

PLANNING COMMITTEE

Wednesday, 14 July 2021

5.30 pm

**The Alive Church, Newland,
Lincoln**

Membership:	Councillors Naomi Tweddle (Chair), Bob Bushell (Vice-Chair), Biff Bean, Chris Burke, Liz Bushell, Gary Hewson, Rebecca Longbottom, Bill Mara, Mark Storer, Edmund Strengiel and Calum Watt
Substitute members:	Councillors Bill Bilton and Neil Murray
Officers attending:	Simon Cousins, Democratic Services, Kieron Manning, Louise Simpson, Dave Walker and Toby Forbes-Turner

The Planning Committee comprises democratically elected members who will be presented with a recommendation from the professional officers for each application on the agenda. After each application has been presented, those interested parties who have registered to speak will then be given 5 minutes to verbally present their views, and, following this, the committee will debate each proposal and make the decision, having considered all relevant information.

Clearly the process of making a decision will inevitably cause some people to feel aggrieved, but it is hoped that all interested parties will feel that their views have been considered as part of the process.

Please ensure that your mobile phones are switched off or set to silent throughout the meeting and please refrain from attempting to speak from the public gallery unless you have formally registered to speak on an application, in which case the Chair will call you to the table at the relevant time.

A G E N D A

SECTION A	Page(s)
1. Confirmation of Minutes - 30 June 2021	5 - 24
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
(a) Update Sheet	To Be Tabled

3. Confirmation of Tree Preservation Order No.160	25 - 28
4. Confirmation of Tree Preservation Order No.161	29 - 32
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6. Applications for Development	
(a) The Moorland Centre, 3 Moorland Way, Lincoln	37 - 96

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

LIST OF BACKGROUND PAPERS FOR PLANNING, LISTED BUILDING, CONSERVATION AREA AND ADVERTISEMENT APPLICATIONS ON THE AGENDA OF THE PLANNING COMMITTEE

The Background Papers for the Planning, Listed Building, Conservation Area and Advertisement Applications are:

1. The appropriate Planning Information Folder: This is a file with the same reference number as that shown on the Agenda for the Application. It contains the following documents:
 - (a) the application forms;
 - (b) plans of the proposed development;
 - (c) site plans;
 - (d) certificate relating to ownership of the site;
 - (e) consultation letters and replies to and from statutory consultees and bodies;
 - (f) letters and documents from interested parties;
 - (g) memoranda of consultation and replies to and from Departments of the Council.
2. Any previous Planning Information Folders referred to in the Reports on the Agenda for the particular application or in the Planning Information Folder specified above.
3. City of Lincoln Local Plan: Adopted 26 August 1998.
4. The emerging draft Local Development Framework is now a material consideration.
5. Lincolnshire Structure Plan – Final Modifications 3 January 2006
6. Regional Spatial Strategy – 17 March 2005
7. Applications which have Background Papers additional to those specified in 1 to 6 above set out in the following table. These documents may be inspected at the Planning Reception, City Hall, Beaumont Fee, Lincoln.

APPLICATIONS WITH ADDITIONAL BACKGROUND PAPERS (See 7 above.)

Application No.:	Additional Background Papers
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CRITERIA FOR PLANNING COMMITTEE SITE VISITS (AGREED BY DC COMMITTEE ON 21 JUNE 2006 AND APPROVED BY FULL COUNCIL ON 15 AUGUST 2006)

Criteria:

- Applications which raise issues which are likely to require detailed first hand knowledge of the site and its surroundings to enable a well-informed decision to be taken **and** the presentational material at Committee would not provide the necessary detail or level of information.
- Major proposals which are contrary to Local Plan policies and proposals but which have significant potential benefit such as job creation or retention, environmental enhancement, removal of non-confirming uses, etc.
- Proposals which could significantly affect the city centre or a neighbourhood by reason of economic or environmental impact.
- Proposals which would significantly affect the volume or characteristics of road traffic in the area of a site.
- Significant proposals outside the urban area.
- Proposals which relate to new or novel forms of development.
- Developments which have been undertaken and which, if refused permission, would normally require enforcement action to remedy the breach of planning control.
- Development which could create significant hazards or pollution.

So that the targets for determining planning applications are not adversely affected by the carrying out of site visits by the Committee, the request for a site visit needs to be made as early as possible and site visits should be restricted to those matters where it appears essential.

A proforma is available for all Members. This will need to be completed to request a site visit and will require details of the application reference and the reason for the request for the site visit. It is intended that Members would use the proforma well in advance of the consideration of a planning application at Committee. It should also be used to request further or additional information to be presented to Committee to assist in considering the application.

Present: Councillor Naomi Tweddle (*in the Chair*),
Councillor Bob Bushell, Councillor Biff Bean, Councillor
Chris Burke, Councillor Liz Bushell, Councillor
Thomas Dyer (as substitute), Councillor Gary Hewson,
Councillor Bill Mara, Councillor Rebecca Longbottom and
Councillor Mark Storer

Apologies for Absence: Councillor Edmund Strengiel (send substitute) and
Councillor Calum Watt

1. Confirmation of Minutes - 24 March 2021

RESOLVED that the minutes of the meeting held on 24 March 2021 be confirmed.

2. Declarations of Interest

The Chair, Councillor Naomi Tweddle, declared a personal and pecuniary interest in the following three applications and would withdraw from the meeting for their consideration:

- Lincoln Central Market, Sincil Street, Lincoln
- Central Market, Sincil Street, Lincoln (Listed Building Consent)
- 89 and 93 Rookery Lane, Lincoln

Councillor Rebecca Longbottom wished it be noted that with regards to agenda item 5(f) – *4 Curle Avenue, Lincoln*, she knew one of the objectors listed, however, in a capacity of colleagues only.

Councillor Rebecca Longbottom declared a personal and pecuniary interest in agenda item 5(h) – *Land between 1 and 9-11 Greetwell Gate, Lincoln* as the architect and her partner are known to her as close associates. Councillor Longbottom stated she would leave the meeting for the duration of this item.

3. Update Sheet

An update sheet was tabled at the meeting, which included additional photos in relation to Minute 5(e) – *42 Kelstern Road Lincoln* and the window replacement design for Minute 5(j) – *394 High Street, Lincoln*.

4. Work to Trees in City Council Ownership

Dave Walker, Arboricultural Officer:

- a. advised the Committee of the reason for the proposed works to tree in the City Council's ownership and sought consent to progress the works identified, as detailed at Appendix A to the report;
- b. highlighted that the list did not represent all of the work undertaken to Council trees, it represented all the instances where a tree was either

identified for removal, or where a tree enjoyed some element of protection under planning legislation, and thus formal consent was required; and

- c. explained that ward councillors had been notified of the proposed works.

It was requested that in future reports information on the proposed locations of replacement trees for replanting and information on the progress and status of recently planted trees be included.

RESOLVED that the tree works set out in the schedules appended to the report be approved.

NOTE: At this stage in the proceedings the Chair, Councillor Naomi Twedde, left the meeting for the duration of Minute numbers 5(a), 5(b) and 5(c).

COUNCILLOR BOB BUSHELL IN THE CHAIR

5. Applications for Development

(a) Lincoln Central Market, Sincil Street, Lincoln

The Assistant Director for Planning:

- a. described the details of the application for planning permission for the alteration, refurbishment and extension of the Central Market building in Lincoln, a grade II listed building;
- b. advised that the application site was owned by the City of Lincoln Council;
- c. advised that the proposal would include the opening up of the current blind arch windows to the north and east facing elevations and the demolition of the 'Butchers' Corridor' extension to the south side of the market, and the erection of a replacement extension to house an A3 unit with new public toilets to the rear with access through the main market hall interior.
- d. further advised that internally the proposal included a new mezzanine to be installed at the eastern end with new stair and lift access. The damaged terrazzo floor to the main market hall to be replaced along with the existing single glazed lantern roof, with a new double glazed lantern, and new ventilation and extraction system installed.
- e. advised that an accompanying application for listed building consent had also been submitted, which was detailed at Minute 5(b).
- f. provided details of the policies pertaining to the application, as follows:
 - Policy LP25 The Historic Environment
 - Policy LP26 Design and Amenity
 - Policy LP27 Main Town Centre Uses - Frontages and Advertisements
 - Policy LP31 Lincoln's Economy
 - National Planning Policy Framework
- g. advised the Committee of the main issues to be considered as part of the application to assess the proposal, as follows:

- National and Local Planning Policy
 - Proposed Uses and the Effect on the Vitality and Viability of the Central Area
 - Effect on the Character and Appearance of the Conservation Area
 - Hard and Soft Landscaping of the Public Space
 - Effect on the Setting of the Listed Building
 - Highway Safety
 - Fume Extraction
 - Bin Storage
 - Archaeology
 - Land Contamination
 - Surface Water Drainage
- h. outlined the responses made to the consultation exercise;
- i. concluded that the proposed scheme of refurbishment and extension would ensure much needed investment into the property and secure the continued use of the listed Central Market in its optimum viable use. The proposed works would be to the benefit of visual amenity and the wider character and appearance of the conservation area. The proposal was therefore considered to be in accordance with both local and national planning policy.

The Committee discussed the content of the report and the following questions and comments were put forward:

- Comment: It was pleasing to see that there had not been any objections received as part of the consultation; the proposal to open the blind arches, which would improve the appearance of the building; and new public conveniences would be installed as part of the proposal.
- Comment: Concerns were raised regarding the surface of the highway surrounding the central market for disabled users.
- Answer: This would be addressed with the Highways Authority.
- Question: It was also queried whether stallholders could be allocated a quiet area for short breaks.
- Answer: The proposal did not incorporate a space of this type.
- Question: It was queried should any cafe or restaurant occupy a unit, would they provide their own toilet provision.
- Answer: The proposed public conveniences would be a shared communal facility. However, a unit holder might pursue the installation of their own provision.
- Question: It was queried whether dedicated space could be allocated to new starters from local university and college providers and perhaps at reduced rates.
- Answer: This would be fed back to the Major Developments department at the City Council for their consideration.
- Question: The access into the building and within the building was queried.
- Answer: It was clarified that the replacement for the blind arches would be fixed panes of glass and these would be windows, not doors. There would be level threshold access to the building and a lift within the market hall for access to the mezzanine floor.
- Comment: Several members spoke in support of the proposals highlighting the visual improvements it would bring to the venue and surrounding area; and that it was pleasing to see improvements to accessibility.

RESOLVED that the application planning permission be approved subject to the following conditions:

- 01) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 02) 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 drawings listed within Table A below. 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. Conditions to be Discharged before Commencement of Works

- 03) Prior to the Class E restaurant use commencing, a scheme for the extraction, filtration and abatement of cooking odours shall be submitted to the planning authority for approval. The submitted scheme shall include details of the methods to be employed to control noise and odour from the system. The approved scheme shall be implemented prior to commencement of the use and the system shall be operated and maintained thereafter in accordance with the manufacturer's instructions.

Reason: To ensure the satisfactory discharge of fumes/ odours associated with the production of hot food.

- 04) Samples of all materials to be used in the development, including for the new extension and a sample panel on site of the proposed brick, brick bond and mortar shall be submitted to and approved by the City of Lincoln Council as Local Planning Authority prior to works commencing on site. The development shall proceed in accordance with the approved details.

Reason: In the interests of visual amenity.

- 05) Prior to the planting of the new trees within the public realm area, details of the new tree pits, including the incorporation of the GreenBlu system, shall be submitted to and approved by the City of Lincoln Council as Local Planning Authority. The tree pits shall be constructed in accordance with the approved details.

Reason: To ensure an appropriate design of tree pit, in the interests of the longevity of the newly planted trees.

- 06) Prior to works commencing on site to install any exterior lighting to the Central Market, details of the proposed lighting scheme, including light fittings, lux levels and lighting cable runs shall be submitted to and approved by the City of Lincoln Council as LPA. The lighting scheme shall proceed in accordance with the approved details.

Reason: In the interests of the special architectural and historic interest of the listed building and visual amenity of the Conservation Area. Conditions to be Discharged Before Use is Implemented Conditions to be Adhered to at All Times.

07) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval, in writing, of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(b) Central Market, Sincil Street, Lincoln (LBC)

The Assistant Director for Planning:

- a. described the details of the application for listed building consent for part demolition, alternation and refurbishment and extension of the Central Market building in Lincoln;
- b. advised that the application site was owned by the City of Lincoln Council;
- c. provided details of the policies pertaining to the application, as follows:
 - Policy LP25 The Historic Environment
 - National Planning Policy Framework
- d. advised the Committee of the main issues to be considered as part of the application to assess the proposal, as follows:
 - Local and National Planning Policy
 - Effect on the Special Architectural and Historic Interest of the Listed Building
- e. outlined the responses made to the consultation exercise;
- f. concluded that the proposed works were considered to be in accordance with both national and local planning policy.

RESOLVED that the application be granted subject to the following conditions:

01) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 02) 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 approved drawings. 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. Conditions to be Discharged before Commencement of Works.

- 03) Samples of all materials to be used in the development, including for the new extension and the refurbishment works to the existing Central Market building shall be submitted to and approved by the City of Lincoln Council as LPA prior to works commencing on site. The details shall include new and replacement roof and ridge tiles, rainwater goods, and a sample panel on site of the proposed brick, brick bond and mortar. The development shall proceed in accordance with the approved materials.

Reason: In the interests of visual amenity.

- 04) Prior to works commencing on site to install the new Terrazzo floor to the main hall of the Central Market, detailed plans to show the proposed schedule of works, proposed tile pattern and samples of all tiles to be used, shall be submitted to and approved by the City of Lincoln Council as LPA. The floor shall be relaid in accordance with the approved details.

Reason: In the interests of the special architectural and historic interest of the listed building.

- 05) Prior to works commencing on site to install interior lighting to the Central Market, details of the proposed lighting scheme, including light fittings, lux levels and lighting cable runs shall be submitted to and approved by the City of Lincoln Council as LPA. The lighting works shall proceed in accordance with the approved details.

Reason: In the interests of the special architectural and historic interest of the listed building.

- 06) Prior to work commencing on site for the internal redecoration of the interior of the Central Market, details of the proposed scheme of decoration including paint colours, shall be submitted to and approved by the City of Lincoln Council as LPA. The proposed decoration works shall proceed in accordance with the approved details.

Reason: In the interests of the special architectural and historic interest of the listed building.

- 07) Prior to work commencing on site to install the internal duct work to the interior of the Central Market, details of the proposed duct works shall be submitted to and approved by the City of Lincoln Council as LPA. The details shall include the location of the duct work, method of attachment, visuals of the proposed duct work, materials, colour finish and dimensions. The ducting shall be installed in accordance with the approved details.

Reason: In the interests of the special architectural and historic interest of the listed building.

- 08) Prior to work commencing on site to install the new windows to the blind arches, a sample of the proposed window frame shall be submitted to and approved by the City of Lincoln Council. The details shall show the proposed profile of the new window frame, the colour finish and the method of installation.

Reason: In the interests of the special architectural and historic interest of the listed building.

- 09) Prior to the installation of the new market stalls within the Central Market Building, detailed joinery drawings of the proposed appearance and construction of the new market stalls shall be submitted to and approved by the City of Lincoln Council as LPA. The proposed stalls shall be installed in accordance with the approved details.

Reason: In the interests of the special architectural and historic interest of the listed building.

- 10) Prior to the installation of any signage within the Central Market, details of all signage including location, size and appearance of signage and method of attachment shall be submitted to and approved by the City of Lincoln Council as LPA. The proposed signage shall be installed in accordance with the approved details.

Reason: In the interests of the special architectural and historic interest of the listed building.

- 11) Prior to works commencing on site to install lighting to the exterior of the Central Market, details of the proposed lighting scheme, including light fittings, lux levels and lighting cable runs shall be submitted to and approved by the City of Lincoln Council as LPA. The lighting works shall proceed in accordance with the approved details.

Reason: In the interests of the special architectural and historic interest of the listed building.

(c) 89 and 93 Rookery Lane, Lincoln

The Planning Team Leader:

- a. described the details of the application to the property at 89 and 93 Rookery Lane, Lincoln, seeking to confirm whether or not prior approval is required for the demolition of 89 and 93 Rookery Lane;
- b. confirmed that Consent had been previously granted under 2020/0785/RG3 for the demolition of these properties and for the erection of 36 dwellings and 6 apartments to the rear of No. 89-93;
- c. advised the application had been submitted by the City of Lincoln Council, as it concerned Council owned land.

- d. concluded that adequate information on the proposed method of demolition and reinstatement of the land had been received and considered acceptable.

In response to a question by a member of the Committee, it was confirmed that the original application was for the demolition of the two mentioned properties in the report.

