

[05] Full Planning Permission

N/105/01181/23

APPLICANT: BHD Louth Ltd,

VALID: 15/06/2023

AGENT: Montagu Evans LLP,

PROPOSAL: Hybrid application for the outline erection of 2no. warehouse/industrial buildings and full planning permission for the erection of a retail food store and retail warehouse unit, drive-thru restaurant, commercial units, warehouse and industrial development with associated infrastructure, access and servicing, car parking and landscaping.

LOCATION: LAND AT NORTHFIELDS, GRIMSBY ROAD, LOUTH

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The proposal is a major application for a range of commercial development in Louth which would provide a significant level of investment to the town but which also requires careful consideration of potential impacts and has attracted a significant level of interest.

1.2 It is therefore considered appropriate for the application to be presented to the Planning Committee for determination.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site is located approximately 1.3 km to the north-west of Louth Town Centre. It benefits from a partial frontage onto the A16, which forms the Louth Bypass around the western side of the town and provides the main north-south route through the District, linking Louth to Grimsby in the north and Peterborough to the south.

2.2 The site which comprises approximately 9.7 ha of agricultural land is immediately to the west and north of the DS Smith Packaging factory, with Fairfield Industrial Estate to the east (across the A16). The estate comprises a mix of industrial and commercial uses, also forming part of a large employment allocation in the East Lindsey Local Plan. Agricultural fields are located to the north, and west.

2.3 To the south of the site and the A16 is an established residential area at the western edge of the town.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 The application is submitted in hybrid form, meaning it is seeking permission for outline and full permission elements.

3.2 The full planning application seeks permission for:

- A supermarket comprising 2,889 sqm to be occupied by Tesco;
- A 2,137 sqm retail warehouse unit to be occupied by Home Bargains;

- A 167 sqm drive thru unit to be occupied by Costa Coffee;
- Creation of 7,181 sqm of flexible commercial floorspace for uses across 9 units;
- Dedicated parking and servicing areas to serve each unit;
- Internal access roads; and
- 4 acres of dedicated landscaped green space.

3.3 The outline application seeks consent for:

- Up to 5,500 sqm of B2 (General Industrial)/B8 (Storage and Distribution) floorspace;
- Dedicated parking and servicing areas to serve each unit; and
- Associated landscaping.

3.4 A single vehicular access point off the A16 is proposed. This utilises Northfields and branches off to a new roundabout that would form the entrance point to the development.

3.5 The submitted Design and Access Statement (DAS) advises that the proposed development layout can be broken down into four distinctive sections as follows:

- The siting of the food retail unit with associated car parking, servicing and a petrol filling station to the south between the A16 and a new internal roundabout;
- The southern 'middle' section of the site to provide retail elements (including a proposed drive thru coffee shop), with associated car parking split by an internal estate road running from south to north;
- A northern 'middle' section to provide a mix of industrial and warehouse units and an agricultural sales/repair centre;
- The fourth, most northern section is to remain undeveloped for natural adaptation where necessary.

3.6 Each proposed building or cluster of industrial buildings is to be provided with its own vehicular and pedestrian access, to be clearly visible from the internal estate road.

3.7 The DAS also advises that the proposed food retail store is intended to be highly visible and to provide a focal point for the development from the A16 with the internal road arrangement adopting a design approach for creation of a boulevard aligned towards the Lincolnshire Wolds to the north-west.

3.8 The DAS confirms that the proposed development (built footprint) would occupy less than 20% of the total land take with the northern section retained as an undeveloped area.

3.9 The natural land gradient increases from south to north such that building heights are intended to be similar and therefore follow an increase as the site develops. Landscaping is intended to be utilised to mitigate visual impacts.

3.10 The submitted details advise that an holistic design approach has been followed to ensure visual connectivity and avoid fragmentation. However there is

intended to be differentiation of uses through use of design techniques including material shades and profiles.

3.11 More detailed commentary on design approaches for individual buildings is provided within the DAS and by reference to the relevant drawings. These will be included on the Committee presentation of this proposal and if the scheme is approved by the Committee this aspect of the proposed outline development would be controlled by condition.

3.12 The proposal has evolved with reference to identified landscape objectives including the provision of landscape boundaries to screen views of the site from the Lincolnshire Wolds National Landscape (an Area of Outstanding Natural Beauty); to create a buffer between the site and existing residents on Fanthorpe Lane; to provide filtered views of the development from the A16; to secure the incorporation of SuDS; to separate vehicular movements along the estate road from those within each unit of development; and to create a pleasant environment for customers and operators.

3.13 The development as initially submitted proposed footway improvements along the A16 to the north and along North Holme Road to the south east with additional 3m wide footway/cycleway provision internal to the site. These elements of the proposed development have been retained in the evolution of the landscaping scheme.

3.14 Supporting documents submitted with the application include:

- **Design and Access Statement (DAS)**
- **Planning & Retail Statement (PRS)** – concludes that the development is sustainably located in an established commercial area and within a 20 min walk of Louth Town centre. Also considers that there are no sequentially preferable sites within or on the edge of Louth Town centre that are capable of accommodating the development as a whole and that the development would not have a significant adverse impact on the vitality and viability of any defined retail centre or any planned public or private investments. Furthermore, it notes the incorporation of a series of sustainable improvements to the overall quality of the development and resilience to climate change including the provision of 10% BNG.
- **Noise Impact Assessment (by NOVA Acoustics)** – provides a conclusion and action plan confirming that the proposed development would have a low to negligible impact on nearest noise sensitive receptors (Northfield Cottages and 19 Fanthorpe Lane - 28m and 100 m west and south of the site boundary respectively) and advising of necessary design and mitigation measures (including acoustic fencing and delivery limitations) safeguard those outcomes.
- **Contaminated Land Assessment Phase 1** – amongst other things, advises no undue obstacles for the proposed development of the site.
- **Ground investigation report Phase 2** - no undue obstacles for the proposed development of the site noted.
- **Sustainability Statement** – confirms a range of sustainability

measures and outcomes from the proposed development.

- **Economic Statement** – confirms the expected economic benefits of the referencing a £16.9m direct GVA contribution to the local economy proposed development, 316 employment opportunities and the payment of £350k in estimated business rates per annum, amongst other statistical forecasts.
- **Lighting Plan** – covers whole site to show light spill
- **Land Classification Report** – confirms the land as grade 3b (a lower grade quality due to the nature of the soil type, being a fine, loamy soil with strips of clay, allowing for seasonal waterlogging).
- **Landscape and Visual Impact Assessment (LVIA)** – considers that there would be localised visual and landscape effects but that the sensitively considered and designed layout, provision of strategic landscape infrastructure and enhancement of existing vegetation would restore the balance of the wider landscape. The LVIA concludes that there are no overriding or landscape visual effects that should prevent the development of the site as proposed.
- **External LED lighting specification** - covering the Tesco proposed store
- **Statement of Community Involvement (SCI)** – confirms an approach to community engagement in accordance with best practice, planning policy and east Lindsey district Council Statement of Community Involvement guidance. Details of engagement undertaken are outlined together with the findings of responses and feedback. The findings were generally supportive.
- **Flood Risk Assessment and Draining Strategy (FRA)** – confirms the development as a 'Less Vulnerable' use within a low risk (FZ1) area and identifies a surface water drainage strategy ensuring discharge via SuDS of surface water to the drainage ditch crossing the site at the existing greenfield run off rates. Foul water is proposed to positively drain to an Anglian Water public sewer located 200m west of the development on North Holme Road.
- **Ecological Impact Assessment** – identifies requirements for mitigation of negligible impacts on protected species and advises that a 10% net gain in biodiversity is achievable.
- **Bio diversity Net Gain Assessment (BNGA)** – advises that new scrub, tree and hedgerow planting together with watercourse enhancement and SuDS will achieve BNG of over 10%.
- **Arboricultural Method Statement** – assesses the condition and value of trees and makes recommendations for their removal and safeguarding as appropriate.
- **Archaeological Assessment** – confirms no designated archaeological assets in the study area and no impact on the surrounding area with low – moderate potential for survival of archaeological finds.
- **Transport Assessment** – The work undertaken concludes (amongst other things) that:
 - The site is accessible by a choice of sustainable/non car modes of travel, including by foot, cycle and bus.
 - The development would have a negligible effect on the local highway network

- The proposed car parking provisions are appropriate.
- Swept path analysis demonstrates that the proposed layout would operate satisfactorily.
- **Technical plans and visualisations** – this covers all the submitted plans for the application which are listed in the proposed approved plans conditions at the end of this report

3.15 A number of additional and revised documents were subsequently provided during the course of the application including:

- Revised Archaeological Assessment
- Amended unit 2 elevation and layout plan
- Amended unit 3 elevation and layout plan
- Amended site layout plan (to respond primarily to LCC highway comments)
- Addendum Retail Statement – provides further information in respect of the Sequential Test and matters identified by the Councils retail advisers and maintains the stance that there are no sequentially preferable sites within or on the edge of Louth Town centre capable of accommodating the development as a whole. Also that the development would not significantly impact on the ability of Morrisons to deliver the planned extension to their existing edge of centre store and that, when considering the effects of the proposed extended Morrisons store in addition to the proposed development, there will not be a significant adverse impact on the vitality and viability of any defined retail centre.
- Retail impact table
- Response to highway comments
- Revised unit 2 ground floor plan
- Revised unit 2 layout plan
- Revised site boundary treatment plan
- Site furniture site plan detail
- Rebuttal to retail impact consultation response
- Rebuttal to LCC Lead Local Flood Authority drainage concerns
- Rebuttal to ecology comments including BNG metric and documentation

4.0 CONSULTATION

4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

Publicity

4.2 The application has been advertised by means of a press notice, site notice and neighbours have been notified in writing.

