Knights

BY EMAIL

Date
26 September 2023
Our Reference
JRIG1/ALC813/1
Your Reference

Please ask for
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Mr Sam Dewar
DPA Planning Ltd
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Dear Sam

Planning Application Reference: H16-0521-23

Erection of buildings to comprise up to 70,000 square metres (Gross Internal Area) of Class B8 (storage or distribution) floorspace to include ancillary Class E(g) (office) floorspace and provision of associated infrastructure including utilising existing vehicular access from B1173. Outline with means of access to be considered

Land North of B1173 Barrier Bank and West of A16, Spalding ('Lincs Gateway')

Response to consultation comments

Further to our ongoing discussions I wanted to take the opportunity to write to you on behalf of the applicant, Alcan Properties Limited, (**the Applicant**) in order to respond to the main issues raised during the consultation period which has now come to a close. The application is, of course, supported by a suite of technical documentation which considers, in detail, the suitability of the site for development and the intention of this letter is to act as an executive summary of the material previously provided alongside additional commentary, where relevant.

The suite of reports submitted in support of the application confirm there are no technical barriers to the grant of outline planning permission subject to the imposition, where necessary, of suitably worded planning conditions which offer a mechanism to mitigate any potential adverse impacts associated with the application. Accordingly, it is demonstrated that there are no significant adverse impacts which arise from the application that would significantly and demonstrably outweigh the benefits associated with this significant investment and the job creation which would be created.

Taking each of the main areas of concern raised during the statutory consultation period, the Applicant would offer the following in response.

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1. Residential amenity

1.1. Loss of natural light and overshadowing

The Applicant is aware that a number of residents living on the eastern side of Fen End Lane are concerned that the proposed development would result in excessive levels of shadowing, particularly during the winter months when the sun is at its lowest.

The application is supported by a Daylight and Sunlight Report prepared by Waldrams. The Daylight and Sunlight Report considers the impact of the proposed development on the nearest residential receptors at Nos. 57 & 59 Fen End Lane and their rear gardens. The analysis has been carried out in accordance with the methodologies contained in the Building Research Establishment's Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022) (**BRE Guidelines**), which is accepted industry standard and used by local authorities to determine the acceptability of a proposal in terms of its effect on neighbouring daylight and sunlight amenity. The BRE Guidelines provide scientific, objective methods for establishing the acceptability of daylight and sunlight internal to the scheme and the surrounding properties and overshadowing.

The BRE Guidelines recommend that an outdoor amenity space receives at least 2 hours of sunlight on March 21st to at least 50% of its area in the proposed situation or retains at least 80% of its former value with the proposal in place. The Daylight and Sunlight Report demonstrates that both gardens experience **no change** in their area that receives at least two hours of sunlight on March 21st with the proposal in place and so meet the BRE Guidelines' recommendations for overshadowing.

1.2. Noise impacts

The application is supported by a noise impact assessment (**NIA**) for the purpose of establishing the potential impacts associated with the proposed development.

The assessment considers the proposed development against the principles set out in BS 4142:2014 *Methods for rating and assessing industrial and commercial sound*, by comparing the predicted noise levels from new sources associated with the proposed development, corrected for any particular characteristics (or 'the Rating Level'), with the existing background noise levels, as measured at locations representative of the nearby residential receptor locations.

The NIA is carried out assuming a potential use of the units for food distribution or similar – it is important to highlight that the assessment undertaken is based upon a typical noisiest configuration and operation. By carrying out the NIA on basis that units *could* be occupied by a use that incorporates a substantial allowance of chilling and cooling mechanical services plant, which has the potential to generate additional noise, the document represents a robust noise assessment approach, covering a worst case noise scenario.

Consideration has been given to the change in noise from increases in vehicle numbers on the public road network, resulting from operations of the proposed development. The increases are small and the increase in noise level is <0.5 dB, which is a negligible effect.

Predictions of noise from activities arising as a result of the proposed development, show that the potential for significant adverse effects *may* arise

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during night operations unless suitable noise mitigation measures are included within the scheme.

In order to further reduce the noise levels for night operation, the following mitigation measures have been tested out in the noise model and are now recommended:

- Installing a 2 metre high close boarded timber fence on top of the existing bunding just inside the northwest Site boundary
- Upgrading the sound insulation of the west/north walls and roof of the nearest unit to No. 59 Fen End Lane to Weighted Sound Reduction Index (**Rw**) 38 and 30 respectively.
- A noise attenuation package of a combination of acoustic screening/acoustic louvres/silencers/acoustic lagging for each of the large mechanical plant zones to reduce sound power level from LwA 100dB to 90 dB.
- Consideration of an extensive arrangement of effective acoustic bunding and barriers. Outline initial designs show these will be highly effective to the north and east in particular. These might comprise up to 8 metres total heights between the north facades of units adjacent to the northern boundary of the Site (not within 50 metres of the Site boundary). Up to 5 metres high reducing to 3 metres on the north section of the eastern boundary (with the A16) and a barrier between the units on the west of the Site at 6 metres in height increased from 5 metres after pre-application discussions with the Council's Lead Environmental Protection Officer.