RESOLVED that Prior Approval be required for the demolition of 89 and 93 Rookery Lane, Lincoln, and be approved subject to the following conditions:

- 01) The development must be begun not later than the expiration of five (5) years beginning with the date of this permission.

Reason: As required by Part 11 Section B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

- 02) 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 details submitted with the application. 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.

NOTE: At this point in the proceedings, Councillor Naomi Tweddle re-joined the meeting and took the Chair.

COUNCILLOR NAOMI TWEDDLE IN THE CHAIR

(d) T A Centre O I C, Sobraon Barracks, Burton Road, Lincoln

The Planning Team Leader:

- a. described the details of the application to amend the approved planning conditions of the planning permission reference 2018/1416/FUL and 2020/0238/CXN for the Sobraon Barracks, Burton Road, Lincoln, which proposed the relocation of the bike store, gas cage and oil tank, pedestrian / cyclist pathway, road and footpath layouts and POL store, the relocation of the fire exit door and installation of two flues.
- b. advised that no further tree removal was proposed as part of the application. This followed residents' concerns regarding the proposal for removal of further trees on the site being discussed with the applicant's agent, and it had been subsequently agreed to leave the small self-sets trees in place and to only cut their branches to facilitate the installation of the new fence. It was noted the description had been updated to remove this element of the proposal from the description.
- c. provided details of the policies pertaining to the application, as follows:
 - Policy LP26 Design and Amenity
 - National Planning Policy Framework

- d. advised the Committee of the main issues to be considered as part of the application to assess the proposal, as follows:
 - Design including Visual Impact; and
 - Residential Amenity.
- e. outlined the responses made to the consultation exercise;
- f. concluded that the proposed development was in accordance with Policy 26 of the Central Lincolnshire Local Plan and the guidance contained within the National Planning Policy Framework.

RESOLVED that the application planning permission be approved, subject to the following conditions:

- Development to be commenced by 19th March 2022.
- Development to be carried out in accordance with the plans.
- Submission of verification report for contaminated land.
- Proceed in accordance with approved materials.
- Construction hours.
- Reporting of unexpected contamination.
- Installation of air-conditioning units in accordance with approved details.
- Planting of trees and hedge in the appropriate planting season.
- Implementation and retention of fence along Dunkirk Road boundary.

(e) 42 Kelstern Road, Lincoln

The Planning Team Leader:

- a. described the details of the application to the property at 42 Kelstern Road, Lincoln, which was a detached bungalow, proposing the demolition of the existing attached garage and partial removal of hillock to facilitate the erection of a single storey front and side extension and detached single storey garage;
- b. advised that the site was located within a large well-established residential estate with dwellings adjacent to the north, south and west. It was also advised the site was not located in a conservation area and there was no listed buildings surrounding the site.
- c. further advised that the application had been subject to extensive negotiations with the agent securing revisions to the proposal to overcome concerns raised by neighbours. Revised plans had been submitted in May 2021 and a re-consultation had been carried out in June 2021 for fourteen days. The re-consultation had been carried out in accordance with the Council's consultation code of practice.
- d. provided details of the policies pertaining to the application, as follows:
 - Policy LP26 Design and Amenity
 - National Planning Policy Framework

- e. advised the Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
- National and Local Planning Policy
 - Effect on Visual Amenity
 - Effect on Residential Amenity
 - Effect on Highway Safety
 - Other Matters
- f. outlined the responses made to the consultation exercise;
- g. referred to the update sheet which contained additional photos from an objector in respect of the proposed development. It was highlighted that most of the photos were a repeat of those included within the report;
- h. concluded that the proposed development was appropriately designed and would not cause unacceptable harm to the character and appearance of the area nor the amenities of all existing and future occupants of neighbouring properties, in accordance with Policy LP26 'Design and Amenity' of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

Mrs R Fraser, a local resident, addressed the Planning Committee in opposition to the application, making the following points:

- She was an immediate neighbour but was also speaking on behalf of other neighbours in the cul de sac.
- The overall height and scale of the proposed plans was a concern, as it was already the largest bungalow having had an extension for an en-suite. Therefore the height and size would be overbearing and not in keeping with the surrounding area.
- A root protection had been put in place for the mature oak tree, which was located nearest to the boundary. However, there remained ongoing concerns over the long-term effects on the three oak trees; whether the cutting of the lateral roots on one side, coupled with the excavation of the mound, could destabilise the tree causing damage to properties; and whether the tree would be able to obtain enough nutrients.
- Concern was raised regarding the potential for subsidence if the mound was removed on the applicant's side of the property, causing damage to her own property.
- The change in direction of the driveway would cause noise and disturbance to the objector's property, as cars would be driven close to the side of her garden.
- It was suspected that the proposed garage would not be used for its intended purpose and instead used as a dwelling, which would lead to an increase in noise pollution.
- The proposed build could result in more noise disturbance as it would be closer to her property, particularly if loud music was being played.
- The size of the build could attract burglars into the area, particularly if building materials or equipment was left onsite.
- Access to all properties in the cul de sac was required at all times and there was a concern that whilst the building work was taking place, there would be an increase in vehicles parked on the cul de sac blocking access to residents or emergency services.

- There would be a loss of visual amenity and loss of light to Mrs Fraser's property, as the entrances to her property would overlook the proposed build.
- A concern that non-professional construction, without building liability insurance, could be used by the applicant rather than professional tradesmen. There was also a concern that the building site might not be well maintained, with rubbish being left onsite.
- Prior to the application being submitted, mature trees had been removed which had impacted on the local wildlife.

The Committee discussed the content of the report and the following questions and comments were put forward:

- Question: It was queried whether the mounds had been investigated to ensure they were not of archaeology interest.
- Answer: It was confirmed the City Archaeologist had reviewed the mound.
- Comment: It was stated that the proposed changes remained at single storey level. It was also highlighted that the garage could not be used as a dwelling without prior approval of the Planning Committee, which would require an application for change of use. Should the garage be used as a dwelling without this permission, this would become a planning enforcement matter.
- Answer: It was reiterated by officers that if the garage was used as a dwelling without approval to do so, it would become a planning enforcement matter.
- Comment: In the absence of any material reasons for refusing the application, a member of the Committee stated that he would support the application.
- Question: The meaning of 'Use of garage for domestic purposes only', which was one of the proposed conditions, was queried.
- Answer: It was clarified that this condition would prevent the applicant from using the garage for business purposes.

RESOLVED that the application planning permission be approved subject to the following conditions:

- Development to be carried out within three years.
- Development to be carried out in accordance with the plans.
- Implementation of tree protection.
- Timing of retaining structure works.
- Use of garage for domestic purposes only.
- Removal of permitted development for new openings within extension and garage.
- Hours of construction 8 am to 6pm Monday to Friday 08:00 to 13:00 on Saturdays.
- Reporting of unexpected contamination if discovered.

(f) 4 Limelands, Lincoln

The Assistant Director for Planning:

- a. described the details of the application to the property at 4 Limelands, Lincoln, proposing the demolition of the existing attached garage and the erection of a single story extension with integral double garage;

- b. provided details of the policies pertaining to the application, as follows:
- National Planning Policy Framework
 - Policy LP26 Design and Amenity
- c. advised the Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
- Accordance with National and Local Planning Policy
 - Impact on Residential Amenity
 - Impact on Visual Amenity
 - Highway Safety, Access and Parking
 - Land Stability and Structural Investigations
 - Archaeology
 - Contamination
 - Trees
 - Other Matters
- d. outlined the responses made to the consultation exercise;
- e. concluded that the single storey extension and integral garage would not have an unduly harmful impact on the residential and visual amenity of neighbouring properties, in accordance with policy LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

Mr R Coy, a local resident, addressed the Planning Committee in objection to the application, making the following points:

- The objector resided at 2 Eastwood House.
- The objector referred to the historical layout of Limelands and Eastwood House. It was highlighted that the bungalows, which included 4 Limelands, had been built nearest to Eastwood House, the houses further away behind the large screening trees in order to prevent any possibility of the new structures being overbearing or intrusive to the existing Eastwood House.
- The applicant had previously removed two of the large screening trees, which had resulted in the objector now being able to see the electricity substation and sewage pumps, which had previously been screened. The removal of these trees had not impacted on the applicant's view.
- The objector referred to the timeline of applications made by the applicant from 2019 to the present time, which included a refused application for a two-storey dwelling in 2019 on the piece of land where the trees had been removed.
- Concerns were raised that the current application could easily be converted by the applicant to create a separate dwelling, which had previously been refused by the Council.
- Archaeological and contamination reports had not yet been submitted by the applicant, despite requests to do so.

The Committee discussed the content of the report and the following questions and comments were put forward:

- Question: It was queried how human remains would be dealt with, should any be discovered onsite.
- Answer: One of the conditions listed included a full set of archaeological conditions, which would include how archaeological remains would be dealt with, including human remains. It was usually preferred for human remains to be kept onsite. However, this would be included within the report.
- Comment: It was stated that the trees which had been removed by the applicant were not subject to a tree preservation order.
- Answer: It was confirmed that the previously removed trees were not protected and therefore planning rules had not been breached.
- Question: It was queried what the full set of contamination issues were, which was detailed on page 147 of the agenda pack.
- Answer: These conditions were very detailed. However, the Committee was assured that the conditions would require a contamination report to be completed.
- Comment: The history of the site could not be taken into account and it was for the Planning Committee to consider the application put before it. It was not for the Committee to consider the perceived intention behind the application. However, a condition could be applied that the extension should only be occupied for purposes ancillary to the residential use of the dwelling.

It was moved, seconded and agreed that the potential condition 7 *The extension approved shall only be occupied for purposes ancillary to the residential use of the dwelling* be added to the list of conditions.

RESOLVED that the application planning permission be approved subject to the following conditions:

- 01) Works commence within three years
- 02) Accordance with approved plans
- 03) Details of all external materials
- 04) Full set of archaeological conditions
- 05) Full set of contamination conditions
- 06) Tree protection measures
- 07) The extension approved shall only be occupied for purposes ancillary to the residential use of the dwelling

(g) 4 Curle Avenue, Lincoln

The Assistant Director for Planning:

- a. described the details of the application to the property at 4 Curle Avenue, Lincoln, proposing the erection of a part two-storey, part single-storey side / rear extension following demolition of an existing garage;
- b. advised that the plans had been amended during the process of the application in response to the concerns of objectors, omitting the proposed first floor window from the rear elevation. Neighbours had been re-consulted on the amended plans.

- c. provided details of the policies pertaining to the application, as follows:
- Policy LP26 Design and Amenity
 - National Planning Policy Framework
- d. advised the Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
- Visual Amenity
 - Residential Amenity
- e. outlined the responses made to the consultation exercise;
- f. concluded that the scale and design of the proposed extension was acceptable and would complement the original architectural style of the property, also not causing harm to the character of the area. The proposal would not cause undue harm to the amenities, which occupiers of neighbouring properties may reasonably expect to enjoy. The application would therefore be in accordance with the requirements of the Central Lincolnshire Local Plan Policy LP26 and guidance within the National Planning Policy Framework.

The Committee discussed the content of the report and the following questions and comments were put forward:

- Question: It was queried whether it was acceptable for two objectors to be counted separately but from a single property, rather than being counted as a single objection.
- Answer: A cautious approach had been followed on this occasion and the two objections had been counted separately.
- Question: One of the objectors had raised concerns over the boundary and it was queried whether this had been resolved or should be taken into consideration.
- Answer: The Committee was advised that issues over boundaries was a civil matter and not a material planning consideration.
- Question: It was queried whether any objections which had since been resolved through an amendment to the application should be removed from the list of objectors.
- Answers: Objections could only be removed at the request of the objector, even if their concerns had been resolved.

RESOLVED that the application planning permission be approved subject to the following conditions:

- Time limit of the permission.
- Development in accordance with approved plans.
- Removal of permitted development for any alterations to the extension.

(h) 21 Hawkshead Grove, Lincoln

The Planning Team Leader:

- a. described the details of the application to the property at 21 Hawkshead Grove, Lincoln, proposing a change of use of existing ground floor utility

room to veterinary clinic for the treatment of injured racing greyhounds (Use Class E) (Retrospective);

- b. provided details of the policies pertaining to the application, as follows:
 - Policy LP26 Design and Amenity
 - National Planning Policy Framework
- c. advised of the main issues to be considered as part of the application to assess the proposal with regards to:
 - Impact on Residential Amenity
 - Impact on Visual Amenity
 - Impact on Highway Safety
- d. outlined the responses made to the consultation exercise;
- e. referred to the update sheet which contained additional responses received in respect of the proposed development;
- f. concluded that the activity generated by the business was considered to be at a level that was acceptable, subject to conditions which would limit the impact on the residential amenities of neighbouring dwellings. The proposal was considered to be appropriate for its location and would not adversely harm visual amenity or the residential amenities of nearby occupants in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

The Committee discussed the content of the report and the following questions and comments were put forward:

- Comment: Support was given to limiting the maximum number of dogs to three at the premises at any one time.
- Answer: The proposal had been looked at in some detail and compared with other business use, such as hairdressing. The proposed business use required permission owing to its nature and conditions were proposed to control the scale of the use, which should reassure local residents.
- Comment: Any breaches in the conditions should be reported to the planning department for enforcement.

RESOLVED that the application planning permission be approved subject to the following conditions:

- 01) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 02) 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 drawings listed within Table A below. 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.

- 03) The land or premises to which this permission relates shall be for the treatment of injured racing greyhounds only and for no other purpose within the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to protect residential amenity.

- 04) The permission shall ensure for the benefit of Mr Gabriel Freiria-Celis only and shall not ensure for the benefit of the land.

Reason: The site would not normally be considered appropriate for this development but personal permission is being granted due to special circumstances put forward in the application.

- 05) The business hereby approved shall be for the treatment of greyhounds only and for no other animals.

Reason: In order to protect residential amenity.

- 06) There shall be a maximum of 3 dogs in relation to the business at the premises at any one time.

Reason: In order to protect residential amenity.

- 07) The treatment of the dogs through the use hereby approved shall only take place within the room indicated on the submitted drawing (Drawing No. FREIRIA 03).

Reason: In order to protect residential amenity.

NOTE: At this point in the proceedings, Councillor Rebecca Longbottom left the meeting for the duration of Minute 5(i).

(i) Land Between 1 and 9-11 Greetwell Gate, Lincoln

The Assistant Director for Planning:

- a. described the details of the application at land between 1 and 9 – 11 Greetwell Gate, Lincoln, proposing the extension of existing permission (2020/0731/RG3) for the siting of a mobile unit for use as a temporary welfare centre until 12th December 2021;
- b. advised that the proposal had been made by the City of Lincoln Council as it related to council owned land.
- c. provided details of the policies pertaining to the application, as follows:
 - Policy LP25 The Historic Environment
 - Policy LP26 Design and Amenity
 - National Planning Policy Framework

- d. advised the Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
- Acceptability of Use
 - Impact on Residential Amenity
 - Visual Amenity and the Impact on the Character and Appearance of the Conservation Area and Adjacent Listed Building
 - Highway Safety
- e. outlined the responses made to the consultation exercise;
- f. concluded that the proposed use of the site as a temporary welfare centre would not cause harm to the overall character and appearance of the conservation area. Appropriate conditions controlling visiting hours, the use for a temporary period and monitoring through CCTV would limit harm to residential amenity in accordance with LP25 and LP26 Central Lincolnshire Local Plan and the National Planning Policy Framework.

The Committee discussed the content of the report and the following questions and comments were put forward:

- Comment: It was highlighted that the pilot had not yet taken place.
- Comment: It was pleasing to see there had only been two objections received as part of this application, compared to the original application.

RESOLVED that the application planning permission be approved subject to the following conditions:

- 01)The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 02)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 drawings listed within Table A below. 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.

- 03)Prior to commencement of the use, CCTV shall be installed at the site.

Reason. In order to monitor and manage the approved use.

- 04)The welfare unit shall be used by operatives between the hours of 10:00am - 2:30pm every 4 weeks out of 12 only.

Reason. In order to protect residential amenity.

- 05)The use hereby approved for a temporary welfare centre shall cease after 12th December 2021.

Reason: In accordance with the temporary nature of the planning permission.

NOTE: At this point in the proceedings, Councillor Rebecca Longbottom re-entered the room for the remainder of the meeting.