Consultees

4.3 LOUTH TOWN COUNCIL – Comments and objections. The Council recognises that many will support these proposals and it acknowledges that

many will find this kind of development more convenient and welcome it. Nevertheless, as has been seen in many other towns, edge of town developments do contribute to the death of existing town centres and Louth Town Council must make all attempts to protect Louth. Louth Town Council is concerned that the proposed development is not conducive with preserving the town centre and will negatively impact the vitality and viability of the town. An S.106 agreement is needed to provide monies for a free shuttle bus from the Northfields site into the Town Centre and back. Traffic Generation / Access and Highway Safety especially for pedestrians and cycle users. Design and appearance. Surveys regarding traffic, access and highway safety need carrying out and acceptable mitigations need to be agreed before approval given. Further the Council is concerned that there have been prehistoric finds in the proposed development area and would request that an archaeological survey also be undertaken. They are also concerned over loss of ecological habitats. The Council is aware that there is currently a large well-established hedgerow running along the length of the site (on the Fanthorpe Lane side). The original plans indicated that this was to be kept but amendments do not and the Council feels that it is imperative that this must be protected.

4.4 LOUTH CIVIC TRUST – Object. Due to the proposed out of town supermarket. Not only will the development, if approved, harm the viability and vitality of Louth town centre but would also harm the appearance and character of the heart of the Conservation Area by the real possibility of more shops within the town centre closing.

4.5 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - Initial representation requesting further detail but subsequently confirmed no objection subject to recommended conditions and a S106 for £2500 for the processing of the alteration to the traffic regulation order and relocation of the existing speed limit terminal signs along North Holme Road; and £145000 for the provision of a second Bus to provide a shuttle service to this development from and to Louth Town Centre.

4.6 ENVIRONMENTAL SERVICES (Contamination) – note findings of a Phase 2 Ground Investigation Report and raise no objection subject to condition and informative.

4.7 ENVIRONMENTAL SERVICES (noise) - The only area of concern I can foresee is the HGV deliveries. Particularly as they take place within the last 1.5hrs of night time. (05:30). Clearly NOVA acoustics have also identified this. I would be more comfortable with a no deliveries before 07:00 condition. In addition to this could we put conditions in as follows

- The noise mitigation and recommendations contained within the NOVA Acoustics Noise Impact Assessment Project Reference NP-009229 must be adopted and implemented in full.
- No external plant or equipment that differs from that originally assessed by NOVA Acoustics Noise Impact Assessment Project Reference NP-009229 shall be installed on/in any building without a further noise impact assessment being carried out and the results of that assessment being approved as being satisfactory

when assessed using BS4142:2014 and/or any subsequent amendment to that standard.

4.8 ECOLOGY OFFICER – comments include

First initial comments:

A) fully endorses Natural England's comments and landscape advice.

B) Agreed with the Ecological Impact Assessment mitigation measures to avoid disturbing nesting birds during construction, including restricting habitat destruction activities to between September and February inclusive. Also advises that if grassland and scrub removal do occur between March and August, field-nesting birds will assuredly be present whether or not an ecological watch successfully finds active nests. Thus, any grassland and/or scrub clearance taking place between March and August must first require application for an appropriate mitigation license from Natural England

C) Makes observations in respect of the proposed BNG including that a BNG gain plan should be submitted and approved which should describe and evidence the habitat management and budget provision for monitoring and reporting on-site biodiversity gains over a 30 year period. Supports the intention to create "other neutral grassland" habitat in moderate condition as outlined in the BNG statement but concerned with the feasibility of establishing this habitat type without giving due consideration to determining and managing soil nutrient levels prior to sowing the described grass mixes.

Final comments summarised:

Considers the submitted information will satisfy the requirement to submit a BNG gain plan and advises that a habitat management and monitoring plan (developed by an ecological consultant) must be submitted to and approved by ELDC pre-commencement and may require securing via an s106. Notes that this document is not strictly required pre-determination but recommends early engagement to develop the plan.

Makes several observations in respect of the methodology for assessing the Statutory Biodiversity Metric.

4.9 ENVIRONMENT AGENCY – Initially objected on the basis of concerns about water quality and foul water drainage capacity at the Louth Water Recycling Centre (WRC). Subsequently withdraw their initial objection but have provided comments to be considered:

1. Foul Drainage - The Environment Agency reviewed its advice regarding the capacity of the receiving Water Recycling Centre (WRC) for this development. The evidence available demonstrates that Louth WRC is near its permitted limits and has exceeded its permitted dry weather flow limits for 3 out of the past 5 years. Additional flows could lead to the WRC exceeding its permit limits, which could cause pollution to the receiving watercourse [the Louth canal]. Anglian Water Services (AWS) is legally obliged to operate within permit limits and the Environment Agency will take all

necessary action to ensure that the receiving watercourse is protected. AWS has not yet demonstrated how it would manage the additional flow from this development if there is no capacity at the WRC to treat it.

2. Groundwater Protection - We have reviewed the Phase 2 Ground Investigation Report (ref: 22-1126) by Arc Environmental, dated 17 March 2023. Based on the available information we consider the site to pose a negligible risk to controlled waters.

4.10 NATURAL ENGLAND – no objection

4.11 HERITAGE LINCOLNSHIRE – no objection subject to recommended archaeological investigation condition.

4.12 FIRE OFFICER - no objection to the application provided the following items were included within the development.

- 1. Access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations 2010 Part B5 (or equivalent access for fire-fighting standards).
- 2. Lincolnshire Fire and Rescue also requires a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2010 part B5.
- 3. Lincolnshire Fire and Rescue recommends that fire hydrants be installed within this development at the developer's expense. Advises that it is not possible, at this time, to determine the number of fire hydrants required for fire-fighting purposes. The requirement will therefore need to be determined at the water planning stage when site plans have been submitted by the water companies.

4.13 LINCOLNSHIRE POLICE – no objection

4.14 ANGLIAN WATER – comments - The foul drainage from this development is in the catchment of Louth Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission. Anglian Water will need to plan effectively for the proposed development, if permission is granted. Confirm that they will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. Anglian Water are currently monitoring the network. Further analysis will be required to establish the extent of network reinforcement that may be required to accommodate the full development. They will need to engage with the applicant throughout this process to understand timescales. They therefore request a condition requiring phasing plan and/or an on-site drainage strategy. A planning condition for foul drainage is recommended.

4.15 DRAINAGE BOARD – no objection but concerns with installation of any flow control structures, headwalls and/or culverts. Advise that the Board acts as agent on behalf of LCC in terms of reviewing and granting consents, whereas considerations for discharge of water and suitability of the drainage strategies would sit with Lincs CC as the Lead Local Flood Authority.

4.16 Additionally, the advice of NEXUS PLANNING (Nexus) was sought through the course of the application in their role as the Councils Retail advisor. Their comments through the processing of the application in response to relevant issues and submissions are noted as follows:

August 2023

Nexus originally provided recommendations in respect of the proposals compliance against the sequential and impact retail policy tests, as set out by the statutory development plan and by the National Planning Policy Framework ('NPPF').

November 2023

Subsequently, Nexus provided an updated appraisal of the retail policy matters in an Addendum Note dated November 2023 which concluded that:

- In respect of the sequential test, we are not yet satisfied that sufficient evidence has been provided to satisfactorily discount the site at North Holme Road, and we request that the applicant considers the matters raised by Nexus and 3rd Parties in further detail.
- In terms of the assessment of impact, we reviewed the applicants' additional submissions made in respect of the impact policy tests. Whilst Nexus were satisfied that the applicant had demonstrated that the proposal will not have a significant adverse impact on town centre investment, and that the proposed drive-thru unit will not have a significant adverse impact due to its specific nature and catchment, Nexus were not yet satisfied that sufficient evidence has been provided to enable them to recommend to the Council that the impact on the town centre will not be significantly adverse. Overall, Nexus examined the applicants retail impact assessment in detail, and were concerned about the impact of the proposal and the associated implications on the overarching vitality and viability of Louth town centre.

January 2024

In light of the above, Montagu Evans (on behalf of the applicant) provided an updated response dated 26 January 2024, which sought to respond to the matters raised and which are summarised above. In addition to the response from Montagu Evans, the Council has also received an objection from Stantec, written on behalf of the Co-operative Group, dated 7 March 2024.

April 2024

In April 2024 a final response was made by Nexus which is summarised as follows:

- The purpose of this Addendum Appraisal is to assess the additional submissions made by Montagu Evans within their Retail Statement Addendum. The Addendum responds directly to matters raised by

Nexus in our August 2023 Appraisal. Those matters included a request for further evidence to satisfactorily discount a potential sequentially alternative site at North Holme Road and to address concerns about impact on the overarching vitality and viability of Louth town centre.

