 4m from this boundary with a ridge height of 2.8 m that rises up to a maximum of 4.7. A 4m high acoustic fence is also proposed along approximately ¼ of the rear garden. This will clearly not fail to have an impact on the "Sleepers". Given its boundary with a site with a long history of commercial usage some impact can be expected although once again this is a finely balanced issue with the conclusion that this would not justify a refusal of planning permission.

The 4m high fence will run along approximately 3m of the rear garden of "Camden" on Station Road set back from the boundary by approximately 1.5m. This will have an impact although it is not considered to be of such magnitude that would warrant refusal of permission.

It is concluded that with the mitigation measures set out in the NIA, that noise and disturbance and the impact of the new buildings on existing residents would not result in having an unduly adverse effect upon residential amenity and does not constitute a reason to withhold consent although this is considered to be a finely balanced issue.

A condition will also be imposed requiring an external lighting scheme to be submitted to and approved in writing by the local planning authority to avoid light spillage onto neighbours.

Impacts on the character and appearance of the existing site and the wider area.

The relatively enclosed site is characterised by a mix of structures on the site in varying states of repair which is evidenced by the photographs reproduced below. The development would result in the introduction of modern industrial units with dedicated parking and servicing areas with additional planting along the main entrance into the site and in front of the proposed acoustic fencing, and would lead to an improvement in the character and appearance of the site. Subject to the imposition of conditions including details of landscaping to be submitted for written approval and subsequent implementation and maintenance in accordance with the details approved impacts on the character and appearance of the site do not constitute a reason to withhold consent.



Contamination

The Contaminated Land Report (CLR) indicates that generally the site is suitable for the proposed end use provided suitable measures are taken during construction, however further investigation is recommended in a

specific area where higher levels of contamination have been noted and there may be further isolated hot spots across the site, not identified by the investigation, which would require further action if found during construction.

A condition will be imposed requiring further investigation to be carried out as recommended by the CLR, and, a remediation method statement for the whole site to be submitted to and approved by LPA prior to any construction taking place. On completion of these works a verification statement will also need to submit. Subject to securing these details it would be in accordance with LP 16.

Conclusion and planning balance

This is a proposal to redevelop a site with a history of commercial usage that was originally a haulage yard. The proposed development of modern industrial units would improve the character and appearance of the site. There are no highways objections. Subject to the imposition of conditions in relation to finished ground levels, incorporation of flood resilience measures, and details of surface water and foul water drainage there would be no increase in flood risk and a satisfactory drainage scheme can be provided. It would also lead, however, to at minimum a threefold increase in the number of units on the site with an increase in potential noise and disturbance and in closer proximity to adjacent dwellings. The noise attenuation measures required including 4m high acoustic fencing will also have an impact. Hours of operation will be from 0730 to 1800 Monday through to Saturday and this will be conditioned. Details of external lighting will be secured by condition. On balance it is considered that approval can be recommended although this is a finely balanced issue.

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).

2. No development shall take place until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. This must 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.

The development shall be carried out in accordance with the approved details which must be in place prior to occupation of the units.

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 and to avoid water pollution in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

3. No development shall take place until the further investigation recommended by the geo environmental ground investigation report dated March 2021 has taken place and a method statement for the whole site has been submitted to and approved in writing by the Local Planning Authority.

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

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

4. 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 Plan New Units TL069-SP-08 Rev I
- Floor Plan and Front Elevation New Units (1) TL069-FP-NU1-01 Rev E
- Floor Plan and Front Elevation New Units (2) TL069-FP-NU2-01 Rev D
- Floor Plan and Front Elevation New Units (3) AJB TL069-FP-NU3-01 Rev B
- Floor Plan and Front Elevation New Units (4) Shane Bodyworks TL069-FP-NU4-01 Rev D

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.

5. The development shall be carried out in accordance with the submitted flood risk assessment dated July 2020 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 7.45 metres above Ordnance Datum (AOD).
- Flood resilience and resistance measures shall be incorporated as stated in the FRA.

Reason: To reduce the risk of flooding to the proposed development and future occupants. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

6. The development shall be carried out in accordance with the Construction Management Plan and the Demolition Method Statement with the hours of operation **limited to** between 0730 hours and 1800 hours on each day Monday through to Saturday with no operations on Sundays.

Reason: To minimise noise and disturbance to neighbours 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:

7. Prior to occupation of the hereby approved units a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

1. Planting plans;
2. Written specifications including cultivation and other operations associated with plant and grass establishment;
3. Schedules of plants, noting species, plant sizes and proposed numbers/densities
4. Tree pits including root protection details;

The approved details shall be implemented in full following completion of development or occupation of the units whichever is the sooner and any trees or plants which within a period of five 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: In the interests of visual amenity to ensure the approved development provides satisfactory soft landscaped areas to break up the mass of what would otherwise be a large expanse of hard surfaced areas and buildings to accord with LP26 of the Central Lincolnshire Local Plan.

8. Prior to occupation of the units' details of the acoustic fencing shown on "Site Plan New Units TL069-SP-08 Rev I" shall be submitted to and approved in writing by the local planning authority. The details approved shall be implemented prior to occupation. Details of the treatment of all boundaries beyond the acoustic fencing shall also be submitted for written approval and subsequent implementation in accordance with the details approved prior to occupation.

Reason: This was the basis upon which the findings of the Noise Impact Assessment were prepared and in the interests of residential and visual amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan..

9. Prior to occupation of the hereby approved units' details of the external lighting (to include a light spill diagram), including proposed hours of illumination, shall be submitted to and approved in writing by the local planning authority. It shall thereafter be carried out in accordance with the details approved.

Reason: To avoid excessive illumination impacting harmfully on neighbours in accordance with policy LP26 of the Central Lincolnshire Local Plan.

10. The use of the units and wider site shall be restricted to between 0730 hours and 1800 hours each day, Monday through to Saturday with no use on Sundays.

Reason: This was the basis upon which the findings of the Noise Impact Assessment were prepared and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

11. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) external plant is prohibited on the site until details have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall demonstrate compliance with the recommendations of the Noise Impact Assessment.

Reason: This was the basis upon which the findings of the Noise Impact Assessment were prepared and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

Prepared by: George Backovic

Date :

Signed:



Authorising Officer

Date

Decision Level (tick as appropriate)

Committee