(j) 394 High Street, Lincoln

The Planning Team Leader:

- a. described the details of the application for the replacement of one timber rear door to UPVC and the replacement of two timber rear windows to UPVC at 394 High Street, Lincoln;
- b. advised that the application had been made by the City of Lincoln Council as it concerned a council owned property.
- c. referred to the update sheet which contained a replacement window design;
- d. provided details of the policies pertaining to the application, as follows:
 - Policy LP25 The Historic Environment
 - Policy LP26 Design and Amenity
 - National Planning Policy Framework
- e. advised the Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
 - Planning Policy
 - Impact on Visual Amenity and Character and Appearance of Conservation Area No. 2
 - Impact on Residential Amenity
 - Highway Safety
- f. concluded that the replacement windows and door were considered to be acceptable and would not cause undue harm to visual amenity or the character and appearance of the conservation area, in accordance with Local Plan Policy LP25 and LP26 and guidance contained within the National Planning Policy Framework.

The Committee discussed the content of the report and the following questions and comments were put forward:

- Question: It was queried what the colour of the windows would be and whether the windows could be recessed, with it being in a conservation area.
- Answer: The windows would be white and it would be informally queried with the applicant whether the windows could be recessed.

RESOLVED that the application planning permission be approved subject to the following conditions:

- Development to be carried out within three years.
- Development to be carried out in accordance with the plans.

(k) 1 Fulbeck House, Turner Avenue, Lincoln

The Planning Team Leader:

- a. described the application for the replacement of one timber front door to UPVC at 1 Fulbeck House, Turner Avenue, Lincoln;
- b. provided details of the policy pertaining to the application, as follows:
 - Local Plan Policy LP26 – Visual Amenity
- c. advised the Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
 - Local Plan Policy
 - Visual Appearance
- d. outlined the responses made to the consultation exercise;
- e. concluded that the proposed door would be an acceptable visual change to the property and would be in accordance with local plan policy.

RESOLVED that the application planning permission be approved subject to the following conditions:

- Development to be carried out within three years.
- Development to be carried out in accordance with the plans.

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SUBJECT: CONFIRMATION OF TREE PRESERVATION ORDER NO.160

DIRECTORATE: COMMUNITIES AND ENVIRONMENT

REPORT AUTHOR: KIERON MANNING, ASSISTANT DIRECTOR - PLANNING

1. Purpose of Report

- 1.1 To have confirmed one (temporary) Tree Preservation Order, made by the Planning Manager under delegated powers. The order currently provides 6 months of temporary protection for the trees, but is required to be confirmed by the Planning Committee to provide long term future protection.

2. Executive Summary

- 2.1 A Tree Preservation Order gives statutory protection to trees that contribute to the amenity, natural heritage or attractiveness and character of a locality.
- 2.2 The making of any Tree Preservation Order is likely to result in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees. This is, however, contained within existing staffing resources.
- 2.3 The making of Tree Preservation Orders reduces the risk of losing important trees, groups of trees and woodlands. It further allows the Council to protect trees that contribute to local environment quality.

3. Background

- 3.1 Tree Preservation Order 160 was made on 14th April 2021 protecting 2no. Thuja trees and 1no. Hornbeam tree in the rear garden of The Orangery, 5 Manor House Gardens, Ancaster Avenue, Lincoln, LN2 4AY.
- 3.2 The trees are considered to contribute to the visual amenity of the area and the unauthorised removal of the trees would be considered to be detrimental to visual amenity.
- 3.3 The initial 6 months of protection would end for the Tree Preservation Order on 14th October 2021.

4. Consideration

The reason for making a Tree Preservation Order on this site is as a result of a request from the occupants of the property.

The Arboricultural Officer identified the trees, following a site visit with the occupier of the property, to be suitable for protection under a Tree Preservation Order

stating that the trees have a high amenity value and their removal would have a significant effect on the aesthetic appearance of the area.

Following an extended 11-week period of consultation there have been no objections to the order.

5. Strategic Priorities

- 5.1 Confirmation of Tree Preservation Order 160 would ensure that the trees would not be removed or worked on without the express permission of the Council which would be considered detrimental to visual amenity and as such the protection of the trees would contribute to enhancing our remarkable place.

6. Organisational Impacts

- 6.1 Legal Implications – Anyone who wishes to carry out works to the trees will require consent from the City of Lincoln Council first.

7. Recommendation

- 7.1 It is recommended that Members confirm the Tree Preservation Order without modifications, and that the Officer carries out the requisite procedures for confirmation.

How many appendices does the report contain?

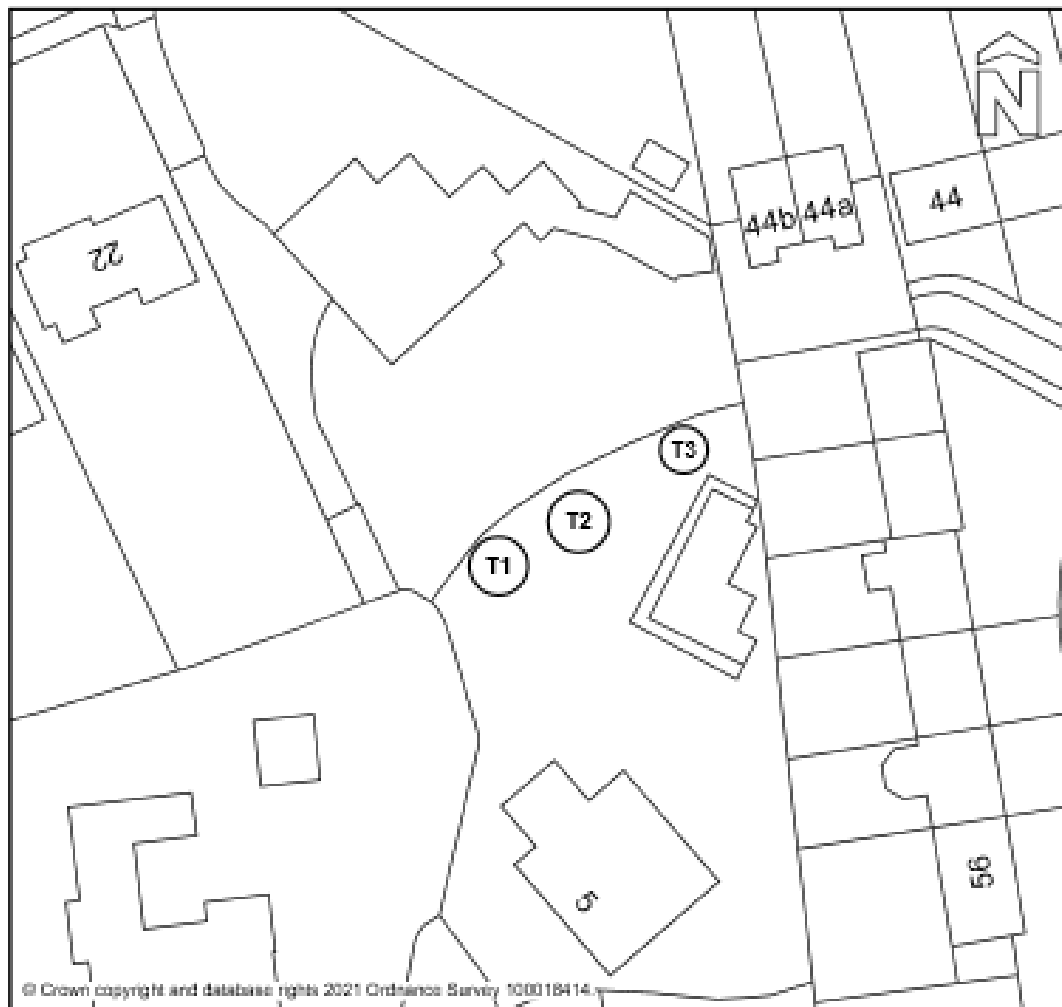
None

List of Background Papers:

None

Lead Officer:

Kieron Manning, Assistant Director - Planning
Telephone (01522) 873551



TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Manor House Gardens No. 1 Tree Preservation Order 2021

T1 - Hornbeam

T2 - Thuja

T3 - Thuja

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SUBJECT: CONFIRMATION OF TREE PRESERVATION ORDER NO.161

DIRECTORATE: COMMUNITIES AND ENVIRONMENT

REPORT AUTHOR: KIERON MANNING, ASSISTANT DIRECTOR - PLANNING

1. Purpose of Report

- 1.1 To have confirmed one (temporary) Tree Preservation Order, made by the Planning Manager under delegated powers. The order currently provides 6 months of temporary protection for the trees, but is required to be confirmed by the Planning Committee to provide long term future protection.

2. Executive Summary

- 2.1 A Tree Preservation Order gives statutory protection to trees that contribute to the amenity, natural heritage or attractiveness and character of a locality.
- 2.2 The making of any Tree Preservation Order is likely to result in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees. This is, however, contained within existing staffing resources.
- 2.3 The making of Tree Preservation Orders reduces the risk of losing important trees, groups of trees and woodlands. It further allows the Council to protect trees that contribute to local environment quality.

3. Background

- 3.1 Tree Preservation Order 161 was made on 06th May 2021 protecting 1no. Purple Leaved Beech (*Fagus sylvatica* 'Purpurea') tree in the front garden of 18 Drury Lane, Lincoln, LN1 3BN.
- 3.2 The tree is considered to contribute to the visual amenity of the area and the unauthorised removal of the trees would be considered to be detrimental to visual amenity.
- 3.3 The initial 6 months of protection would end for the Tree Preservation Order on 14th November 2021.

4. Consideration

The reason for making a Tree Preservation Order on this site is as a result of a request received from Dave Walker, Arboricultural Officer. The tree is located within Conservation Area No. 1 – Cathedral and City Centre.

The Arboricultural Officer identified the trees to be of extremely high amenity value (using the Helliwell System) and therefore it is considered to be suitable for protection under a Tree Preservation Order. Additionally, the removal would have a significant effect on the aesthetic appearance of the area.

Following an extended 55-day period of consultation there have been no objections to the order.

5. Strategic Priorities

- 5.1 Confirmation of Tree Preservation Order 161 would ensure that the trees would not be removed or worked on without the express permission of the Council which would be considered detrimental to visual amenity and as such the protection of the trees would contribute to enhancing our remarkable place.

6. Organisational Impacts

- 6.1 Legal Implications – Anyone who wishes to carry out works to the trees will require consent from the City of Lincoln Council first.

7. Recommendation

- 7.1 It is recommended that Members confirm the Tree Preservation Order without modifications, and that the Officer carries out the requisite procedures for confirmation.

How many appendices does the report contain?

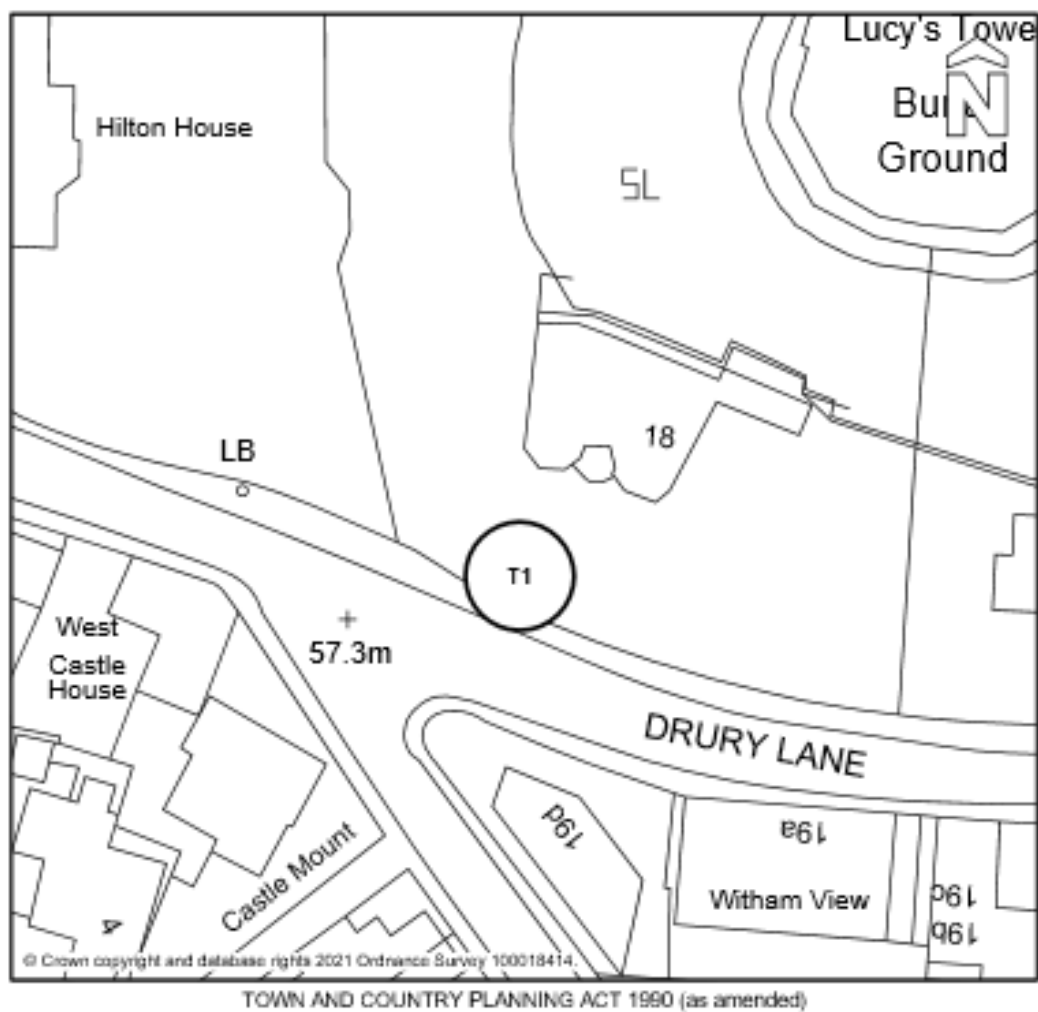
None

List of Background Papers:

None

Lead Officer:

Kieron Manning, Assistant Director - Planning
Telephone (01522) 873551



TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Drury Lane No.1 Tree Preservation Order 2021

T1 - Purple Leaved Beech

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SUBJECT: CONFIRMATION OF TREE PRESERVATION ORDER NO.162

DIRECTORATE: COMMUNITIES AND ENVIRONMENT

REPORT AUTHOR: KIERON MANNING, ASSISTANT DIRECTOR - PLANNING

1. Purpose of Report

- 1.1 To have confirmed one (temporary) Tree Preservation Order, made by the Planning Manager under delegated powers. The order currently provides 6 months of temporary protection for the trees, but is required to be confirmed by the Planning Committee to provide long term future protection.

2. Executive Summary

- 2.1 A Tree Preservation Order gives statutory protection to trees that contribute to the amenity, natural heritage or attractiveness and character of a locality.
- 2.2 The making of any Tree Preservation Order is likely to result in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees. This is, however, contained within existing staffing resources.
- 2.3 The making of Tree Preservation Orders reduces the risk of losing important trees, groups of trees and woodlands. It further allows the Council to protect trees that contribute to local environment quality.

3. Background

- 3.1 Tree Preservation Order 162 was made on 10th May 2021 protecting 2no. Mulberry (*Morus Nigra*) trees in the rear garden of 3 Greestone Place, Lincoln, LN2 1PP.
- 3.2 The trees are considered to contribute to the visual amenity of the area and the unauthorised removal of the trees would be considered to be detrimental to visual amenity.
- 3.3 The initial 6 months of protection would end for the Tree Preservation Order on 10th November 2021.

4. Consideration

The reason for making a Tree Preservation Order on this site is as a result of a request received from Dave Walker, Arboricultural Officer following a site visit with the occupier of 3 Greestone Place. The tree is located within Conservation Area No. 1 – Cathedral and City Centre.

The Arboricultural Officer identified the trees to be suitable for protection under a Tree Preservation Order stating that both trees have a high amenity value and their removal would have a significant effect on the aesthetic appearance of the area.

Following an extended 51-day period of consultation there have been no objections to the order.

5. Strategic Priorities

- 5.1 Confirmation of Tree Preservation Order 162 would ensure that the trees would not be removed or worked on without the express permission of the Council which would be considered detrimental to visual amenity and as such the protection of the trees would contribute to enhancing our remarkable place.

6. Organisational Impacts

- 6.1 Legal Implications – Anyone who wishes to carry out works to the trees will require consent from the City of Lincoln Council first.

7. Recommendation

- 7.1 It is recommended that Members confirm the Tree Preservation Order without modifications, and that the Officer carries out the requisite procedures for confirmation.

How many appendices does the report contain?