- Paragraph 95 of the NPPF indicates that planning applications for retail uses that are not in an existing centre and not in accordance with an up-to-date development plan should be refused planning permission where they fail to satisfy the requirements of the sequential approach or are likely to result in a significant adverse impact.
- In respect of the sequential approach to development Nexus then reviewed the submission provided by Montagu Evans and undertook their own search for potentially available and suitable units and sites within and on the edge of Louth town centre. Nexus were unaware of any other sequential sites offering realistic potential to accommodate the proposal and, as such, advised that the application site selection satisfied the requirements of Policy SP14 of the adopted local plan and paragraphs 91 and 92 of the NPPF. Nexus also consider that sufficient evidence has been provided to confirm that the site at North Holme Road is not a suitable sequential alternative to accommodate the proposal. In particular, they agree with Montagu Evans that due to the size of the site and the wider constraints, it could not accommodate the proposal without making significant amendments to the proposal, which is not the purpose of the sequential test. Nexus also considered that Montagu Evans has demonstrated sufficient flexibility in applying the sequential approach. In light of the above, and having taken account of the additional submissions made by Montagu Evans and the representations made by Stantec, amongst others, Nexus are now satisfied that the site at North Holme Road does not represent a suitable alternative to accommodate the proposal. We are also not aware of any other site which could be both available and suitable to accommodate the proposal. As such, Nexus are of the view that the proposal complies with Policy SP14 of the Local Plan and paragraphs 91 and 92 of the NPPF.
- With regard to the first part of the NPPF impact test, as we have stated before, Nexus do not believe that the grant of planning permission for the proposed development would lead to a significant adverse impact in respect of existing, committed and planned public and private sector investment.
- Turning to the second part of the impact test, Nexus have examined the applicants retail impact assessment in detail, and do not believe that any centre would be the subject of an unacceptable impact. The conclusions reached by Nexus have taken account of the representations made by Stantec submitted on behalf of the Co-op, alongside our understanding of the current health of the town centre and the role the existing convenience operators play in the wider context of the centre.

Officers are satisfied that the retail assessment work undertaken by Nexus on behalf of the Council has been comprehensive, thorough and robust and

provides a reliable basis for assessment of the potential retail impact of the proposed development.

Neighbours and other representation

4.17 5 Letters of objection were received including some from representatives of other retail operators. The points raised included:

- Impact on the vitality and viability of Louth town centre.
- Will harm local small businesses.
- Harm to Louth high street.
- Concerned over increase of light, noise and litter pollution.
- Other sites identified that are more sequentially preferable.

4.18 211 letters of support were received. The summary of points raised included:

- Growing population needs more food stores.
- Louth needs more stores and another supermarket to keep people in Louth spending and not going further afield to Grimsby and Lincoln.
- Feel it would make people stay local, for shopping, also reducing the amount of traffic.
- Will provide employment and competition to expensive shops.
- Northfields park will bring more jobs to the town and a larger better supermarket for everyone.

4.19 The Ward Councillor is aware of the application via the Weekly List.

5.0 RELEVANT SITE HISTORY

5.1 N/105/00993/23 - Environmental Impact Assessment (E.E.C. Directive 85/337/E.E.C. as amended by Council Directive 97/11E.C.) for a screening opinion with respect to the new development proposals comprising a mix of retail and commercial warehousing/industrial uses – non EIA June 2023

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

6.2 East Lindsey Local Plan

SP1 - A Sustainable Pattern of Places

SP2 - Sustainable Development

SP10 - Design
SP11 - Historic Environment
SP14 - Town/Village Centres and Shopping
SP16 - Inland Flood Risk
SP22 - Transport and Accessibility
SP23 - Landscape
SP24 - Biodiversity and Geodiversity
SP27 - Renewable and low carbon energy
SP28 - Infrastructure and S.106 Obligations

6.3 **National Planning Policy**

National Planning Policy Framework (NPPF)
Planning Practice Guidance

6.4 **Background Documents**

The documents submitted and used in the assessment of the proposal are listed in 3.3 and 3.4 of this report, however any other documents used as background documents are listed here:

- Town Centres and Retail Planning Practice Guidance ('the Town Centres PPG'), which was updated on 18 September 2020;
- East Lindsey Retail Study 2021, Final Report On behalf of East Lindsey District Council, March 2022
- National Landscape Character Areas and Assessment
- East Lindsey Landscape character assessment 2011
- Town and Country Planning Act 1990
- Environment Act 2021
- National Landscape Character Assessment
- Appeal Ref: APP/L3245/W/18/3203094 - Land to the North of Wrexham Road, Whitchurch

7.0 **OFFICER ASSESSMENT OF THE PROPOSAL**

7.1 **Main Planning Issues**

The main planning issues in this case are considered to be:

- Principle of Development and Retail Impact
- Socio-economic Benefits
- Design and Heritage
- Residential Amenity and Noise
- Highways
- Ecology and landscape
- Flood Risk and Drainage
- Other matters including Contamination/Air Quality/Lighting

Principle of Development and Retail Impact

7.2 Strategic Policy 1 (SP1) of the East Lindsey Local Plan guides the distribution, scale and nature of future development in the district. More specifically SP1 defines Louth as a Town in the hierarchy of settlements - the highest tier of settlement within the hierarchy providing a range of higher order

district wide services and facilities. The pattern of places identified by SP1 supports the assessment of where new growth should be directed within the district.

7.3 It is considered therefore, that as a matter of principle, the districts Towns including Louth are suitable locations to provide a range of services and facilities including retail and employment.

7.4 The application site itself substantially comprises an allocated employment site, under 'SP DPD2 Employment' site EMP LO2 as noted in the Settlement proposals Development Plan Document and is located outside of the Town Centre and Conservation Area Boundary. The supporting text for EMP LO2 advises that: *"the site is located close to the edge of Louth and has good access onto the adjacent main road. It has the benefit of outline planning permission, granted as part of a 1993 approval, and implemented with the construction of a factory on the site frontage, with which it shares an access. The Local Plan aims to formalise that status. It is considered that provided the design and scale of any development takes into account the potential impact on both the nearby Lincolnshire Wolds AONB and on the wider environment to reflect its prominent location that the site remains a suitable location for employment use"*.

7.5 Furthermore, the text advises no known major infrastructure constraints to the development of the site and no known planning constraints affecting the viability or deliverability of the site. The application site also incorporates an area of existing employment land, as defined by the Settlement Proposals DPD, map of Louth (the southern section aligned with the A16).

7.6 Development on existing employment land as well as land allocated for employment in inland East Lindsey falls to be considered through Policies SP13 and SP14.

7.7 Policy SP13 states that the Council will *'support growth and diversification of the local economy by:*

1. Building on the role of the inland towns as the focus for business development by identifying and protecting additional land for employment uses B1, B2 and B8. The following will be allocated in the Settlement Proposals DPD and Alford Neighbourhood Development Plan:

- *Alford – 1 hectare*
- *Coningsby/Tattershall - 1 hectare*
- *Horncastle – 5 hectares*
- *Spilsby – 3 hectares*
- *Louth –14 hectares*

2. The existing employment sites will be identified in the Settlement proposals DPD and will be safeguarded for employment purposes. Development will be supported for B1, B2 and B8 uses.

3. On the Louth industrial estate, the Council will firstly support uses for B1, B2 and B8. The Council will also support uses for leisure,

business/office and retail providing it complies with all of the following criteria;

- *It can be demonstrated that no suitable alternative site is available for the use within the town centre or edge of centre or nearer the town centre than the site proposed.*
 - *It can be demonstrated that the site has been actively marketed for a B1, B2 or B8 use for a period of no less than 12 months.*
 - *Retail will be supported providing development also conforms to the criteria set out in Strategic Policy SP14 of this Plan.*
4. *Supporting proposals which bring forward employment land in or adjoining the large villages across the District.*
 5. *Supporting new employment land elsewhere where it is in or adjoining a settlement or is an extension to an existing employment use and can be easily connected to the road network and is integrated into its setting in terms of layout and landscaping.*
 6. *Strengthening the rural economy by supporting in the large, medium and small villages:*
 - *Development where it can provide local employment.*
 - *The re-use of buildings for rural business.*
 7. *Supporting farm diversification schemes where they are subordinate to the farm use and do not jeopardise the farm business.*
 8. *Supporting businesses in all the named settlements as set out in Policy SP1, (including homes based activities) that operate primarily, but not exclusively, through electronic communication.'*

7.8 As noted previously, the application site is not within the town centre boundary and due to its location at about 1.2 km from the edge of the town centre is classed as an out of centre site.

7.9 The NPPF considers retail development to be a town centre use and expects new retail development to be located in town centres to protect the vitality and viability of existing centres. Out of centre sites should only be considered where existing centres cannot accommodate development and, only then, edge of centre or out of centre sites be considered by reference to a sequential and, where necessary, impact assessment. In turn, the NPPF expects applicants for edge of centre or out of centre developments to demonstrate flexibility in terms of format and scale of that retail development. The NPPF advises that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact as shown by the Impact Assessment then the proposed development should be refused.

7.10 SP14 is the main policy within the Local Plan that deals with new retail developments. It advises that new retail development in the towns of the District that contribute to the vitality and viability of the town centre should be supported subject to a number of criteria. For those sites which are in an edge of

centre or out of centre location, the applicant needs to show that the site location passes a sequential test by establishing and ensuring that there are no suitable or available sites in the town centre which should be brought forward first. Where such proposals are for over 1000 square metres (net) of new retail floorspace then they are also subject to an impact assessment. The impact assessment must demonstrate: -

- a) that the proposal will not be detrimental to existing, committed and planned public and private investment in a centre or centres in the catchment of the proposal;
- b) that the proposal would not harm town centre vitality and viability including consumer choice and trade in the town centre and the wider area, up to 5 years from the time the application is made;
- c) for major schemes where the full impact would not be realised in 5 years, the impact should also be assessed up to 10 years from the time the application is made; and
- d) the design should connect with, and not turn its back on, the town centre; be an integral part of the character of the street scene and incorporate parking so that it does not dominate the street scene.

7.11 Given the quantum of floorspace proposed through the proposed development, a retail impact assessment was required to accompany this submission.

