

Application Number:	2020/0662/FUL
Site Address:	The Moorland Centre, 3 Moorland Way, Lincoln
Target Date:	29th January 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

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.

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 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 an additional access point from Moorland Way. 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 west of Tritton Road, accessed via Moorland Way. The 'entry only' access off Moorland Way 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 south west. The exit from the main car park, which can also be used as an access, is located to the 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 and of the application site.

Along Moorland Way are a number of mixed use industrial and commercial units. 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

No relevant site history.

Case Officer Site Visit

Undertaken on 5th October 2020.

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 LP16 Development on Land affected by Contamination
- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

- Policy context, principle and sequential test
- Visual amenity
- Impact on residential amenity and neighbouring uses
- Access, parking and highways
- Flood risk and drainage
- Contaminated land

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Environmental Health	Comments Received
Lincolnshire Police	Comments Received
Anglian Water	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received
Environment Agency	Comments Received

Public Consultation Responses

Name	Address
Mr Terry Skeet	29 Parksgate Avenue Lincoln Lincolnshire LN6 7HP
Ms Gloria David	21 Middlebrook Road Lincoln Lincolnshire LN6 7JU
Mr David Garner	130 Doddington Road Lincoln LN6 7HB
Ms Catherine Waby	St Mary's Guildhall 385 High Street Lincoln LN5 7SF
C K Dowson	Eastfield Ltd Moorland Way Tritton Road Lincoln Lincolnshire LN6 7JP
TPS Consultants	
Lincoln Welding And Engineering Supplies Ltd	Moorland Way Lincoln LN6 7JP
Miss M Bebbington	14 Middlebrook Road Lincoln Lincolnshire LN6 7JU
Hindles Of Lincoln Ltd	22 Moorland Way Lincoln Lincolnshire LN6 7JP

Consideration

Policy Context, Principle and Sequential Test

Policy LP1 of the Central Lincolnshire Local Plan (CLLP) 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 this Local Plan will be approved without delay. 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 goes on to advise 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 2,500m² 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 former Co-op store near City Square and 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 retail floorspace proposed by the Aldi foodstore and the two retail units is 2,664 square metres, which is less than half the existing retail floorspace of the Moorland Centre, which is over 6,000 square metres. The statement suggests that re-occupying the existing property 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.

It is therefore considered that the application meets both local and national policy tests. One comment of support has been received from an occupant on Middlebrook Road regarding the development, stating the community would benefit from the project, with another objecting on the grounds that there are too many food and household goods shops in the area. Officers have no issue in principle with the proposed uses in this location, particularly given the existing retail use of the vacant premises. Officers are currently in discussions with the agent regarding a condition to restrict the range of goods that can be sold from the retail units, in order to protect the retail offer in the city centre. This will be updated at committee.

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 (former Downtown retail unit) is a white metal clad and glass building, approximately 5m in height with tall feature entrances. The existing car park sits to the south with trees and landscaping softening the boundary with the residential properties beyond. 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 mixed use industrial and commercial units. The M&S and Co-op buildings are taller and more modern form. The Elite Fish and Chip Shop restaurant is a single storey brick built structure with the Lindis Retail Park to the north occupying a range of scales and designs, with the Sainsbury's 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 to 8.5m at the ridge of the roof's mono-pitch to the front. The drive-thru restaurant is approximately 4m in height for the main volume of the building with the feature signage reaching approximately 7m.

When viewed from its frontage the overall height of the proposed building accommodating Aldi and the retail units is approximately 2m taller than the existing, however, 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 reduced mass and scale of the drive-thru restaurant would relate well to the Elite Fish and Chip Shop building, presenting a frontage to Tritton Road. Accordingly officers consider that the length, height and mass of the respective 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 cantilevering 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 so as to help reduce the apparent massing of the building by creating a visual break at 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 close-by 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.

Further details of the materials 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.