None

List of Background Papers:

None

Lead Officer:

Kieron Manning, Assistant Director - Planning
Telephone (01522) 873551



TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Greestone Place No.1 Tree Preservation Order 2021

T1 - Mulberry

T2 - Mulberry

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Application Number:	2021/0275/FUL
Site Address:	The Moorland Centre, 3 Moorland Way, Lincoln
Target Date:	19th July 2021
Agent Name:	Lichfields
Applicant Name:	LCS Property Limited
Proposal:	Demolition of existing building and redevelopment to provide a foodstore (Use Class E), two retail units (Use Class E) and a drive-thru restaurant (Use Class E), car parking and associated external works including landscaping (Resubmission)

Background - Site Location and Description

The application is for the demolition of the existing Moorland Centre to provide a foodstore (Use Class E), two retail units (Use Class E) and a drive-thru restaurant (Use Class E). The application also proposes alterations to the existing car park, the creation of a new car park and associated external works, including landscaping.

This application is identical to the previous application approved by Members at the Planning Committee of 27th January 2021 (2020/0662/FUL). The application has been re-submitted as the council has received a legal challenge against the previous application, by way of a Judicial Review, brought by Asda Stores Limited (Asda). This legal challenge holds in abeyance the previously approved application. Whilst respectful of the judicial review and not wanting to pre-empt the outcome the applicant has chosen to re-submit this application for re-consideration by the Local Planning Authority to address some of the concerns raised by this challenge.

This application addresses the grounds for the Judicial Review, namely that an Environmental Impact Assessment (EIA) screening opinion was not undertaken and that the previous committee report did not refer to the Swanholme Lakes Site of Special Scientific Interest (SSSI). These matters will be detailed later within the report.

The submitted plans are almost identical to the previous application save some minor changes outlined in this report, namely revised block and site plans received during the process of the application to illustrate the proposed barriers to the car park. All of the supporting technical documents are also as per the previous submission with the exception of the Planning & Retail Statement and Transport Assessment, which include more up to date data. However, the conclusions of both reports remain the same. An Archaeological Desk Based Assessment and a Biodiversity Net Gain Assessment also form part of this new submission.

The existing Moorland Centre building is vacant, formerly occupied by Downtown, and sits at the north corner of the application site with the existing car park to the south. The proposed foodstore, to be occupied by Aldi, and the two adjoining retail units will also sit towards the north corner of the site, but will have a significantly smaller footprint than the existing building. This will allow a new car park to be provided to the front, south east of the building and the creation of an additional access point from Moorland Way to the north east. The proposed drive-thru restaurant will be located beyond the car park, adjacent to the existing access. It is proposed that the works will be constructed in two phases: phase one comprising the Aldi foodstore, drive-thru restaurant and associated car park and landscaping works. Phase two, the two retail units, will be constructed at a later date once interest is confirmed.

The application site is located to the north west of Tritton Road, accessed via Moorland Way. The 'entry only' access off Moorland Way to the north east of the site also serves the Elite Fish and Chip Shop restaurant, located to the south east of the application site, as well as the M&S Foodhall and Co-operative Travel, located to the west. The exit from the main car park, which can also be used as an access, is located to the north west of the site, adjacent to M&S. The exit returns customers onto Moorland Way, which loops around the rear, north west and side, north east of the application site.

Along Moorland Way are a number of mixed use industrial and commercial units. To the north west of these premises is the railway line, and beyond which is the Swanholme Lakes SSSI. The application site is located approximately 90m from the SSSI, separated by the railway line, built development and Moorland Way.

To the north east, off Moorland Close, is Lindis Retail Park, which accommodates Sainsburys, Matalan, The Food Warehouse (Iceland) and Bargain Buys, along with McDonalds and Dominos Pizza. To the south of the site are properties on Parksgate Avenue with further residential properties on Middlebrook Road, on the opposite side of Tritton Road.

Site History

Reference:_Description	Status	Decision Date:	
2020/0662/FUL	Demolition of existing building and redevelopment to provide a foodstore (Use Class E), two retail units (Use Class E) and a drive-thru restaurant (Use Class E), car parking and associated external works including landscaping	Granted Conditionally	28th January 2021

Case Officer Site Visit

Undertaken on 15th April 2021

Policies Referred to

Policy LP1	A Presumption in Favour of Sustainable Development
Policy LP2	The Spatial Strategy and Settlement Hierarchy
Policy LP6	Retail and Town Centres in Central Lincolnshire
Policy LP13	Accessibility and Transport
Policy LP14	Managing Water Resources and Flood Risk
Policy LP16	Development on Land affected by Contamination
Policy LP21	Biodiversity and Geodiversity
Policy LP25	The Historic Environment
Policy LP26	Design and Amenity

National Planning Policy Framework

Issues

Policy context, principle and sequential test
 Visual amenity
 Trees and landscaping
 Impact on residential amenity and neighbouring uses

Access, parking and highways
 Flood risk and drainage
 Contaminated land
 Archaeology
 Swanholme Lakes SSSI
 EIA Screening Opinion
 Bio-diversity net gain and green infrastructure
 Other matters

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2018.

Statutory Consultation Responses

Consultee_Comment	
Lincolnshire Police	Comments Received
Anglian Water	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received
Dave Walker, Arboricultural Officer, City Council	Comments Received
Environment Agency	Comments Received
Lincoln Civic Trust	Comments Received
Highways & Planning	Comments Received
Ian Wicks, Pollution Control Officer, City Council	Comments Received
Alastair MacIntosh, City Archaeologist, City Council	Comments Received
Natural England	Comments Received

Public Consultation Responses

Name_Address	
Miss M Bebbington	14 Middlebrook Road Lincoln Lincolnshire LN6 7JU

Mrs Vicki Edwards	33 Parksgate Avenue Lincoln Lincolnshire LN6 7HP
Jigsaw Planning on behalf of Asda Stores Limited	PO Box 2844 Glasgow G61 9DG
TPS Transport Consultants Ltd on behalf of Asda Stores Limited	Via email

Consideration

Policy context, principle and sequential test

Central Lincolnshire Local Plan (CLLP) Policy LP1 advises that the authority will take a positive approach to development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Planning applications that accord with the policies in the Local Plan will be approved without delay. CLLP Policy LP2 goes on to advise that the Lincoln urban area will be the principal focus for development in Central Lincolnshire, including retail and other employment development.

The site has no specific allocation within the CLLP proposals map. CLLP Policy LP6 is relevant and requires that development proposals for main town centre uses, such as those proposed, in out-of-centre and edge-of-centre locations will be required to demonstrate their suitability through a sequential site test in line with the NPPF.

Paragraph 86 of the NPPF advises that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered. The application site is located approximately 3.5km to the south west of Lincoln City centre and therefore is an out of centre site in retail planning terms.

Paragraph 87 of the NPPF advises that, when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Paragraph 89 of the NPPF advises that when assessing applications for retail development outside town centres local planning authorities should require an impact assessment if the development is over a threshold of 2,500 square metres of gross floorspace. This should include assessment of:

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

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of these considerations, paragraph 90 advises that the application should be refused.

A Planning and Retail Statement accompanies the application, which also includes an assessment of impact on nearby centres. It states that the Moorland Centre is a large, vacant retail property. A small proportion of the building has most recently been occupied by Co-op Travel, which has now relocated to a unit adjacent to the M&S Foodhall. The centre had previously been occupied by Downtown, a home and fashion store which included a garden centre and coffee shop. It historically sold a range of goods including furniture, clothing, shoes and food. Permission was first granted in 1988 for the retail use, with no restrictions on the range of goods that could be sold.

The statement considers that the principle of retail development in this location has been established through the existing Moorland Centre. Indeed, the proposal could operate from the existing premises without the need for planning permission. However, in order to provide a robust assessment of the current proposals for replacement retail units in this location, the statement also considers the proposal against the provisions of the NPPF and the CLLP policies.

To inform the sequential test the statement assesses the potential for vacant premises and sites within the city centre. Those considered include the former Boots premises on the High Street, the vacant premises on Free School Lane, the House of Fraser unit, the former Co-op store near City Square and the vacant Jysk, Toys R Us and BHS stores at St. Marks. These have all been dismissed either due to their size, lack of servicing space, the absence of adjacent customer parking or that there is an approved planning permission for their re-development or use.

The sequential test also assesses potential sites within the district centres of Birchwood, The Forum and Hykeham Green, and the local centres of Bracebridge, Bracebridge Heath and North Hykeham (Newark Road crossroads). No sites were identified as being suitable given their size.

Key public car park sites have also been considered, but dismissed as being unavailable for development, as they are considered important facilities for the city, local residents and visitors. Public open space and recreation land has also been considered, none of which are vacant or underutilised and have therefore been dismissed.

The statement considers that the site is located within an existing retail destination with good accessibility, and therefore other out of centre locations will not form sequentially preferable locations. Officers are therefore satisfied that the proposals accord with the requirements of the NPPF in terms of the sequential test.

In terms of the retail impact the total floorspace proposed by the Aldi foodstore and the two retail units is 2,664 square metres, which is less than half the existing floorspace of the Moorland Centre, which is over 6,000 square metres. The statement suggests that re-occupying the existing building would be likely to have a higher turnover than the proposal, and therefore a greater retail impact. It is considered that a retail impact assessment is therefore not strictly necessary but has been undertaken in order to provide a robust assessment of the proposed development.

The analysis concludes that the majority of trade will be diverted from out-of-centre stores including retail parks. The role and function of the city centre and other nearby centres would not be undermined as a result of the proposed development. There would therefore not be any harm to the vitality and viability of the centres in terms of the considerations of the NPPF. Officers are therefore satisfied that the proposals accord with the requirements of the NPPF in terms of retail impact.

However, to ensure that the retail offer of the city centre is protected, a condition will restrict the range of goods that can be sold from the foodstore and retail units. This will require that the foodstore shall devote no more than 20% of the net sales floorspace to the sale of clothing and footwear, which is similar to the restriction on the adjacent M&S Foodhall. The two retail units shall not be used for the sale of food and drink (apart from ancillary sales) or the sale of clothing and footwear. The agent has no objection to these conditions and officers are satisfied that they are

reasonable and will ensure that the development does not cause harm to the vitality and viability of the city centre.

It is therefore considered that the application meets both local and national policy tests. The occupants of 14 Middlebrook Road and 33 Parksgate Avenue in their objections consider that there are plenty of food stores, supermarkets and drive-thrus, and therefore no more are needed. Notwithstanding this, officers have no issue in principle with the proposed uses in this location, particularly given the exiting mixed retail use of the vacant premises. The application would therefore be in accordance with the requirements of CLLP Policies LP1, LP2 and LP6, and guidance within the NPPF.

Visual amenity

The vacant Moorland Centre is a white metal clad and glass building, approximately 5m in height, with tall feature entrances and a metal roof. The occupant of 33 Parksgate Avenue has raised objection to the loss of the existing “iconic” building. The existing car park sits to the south with trees and landscaping softening the boundary with the residential properties beyond on Parksgate Avenue. Trees and bushes to the eastern edge of the site act as a semi-permeable buffer between Tritton Road and the site.

The surrounding area is predominantly characterised by small and medium scale industrial and commercial units. The M&S and Co-op buildings are taller and are of a modern form and design. The Elite Fish and Chip Shop restaurant is a single storey brick built structure with the Lindis Retail Park to the north accommodating a range of scales and designs, with the Sainsburys having a large footprint and prominent form.

The Design and Access Statement (D&A) advises that the Aldi foodstore and adjacent retail units would address the new car park to the south east with their shop frontages, feature entrances and canopies. This will in turn mean that the back of house areas will face towards the service yard at the rear of the units, to the north west of the site. This will improve the visual amenity for those entering the site from Tritton Road with the relocation of the current service yard area from the north east of the site along Moorland Way. The new drive-thru restaurant is orientated so that the shopfront and entrance face Tritton Road, addressing the access road into the site from Moorland Way.

The overall height of the new Aldi foodstore and adjacent retail units ranges from approximately 5m at the rear increasing to 8.5m at the ridge of the mono-pitch to the front. When viewed from its frontage the overall height of the proposed building is approximately 2m taller than the existing, however, it is worth noting that the footprint is half the size. This opens up the site and it is considered by officers that the scale and position of the proposal is acceptable, particularly when viewed in the context of the M&S Foodhall, which measures 8m in height at the front with a sloped roof rising to 10m at the rear.

The drive-thru restaurant is approximately 4m in height for the main volume of the building with the feature signage reaching approximately 7m. The reduced mass and scale of this building would relate well to the Elite Fish and Chip Shop building, presenting a frontage to Tritton Road. Accordingly, officers have no objection to the scale and position of this element of the proposal.

Officers have no objection in principle to the removal of the existing building, which has been vacant for some time. Officers consider that the length, height and mass of the proposed structures would not be out of character here. It is therefore considered that the site is of a sufficient size to comfortably accommodate the proposed development along with the associated car parking, new access and service yard. Officers are therefore satisfied that the proposal would relate well to the site and surroundings in relation to the height, scale and mass, in accordance with CLLP Policy LP26.

With regard to the design, the D&A advises that the new Aldi foodstore is a mono-pitched single storey building with the roof at its lowest to the rear, rising to a double height façade that faces the car park and Tritton Road. The building is wrapped in a combination of anthracite and silver metal cladding panels and also benefits from generous areas of curtain walling, particularly to the south west corner of the building, where a large glazed area and cantilevered anthracite canopy provide an active focus for the shopfront.

The two adjacent retail units will complement the Aldi foodstore in both their form and materiality. The mono-pitched form will be replicated, with the roof height being reduced slightly to help reduce the apparent massing of the building by creating a visual break at the ridge level. The same material palette will be continued for the main body of the building, with a slightly different approach being taken for the main feature entrance in order to reflect the form of the M&S Foodhall and Lincolnshire Co-operative Travel.

Elevations have also been provided to illustrate the Aldi foodstore in advance of the phase two retail units being constructed, and officers are also satisfied with this in terms of both the mass and design.

The new drive-thru restaurant is a single story, flat-roofed unit. The materiality includes areas of vertical timber and cement board cladding. This is further complimented by large areas of curtain walling, both this and the entrance feature reflecting the main building. The building will have an active frontage to the road and drive-thru lanes with the material palette extended around the plant area.

The service yards to the rear of the foodstore and the retail units will be enclosed with a black paladin security fence. Temporary ply faced timber hoarding will be located around phase two of the development, the retail units, until these are constructed.

Further details of the materials, including hard surfacing, will be required by condition but there is no objection in principle to the palette suggested. Officers are therefore satisfied that the design and appearance of the proposals are acceptable. It is considered that the development would complement the architectural style of the local surroundings, in accordance with CLLP Policy LP26. It is also considered that the proposals would function well and add to the overall quality of the area, as required by paragraph 127 of the NPPF.

Trees and landscaping

The City Council's Arboricultural Officer has visited the site and confirmed that there are no trees within the site which are protected by a Tree Preservation Order (TPO), nor that are worthy of protection. He has identified that there is a considerable collection of 26 trees which are orientated parallel with Tritton Road, these specimens are protected by the Tritton Road/Moorland Avenue No.1 TPO 2017. However, he considers that none of these trees appear to be close enough to the proposed works and redevelopment to recommend the use of protective measures to ensure their safe retention.

He has also identified that there is a section of hedgerow to the north west of the site, which will require removal to accommodate the service entrance for Aldi. He notes that there is minimal native species content within the length of the feature and the hedge line is also essentially isolated as it does not form an effective corridor with associated ecotones or similar habitat types. As a result, the hedge line is likely to provide poor biodiversity potential, however, it is likely to be excellent habitat for nesting birds. Officers would therefore suggest that a condition of any permission specifies that the removal of any trees, hedgerows, shrubs or scrub shall be undertaken outside of bird nesting season; between March and August inclusive.

The Arboricultural Officer has also noted that the position of the proposed drive-thru restaurant is currently populated with a mixture of specimen and ground cover shrubs. All of those in situ are commonly planted species and none of which are outstanding specimens which warrant retention.

In terms of the proposed landscaping two of the existing mature Silver Birch trees adjacent to Moorland Way to the north east of the site are to be retained and the planting strip would be extended into the site and around the proposed drive-thru restaurant. The landscaped area will include low level shrubs and new trees. Officers welcome this but would also want to see additional landscaping, where practicable, within the car parks. This matter will therefore be conditioned to require a landscaping scheme. A condition will also ensure that the retained trees are protected during construction.

Impact on residential amenity and neighbouring uses

The proposed Aldi foodstore and the drive-thru restaurant would be located over 70m and 55m respectively from the south west boundary of the site with properties on Parksgate Avenue. The boundary is defined by fencing along with several trees adjacent, which provide a degree of screening. Officers are satisfied that the separation is more than sufficient to ensure that the proposed structures would not appear overbearing, overlook or result in loss of light.