7.12 Clause 9 of SP14 further advises that proposals for retailing will only be supported on employment land in certain situations. For employment land in Louth the policy clarifies that such support requires conformity with clause 3 of SP13 and the requirement of SP14 in relation to impact assessment. Clause 3 of SP13 states:

“On the Louth industrial estate the Council will firstly support uses for B1, B2 and B8. The Council will also support uses for leisure, business/office and retail providing it complies with all of the following criteria;

- *It can be demonstrated that no suitable alternative site is available for the use within the town centre or edge of centre or nearer the town centre than the site proposed.*
- *It can be demonstrated that the site has been actively marketed for a B1, B2 or B8 use for a period of no less than 12 months.*
- *Retail will be supported providing development also conforms to the criteria set out in Strategic Policy SP14 of this Plan”*

7.13 As indicated earlier in this report, the application is submitted in hybrid form with further details to be provided in respect of the non-retail elements of the proposed scheme. In assessment of the principle of development, the site is assessed in its totality. Whilst full details of the ‘outline’ units have not been submitted, the Applicant has stated the proposed development to be brought forward would be for 2no. warehouse/industrial buildings.

7.14 The application is supported by a number of documents in relation to potential retail impact as well as a sequential test in relation to potentially suitable alternative sites for the use within the town centre, edge of centre or nearer the town centre than the site proposed. The Applicant then provided

various rebuttals through the course of the application in relation to matters raised by the Council retail consultant, Nexus Planning. For the purposes of this section of the report the Applicant considered the impacts from the development as follows:

- Retail impact - The results of the Household Survey undertaken to support the Retail Study showed that Louth Town Centre is the dominant centre within Study Zone 7 (the northernmost part of the district) for both comparison and convenience goods. Although there was identified leakage of trade to other stores and centres outside of Zone 7, this is spread over a number of centres and out-of-centre locations. The Applicant considered the impact on Louth could increase to 6.07% at 2027, falling to 5.34% by 2032. Louth Town Centre is considered to be performing well, and fulfils its role within the wider retail hierarchy. Therefore, the Applicant calculates a separate retail impact of 5.92% and a cumulative impact of 6.07% at 2027. In these terms, the retail turnover of the centre is not considered (by the Applicant) to be significantly adverse.
- Sequential impacts – As part of the pre-application process, the scope of the sequential test was discussed and agreed with the Council. In response, the assessment includes consideration of Louth Town Centre, edge of centre sites and those allocated for employment uses. The following list of sites were identified as development opportunities in addition to the assessment of the Town Centre:
 - Morrisons Supermarket Eastgate;
 - Charles Street Recreation Ground;
 - Northgate East Car Park;
 - Northgate West Car Park;
 - Cattle Market;
 - St James Park Site within Fairfield Industrial Estate; and
 - Louth Trading Estate.

7.15 The Council instructed Nexus Planning to provide advice in respect of the submitted retail impact and sequential information. The preliminary assessment of the submitted Planning and Retail Assessment (dated June 2023) concluded that:

- Core Strategic Policy SP13 recognises that some flexibility should be applied in the future development of the allocated industrial estate and that an element of retail development may be appropriate;
- The Site is located within an allocated employment site and some 70% of the proposed floorspace comprises Class B2/B8 uses;
- The uses proposed on site are in-keeping with the scale and massing of the existing and proposed employment uses;
- The proposed development is capable of being made easily accessible, by a choice of means of transport, including by public transport, walking and cycling; and
- The development is designed to high standards incorporating a range of modern energy efficient technologies.

7.16 Nexus Planning raised preliminary concerns as to the availability of another sequentially preferable site (North Holme Road), which was not assessed in the original submission, and also in connection with the impact of the development on the vitality and viability of the Town Centre.

7.17 Objections have also been received for the application including those on behalf of other retailers. Concerns and representations included; the need to disaggregate the retail elements for the purposes of applying the sequential test; and the identification of the Fisher's Seed & Grain site and the former Zenith House site (known collectively as the North Holme Road site) as being potentially sequentially preferable to accommodate the proposed retail development. This concern was raised in more than one objection. With regards retail impact, objections were received to suggest that the application submission had overstated the available retail expenditure within the relevant catchment area and disputing the amount of trade that would be diverted from existing town centre retailers, including that represented by the objectors including Wm Morrison Supermarket Limited and the Co-operative group. Concerns were also raised that the viability of these retailers would be compromised. Over the course of the application the Applicant has provided various rebuttals to these objections and these further submissions have been assessed and commented upon by Nexus.

7.18 Nexus provided a number of comments in August 2023 on both the retail sequential test and retail impact test as well as commenting on objections received from other parties including that of competing retailers. A rebuttal from the Applicant was received and further comments made by Nexus in November 2023 with further recommendation. In particular the sequential assessment of the North Holme Road site and the impact test on Louth town centre were addressed. At this stage, Nexus further echoed the comments from third parties who had objected to the development and advised that the Applicant should provide a more detailed response to these remaining concerns.

7.19 The applicant provided an updated response to the retail sequential test and impact assessment was submitted in January 2024. Nexus previously raised concerns in respect of the potential impact of the proposal on Louth town centre, with a particular concern in respect of the diversion of trade from the Co-op foodstore on Northgate, and the wider implications associated with this diversion. The Applicant firstly responded to this concern by stating that the foodstore is located outside of the primary shopping area and is not located adjacent to it, nor is it surrounded by main town centre uses. As such, they state that it is not located within the town centre as defined by the NPPF. Your officers did not dispute the Co-op's location in the context of the defined primary shopping area, but did dispute the apparent 'playing down' of the importance of the store in supporting the overarching function and vitality and viability of the town centre.

7.20 It is Nexus view that despite the positioning of the boundary of the primary shopping area, the Co-op does perform an important role in the context of the wider town centre offer, providing a key convenience facility for residents. They did however agree in part with the Applicant analysis of the route between the primary frontages of the town centre and the Co-op, noting that the route is along narrow streets and that the store is in a more residential area in terms of

surrounding uses.

7.21 The Applicant went on to state that:

'...it is our opinion that the potential diversion of trade of just £0.6m of trade from the Co-Op store to the proposed development could not possibly lead to an impact on the Town Centre which could be considered to be 'significantly adverse'. This is still considered to be the case if the Co-Op store closes as a result of the proposed development, a scenario which we consider to be unlikely, given its distance and detachment from the Primary Shopping Frontages of the Town Centre.'

7.22 Stantec also make representations in respect of the above conclusion as part of Co-op's objection. Stantec state that that viability of the store is finely balanced (as evidenced by the findings of the retail study) and that for a store that is trading below benchmark levels, there is a real potential that even the level of trade diversion identified could tip the balance in the store to no longer being viable.

7.23 Nexus have given consideration to the representations made by Stantec and the additional information provided by the Applicant. They also refer to the additional information provided by the Applicant which references an appeal decision from 2018 in relation to a Lidl store in Whitchurch, Shropshire, where the Inspector concludes as part of the decision that shoppers would still need to visit the town centre to meet their wider retail, leisure and service needs despite the presence of a new out of centre foodstore, and that the assessment of impact is on the centre as a whole.

7.24 Nexus previously raised concerns about the potential implications of the proposal on the performance of the Co-op at Northgate in particular, and the wider associated impacts as a result of the loss of trade and potential loss of linked-trips. This is on the basis that the store is identified to be undertrading, and therefore its' future performance is already of concern. They note also that Stantec have raised similar concerns, noting that it may not remain viable in the future.

7.25 Nexus have given consideration to each of these elements in providing their recommendations in respect of the potential impact of the proposal on the town centre. In particular, they have given additional consideration to the location of the Co-op in the context of Louth, and the wider offer of the town centre which we consider would continue despite the proposal at Northfields coming forward.

7.26 In this regard, Nexus agree with the Applicant, that similarly to the Whitchurch decision referred to above, an objective consideration of the circumstances relating to this application logically leads to the same conclusion. In turn, Nexus agree that the proposed foodstore would not extinguish the need to travel to the town centre to meet many other local needs, and there would unlikely be a material impact arising at Louth town centre due to any loss of linked trips from the Co-op store. Such trips could continue to be made by visitors to the proposed development at Northfields.

7.27 Given the above, alongside considerations of the general health of the centre, Nexus are of the view that the proposed development will not have a significant adverse impact on the overarching vitality and viability of the assessed centre.

7.28 In light of the above, we are of the view that the proposal complies with the second part of the impact test as set out by Policy SP14 of the 2018 Core Strategy and paragraph 94 of the NPPF, in that the proposal will not have a significant adverse impact on the vitality and viability of the town centre.

7.29 In respect of the sequential approach, Nexus reviewed the submission and also undertook their own search for potentially available and suitable units and sites within and on the edge of Louth town centre. In this process, Nexus examined the North Holme Road site in some detail and concluded that it did not represent a "suitable sequential alternative to accommodate the proposal". In particular, Nexus agrees with the Applicant that due to the size of the site and the wider constraints, it could not accommodate the proposal without making significant amendments to the proposal, which is not the purpose of the sequential test. Nexus were unable to find any other sequential sites offering realistic potential to accommodate the proposal and, as such, found the application site to accord with Policy SP14 of the East Lindsey Local Plan as well as the NPPF at paragraphs 91 and 92. That assessment position is adopted by your officers.

7.30 Nexus provided further advice in response to the concerns raised by the Co-operative group, referring to an appeal decision from 2019 in relation to a Lidl store in Whitchurch, Shropshire where the Inspector concludes as part of the decision that shoppers would still need to visit the town centre to meet their wider retail, leisure and service needs despite the presence of a new out of centre foodstore, and that the assessment of impact is on the centre as a whole. Nexus previously raised concerns as to the potential implications of the proposal on the performance of the Co-op at Northgate and, in turn, the wider associated impacts of the loss of trade and potential loss of linked-trips within the town centre. This is on the basis that it is accepted that the store is under-trading, and therefore its' future performance is already of concern. Nexus also note that the Co-op have raised similar concerns, noting that the potential level of impact could jeopardise the future viability of the store. Nexus have further advised that given sufficient consideration to the location of the Co-op in the context of Louth, the wider offer of the town centre would continue despite the application proposed coming forward. Whilst recognising that the Co-Op store does not trade as robustly as some others within the Co-Op portfolio appear to do, the view of Nexus is that the degree of impact that would be experienced by the Co-op is unlikely to be significantly adverse. Furthermore, it is not considered that even a materially adverse impact on the Co-op would translate to a material adverse impact on the town centre as a whole. Officers consider that this would be so even if the Co-op were forced to close (the view of Nexus that closure would be unlikely in any event is adopted by officers in this respect).