In terms of landscaping two of the existing mature trees to the Moorland Centre entrance at the 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 several 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. Conditions will also ensure that the retained trees are protected during construction. The occupant of 29 Parksgate Avenue has questioned whether there are any plans to improve landscaping between the car park and Parksgate Avenue. However, the strip of land in question adjacent to the boundary is not within the application site and therefore will not be altered as a result of the development.

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.

The proposals would therefore be in accordance with CLLP Policy LP26 and paragraph 127 of the NPPF, which requires that developments should make a positive contribution to local character and distinctiveness.

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 a number of 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. Similarly, 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 on/adjacent to the site frontage. Again, officers are satisfied that the occupants of these properties would not be unduly affected by the proposal.

The City Council's Pollution Control (PC) Officer has considered the application and raised no objections to 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 but there is ongoing discussion regarding the delivery and waste hours. These will, however, be agreed in consultation with the PC Officer and be conditioned on any grant of consent. Hours of construction will also be conditioned. 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.

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 only representation received from neighbouring residents in respect of residential amenity is 29 Parksgate Avenue, querying whether the barriers at the car park entrance and exit are to remain, which prevent the late night use of the car park. The agent has confirmed that these will be retained.

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 a 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 alterations 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 along Moorland Way. The site is located within easy walking distance of nearby residential properties and public transport links.

Objections have been received from 130 Doddington Road and 14 Middlebrook Road highlighting how poor and busy the existing junctions are, stating that this development will add further pressure to local traffic problems, queueing and highway safety. It is considered that the new access won't help traffic getting off Tritton Road because of the capacity of the network.

The adjacent businesses; Eastfield Enterprise, Hindles of Lincoln and Lincoln Welding & Engineering Supplied Ltd have also raised objection to the application. Concerns are raised regarding the access for large supply lorries. They state that M&S vehicles cannot get around the sharp bend on the north corner of the estate on their own side of the road, and have to drive around this blind corner on the wrong side of the road. The safety concern and the current queueing issues will be exacerbated by increased traffic numbers. An additional email and photographs from Hindles of Lincoln has also been submitted highlighting an incident where a lorry mounted the curb.

An objection has also been received from TPS Transport Consultants Ltd on behalf of ASDA Stores Ltd. 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. It is considered 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 (HA) has considered the application along with the accompanying Travel Statement and incorporated Travel Plan. Officers have also forwarded the TPS consultant's letter and highlighted the specific highway safety concerns raised by the objectors.

The LCC advises 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 do not feel 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 in the vicinity of the bend on Moorland Way in the last five years. Again, the LCC 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 developer's commitment to sustainable transport, which is accepted.

The LCC conclude 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 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 highlighted that the preferred method would be SUDs, and this 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 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.

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 City Council's Scientific Officer has advised that, due to past uses on the site, there is the potential for significant contamination to be present. The standard contaminated land conditions have therefore been requested, which will be attached to any grant of consent. These conditions would also include the requirements of the EA and their request for such conditions to also relate to the potential contamination to controlled waters.

Other Matters

Air Quality and Sustainable Transport

The application includes electric vehicle recharge points, a requirement highlighted by the City Council's PC Officer, in line with the recommendations of CLLP Policy LP13 and paragraph 110 of the NPPF. This proposed layout indicates two 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.

Application Negotiated either at Pre-Application or during Process of Application

No.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The principle of the uses on this unallocated site are 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. It is not considered that the amenities of neighbouring residential properties or neighbouring uses would be unduly harmed by the proposal.

Technical matters relating to highways, surface water drainage, foul water drainage and contamination have been appropriately considered by the relevant statutory consultees and can be dealt with as necessary by condition. The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2,

LP6, LP13, LP16 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
- Details of materials
- Site levels and finished floor levels
- Contamination
- Surface water drainage scheme
- Foul water drainage scheme
- Assessment of off-site impact of lighting
- Landscaping
- Tree protection measures
- Details of an electric vehicle charging scheme
- Details of any extraction/filtration systems associated with the drive-thru use
- Restriction on retail use (tbc)
- Restriction on opening hours of retail and drive-thru units
- Restriction on hours for delivery and waste collections
- Hours of construction/delivery