Properties on Middlebrook Road, located on the opposite side of Tritton Road, would be over 75m from the drive-thru restaurant. This would be obscured to a degree by the existing Elite Fish and Chip Shop restaurant and the trees and planting adjacent to the site frontage. Again, officers are satisfied that the occupants of these properties would not be unduly affected by the proposal in terms of the overlooking, loss of light or through an overbearing impact.

The City Council's Pollution Control (PC) Officer has considered the application and noted that, due to the proximity of the proposed development to neighbouring sensitive uses, there is potential for significant problems due to noise, vibration and dust during the demolition/construction phase unless adequate control measures are put in place. He has recommended that a Construction Environmental Management Plan be conditioned, which will be duly applied to any grant of consent. Hours of demolition and construction will also be conditioned.

The PC Officer has raised no objection to the operation of the development in respect of noise subject to conditions to control the hours of opening, delivery hours and waste collection. He notes that noise from deliveries and waste collection can cause considerable noise problems during the noise sensitive hours for residential properties in the vicinity. The agent has no objection to the suggested hours of opening or waste collection but has requested that the delivery hours be subject to a Delivery Management Plan, so the hours can be agreed at a later stage in consultation with the PC Officer. The PC Officer has no objection to this and a condition will accordingly be applied to any grant of consent. Officers are therefore satisfied that neighbouring residents and uses will be appropriately protected from potential noise associated with the construction and also the operation of the development.

To further protect the amenities of neighbours the PC Officer has requested that details of any external lighting be conditioned for approval to ensure that this is appropriately designed to avoid any off-site impacts. This is a point queried by the occupant of 33 Parksgate Avenue and this condition will enable the detail of the proposed lighting scheme to be carefully considered in this respect.

Finally, the PC Officer has noted that the development includes a drive-thru restaurant. He states that commercial kitchen extract systems can cause significant disturbance when located close to other sensitive development due to both emissions of odour and noise. Therefore, a condition is recommended to require details of any systems prior to their installation.

The occupant of 33 Parksgate Avenue has made a comment regarding the late night use of the car park by cars and for parties, and the noise impact this has on residents. The proposed block plan indicates three barriers; one to each of the existing access points from Moorland Way and one adjacent to the new access point to serve the retail units. The agent has noted that the barrier to this new access will be set slightly within the site to allow 24/7 access to the five electric vehicle

charging points. The agent has advised that the barriers will be closed to suit the occupiers opening hours. The barriers therefore provide the opportunity to control the access to the site, although officers consider this to be a management issue as opposed to a matter that requires control through the planning process. It has been requested that the agent make the applicant aware of the officer's position on this.

In accordance with CLLP Policy LP26, it is therefore considered that the amenities which neighbouring occupants and uses may reasonably expect to enjoy would not be unduly harmed by or as a result of the development.

Access, parking and highways

The site is accessed from Moorland Way, via an entry only left turn close to the junction with Tritton Road. The D&A advises that, although it is possible to drive around Moorland Way and enter the car park at its north west corner, the majority of customers use the first access point to the Elite Fish and Chip Shop restaurant and the existing car park. An additional vehicle entrance/exit further along Moorland Way is proposed, which would lead directly to the Aldi foodstore car park, which should help to ease potential congestion across the site. The application also proposes improvements to the north west access point, adjacent to the M&S Foodhall.

The existing 169 bay car park is to be re-configured enabling a further 64 new communal spaces to be provided here. The new car park serving Aldi, the retail units and the drive thru restaurant will accommodate 129 spaces. Across the whole site a total of 362 spaces will be provided, which includes disabled, parent and child and electric vehicle charging bays. Cycle stands are proposed adjacent to the Aldi foodstore and the drive-thru restaurant.

Service vehicles will not enter the car park, but rather they will proceed along the full length of Moorland Way to access the new building's concealed service area to the rear, north west.

In terms of pedestrian access there is a footpath link into the car park directly from Tritton Road. This footpath separates at various junctions along the perimeter of the site, allowing pedestrians to access the site from multiple locations. The site is located within easy walking distance of nearby residential properties and public transport links.

The occupants of both 14 Middlebrook Road and 33 Parksgate Avenue, and the Lincoln Civic Trust, have raised concerns regarding the access, parking provision, air pollution, congestion and highway safety for drivers and pedestrians. They consider that the existing drive thru already causes considerable traffic problems affecting access to other units, and the area seems unable to cope. Although no formal objections have been received to this application from the adjacent businesses of Eastfield Enterprise, Hindles of Lincoln and Lincoln Welding & Engineering Supplied Ltd, they raised objections to the previous application in respect of traffic numbers, access, queueing and safety, particularly in relation to large supply lorries.

An objection has also been received from TPS Transport Consultants Ltd on behalf of Asda. This is identical to objection submitted against the previous application. This considers that the submitted Transport Assessment fails to demonstrate that servicing can be safely accommodated; there is no consideration given to the cumulative impact of the new use on highway capacity; and the junction to Tritton Road currently experiences heavy queueing. The objection also considers that it is highly likely that the junction will experience capacity issues, to the detriment of the expeditious movement of traffic on Tritton Way.

The Lincolnshire County Council (LCC) in their capacity as Local Highway Authority has considered the application along with the accompanying Travel Statement and Travel Plan. The LCC Officer has confirmed that the comments made by TPS Consultants and also the specific highway safety concerns raised by the nearby businesses at the time of the previous application have been considered as part of the assessment of the current application and in forming of their

response. These are addressed in the LCC Officer's final response to the application and are detailed below.

The LCC Officer considers that the Transport Statement submitted is robust and the analysis of trip generation considers all trips to the site to be 'new' trips, as opposed to linked, pass by or diverted trips, as it can be reasonably expected that a proportion will be. The residual trip generation is lower than the consented fall-back use of the site at peak times. Due to the consented fall-back use of the site and associated higher trip generation the LCC Officer does not feel it is necessary to request further assessment of the cumulative impact of the proposed development on the surrounding network.

The LCC Officer has stated that, whilst local stakeholders have previously referred to accidents and 'near misses', there has been no recorded Personal Injury Accidents in the vicinity of the bend on Moorland Way in the last five years. Again, the LCC Officer notes that the residual trip generation is lower than the consented fall-back use of the site, and that includes the use of the existing northern junction onto Moorland Way beyond the bend.

Swept path analysis has been provided demonstrating that articulated vehicles can use the service yard to the north of Moorland Way and access and egress the public highway in a forward gear. The LCC Officer raises no objection in this respect.

The LCC Officer notes that there are good sustainable transport links to the site, including the shared footway/cycleway on Tritton Road, Hirebike station at the site frontage, regular bus services and proposed cycle parking provision within the site. The Travel Plan details the developer's commitment to sustainable transport, which is welcomed as best practice by the LCC Officer. The LCC Officer has confirmed that it is not necessary to condition the Travel Plan.

The LCC Officer concludes that it is not reasonable to raise an objection to the proposals in accordance with paragraph 109 of the NPPF as the development will not have a severe impact on highway safety or capacity.

The LCC Officer also raises no objection to the amendments to the north west access, adjacent to M&S Foodhall which requires stopping up and dedication of public highway. They note that this has been agreed by all parties.

Officers are therefore satisfied that the application and the objections relating to access, parking, highway safety and highway capacity have been thoroughly assessed by the LCC in their professional capacity as Local Highway Authority. On this basis officers would raise no objection to the application in this respect. The site is in a location where travel can be minimised and the use of sustainable transport modes maximised, in accordance with CLLP Policy LP13.

Flood risk and drainage

The application is accompanied by a Flood Risk Assessment. No objection has been raised to this by statutory consultees.

In terms of surface water drainage Anglian Water and the Upper Witham Internal Drainage Board have made comments and requested that this matter should be agreed in consultation with the LCC as Lead Local Flood Authority and the Environment Agency (EA).

The EA has requested a condition to require that no drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters, to consider whether sustainable drainage systems (SuDS) are appropriate given the potential risk of contamination.

The LCC in their capacity as Lead Local Flood Authority has raised no objection to the application subject to a condition requiring a surface water drainage scheme. This will be duly applied to any grant of consent and will incorporate the requirements of the EA to ensure that the proposed scheme also includes an assessment of the risks to controlled waters.

A condition requiring a scheme of on-site foul drainage works has been requested by Anglian Water, which will be applied to any grant of consent.

The development would therefore be in accordance with the requirements of CLLP Policy LP14.

Contaminated land

CLLP Policy LP16 advises that development proposals must take into account the potential environmental impacts from any former use of the site. The PC Officer's response has advised that, due to past uses on the site, there is the potential for significant contamination to be present. He has noted that the applicant has submitted a contamination land report (Preliminary Risk Assessment & Geo-Environmental Assessment report) in support of the application. As part of the report's recommendations, the PC Officer notes that further assessment of the ground conditions will be required once the existing structures have been removed. Accordingly, the PC Officer has requested that the standard contaminated land conditions be applied to any grant of consent.

The EA has advised that the applicant's report demonstrates that it will be possible to manage the risks posed to controlled waters by the development. Further information will be required, but they are satisfied that this can be dealt with by conditions. These conditions requested by the PC Officer will therefore also include the requirements of the EA in respect of the potential contamination to controlled waters.

Archaeology

The application includes an Archaeological Desk Based Assessment (DBA). This advises that any new development will necessarily involve the disturbance of subsurface deposits within the site boundary, although there is little evidence to suggest that significant archaeological deposits will be affected. It also considers that the early 20th century quarrying activity, and the development of the industrial/commercial estate from the 1960s to the present day is highly likely to have destroyed or significantly truncated any archaeological deposits predating this period within the site boundary, and consequently the potential for encountering archaeological remains of any period overall is considered to be negligible. The DBA concludes that no further archaeological work is necessary, subject to agreement by the City Archaeologist.

The City Council's Archaeologist considers the DBA is sufficient to fulfil the requirements of NPPF paragraph 189 for a proportionate assessment of the significance of archaeological heritage assets affected by the proposed development. It was produced following consultation of the Lincoln City Historic Environment Record, and he considers that there would be no justification for further field evaluation in this case. The City Council Archaeologist concurs with the conclusions of the report that there is a negligible potential for archaeological remains to be present on the site and advises that no further work is required.

Swanholme Lakes SSSI

Swanholme Lakes SSSI is located approximately 90m to the north west of the site separated by the railway line and built development. Natural England (NE) has commented on the application regarding this. They have advised that "Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection". With specific reference to the Swanholme Lakes SSSI they also go on to advise that "Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection".

Based on this advice, and considering the scale of the development and its physical separation, officers are satisfied that it would not have an adverse impact to a SSSI in accordance with CLLP Policy LP21 and paragraph 175 of the NPPF.

EIA Screening Opinion

The proposal falls under 'Urban Development Projects' within the Schedule 2, Section 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development exceeds the threshold in 10(b)(i); proposing urban development in excess of 1 hectare. This requires that the development be screened to determine whether the application should be accompanied by an EIA. This process involves considering the location, scale and characteristics of the development to determine whether a development is likely to have a significant effect on the environment and therefore require an EIA. Key issues to consider are scale, potential contamination, potential increase in traffic, emissions and noise.

The screening process also took account of the location of the Swanholme Lakes SSSI and the response of no objection from Natural England.

The conclusion of the screening process was that the development would not result in significant effects on the environment. The proposed development is of a scale that is unlikely to cause more than local significance and would also not affect the features for which the nearby sensitive area was designated. The potential, localised impacts of the development can be appropriately considered as part of the normal application process. The council therefore adopted the screening opinion that the proposed development is not EIA development and therefore the submission of an environmental statement is not required.

The objection by Jigsaw Planning received as part of this application on behalf of Asda states that there is no evidence that the screening opinion has been issued by the council, and that this should take account of the SSSI. At the time of the receipt of this letter of objection, the screening opinion decision had not yet been issued although, as outlined above, the requirements of the EIA regulations have now been fully complied with. Officers sent a copy of the screening opinion to Jigsaw Planning at their request. The screening decision (2021/0393/SCR) is also publicly available on the council's website.

Bio-diversity net gain and green infrastructure

In their consultation response to this application Natural England has not raised any objections to the development nor have they requested any conditions. However, they have provided advice that the applicant may want to follow a net gain approach and take the opportunity within the proposal to demonstrate a net gain in biodiversity. They have also advised that multi-functional green infrastructure (GI) can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaption and biodiversity enhancement. The proposed development is within an area that NE considers could benefit from enhanced GI provision, and would encourage the incorporation of GI into the development, including additional street trees or green roofs/walls.

This is noted in the objection letter from Jigsaw Planning. The objection acknowledges that NE do not object, but they do set out advice in relation to Biodiversity Net Gain and GI. The objection states that there is no evidence within the application that the recommendations are met by the proposals.

Following the advice of NE the agent has undertaken and submitted a Biodiversity Net Gain Assessment. This assesses the biodiversity impact resulting from the proposed development, by comparing the pre-development value of the site to the proposed habitat composition post development.

It states that the ornamental hedgerow and the majority of the shrub beds will be lost to facilitate development works, however, two Birch trees and associated shrubs assessed as having moderate condition are proposed for retention and enhancement to good condition within the east of the site. Enhancement works will include underplanting with native shrub species or those of a known value to wildlife and incorporating a sensitive management plan to allow continuous provision of nesting habitat as well as supporting the production of nuts and berries for foraging fauna. Further shrub planting will be created adjacent to the retained shrubs and along the verges associated with the new drive-through restaurant. Again, the verges will be planted with native shrubs or those of a known value to wildlife and will be sensitively managed to ensure a good condition is achieved in the target time of 1 year. Five native trees are proposed to be planted within the shrub beds adding to the overall structure and diversity.

The assessment concludes that the development would achieve a net gain in biodiversity of 20.38%.

The development would therefore deliver biodiversity improvements, as required by CLLP Policy LP21 and paragraph 175 of the NPPF. The GI provision would also be enhanced by the additional trees and planting. Officers are therefore satisfied that the development is acceptable in this respect. The aforementioned landscaping condition will specifically reference the recommendations of the Biodiversity Net Gain Assessment to ensure that the development delivers a net gain by incorporating native shrub species or those of a known value to wildlife.

Other matters

Air quality and sustainable transport

The application includes electric vehicle recharge points, a requirement highlighted by the PC Officer, in line with the recommendations of CLLP Policy LP13 and paragraph 110 of the NPPF. The proposed layout indicates seven spaces although officers have advised the agent that further spaces are expected to be provided in accordance with the East Midlands' Air Quality Network guide on air quality and development. A scheme demonstrating an increased provision and providing the specification for the units will be conditioned on any grant of consent.

Design and crime

A response from Lincolnshire Police raising no objections has been received.

Conclusion

The principle of the uses on this unallocated site is considered to be acceptable and the application has demonstrated that it has met the policy requirements of the sequential and retail impact tests. The layout, scale and design of the development is acceptable, complementing the architectural style of the local surroundings. With appropriate conditions it is not considered that the amenities of neighbouring residential properties or neighbouring uses would be unduly harmed by the proposal, either during its construction or as a result of its operation.

Matters relating to highways, surface water drainage, foul water drainage, contamination, archaeology, trees, landscaping, biodiversity net gain and green infrastructure have been appropriately considered by officers and the relevant statutory consultees, and can be dealt with as required by condition. The development would not have a significant adverse impact on the Swanholme Lakes SSSI, a designated site. The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP6, LP13, LP14, LP16, LP21, LP25 and LP26 as well as guidance within the National Planning Policy Framework.