7.31 In this context, Nexus have further advised that the proposed foodstore will not extinguish the need to travel to the town centre to meet many local needs, and, in turn, there is unlikely to be any material impact on the town centre due to the potential loss of linked trips to the Co-op store.

7.32 With regards town centre investment and the recent approval to extend the Morrisons Store, Nexus commented in their first consultation response that the first matter of consideration is the potential impact of the proposal at Northfields on town centre investment (the first strand of the impact test). The Applicant state that the potential diversion of trade to the proposed development will still result in a turnover of the newly extended Morrisons close to its benchmark average. Furthermore, they note that the new store will provide a larger and more modern store, which will enable the operator to better serve its' existing customer base, as well as attracting new customers. Overall, the Applicant conclude that the level of trade diversion set out at their quantitative assessment (and which are reflected within Morrisons' own submissions), would not impact on the ability of the Morrisons store to be developed. These comments were made in light of further comments received from both the Applicant as well as those submitted by Peacock and Smith on behalf of Morrisons (dated 31 July 2023). Overall, Nexus agree that it is unlikely that the proposal at Northfields would jeopardise the extended store from progressing within/on the edge of Louth town centre, and are comfortable therefore that the proposal would not have a significant adverse impact on the planned town centre investment. Indeed, Peacock and Smith do not conclude any different in this regard.

7.33 The objections received from various parties have also acknowledged that the application site is located on an allocated employment site. However, on balance, Officers are satisfied with the advice given by Nexus in relation to the sequential test and retail impact on Louth Town Centre as required by SP13 and SP14. Furthermore, as required by SP13, it is accepted that the site has been actively marketed for B1, B2 or B8 uses for in excess of 12 months. Consequently, it is considered that the proposed development would comply with Policy SP13 and SP14 of the Local Plan as well as the relevant polices within the NPPF and is acceptable in principle, subject to the review of other material considerations which are discussed in turn as follows.

Socio-Economic Benefits

7.34 The NPPF at paragraph 8 recognises that achieving sustainable development requires the planning system to have three overarching objectives: economic, social and environmental objectives. These objectives are independent and need to be pursued in mutually supportive ways, to secure net gains across each of the different objectives. Accordingly, the socio-economic benefits of the development proposal are important material considerations.

7.35 The submitted planning statement states: "*The proposed floorspace will be suited to a wide range of businesses, including retail, food and beverage, and industrial, and will create new opportunities for businesses to thrive within this key employment area. Furthermore, it will support the ongoing success of the wider Fairfield Industrial Estate, cementing its reputation as one of the premier places for business in Louth and East Lindsey.*" It is considered that employment would be supported over the duration of the build programme of the scheme with direct and indirect contributions to the local and wider economy. In addition, the wider construction sector would be supported such as through the purchase of materials to be used in the build. Once operational, the Applicant states that the proposed development: "*is expected to create up to 316 jobs*

directly and will boost the local economy by an estimated £16.9m per annum on completion” as well as providing a contribution of a mixed range of jobs who they consider to be underrepresented in the local community.

7.36 To conclude, it is therefore considered and accepted that the proposed development would have significant socio-economic benefits during the construction and operational phases of the development and so would contribute towards achieving the social and economic objectives of the planning system and contributing towards achieving sustainable development and meeting the broad sustainable principles of the NPPF.

Design and Heritage

7.37 Policy SP10 of the Local Plan sets out and lists a number of criteria in the support for well-designed development which maintains and enhances the character of the Districts towns, villages and countryside. The NPPF sets out that the planning system should contribute to and enhance the environment by protecting and enhancing valued landscapes. This includes designated landscapes but also the wider countryside. In this respect Local planning authorities could achieve this by ‘protecting and enhancing valued landscapes’; ‘recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services’ and ‘minimising impacts on and providing net gains for biodiversity’.

7.38 Paragraph 180 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.’

7.39 The application site comprises two arable agricultural fields bounded with mature hedgerows and shrubbery. The Site, generally rectangular in shape, is bounded by existing industrial development to the east, agricultural fields to the north and west and the A16 to the south.

7.40 Employment land allocated EMP L02 requires development to consider the impact on the Lincolnshire Wolds AONB and wider surrounding environment. Accordingly, the Applicant has provided a Landscape and Visual Impact Assessment (LVIA) and Design and Access Statement (DAS) of 22 viewpoints to demonstrate the level of impact from the proposed development.

7.41 The application site is located within the study area ‘Lincolnshire Coast and Marshes’ (NCA 42). More locally, the Site lies within the Binbrook to Tetford Wolds Farmland LCA (as identified by the East Lindsey Landscape Character Assessment).

7.42 The materials on the exterior of the units are proposed as predominantly grey cladding panels of various shades and incorporate areas of glazing on the retail related units.

7.43 The application has been submitted in hybrid form and the supporting documents acknowledge this within their assessment. Whilst full details of the 'outline' units have not been submitted, their location within the wider site layout is shown.

7.44 The submitted LVIA concludes that the development would have limited impact on the Lincolnshire Wolds AONB, and critically that impact is not in relation to the whole of the AONB but only at specific points, where the impact would not be significant. The layout and massing of the proposed development has also been carefully considered to safeguard against any undue visual or adverse character impact.

7.45 The LVIA includes an assessment of 22 viewpoints (including five within the AONB), with the study area based on the potential visual envelope and proposed development. It assesses a worst-case scenario by assessing the cumulative effect of 12.5m tall buildings at the site this height has been used to inform the Zone of Theoretical Visibility (ZTV) of the proposed development.

7.46 The application site is located on a low lying area of land, with the Lincolnshire Wolds AONB rising to the north west. Due to the gently undulating topography of the AONB and surrounding environment, and the existing perimeter vegetation, the Site is well screened. This results in 14 of the viewpoints being assessed to experience 'negligible' to 'no impact' of the proposed development. Four of the viewpoints within the AONB will experience no impact of the proposed development.

7.47 Viewpoint 11 is located approximately 750m north west of the Site, and approximately 250m inside the closest point of the AONB. The proposed development will only have a minor adverse impact on the view, with the magnitude of change assessed as negligible as the site is barely discernible from this point. The small parts of the development that will be visible from this view will also fall within the backdrop of the existing adjacent industrial uses of the Fairfield Industrial Estate, resulting in negligible change.

7.48 Only 2 of the views within the LVIA are considered to experience major adverse effects as a result of the proposed development. These two views are located along the east boundary of the Site hence the significant effects. Notwithstanding, there remains a substantial perimeter hedgerow / tree belt which is proposed to be retained, and whilst the buildings will be visible there is substantial greening at eye level significantly mitigating the impact.

7.49 Furthermore, of the 22 views, 12 are considered near views (0 – 0.5km) and 9 of them are assessed by the LVIA to experience negligible to minor adverse impacts, demonstrating the insignificant impact of the proposed development within the surrounding environment in accordance with Policy SP23. (landscape).

7.50 Natural England were consulted as part of the application process. They do not object and have stated that based on the information submitted, they consider that the proposed development will not have significant adverse impacts on the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) and raise no objection. They have also provided advice and reiterated a need

for biodiversity net gain which is discussed in a later section of this report.

7.51 Louth Civic Trust commented on the application and stated that they had concerns that the development would possibly “harm the viability and vitality of Louth town centre but would also harm the appearance and character of the heart of the Conservation Area by the real possibility of more shops within the town centre closing”. It is considered important to distinguish between the impact of the proposed development on the vitality and viability of the town centre and the impact any potential closures would have on the character and appearance of the town centre. The submitted information from the Applicant aims to demonstrate that there is unlikely to be any closures. The response from Nexus on behalf of the Council has already been summarised earlier in this report in that respect. However, if for any reason shops were to close, it is not possible for this assessment to accurately determine what impact this would have on character/Conservation area considerations as the precise impacts are not possible to identify. Consequently, given that situation and the unlikely consequence of closures, only limited weight can be given to this point of concern.

7.52 The design and scale of the proposed development is considered to be in keeping with the existing adjacent DS Smith unit and commercial surroundings of the site.

7.53 A condition can be used to secure finished floor levels to ensure acceptability with the full application element of the proposal. Any subsequent reserved matters application would equally have to go through the same process of detailed assessment but this submission has made it clear that the LVIA has assessed the maximum height of 12.5m as worst case scenario for the Outline application – that limitation can be secured by planning condition. Furthermore, notwithstanding the details submitted, conditions could be used to require final boundary treatment and soft and hard landscaping details.

7.54 The proposal is therefore considered compliant with SP10 as well as the NPPF at paragraph 135 and therefore considered satisfactory in terms of visual amenity impacts and design considerations.

Residential Amenity and Noise

7.55 Paragraphs 135 and 191 in the NPPF seek to protect residential amenities with SP10 in the Local Plan having a similar aim stating that development will be supported if it does not unacceptably harm any nearby residential amenity.

7.56 Objections have been received from some residents including one of the closest residential receptors at Northfield Farm to the west of the application site. Concerns included that of noise deriving from the proposed development. A Noise Impact Assessment was provided with the application and included on site noise monitoring at a number of locations including that of Northfield Farm. The report concluded stating: “*The findings of the assessment are that providing the mitigation recommended and the fixed plant limits outlined in this report are implemented, the proposed scheme would have a low to negligible impact on the nearest noise sensitive receptors*”.

7.57 The Action Plan contained within that assessment makes a number of recommendations to be implemented following any planning permission. This includes:

- Once the plant equipment has been specified contact NOVA Acoustics Ltd to undertake calculations to ensure the plant noise limit level can be achieved.
- HGV deliveries at Units 1 and 2 should take place within enclosed areas to adequately control any resultant noise. The minimum barrier heights and location is illustrated in Figure 4 within the main body of the report.
- Cumulative fixed plant noise levels should not exceed the individual limits set per Unit.
- No external openings should be included on the façade of Units A1 – A4 overlooking the nearest noise sensitive receptors at Northfield Farm.
- Should any future tenants wish to install their own items of fixed plant, the tenant should conduct their own noise impact assessment to ensure that the plant limits can still be met.
- A 3m fence should be installed enclosing the fixed plant area at Unit 1 and continuing up until Unit A2. It is understood that a similar fence is already included within the proposals.
- Deliveries at Units 1, 2 and A1-A4 are not currently projected between 23:00 and 05:30 hours. Should this change, the noise impact from additional HGV deliveries should be reassessed.

7.58 The Council's Environmental Health team commented on the proposals and had some concerns over the proposed HGV delivery times for the units. A planning condition can be included to require those details for the outline element of the proposal through any Reserved Matters application and also to confirm the times for the Full permission element of the scheme. This concerns most of the units on the site including the Tesco store. Whilst far earlier times were sought by the Applicant, officers consider it appropriate to control the units closest to Northfield Farm in line with those recommendations made by Environmental Health officers, that being no deliveries before 7am. Due to the location of the Tesco store officers suggest that this is fixed at 6am. This is a later time than the Applicant would ideally want, however following negotiation they are content, having taken into account the concerns raised by Environmental Health officers. All other units within the Full part of the site would be restricted to 7am start for deliveries. This limitation would also need to relate to any prospective unit subject to a later reserved matters application, again due to the location in relation to Northfield Farm. Whilst concerns were mainly around HGV deliveries a suitably worded planning condition will be used to control all deliveries on site due to the noise associated even with non HGV vehicles.

7.59 Other conditions relating to the protection of amenity from noise and light and air quality can be considered to ensure that the recommendations for mitigation are provided on site prior to occupation.

7.60 The proposal is therefore considered compliant with Local Plan policy SP10 as well as the NPPG at paragraph 135 and therefore considered

satisfactory in terms of residential amenity impacts.

Highways

7.61 Developments affecting transport and accessibility is controlled by Policy SP22 of the Local Plan. It requires developments that would generate significant amounts of movement to be supported by a Travel Plan and Transport Assessment.

7.62 The Transport Assessment (TA) prepared by Caneparo Associates included assessment of the total effect of the developments trip generation on the Local Highway Network with reference to the latest traffic flow data and the results of a junction capacity assessment.

7.63 Pre-application engagement was undertaken by the Applicant which included engagement with LCC Highways, who act as the Local Highway Authority (HA). Amongst a number of comments made by the HA there was a request for development proposals to mitigate the impact of the development on the highway network, if required (highway improvements).

7.64 Once the application was submitted, the proposal was considered at a Planning and Drainage (PAD) agency group meeting, attended by the HA in its role as HA and Lead Local Flood Authority (LLFA). For completeness, the HA's initial consultation response on the application are summarised as follows:

- A shaded plan is required showing areas proposed for adoption by the Highway Authority or confirmation that the roads will remain private within the development site.
- A construction management plan and drainage method statement (how drainage and highway/private assets will be protected and operate effectively as the phases of development are built out) and a phasing plan are to be provided.
- The proposed modifications to the private section of the DS Smith estate road that connects with the Northfields Roundabout on its northwestern side, which provides access to the proposed development, requires a swept path analysis (auto track) of the HGV turning movement to and from the new junction to DS Smith.
- There will be a requirement to upgrade the existing pedestrian crossing point with tactile paving at the current access to DS Smith carpark. Please provide a revised layout plan.
- There will be a requirement to upgrade the existing pedestrian crossing point with tactile paving to the private section of DS Smith estate road some 20.0 metres away from the roundabout. If this location is not suitable or in keeping with the proposed pedestrian/cycleway design (Appendix D), then an alternative position will be required. Please note, an assessment will be required to ensure the location is safe and suitable for pedestrian movements. Please provide a revised layout plan.
- There will be a requirement to upgrade the existing pedestrian crossing point by extending the footway provision on the Northern side of North Holme Road further West, with a central

refuge within the crosshatch area of the existing ghost island right turn lane, making connection with the proposed pedestrian/cycleway design (Appendix D) on the opposite side. Please provide a revised layout plan.

- There is a strong desire line for pedestrians to use Fanthorpe Lane and cross the A16 to gain access to the proposed development site, as this is a Public Right of Way and well used. Therefore, we would ask the applicant, how safe and suitable pedestrian access can be provided from the rear of the development site and across the A16. Please provide options on a layout plan.
- There will be a requirement to widen the existing radii on the northwestern side of Northfields Roundabout adjacent to the development site, as the approach lanes is not wide enough to accommodate turning movements due to consistent over-run of the carriageway edge causing damage to infrastructure and rutting of highway verges. Additionally, in conjunction with the widening the radii, there will be a requirement to widen the existing approach lane to the private section of the estate road that connects with the Northfields Roundabout as they need to provide two lanes for vehicular movements from the development site to turn left towards Grimsby or straight on/right to Louth. Consideration of relining/arrows needs to be taken in to account on all approaches to Northfields Roundabout with appropriate directional signage/markings. Please provide a revised layout plan.
- Please provide a queuing capacity assessment for the proposed Costa Drive-Thru, to ensure there is enough queuing length within the Costa site to accommodate up to 20 vehicles, to ensure those waiting do not encroach on to the main spine road through the development site.
- Please provide a Travel Plan as mentioned within the Transport Statement.
- There is a commercial entity in place called the Louth Nipper operated by PC Coaches which will require extending by a second vehicle to provide a shuttle service to this development. The cost to deliver this would be £145,000. Therefore, a S106 Contribution will be required to support this application. Additionally, there will be a requirement to provide two bus stops within the development site, one to the North and one to the South of the access road near to the food store to current guidance/standards. It should be noted that the bus stops shall be a pull-in type to ensure free passage of vehicular movements are not compromised to and from the development site causing queuing to motorists. Please provide a revised layout plan.
- A speed survey will be required to determine the mean speed of traffic along North Holme Road to extend the 30mph zone, which will be justified against the County Councils speed limit policy. Therefore, a S106 Contribution of £2500 will be required to support this application.
- Further changes may be required upon receipt of the shaded plan showing any proposed adoptable areas.

7.65 It is considered appropriate to provide this list, for completeness, as the Applicant then, over a period of time, provided various iterations to the site layout and TA addendums before the HA provided a final consultation response stating that they considered the submission acceptable. Furthermore, whilst the initial application was not accompanied by any formal S106 Heads of Terms (HOTS) the Applicant has confirmed in principle that they are willing to provide the HA request for public transport improvements, albeit they would like the final cost to be agreed through the 106 process should planning permission be granted so as to provide time for an accurate breakdown of costs. They are happy to provide the improvements but wanted clarification on cost. It is of note that the issue with regards this transport link was also raised by Louth Town Council and therefore, providing this goes some way to address this part of their overall comments.

7.66 In addition to the S106 requests, in their final consultation response the HA have recommended a number of standard highway conditions to cover:

- Construction management plan
- Offsite highway work detail including footways and other PROW access
- Final level detail
- Travel plan

7.67 As such, and subject to the recommended conditions and a S106 obligation, it is considered that the proposed development is acceptable when assessed against Local and National planning policy regarding highway safety.

Flood Risk and Drainage

7.68 The application site lies within the inland area of East Lindsey such that SP16 is applicable. The proposed development site falls entirely into Flood Zone 1, such that requirement for a flood risk sequential test is not triggered in this instance.

7.69 Regarding drainage, pre application engagement was undertaken by the Applicant which included engagement with LCC Highways (HA), who also act as the Lead Local Flood Authority (LLFA).

7.70 Once the application was submitted it was considered at a PAD meeting attended by colleagues from Lincolnshire County Council as HA and Lead Local Flood Authority (LLFA). This effectively formed the basis of the HA's initial consultation response on the application. Comments received are summarised as follows:

- As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response regarding Drainage on all Major Applications. In accordance with the NPPF, Local Planning Authorities should ensure that that flood risk is not increased elsewhere and the scheme "incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate" (NPPF Paragraph 165). The

incorporation of SuDS is also supported by Policy SP16, which also requires new development to demonstrate how it proposes to provide adequate surface water disposal.

- This application has not demonstrated how the proposed development will mitigate flood risk and meet SuDS principles and therefore, we would ask for more information.
- Please provide any discharge, adoption of third-party consent notices/agreements.
- Please provide confirmation if the attenuation basin within the development site is to be lined.
- In accordance with the National Planning Policy Framework, further consideration of tree lined streets, especially within the car-parking areas, needs to be provided within this proposal. Please provide a revised landscaping plan.
- Please note that if finished floor levels and ground levels are to be raised which will affect surrounding properties, we would advise the existing ground levels of the site should not be raised above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land or properties.

7.71 The Applicant responded constructively to these requirements with the LLFA subsequently raising no further concerns.