Application Determined within Target Date

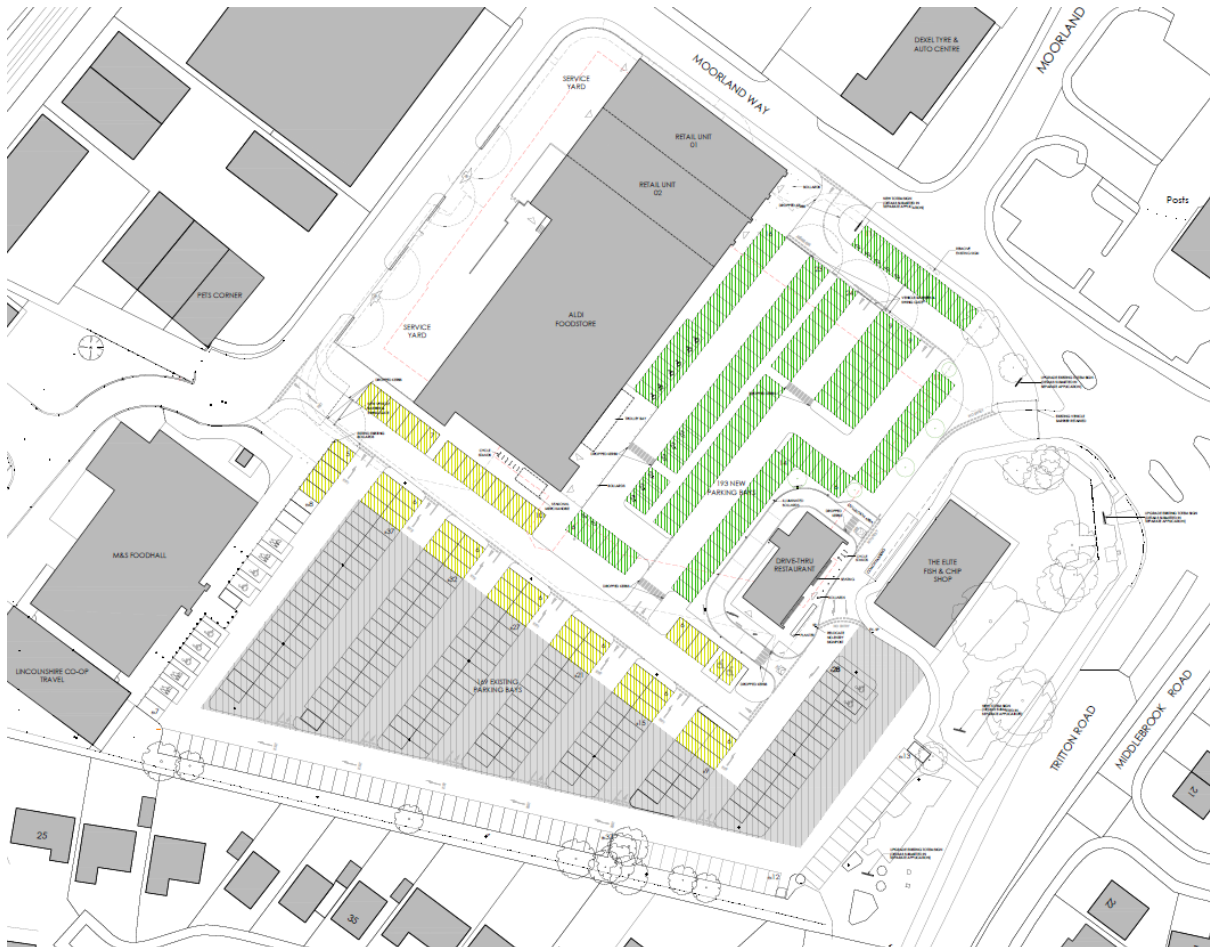
Yes

Recommendation

That the application is Granted Conditionally subject to the following conditions:

- Time limit of the permission
- Development in accordance with approved plans
- Contamination
- Surface water drainage scheme
- Foul water drainage scheme
- Tree protection measures
- Details of materials
- Site levels and finished floor levels
- Landscaping scheme (to include biodiversity net gain recommendations)
- Details of an electric vehicle charging scheme
- Construction Environmental Management Plan
- Restriction on hours for demolition/construction/delivery
- Assessment of off-site impact of lighting
- Details of any extraction/filtration systems associated with the drive-thru use
- Restriction on hours for waste collections
- Delivery Management Plan
- Restriction on opening hours of retail units and drive-thru
- Restriction on retail use
- Removal of trees/hedgerows/shrubs outside of nesting season

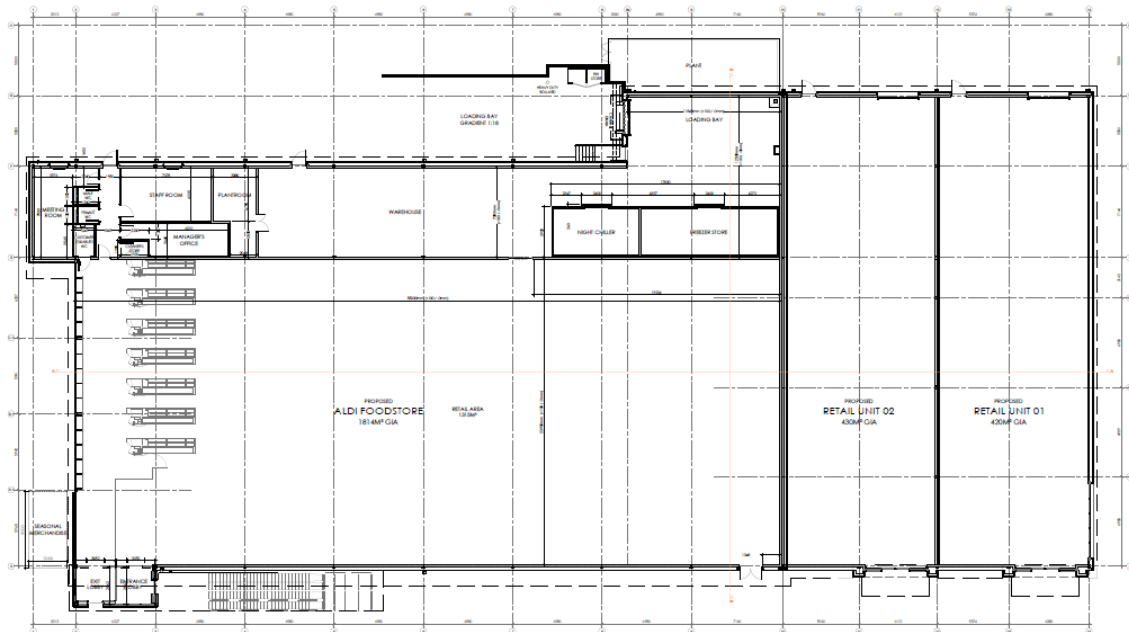
Site location plan



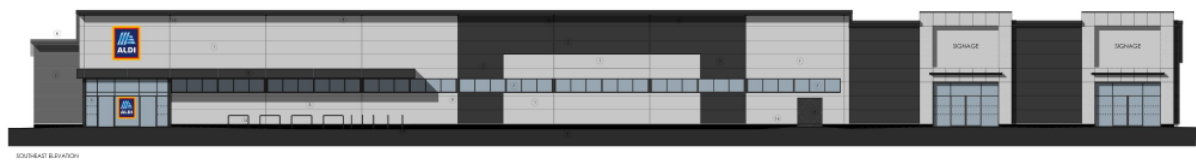
Proposed block plan



Proposed footprint overlaid on existing



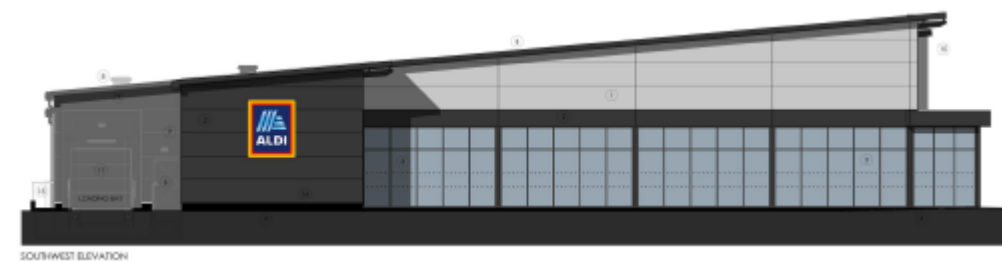
Floor plan of Aldi and retail units



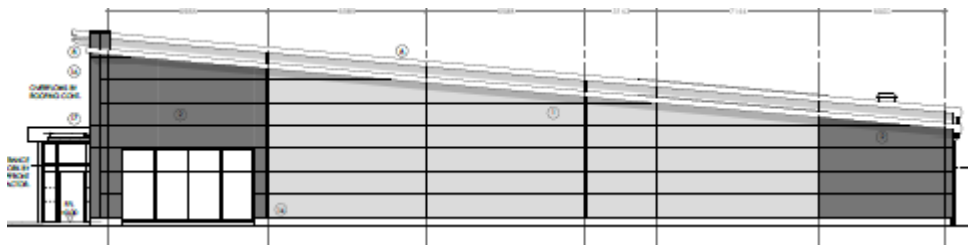
Front, south east elevation of Aldi and retail units



Rear, north west elevation of Aldi and retail units



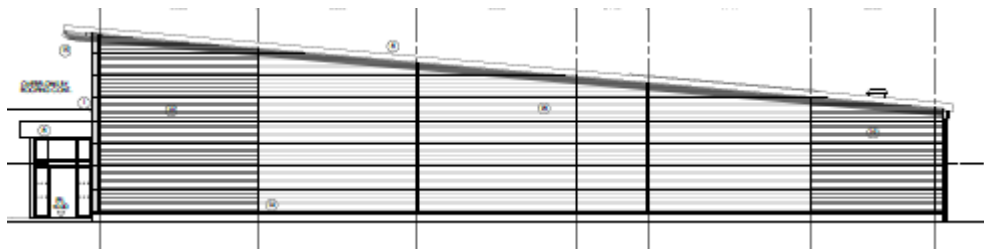
Side, south west elevation of Aldi and retail units building



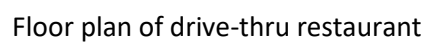
Side, north east elevation of Aldi and retail units building

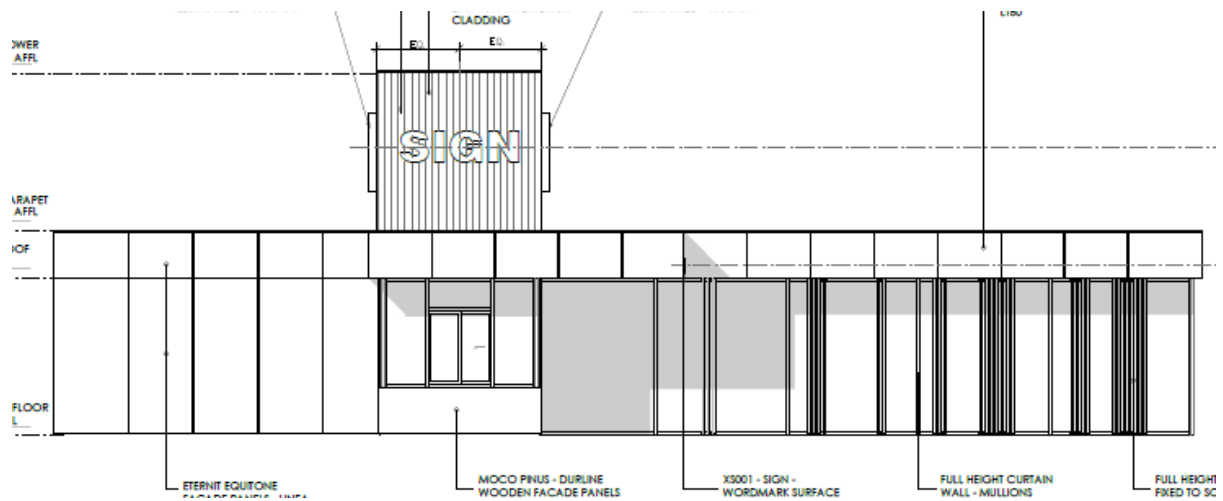


Front, south east elevation of Aldi, without retail units (Phase 1)

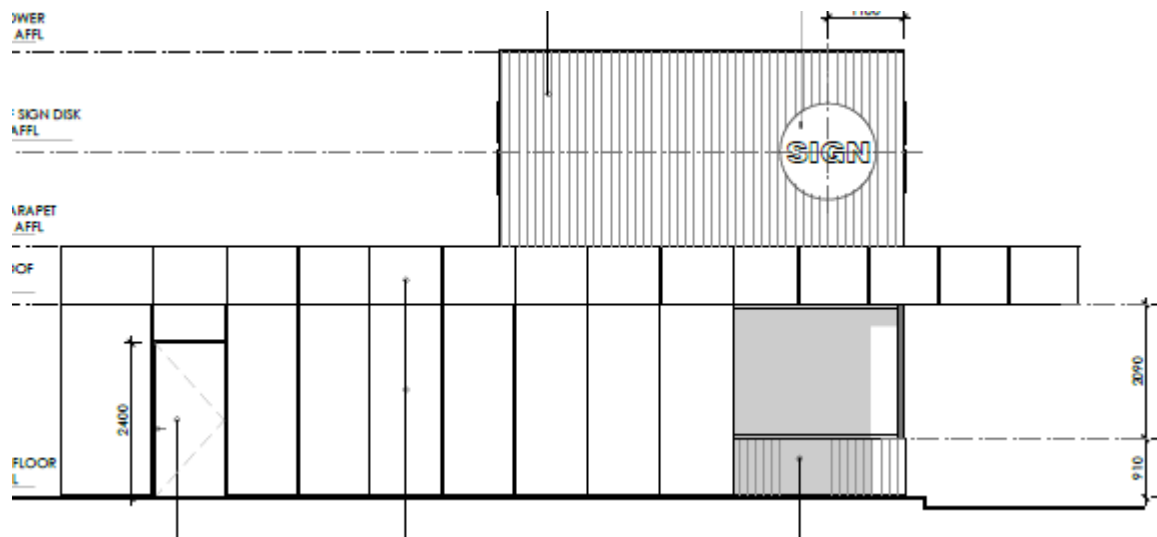


Side, north east elevation of Aldi, without retail units (Phase 1)

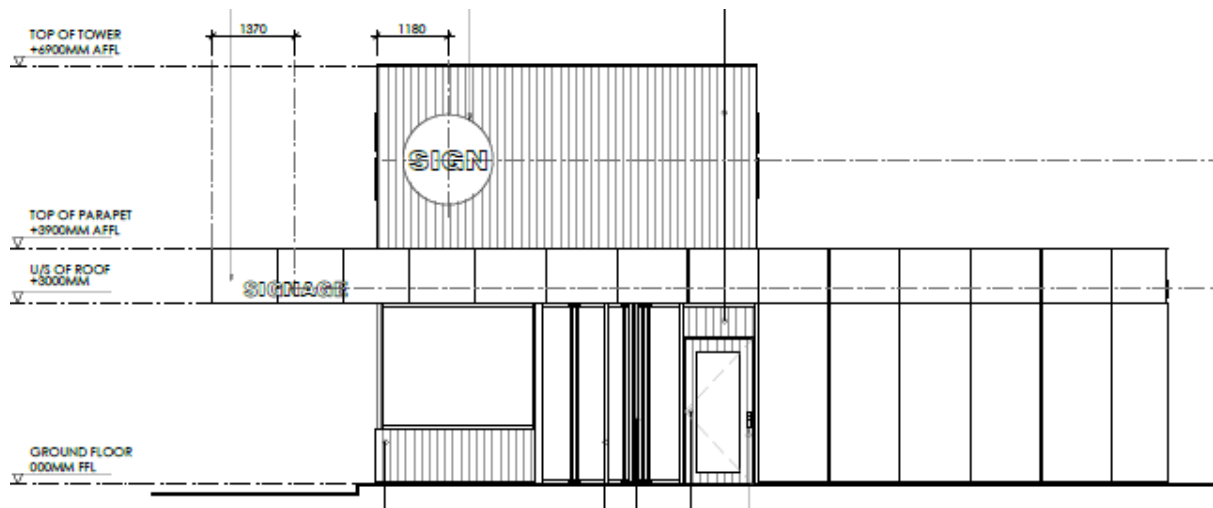




Rear, north west elevation of drive-thru



Side, north east elevation of drive-thru



Side, south west elevation of drive-thru



Existing Moorland Centre from Tritton Road with the Elite restaurant to the right



Elite Fish and Chip Shop restaurant with Moorland Centre adjacent



Existing car park with M&S Foodhall and Co-operative Travel in the background



Existing car park and south boundary with properties on Parksgate Avenue



Existing access/exit point to the north west with units on Moorland Way adjacent. Swanholme Lakes SSSI is located beyond this built development, 90m from the site boundary.



View north along Moorland Way of north west boundary



View along Moorland Way of north west boundary towards access/exit



North east boundary of site looking towards Tritton Road



Additional view looking towards Tritton Road showing the existing service yard entrance



Tritton Road/Moorland Way junction and site entrance

14 Middlebrook Road,
Lincoln,
LN6 7JU
5.4.21

Dear Sir,

Your ref 2021/0275/FUL, re The Moorland Centre development

My views on the proposed development are:

1. There are plenty of food stores/supermarkets near here; we don't need another.
2. There is already a 24 hour drive-thru restaurant (McDonalds) opposite this site; another is not needed.
3. Access to the existing drive-thru already causes considerable traffic hold-ups both on Tritton Road and Moorland Way, with traffic unable to reach the Elite/M & S Food Hall and Sainsbury's car parks because of problems in the McDonalds car park. They seem unable to cope with the number of cars trying to get take-aways at times.

This congestion causes safety problems for drivers and pedestrians, and must cause extra air pollution. I've often seen exasperated drivers taking taking risks at this junction, switching lanes or squeezing into tight places.

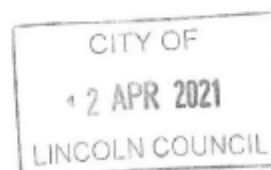
4. I feel that in view of the points raised above the Moorland Way junction would be unable to cope with the extra traffic that will be caused by this proposed development.

5. Please let any development here be something we need, not more of the same.


Yours



Miss M. Bebbington



33 Parksgate Avenue
Lincoln
LN6 7HP



Mr K Manning
Assistant Director-Planning
City Hall
Beaumont Fee
Lincoln LN1 1DF

Dear Sir,

My concerns regarding the proposed redevelopment at the Moorland Centre are as follows-

- 1) the proposed demolition of the existing iconic building
- 2) increase of retail units and food-store, many available nearby
- 3) drive-through restaurant, already a McDonalds and a fish & chip shop
- 4) car parking, will the existing area be enough for the extra units
- 5) traffic - already tail-backs entering and leaving from Tritton Road
- 6) lighting – not mentioned. M&S frontage lit up 24/7, car park lights on until midnight. Very distracting to nearby residents

The car park has often been the place for noisy parties and cars revving, reported to the police on more than one occasion.

Yours sincerely



Mrs Vicki Edwards

21 April 2020



Marie Smyth
City of Lincoln Council
Directorate of Communities & Environment
City Hall
Beaumont Fee
Lincoln
LN1 1DF

Sent via: developmentteam@lincoln.gov.uk and Marie.Smyth@lincoln.gov.uk

Dear Ms Smyth

APPLICATION REF: 2021/0275/FUL
SITE ADDRESS: The Moorland Centre 3 Moorland Way Lincoln Lincolnshire LN6 7TN
PROPOSAL: Demolition of existing building and redevelopment to provide a foodstore (Use Class E), two retail units (Use Class E) and a drive-thru restaurant (Use Class E), car parking and associated external works including landscaping (Resubmission)

Jigsaw Planning are instructed by Asda Stores Limited ("Asda") to submit an objection to the above planning application.

As you will be aware, this is the second recent application for this site with the first application, with ref 2020/0662/FUL ("First Application"), being approved in January 2021 and is now subject of a Judicial Review.

The basis of Asda's objection to the First Application centred around highways matters. We can confirm that these concerns remain and the objection prepared by TPS Transport Consultants Ltd is therefore appended to form part of this objection.

In addition to the highways objection, we raise the following:

Biodiversity Net Gain and Green Infrastructure – we note that Natural England have submitted their consultation response dated 7th April 2021. Whilst they do not raise any objection to the proposal they do set out advice in relation to Biodiversity Net Gain and Green Infrastructure. From the Council's website and the documents available thereon we can't see any evidence that the two recommendations are being met by the proposals. If this information is available please could it be made available to us and published on the Council's website.

EIA Screening Opinion – in response to the Judicial Review the applicant's have requested, in their covering letter to support the application, a Screening Opinion from the Council as they acknowledge that the proposal falls within Paragraph 10(b) of Schedule 2 of the EIA Regulations on the basis that the development includes more than 1 hectare of urban development. Again we cannot see evidence that a Screening Opinion has been issued by the Council and request that a copy be made available to us and that it is published on the Council's website. We should also be grateful to receive copies of any additional documents/officer's reports justifying the conclusions reached in the Screening Opinion. This Screening Opinion particularly needs to take account of the Site of Special Scientific Interest (SSSI) known as Swanholme Lakes which lies to the north west of the application site.

We trust this objection will be taken into account and request confirmation of its receipt. We also look forward to receiving confirmation from you on the above point.

Yours sincerely



Katherine Sneedden MRTPI
Director

Appendices

1. TPS Transport Consultants Ltd – objection dated 12th November 2020

Marie Smyth
City of Lincoln Council
Directorate of Communities & Environment
City Hall
Beaumont Fee
Lincoln
LN1 1DF



Sent via: developmentteam@lincoln.gov.uk

12th November 2020

Dear Marie,

2020/0662/FUL - Demolition of existing building and redevelopment to provide a supermarket (Use Class E), two retail units (Use Class E) and a drive thru restaurant (Use Class E), car parking and associated external works including landscaping. The Moorland Centre 3 Moorland Way Lincoln Lincolnshire LN6 7TN.

On behalf of ASDA Stores Ltd. (ASDA), TPS Transport Consultants Ltd (TPS) has reviewed the Transport Assessment and associated plans, prepared by SLR in support of the above application for an Aldi food store, two non-food retail units and a drive thru restaurant at The Moorlands Centre, Lincoln.

Following our review of the Transport Assessment we have concerns regarding the highways impact of the proposals, specifically in regards to highway capacity and road safety. These concerns form the basis of ASDA's formal objection to the application and are summarised below.

We would note that a number of objections have been submitted by neighbouring business, which cite similar concerns in regards to road safety, reflecting on-site observations.

Site Location

The development site is located to the west of Tritton Way, approximately 4.6km to the south west of the centre of Lincoln. It is occupied by The Moorland Centre, which has a gross external area of 6,186sqm. The building, which is vacant, benefits from an open A1 consent (with no restriction on the range of goods that can be sold, including food).

On the wider site, within the land ownership of the Moorlands Centre, there is an M&S Foodhall, which opened in November 2017, along with the Lincolnshire Co-op Travel Shop (which opened more recently) and Elite Fish & Chip restaurant.

Customer access to the site is via a left-in only junction from Moorlands Way, to the east of the site, and an all movements junction to the west, adjacent to the aforementioned M&S Foodhall; the latter principally operates as a left-in / right-out arrangement (with all traffic egressing the site at this location). The proposals see a new all-movements access provided on the northern site boundary, to the east of the existing access, and the existing all movements access on the western boundary, relocated to the north by c.5m and upgraded to a priority junction.



It is proposed that servicing will be from Moorland Way, on the western façade of the new buildings; previously, servicing was from Moorland Way on the northern boundary of the site.

Figure 1 confirms the access and servicing arrangements.

Figure 1 –Site Access Arrangements



Servicing Arrangements

As the above plan indicates, it is proposed that servicing access is to be relocated from the northern boundary of the site, to the western boundary. This is considered to introduce road safety concerns related to forwards visibility at the 90-degree bend on Moorland Way, particularly given the intensification of this route, as a consequence of the development / change of use of neighbouring plots, to the west.



The images below illustrate that visibility around the bend is compromised by the fence line of the development site, as well as mature planting.

The relocation of the servicing access means that HGVs associated with the current application will be required to manoeuvre around this bend (having previously accessed the servicing yard, prior to reaching the bend).

The submitted information includes swept path analysis of a HGV accessing / egressing the service yard (and turning within it). However, tracking of the movement around the bend on Moorland Way has been omitted. It is our assertion (corroborated by the submissions from neighbouring premises in response to the application) that a HGV manoeuvring around the bend would take up the majority of the carriageway, encroaching into the path of oncoming vehicles, with very limited inter-visibility. This gives rise to significant safety concerns.

We would respectfully request that swept path analysis is undertaken to illustrate that the manoeuvre can be undertaken safely.

Moorland Way –Westbound



Moorland Way - Northbound



Cumulative Impact

A search of planning portal indicates that, in addition to the M&S Foodstore and Co-op Travel Agency, permission was granted in January 2020 for a change of use of an industrial warehouse unit to an indoor sporting venue with three artificial grass pitches.

With reference to the submitted Design & Access Statement (DAS), the operator indicates that the grass pitches will have a likely maximum capacity of 40 players per hour (plus staff); at the cross-over



of matches, therefore, there would be up to 40 inbound trips and 40 outbound trips (within a concentrated window that coincides with the start and end of matches). It is not unreasonable to assume a significant proportion of these trips would be by car.

The DAS confirms the anticipated peak times of operation for the sporting venue will be from 6pm – 10pm on a weekday and 9am – 12noon on Saturdays. In the weekday PM peak, therefore, vehicles will arrive to the sporting venue within the busiest hour for the proposed development. This also coincides with the likely busiest weekday period for the M&S Foodhall.

No consideration has been given to the cumulative impact of the consented and proposed uses. This is concerning given that the Transport Statement submitted alongside the M&S Foodhall application (2016/0843/FUL) identified that in the 2021 design year with the M&S Foodhall traffic added, the Moorland Way / Tritton Way signal controlled junction (through which all traffic associated with the current development proposals would travel to reach the site) had a practical reserve capacity of just 0.6% in the AM weekday peak and 3.6% in the weekday PM peak. With additional background growth to 2025, the junction is likely to experience capacity issues (taking account of the additional trips associated with the Travel Agency and sports venue).

A full assessment of the cumulative traffic impacts should, therefore be undertaken, giving consideration to the uplift in trips occurring as a result of the subsequent consents for the Co-op Travel Agency and the indoor sporting venue, coupled with the current development proposals, not least because the Moorland Way / Tritton Way traffic signals are observed to operate with queues extending back from the signals on the Moorland Way arm to Moorland Close (which serves a number of retail units).

Given that a new access is to be introduced in the vicinity of this junction, there is a need to ensure that queuing does not extend back past this access and, moreover, that the cumulative impact of the proposed and neighbouring uses does not negatively impact on the operation of the junction, to the detriment of traffic on Tritton Way.

Whilst it is accepted that, in isolation, the proposals will not generate more traffic than the open A1 consent (based on floor area), consideration should be given to the significant uplift in traffic flows that has occurred on the wider site in recent years and the implications of this on highway capacity; specifically at the Moorland Way / Tritton Way junction.



Summary

Following our review of the Transport Assessment, prepared by SLR to accompany the planning application for a Aldi food store at The Moorland Centre, Lincoln, we have identified a number of concerns and consider that further work is required to allow the Highway Authority to make an informed decision on the planning application:

The assessment fails to suitably demonstrate that servicing can be safely accommodated; specifically the route to the service yard involves HGVs manoeuvring around a 90-degree bend on Moorland Way. The forwards visibility at this location is particularly poor and it has not been shown that a HGV could make this manoeuvre without using the majority of the road width (and thereby potentially travelling headlong into on-coming traffic);

No consideration has been given to the cumulative impact of the intensification of use / new development being brought forward to the west of the development on highway capacity. Specifically, a new indoor sports venue is proposed (in addition to an M&S Foodhall and Co-op Travel Agency, which have been brought forward in recent years). The busiest times of operation for these uses, coincide with that of the proposed development and all take access from the Moorland Way / Tritton Way signal controlled junction;

The junction already operates with queuing that extends beyond Moorland Close and the TS for the M&S Foodhall identified there was very limited reserve capacity in the junction in a design year of 2021. With the addition of background traffic growth to 2025 and the inclusion of traffic associated with the Co-op Travel Agency, consented indoor sports venue and the proposed development, it is considered highly likely that the junction will experience capacity issues, to the detriment of the expeditious movement of traffic on Tritton Way.

In light of the above, we would request that the applicant provides additional swept path analysis to address the concerns raised in regards to road safety and gives further consideration to capacity assessments at the Moorland Way / Tritton Way junction.

We would suggest that at this stage (and in the absence of the above) insufficient information has been submitted to allow the Council to arrive at a sound decision on the impact of the development proposals and, therefore, the application should be refused on highway grounds.

Yours sincerely
Georgina Stares

Director



TPS Transport Consultants Ltd



Date: 07 April 2021
Our ref: 348777
Your ref: 2021/0275/FUL

Marie Smyth
Planning Officer
Lincoln City Council

BY EMAIL ONLY



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 8GJ

T 0300 060 3900

Dear Marie,

Planning consultation: 2021/0275/FUL Demolition of existing building and redevelopment to provide a foodstore (Use Class E), two retail units (Use Class E) and a drive-thru restaurant (Use Class E), car parking and associated external works including landscaping (Resubmission).

Location: The Moorland Centre, 3 Moorland Way, Lincoln, Lincolnshire, LN6 7TN

Thank you for your consultation on the above dated 06 April 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites and advice on other natural environment issues is set out below.

Swanholme Lakes Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Other Advice

Biodiversity Net Gain

Natural England suggests that your authority may want to advise the applicant to follow a net gain approach and take the opportunity within this proposal to demonstrate a net gain in biodiversity. The government has announced that it will mandate net gains for biodiversity on new developments in England to deliver an overall increase in biodiversity. The 'Biodiversity Metric 2.0' provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change. The advantage of using a recognised metric to deliver net gain is that it provides a clear, transparent and evidence-based approach to assessing a project's biodiversity

impacts that can assist with “de-risking” a development through the planning process and contribute to wider place-making. Further information on the metrics can be found on the following link:
<http://publications.naturalengland.org.uk/publication/5850908674228224>

Green Infrastructure

Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of GI into this development, including additional street trees or green roofs/walls.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 02080268500

Yours sincerely

Roslyn Deeming
Senior Planning Adviser
East Midlands Area

Annexe A – Additional Advice

Natural England offers the following additional advice:

Landscape

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the [Magic](#) website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).



City of Lincoln Council
Development Control
City Hall Beaumont Fee
Lincoln
LN1 1DF

Our ref: AN/2021/131676/01-L01
Your ref: 2021/0275/FUL
Date: 12 April 2021

Dear Sir/Madam

Demolition of existing building and redevelopment to provide a foodstore (use class E), two retail units (use class E) and a drive-thru restaurant (use class E), car parking and associated external works including landscaping (resubmission)

The Moorland Centre, 3 Moorland Way, Lincoln, LN6 7TN

Thank you for your consultation of 29 March 2021 regarding the above application.

We understand that this is a resubmission of planning application 2020/0662/FUL which we provided comments on under our ref AN/2020/130979. Our previous consultation comments were provided following review of the Preliminary Risk Assessment & Geo-Environmental Assessment report (ref: 20-1699.01) by Delta-Simons, dated November 2020. An updated version of this report (dated March 2021) has been submitted in support of this application re-submission.

Environment Agency position

The previous use of the proposed development site is understood to have been as a rubber processing works, with available mapping also indicating that the site is underlain by a former landfill site. These former uses present a potential risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary A aquifer.

The application's Preliminary Risk Assessment & Geo-Environmental Assessment report demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Ceres House, Searby Road, Lincoln, LN2 4DW
Customer services line: 03708 506 506
Email: LNplanning@environment-agency.gov.uk
www.gov.uk/environment-agency

Calls to 03 numbers cost no more than national rate calls to 01 or 02 numbers and count towards any inclusive minutes in the same way. This applies to calls from any type of line including mobile.

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Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it could not be guaranteed that the development would not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 1

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

The latest version of the Preliminary Risk Assessment & Geo-Environmental Assessment report states that it has been updated to reflect comments made by ourselves and the Local Authority as part of the original planning submission. We have reviewed the March 2021 version of the report and consider that further information is required in order to fully assess the risks to controlled waters.

The report recommends that supplementary investigation should be undertaken beneath the building footprint following demolition, comprising of limited soil sampling. We are in agreement that ground conditions in the central area of the site require further characterisation, given the identification of strong hydrocarbon odours in boreholes drilled in the central area of the site during initial site investigation work. Should the additional investigation identify significant contamination at the site,

Cont/d..

2

further groundwater assessment may be required. If additional sampling identifies solvent contamination that may pose a potential risk to controlled waters, further monitoring wells may need to be installed to fully assess the risks to the Secondary A aquifer. Best practice for the assessment of dense non-aqueous phase liquids (DNAPL) requires the installation of boreholes to the base of the aquifer.

Condition 2

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition 4

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

The presence of a historical landfill site below the proposed development site presents a potential risk of contamination that could be mobilised by surface water infiltration from any proposed sustainable drainage system (SuDS). This could pollute controlled waters. Soakaways should not be constructed in potentially contaminated ground. In light of the above, we do not believe that the use of infiltration SuDS is likely to be appropriate in this location.

Advice to the applicant – waste

All movements of waste must follow the Environmental Protection (Duty of Care) Regulations 1991. Waste arising from activities on site must be kept safe and dealt with responsibly.

Proper classification of waste ensures compliance and enables the correct onward handling treatment to be applied. With waste produced on a site with a historic landfill, we strongly recommend appropriate testing to take place on all wastes produced to ensure the proper classification.

If materials that are potentially waste are to be used on site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Non-waste activities are not regulated by us (i.e. activities carried out under the CL:ARE Code of Practice); however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive).

The 'Is it waste?' tool allows you to make an assessment and can be found here:

<https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>

You can find more information on the Waste Framework Directive here:

<https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>

More information on the definition of waste can be found here:

<https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here:

<https://www.gov.uk/government/collections/waste-exemptions-using-waste>

More information on classification can be found here: <https://www.gov.uk/how-to-classify-different-types-of-waste>

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Nicola Farr

Sustainable Places - Planning Specialist

Direct dial 02030 255023

Direct e-mail nicola.farr@environment-agency.gov.uk

End

4

Planning Applications – Suggested Informative Statements and Conditions Report

If you would like to discuss any of the points in this document please contact us on 07929 786955 or email planningliaison@anglianwater.co.uk.