7.72 Objections were also initially received from the Environment Agency (EA) with regards foul drainage. This was due to the fact that Anglian Water had confirmed that there was not capacity in the system (namely the treatment plant having reached capacity on the network) to provide foul discharge and that was considered the only method of discharge from the site. The Applicant consequently provided additional information which following re-consultation with the EA and Anglian Water has enabled those initial objections to be removed. Anglian Water have confirmed that they would be happy for the site to connect to the main foul sewer system. They acknowledged that there is currently no capacity in their network, however, they would make the necessary changes to ensure that the flows from the development can be treated. The EA removed their objection following conversations with the Applicant which lead to them reviewing their own guidance and local planning policy. They were happy to follow the lead of Anglian Water with regards the need to provide foul discharge.

7.73 As such, and subject to conditions, it is considered that the proposed development is acceptable when assessed against Local and National planning policy regarding drainage and flood risk.

Ecology and Landscape

7.74 Policy SP24 seeks to protect and enhance biodiversity and geodiversity. This is echoed in the NPPF which requires biodiversity net gain (BNG) in development proposals (para 185). In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and most developments must now deliver a BNG of 10%.

7.75 However, it is relevant to clarify that this application was submitted in advance of that mandatory requirement. The application was nonetheless, voluntarily accompanied by an Ecological Impact Assessment and Biodiversity Net Gain (BNG) Assessment. The summary of findings of being as follows:

- An ecological desk study undertaken in June 2021 identified no internationally designated statutory sites within 6 km of the Site, one nationally designated statutory site, The Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) at a distance of 430 m west from the Site, and no locally designated statutory sites within 2 km of the Site.
- The Site does not fall within any Site of Special Scientific Interest (SSSI) Impact Risk Zones (IRZ). Two non-statutory designated sites were identified within 2 km of the Site, the closest of which, Hubbards Hills Local Wildlife Site (LWS) is located at a distance of 1.48 km south of the Site.
- The habitats on Site were surveyed and assessed for their suitability to support protected/otherwise notable species by Delta-Simons in June 2021, and updated in January 2023. The Site covers an area of 9.94 ha and comprises two fields. To the south is a recently cleared modified grassland field with scattered scrub, boundary hedgerows, with ornamental shrubs, modified grassland and road access to the east. A drain with a mature treeline bisected the Site and separates the southern field from the northern one which comprises a modified grassland field with boundary species-rich hedgerows and a drain on the northern boundary.
- The hedgerows on-Site function as Habitats of Principal Importance, while the remaining habitats present on Site are widespread on both a local and national scale, with none of the habitats being considered rare.
- The proposals will result in the loss of grassland, scrub and a mature tree line on-Site, although the boundary hedgerows and drain are to be retained. This loss of habitat will be in part compensated for through the provision of new native/wildlife-friendly planting within the landscaping strategy.
- The development will lead to the loss of suitable habitat for reptiles, if present locally. The clearance of the line of trees, grassland and works to the drain could disturb or harm resting/hibernating or dispersing reptiles.
- A Construction Ecological Management Plan (CEMP) is recommended to be submitted
- The construction phase will result in the loss of suitable bird nesting habitat including trees, grassland and dense scrub. Suitable habitat will be removed either outside the main nesting bird season, or subsequent to a nesting bird check by a suitably experienced ecologist immediately prior to removal. Further, appropriate mitigation through the implementation of the proposed landscaping strategy, and the provision of ten nest boxes is anticipated to result in a negligible effect for birds in the local area that is of neutral significance.
- The Site is considered to be of low value for foraging/commuting bats. With the application of a suitable lighting strategy, significant

residual effects on bats are not anticipated. There is potential for badgers, hedgehog and brown hare on-Site, all of which could be disturbed during clearance works at the Site or become trapped in trenches left open overnight. A precautionary approach to vegetation clearance will be adopted to ensure no wildlife is harmed during Site clearance works.

- It is concluded that provided the Proposed Development is built as proposed and all relevant mitigation implemented during construction and operation, it has the potential to result in a net gain in biodiversity of 10%.

7.76 Natural England raised no objection to the development as they consider that there are no significant adverse impacts on the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) or in relation to ecological matters.

The Council's ecology officer also provided comments as summarised earlier in this report. In essence, the Council's Ecology officer was content with the ecological assessment submitted and echoed the comments offered by Natural England with regards to requirements for BNG.

7.77 Given the intended delivery of BNG was not a mandatory requirement for the development, its provision is a positive outcome from the development and given weight in the planning balance. As per the recommendations of the ecology assessment, conditions are to be recommended for a CEMP and a landscaping scheme to incorporate a detailed scheme for ecological mitigation/enhancement (including boundary treatment) to provide sufficient BNG on site to meet and secure the requirements.

7.78 As such, and subject to conditions, it is considered that the proposed development is acceptable when assessed against Local and National planning policy regarding ecology and BNG.

Other Matters Contamination / Archaeology

7.79 The planning application is supported by a Phase 1 and Phase 2 ground investigation contaminated land report. Council Environment Protection officers have responded in their consultation response acknowledging that the report provided shows no significant contamination identified on the site. As such they have recommended a standard condition to ensure that if any contamination is found during construction, then no further work should be carried out until fully investigated. There is also a recommended informative regarding the proposed petrol station and its need for an Environmental Permit.

7.80 The application is supported by a number of plans and documents including an Archaeological Desk Based Assessment which concludes that there is a low to moderate potential for the survival of prehistoric and Roman remains to survive and any surviving remains are considered to be of local / negligible significance. It identifies that the already low archaeological value of the site is likely to be significantly impacted by modern ploughing methods associated with the previous agricultural uses and therefore, any other remains of any other eras are considered to be of low to negligible significance. Heritage Lincolnshire were consulted and recommended that an archaeological mitigation strategy be

implemented. This should initially include geophysical survey, to be followed by a programme of archaeological trial trenching to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development. Further archaeological mitigation work may be required if archaeological remains are identified in the evaluation.

7.81 When first consulted, Lincolnshire Fire and Rescue raised concerns about the development and listed these in full. Following various amendments, those concerns were withdrawn subject to the recommendation of a number of points which can be included as an informative on any prospective decision notice.

7.82 Lincolnshire Police were consulted through the application process but do not have any objections subject to an advisory note on security measures which can be cross referenced via any informative in the decision notice.

8.0 CONCLUSION

8.1 The application site is located approximately 1.3 km to the north of the town centre on the fringes of the north part of the town in an area with mixed employment commercial and residential uses. The site is allocated in the local plan under policy 'SP DPD2' site 'EMP LO2' and is safeguarded for employment purposes. Development will be supported for B1, B2 and B8 uses. As this report has stated, Policy SP13 of the Core Strategy states that the Council will firstly support proposals for B1, B2 and B8 as well as leisure, business/office and retail providing it complies with all listed criteria which includes if it can be demonstrated that no suitable alternative site is available for the use within the town centre or edge of centre or nearer the town centre than the site proposed and if it can be demonstrated that the site has been actively marketed for a B1, B2 or B8 use for a period of no less than 12 months. Retail will also be supported if it conforms to the criteria set out in policy SP14.

8.2 This report has outlined the chronology for the application process and the comments made at various stages by the Applicant, Nexus (retail expert for the council), and comments received (in support and objecting). With reference to advice received from the Council's retail advisors, officers agree that the proposed Tesco foodstore would not extinguish the need to travel to the town centre to meet many other local needs, and there would unlikely be a material impact arising at Louth town centre due to any loss of linked trips from the Co-op store. Such trips would continue to be made by visitors to the proposed development at Northfields. Officers are therefore of the view that on balance, the proposed development will not have a significant adverse impact on the overarching vitality and viability of the defined centre.

8.3 The council have been advised at length by Nexus as retail consultants and have concluded that in respect of the sequential approach to development, having reviewed all the information received there are no sequentially preferable sites offering realistic potential to accommodate the proposal. It is considered therefore that in the absence of more suitable and available sequential alternatives, the application site accords with Policy SP14 of the East Lindsey Local Plan as well as the NPPF at paragraphs 91 and 92.

8.4 Consequently, it is not considered that a grant of planning permission for the proposed development would lead to a significant adverse impact in respect of existing, committed and planned public and private sector investment. Nexus have also examined the Applicant's retail impact assessment in detail, and do not believe that any defined centre would be the subject of an unacceptable impact. This takes into account the objections received from other bodies including the Co-op, alongside the understanding of the current health of the town centre and the role the existing convenience operators play in the wider context of the centre.

8.5 It is considered that the proposed development would provide significant direct and indirect benefits to the local and wider economy during construction and also during its operation. This would include the provision of a significant number and range of jobs across the businesses proposed on site.

8.6 Away from retail impact all other material planning considerations have been assessed and none are considered to outweigh the officer recommendation made below.

8.7 This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

9.0 OFFICER RECOMMENDATION

Grant permission with conditions subject to satisfactory completion of a Section 106 agreement.

RECOMMENDATION: Approve

Section 106 agreement to include the following contributions:

- £2500 for the processing of the alteration to the traffic regulation order and relocation of the existing speed limit terminal signs along North Holme Road
- Up to £145000 for the provision of a second Bus to provide a shuttle service to this development

The applicant is required to consult with Lincolnshire County Council Transportation with regards the provision of the bus service from the Town Centre of Louth to the development site.

RECOMMENDATION: Approve

subject to the following conditions:

1. Outline - approval of details
Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to the Local Planning Authority before the expiration of 3 years from the date of this

permission for Unit B and Unit C. No development shall commence for for Unit B and Unit C unless approval of the reserved matters has been obtained from the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Outline - time for reserved matters

The development hereby permitted must be begun no later than the expiration of two years from the final approval of all reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

5. Full planning permission

The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3 The development hereby permitted shall only be undertaken in accordance with the following approved plans;

Plan no. 6570-SSA-00-00-DR-A-000 P2 - Site Location Plan

Reason: For the avoidance of doubt and the interests of proper planning.