AW Site Reference: 164528/1/0118980

Local Planning Authority: Lincoln District (B)

Site: The Moorland Centre 3 Moorland Way
Lincoln Lincolnshire LN6 7TN

Proposal: Demolition of existing building and redevelopment to provide a foodstore Use Class E, two retail units (Use Class E) and a drive-thru restaurant Use Class E, car parking and associated external works including landscaping

Planning application: 2021/0275/FUL

Prepared by: Pre-Development Team
Date: 15 April 2021

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

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

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment & Outline Sustainable Drainage Strategy dated March 2021. 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 cannot be made due to lack of information. We therefore request a condition requiring on-site drainage strategy. (1) **INFORMATIVE** - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) **INFORMATIVE** - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (3) **INFORMATIVE** - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (4) **INFORMATIVE** - The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - 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.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Used Water Sewerage Network (Section 3)

We have no objection subject to the following condition: Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason To prevent environmental and amenity problems arising from flooding

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:

Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Foul water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:
 - Development size
 - Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)
 - Connecting manhole discharge location (No connections can be made into a public rising main)
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)
- Feasible mitigation strategy in agreement with Anglian Water (if required)

Warren Peppard
Head of Development Management
Lincolnshire County Council
County Offices
Newland
Lincoln LN1 1YL
Tel: 01522 782070
HighwaysSUDsSupport@lincolnshire.gov.uk

To: Lincoln City Council

Application Ref: 2021/0275/FUL

Proposal: Demolition of existing building and redevelopment to provide a foodstore (Use Class E), two retail units (Use Class E) and a drive-thru restaurant (Use Class E), car parking and associated external works including landscaping (Resubmission)

Location: The Moorland Centre, 3 Moorland Way, Lincoln, Lincolnshire, LN6 7TN

With reference to the above application received 29 March 2021

Notice is hereby given that the County Council as Local Highway and Lead Local Flood Authority:

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

CONDITIONS (INCLUDING REASONS)

Highway Informative 03

The permitted development requires the formation of new and amended vehicular accesses. 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 approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

Highway Informative 08

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.

Highway Condition 33

The permitted development shall be undertaken in accordance with a surface water

drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide 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 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 part of the permitted development shall commence operation 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.

Note to Officer

Please note that the proposed amendments to the northern-western access (directly adjacent to M&S Foodhall) require stopping up and dedication of public highway, which has been agreed by all parties.

The Transport Statement submitted is robust and the analysis of trip generation considers all trips to the site to be 'new' trips, as opposed to linked, pass by or diverted trips, as it can be reasonably expected that a proportion will be. The residual trip generation is lower than the consented fall-back use of the site at peak times. Due to the consented fall-back use of the site and associated higher trip generation, we do not think it is necessary to request further assessment of the cumulative impact of the proposed development on the surrounding network.

Whilst local stakeholders have referred to recent accidents and "near misses", there has been no recorded Personal Injury Accidents (PIA) in the vicinity of the bend on Moorland Way in the last 5 years. Again, we note that the residual trip generation is lower than the consented fall-back use of the site, and that includes the use of the existing northern junction onto Moorland Way beyond the bend.

Swept path analysis has been provided demonstrating that articulated vehicles can use the service yard to the north of Moorland Way and access and egress the public highway in a forward gear.

There are good sustainable transport links to the site, including the shared footway/ cycleway on Tritton Road, Hirebike station at the site frontage, regular bus services and proposed cycle parking provision within the site. The Travel Plan details the developers commitment to sustainable transport, which is welcomed as best practice.

It is not reasonable to raise an objection to the proposals in accordance with NPPF Paragraph 109 as the development will not have a severe impact on highway safety or capacity.

Case Officer:
Becky Melhuish
for Warren Peppard
Head of Development Management

Date: 13 April 2021

**CITY OF LINCOLN COUNCIL
DIRECTORATE OF DEVELOPMENT & ENVIRONMENTAL
SERVICE**

M E M O R A N D U M

To: Development Team Development Control	From: Ian Wicks, Pollution Control Officer
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Planning Ref: **2021/0275/FUL**

Date: **28 April 2021**

Demolition of existing building and redevelopment to provide a foodstore (Use Class E), two retail units (Use Class E) and a drive-thru restaurant (Use Class E), car parking and associated external works including landscaping (Resubmission) at The Moorland Centre, 3 Moorland Way, Lincoln

Further to your consultation on the above application, I would make the following comments:

Contaminated Land

I would advise that due to past uses on the site there is the potential for significant contamination to be present. It is noted that the applicant has submitted a contaminated land report in support of their application. As part of the report's recommendations, it is understood that further assessment of the ground conditions will be required once the existing site structures have been removed. As such, I would recommend that the following conditions be attached to any consent granted:

Pre commencement conditions – details to be submitted and approved before work commences on site

▪ **Site Characterisation**

No development shall take place until an investigation and risk assessment has been completed to assess the nature and extent of any contamination on the site and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- *human health,*
- *property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,*
- *adjoining land,*
- *groundwaters and surface waters,*
- *ecological systems,*

- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's 'Land Contamination: Risk Management (LCRM) Guidance' (available on www.GOV.UK).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- **Submission of Remediation Scheme**

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- **Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Pre occupation – before occupation/commencement of the use

- **Reporting of Unexpected Contamination**

*In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (**SPECIFY (1)**) and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (**SPECIFY (2)**), which is to be submitted to and be approved in writing by the Local Planning Authority.*

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (SPECIFY (3)).

Where no unexpected contamination is found written confirmation of this must be provided to the Local Planning Authority prior to any occupation of the site.

Reason: *To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out.*

Air Quality and Sustainable Transport

Whilst it is acknowledged that the proposed development, when considered in isolation, is unlikely to have any significant impact on air quality, the numerous minor and medium scale developments within the city will have a significant cumulative impact if reasonable mitigation measures are not adopted.

The NPPF seeks to promote and enable sustainable transport choices and, in doing so, aims to protect and enhance air quality. Paragraph 110 of the revised NPPF states “....applications for development....should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”

It is noted that this proposed development will include a significant increase in the number of parking spaces. It is also understood from the design and access statement that it is intended to install electric vehicle recharge facilities, although no specific details of the facilities to be installed have been included in the application.

As such, in order to ensure that appropriate electric vehicle recharging facilities are installed, it is recommended that the following condition be attached to the planning consent:

- *Prior to the commencement of the development, details of a scheme for the provision of electric vehicle recharge points shall be submitted to the planning authority for approval. The approved scheme shall be implemented prior to the occupation of the development and shall be maintained thereafter.*

Commercial Kitchen Extraction

It is noted that the development includes a drive through restaurant. Commercial kitchen extract systems can cause significant disturbance when located close to other sensitive development due to both emissions of odour and noise. Therefore if planning permission is granted, I would recommend that the following condition be attached to the consent:

- *Prior to the use commencing, a scheme for the extraction, filtration and abatement of cooking odours shall be submitted to the planning authority for approval. The submitted scheme shall include details of the methods to be employed to control noise and odour from the system. The approved scheme shall be implemented prior to commencement of the use and the system shall be operated and maintained thereafter in accordance with the manufacturer's instructions.*

Operating Hours

The proposed uses have the potential to cause disturbance due to noise, particularly at noise sensitive times. Therefore, if planning consent is granted, it is recommended that the following condition be attached to the consent:

- *The use of the retail units hereby approved shall only be permitted to open for trading between the hours of 7.00am and 11.00pm, Mondays to Saturdays (inclusive), and 8.30am to 9.00pm on Sundays and Bank Holidays.*
- *The use of the drive through restaurant hereby approved shall only be permitted to open for trading between the hours of 6.30am and 11.00pm, Mondays to Saturdays (inclusive), and 8.00am to 9.00pm on Sundays and Bank Holidays.*

Delivery hours

Noise from deliveries can cause considerable noise problems during the noise sensitive hours. With the proposed site being in the vicinity residential properties, it is recommended that the following restriction be applied to delivery hours in order to minimise this impact (it is understood that this hours replicate those at the neighbouring Marks and Spencer store) :

- *Commercial deliveries to and from the development, including the loading, unloading and manoeuvring of associated commercial vehicles, shall only be permitted between of 6.30am and 9.00pm, Mondays to Saturdays (inclusive), and 8.30am to 6.00pm on Sundays and Bank Holidays.*

Similarly, disturbance can also be caused by waste collection during the noise sensitive hours. It is therefore recommended that same hour restrictions are applied to waste collection from the site:

- *Waste collections from the permitted use shall only be permitted between of 6.30am and 9.00pm, Mondays to Saturdays (inclusive), and 8.30am to 6.00pm on Sundays and Bank Holidays.*

External Lighting

There does not appear to be any details provided of external lighting that may reasonably expected to be incorporated into a development of this nature. As such, it is recommended that the planning consent, if granted, includes the following condition:

- *Prior to the installation of any external lighting at the development, an assessment of the offsite impact of all external lighting shall be undertaken and submitted to the planning authority for approval. The impact assessment shall identify any mitigation measures that are necessary to minimise the impact of light from all external lighting. The approved mitigation measures shall be implemented prior to the commissioning of the lighting and shall be maintained thereafter.*

Construction/Demolition Impacts

Due to the close proximity of the proposed development to neighbouring sensitive uses, there is potential for significant problems due to noise, vibration and dust during the demolition/construction phase unless adequate control measures are put in place. As such, I would recommend that the following item be included as a consent condition:

- *Prior to the commencement of the development, the developer shall provide a construction environmental management plan to the planning authority for approval. The construction environmental management plan shall include details of control measures that will be employed to control the impact of noise, vibration and dust from the construction phase on offsite receptors. The approved construction environmental management plan and the control measures it contains shall be implemented throughout the construction phase.*

(Note to applicant: in complying with this condition, regard shall be had to all relevant standards, including British Standard BS5228: 2009 - Code of practice for noise and vibration control on

construction and open sites – Part 1: Noise and Part 2: Vibration; and the Institute of Air Quality Management's 'Guidance on the assessment of dust from demolition and construction (2014)')

- *The construction of the development hereby permitted shall only be undertaken between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays and shall not be permitted at any other time, except in relation to internal plastering, decorating, floor covering, fitting of plumbing and electrics and the installation of kitchens and bathrooms; and*

Any deliveries associated with the construction of the development hereby permitted shall only be received or despatched at the site between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays and shall not be permitted at any other time.

Regards

Ian Wicks
Pollution Control Officer

Dear Development team

I visited the above address on the afternoon of the 15th of April and would like to provide you with the following comments:

- There is a considerable collection of 26 trees which are orientated parallel with Tritton Road, these specimens are protected by the Tritton Road/Moorland Avenue No.1 Tree Preservation Order 2017; however none of these trees appear to be close enough to the proposed works and redevelopment to recommend the use of protective measures to ensure their safe retention.
- Whilst walking around the periphery of the site it is clear that many trees have been felled in the recent past as they are retained as stumps within the shrub beds which are still in situ; as a result of this work there are no trees within the footprint of the development which warrant protection.
- There are two unprotected *Betula pendula* (Silver birch) identified for retention on site (close to the existing totem sign) these trees are at potential risk of damage as the result of vehicular impact during proposed works, these trees should therefore be adequately protected by barriers prior to the commencement of any demolition or construction work on site.
- There is a considerable section of formally trimmed hedge row which currently exists in the position of the proposed ALDI outward service entrance – this is made up of mixed deciduous species including *Prunus*, *Escallonia* and *Viburnum*, there is minimal native species content within the length of the feature; the hedge line is also essentially isolated as it does not form an effective corridor with associated ecotones or similar habitat types.
- As a result of the above points the hedge line is likely to provide poor biodiversity potential, however it is likely to be excellent habitat for nesting birds.
- The position of the proposed Drive-Thru restaurant is currently populated with a mixture of specimen and ground cover shrubs all of those in situ are commonly planted species none of which are outstanding specimens which warrant retention in my opinion, please see list below:

Lonicera spp
Elaeagnus ebbingei 'Limelight'
Berberis darwinii
Viburnum tinus
Ulex europaeus
Rosa spp
Juniperus communis 'Green Carpet'
Cotoneaster salicifolius
Hebe brachysiphon 'White Gem'
Prunus laurocerasus 'Otto Luken'
Brachyglottis greyi
Clematis vitalba
Erica x darleyensis

If you would like any further information relating to the vegetation on site please do not hesitate to contact me

Kindest regards
Dave

Dave Walker
| Arboricultural Officer

Dear Sir/Madam,

REFERENCE: 2021/0275/FUL

DEVELOPMENT: DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT TO PROVIDE A FOODSTORE (USE CLASS E), TWO RETAIL UNITS (USE CLASS E) AND A DRIVE-THRU RESTAURANT (USE CLASS E), CAR PARKING AND ASSOCIATED EXTERNAL WORKS INCLUDING LANDSCAPING (RESUBMISSION)

LOCATION: THE MOORLAND CENTRE, 3 MOORLAND WAY, LINCOLN, LINCOLNSHIRE, LN6 7TN

Thank you for the opportunity to comment on the above application. The site is within the Upper Witham Internal Drainage Board district.

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. Where 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.

Regards,

Richard Wright
Operations Engineer

Witham First District Internal Drainage Board
Witham Third District Internal Drainage Board
Upper Witham Internal Drainage Board
North East Lindsey Drainage Board

Consultee Details

Name: Ms Catherine Waby

Address: St Mary's Guildhall, 385 High Street, Lincoln LN5 7SF

Email: Not Available

On Behalf Of: Lincoln Civic Trust

Comments

We do not wish to Object to the Overall Plan

COMMENTS: We wish to comment on the following:

1. There is, once again, no mention of any improvements recommended for the road structure of Tritton Road between the Sainsbury and the Moorland Way traffic lights which filters southbound vehicles into one lane and then back into two lanes at the junction. This causes unnecessary congestion for vehicles passing through the area by the vehicles turning right across the oncoming traffic. The addition of another supermarket is inevitably going to increase the volume of traffic needing to access the site.
2. The Green Agenda.
 - a. It appears on the plans that there are 2 car spaces with charging facilities provided This is surely not sufficient for the number of spaces provided for the supermarket.
 - b. There appears to be no mention of solar panels on the roof of the supermarket which has a perfect roof facing south west. We would urge the developers to relook at this before the development is started.
3. There is an exit route which takes the vehicles leaving the supermarket complex, directly in front of the main entrance doors which from a safety perspective, is not an ideal solution. A re-think should be considered.

Hi Marie,

Thanks for that. I think the DBA is sufficient to fulfil the requirements of NPPF Paragraph 189 for a proportionate assessment of the significance of archaeological heritage assets affected by the proposed development. It was produced following consultation of the Lincoln City HER, and I consider that there would be no justification for further field evaluation in this case.

I concur with the conclusions of the report that there is a negligible potential for archaeological remains to be present on the site and I would therefore advise you that no further work is required on this site.

With all best wishes,

Mac

Alastair MacIntosh

City Archaeologist

City of Lincoln Council
City Hall
Beaumont Fee
Lincoln
LN1 1DF



LINCOLNSHIRE POLICE

POLICE HEADQUARTERS
PO Box 999
LINCOLN LN5 7PH
Fax: (01522) 558128
DDI: (01522) 558292
email
john.manuel@lincs.pnn.police.uk

Your Ref: App 2021/0275/FUL

30th March 2021

Development & Environmental Services

City Hall, Beaumont Fee
Lincoln, LN1 1DF

Town and Country Planning Act 1990 Consultation on Planning Permission

The Moorland Centre, 3 Moorland Way, Lincoln, Lincolnshire, LN6 7TN

Demolition of existing building and redevelopment to provide a food store (Use Class E), two retail units (Use Class E) and a drive-thru restaurant (Use Class E), car parking and associated external works including landscaping (Resubmission)

Thank you for your correspondence and opportunity to comment on the proposed development.

Lincolnshire Police has No objections to this application.

Please do not hesitate to contact me should you need further information or clarification.

Please refer to *Homes 2019* which can be located on www.securedbydesign.com

Crime prevention advice is given free without the intention of creating a contract. Neither the Home Office nor the Police Service takes any legal responsibility for the advice given. However, if the advice is implemented it will reduce the opportunity for crimes to be committed.

Yours sincerely,

John Manuel MA BA (Hons) PGCE PGCPD Dip Bus.
Force Designing Out Crime Officer (DOCO)