4 Any Reserved Matters will be submitted in accordance with the submitted Landscape Visual Impact Assessment which states the maximum proposed height of any building would be 12.5m.

Reason: In the interests of the character and appearance of the development and the residential amenity of the area in which it is set. This condition is imposed in accordance SP10 of the East Lindsey Local Plan and paragraph 135 of the National Planning Policy Framework.

6 The development hereby permitted shall only be undertaken in accordance with the following approved plans:

Plan no. 6570-SSA-00-00-DR-A-000 P2 SITE LOCATION PLAN

Plan no. 6570-SSA-00-00-DR-A-003 P7	PROPOSED SITE LAYOUT
Plan no. 6570-SSA-00-XX-DR-A-004 P3	PROPOSED SITE REFERENCE PLAN
Plan no. 4742 006 REV F	FOOTWAY & CYCLEWAY EXTENSION
Plan no 6570-SSA-00-XX-DR-A-008 P5	EXTERNAL WORKS LAYOUT
Plan no. 6570-SSA-00-XX-DR-A-015 P3	RETAIL UNIT FURNITURE
Plan no. 6570-SSA-00-XX-DR-A-016 P3	UNIT 2 FURNITURE PLAN
Plan no. 6570-SSA-00-XX-DR-A-017 P02	UNIT 3 SITE FURNITURE PLAN
Plan no. 6570-SSA-00-00-DR-A-018 P2	SITE FURNITURE UNIT A1-A4 E, F & G
Plan no. 6570-SSA-00-00-DR-A-020 P1	PETROL STATION PLAN
Plan no. 6570-SSA-00-XX-DR-A-022 P0	ATM DETAILS
Plan no. 6570-SSA-00-XX-DR-A-021 P0	CLICK AND COLLECT CANOPY
Plan no. 6570-SSA-00-XX-DR-A-037 P1	TYPICAL SUBSTATION DETAILS
Plan no. 6570-SSA-00-XX-DR-A-100 P2	RETAIL UNIT FLOOR PLAN
Plan no. 6570-SSA-00-XX-DR-A-101 P2	RETAIL UNIT ROOF PLAN
Plan no. 6570-SSA-00-XX-DR-A-103 P4	UNIT 2 GROUND FLOOR PLANS
Plan no. 6570-SSA-00-00-DR-A-104 P4	UNIT 2 ROOF PLAN
Plan no. 6570-SSA-00-XX-DR-A-106 P1	UNIT 3 GROUND FLOOR & ROOF
Plan no. 6570-SSA-00-00-DR-A-109 P2	UNIT A1-A4 GROUND FLOOR PLAN
Plan no. 6570-SSA-00-00-DR-A-110 P1	UNIT A1-A4 ROOF PLAN
Plan no. 6570-SSA-00-XX-DR-A-112 P1	UNIT D GROUND FLOOR
Plan no. 6570-SSA-00-XX-DR-A-113 P1	UNIT D FIRST FLOOR PLAN
Plan no. 6570-SSA-00-XX-DR-A-114 P1	UNIT D ROOF PLAN
Plan no. 6570-SSA-00-XX-DR-A-116 P1	UNIT E GROUND FLOOR PLAN
Plan no. 6570-SSA-00-XX-DR-A-117 P1	UNIT E FIRST FLOOR PLAN
Plan no. 6570-SSA-00-XX-DR-A-118 P1	UNIT E ROOF PLAN
Plan no. 6570-SSA-00-XX-DR-A-120 P1	UNIT F GROUND FLOOR PLAN
Plan no. 6570-SSA-00-XX-DR-A-121 P1	UNIT F ROOF PLAN
Plan no. 6570-SSA-00-XX-DR-A-200 P2	RETAIL UNIT ELEVATIONS
Plan no. 6570-SSA-00-XX-DR-A-202 P4	UNIT 2 ELEVATIONS & SECTION
Plan no. 6570-SSA-00-XX-DR-A-205 P2	UNIT 3 ELEVATIONS & SECTION
Plan no. 6570-SSA-00-XX-DR-A-208 P1	UNIT A1 - A4 ELEVATIONS
Plan no. 6570-SSA-00-XX-DR-A-211 P1	UNIT D ELEVATIONS
Plan no. 6570-SSA-00-XX-DR-A-214 P1	UNIT E ELEVATIONS
Plan no. 6570-SSA-00-XX-DR-A-217 P1	UNIT F ELEVATIONS
Plan no. 6570-SSA-00-XX-DR-A-308 P3	UNIT 2 SECTIONS

Reason: For the avoidance of doubt and the interests of proper planning.

- 7 Before any works above the damp proof course, proposed finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the

development and the residential amenity of the area in which it is set. This condition is imposed in accordance SP10 of the East Lindsey Local Plan and paragraph 135 of the National Planning Policy Framework.

- 8 Before any works above the damp proof course a schedule of external materials, including samples where requested, to be used in the construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance SP10 of the East Lindsey Local Plan and paragraph 135 of the National Planning Policy Framework.

- 9 No part of the development hereby permitted shall be occupied apart from those works identified on drawing number 4742/006 F dated 11/10/2022 or as specified before the works to improve the public highway by means of a Shared footway/cycleway extension, Northfields roundabout widening and road markings, pedestrian crossing points with tactile paving and Public Right of Way access to the development site from Fanthorpe Lane) have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

- 10 Notwithstanding details on the submitted boundary treatment plans, prior to occupation full boundary treatment details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance SP10 of the East Lindsey Local Plan and paragraph 135 of the National Planning Policy Framework.

- 11 Notwithstanding the details submitted prior to the first occupation of the site the approval of the Local Planning Authority is required to a scheme of soft landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of 6 months beginning with the date on which development is commenced or in line with a timetable agreed in writing by the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for a minimum of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that appropriate landscaping is provided to integrate the site into the local area. This condition is imposed in accordance with SP10 of the East Lindsey Local Plan.

- 12 Notwithstanding details on the submitted external works plans, prior to occupation full hard landscaping details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance SP10 of the East Lindsey Local Plan and paragraph 135 of the National Planning Policy Framework.

- 13 Prior to occupation, full details of any proposed noise mitigation as suggested in the submitted noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of residential amenity. This condition is imposed in accordance SP10 of the East Lindsey Local Plan and paragraph 135 of the National Planning Policy Framework.

- 14 Notwithstanding the details submitted in the noise impact assessment, any deliveries shall be restricted to the times as follows:

Unit 1 – 06.00 to 23.00
Unit 2 - 07.00 to 23.00
Unit 3 - 07.00 to 23.00
Unit A1-4 - 07.00 to 23.00
Unit D - 07.00 to 23.00
Unit E - 07.00 to 23.00
Unit F - 07.00 to 23.00

Reason: In the interests of residential amenity. This condition is imposed in accordance SP10 of the East Lindsey Local Plan and paragraph 135 of the National Planning Policy Framework.

- 15 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

- the phasing of the development to include access construction;
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the

- development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including and off-site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

- 16 No part of the development hereby permitted shall be occupied apart from those works identified on drawing number 4742/006 F dated 11/10/2022 or as specified before the works to improve the public highway by means of a Shared footway/cycleway extension, Northfields roundabout widening and road markings, pedestrian crossing points with tactile paving and Public Right of Way access to the development site from Fanthorpe Lane) have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

- 17 Before any part of the development is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

- 18 The permitted development shall not be occupied until an approved Travel Plan has been identified and capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on

the private car for journeys to and from the development.

- 19 The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.

- 20 No part of the development shall be occupied until the approved Estate Road Phasing and Completion Plan 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, or upstream of, the permitted development.

- 21 Before any works above the damp proof course a surface water strategy shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the surface water strategy so approved and:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 5.0 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

Reason: To ensure the development is not at risk of flooding and does not

increase the risk of flooding elsewhere. This condition is imposed in accordance with SP16 of the East Lindsey Local Plan and paragraph 163 of the National Planning Policy Framework.

- 22 Before any works above the damp proof course a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Reason: To ensure that the site is adequately drained and to avoid pollution. This condition is imposed in accordance with SP16 of the East Lindsey Local Plan.

- 23 No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:

- An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements)
- A methodology and timetable of site investigation and recording
- Provision for site analysis
- Provision for publication and dissemination of analysis and records
- Provision for archive deposition
- Nomination of a competent person/organisation to undertake the work
- The scheme of archaeological investigation must only be undertaken in accordance with the approved details

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority. A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Lincolnshire Historic Environment Record Office within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reasons: In the interests of the historic environment in accordance with paragraph 200 of the National Planning Policy Framework.

- 24 No external lighting shall be installed on site unless details of such lighting, including design, location, the intensity of illumination and fields of

illumination, have been first submitted to, and approved in writing by, the Local Planning Authority. Any external lighting that is installed shall accord with the details so approved.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set and also to protect ecology at the site. This condition is imposed in accordance with SP10 and SP24 of the East Lindsey Local Plan

- 25 Prior to occupation, full details of biodiversity net gain and ecological enhancement as required by the submitted ecology details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of residential amenity. This condition is imposed in accordance SP24 of the East Lindsey Local Plan and paragraph 186 of the National Planning Policy Framework.

- 26 Prior to occupation, a noise management plan containing those suggestions in the submitted noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved details.

Reason: In the interests of residential amenity. This condition is imposed in accordance SP10 of the East Lindsey Local Plan and paragraph 180 of the National Planning Policy Framework.