These mitigation measures are designed to deal specifically with noise during night-time operation and will further reduce noise levels by 3-6 dB at critical locations. This is a large reduction. In conclusion, based upon an illustrative layout of 3 no. warehouse units and a recommended noise mitigation scheme, the levels of noise impact experienced by residents at Fen End Lane and Burr Lane can be categorised as 'low'. This is both for daytime and, importantly, night-time operation. Accordingly, should this typical arrangement be adopted then there would be no justification for the hours of operation to be restricted through a planning condition – it is understood the Council's Environmental Protection Team accept this conclusion and are not seeking to restrict hours of operation.

1.3. Buffer zone

Sensitivities around residential amenity and the potential impact of any building erected in the north-western corner of the site are well understood and appreciated by the Applicant – particularly following comments made by a number of local residents living along Fen End Lane who attended the public consultation event held on 13 March 2023. Accordingly, the Indicative Layout has been through several rounds of revisions prior to the submission of the application in order to ensure that, ultimately, a satisfactory relationship, in planning terms, can be demonstrated.

Whilst it is accepted that scale and layout are reserved for subsequent approval, the application is supported by an Indicative Layout (Drawing Reference: Drawing Reference: J2247 00107) which illustrates a development scenario involving 3 no. storage and distribution units that would operate under Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The Indicative Layout shows no buildings and areas of hardstanding (including servicing and vehicle parking) located within 50 metres of the of the site boundary in the north-western corner (adjacent to Fen End Lane) of the site. This 50 metre buffer zone exceeds the 40 metre zone stipulated by

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condition no. 17 of Planning Application Reference H16-0009-14[i] which consented a mixed use development on the site in October 2014.

Whilst the layout and appropriateness of the positioning of any buildings would be considered by the Council as part of an application for the approval of reserved matters, the Indicative Layout presents a realistic development scenario and details how residential amenity can be safeguarded through careful consideration given to layout and scale.

1.4. Temporary construction impacts

The Council's Environmental Protection Team have requested that a detailed Construction Management Plan and Method Statement (**CMP**) shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The CMP will be required to include a range of measures to reduce or restrict noise and disturbance associated with construction activity and to address highway safety. The application of these measures secured through an appropriate planning condition ensures that the construction impacts would be limited as far as possible and appropriate mitigation measures can be put in place from the outset to ensure that there will be no significant loss of residential amenity during the temporary construction period.

2. Highways safety and site access arrangements

The Applicant is aware that a number of local residents have raised concerns in relation to the suitability of the existing access with the perceived limited visibility a particular area of concern.

It is proposed to utilise the vehicular access that has already been constructed on the B1173 with a ghost island right turn lane arrangement. The existing access falls within the extent of the highway maintainable by Lincolnshire County Council, as highway authority, at the public expense. It is therefore part of the adopted highway. The access has been designed for use by the types of vehicles that would access the proposed development, including the forecast HGV movements.

The site access was designed in accordance with Design Manual for Roads and Bridges TD 42/95 (Geometric Design of Major/Minor Priority Junctions) for a ghost island right turn lane, based on a 60mph design speed, with 3.62m through lanes and 3.5m wide turning lanes. The junction has 10m radii, suitable for accommodating Heavy Goods Vehicles and a central refuge for pedestrians crossing the B1173.

In terms of the site access arrangements, the consultation comments received from Lincolnshire County Council (**LCC**), as highway authority, dated 22 August 2023 confirm that the proposed access arrangements are *"considered to be suitable to provide safe access and egress for the use being proposed in this Application"*. LCC then go on state that *"The appropriate junction visibility is available for drivers emerging from the proposed development and in-bound, right-turning vehicles are able to wait safely in the central right-turn lane for any on-coming vehicles to pass without impeding the passage of following vehicles"*.

The application is supported by a Transport Statement (**TS**) prepared by SLR Consulting Engineers. The TS includes an analysis of trip generation for staff of the proposed development and has been undertaken using trip rates from the TRICS database and compared to those anticipated to arise as a result of Planning Application Reference H16-0918-21 (**the 2022 Planning Permission**).

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The result of the trip generation analysis shows there would be a reduction in the peak hour movements in the morning and evening peak hours compared to those which would arise as a result of the 2022 Planning Permission. A sensitivity test by increasing the trip generation in the peak hours would still result in fewer vehicle movements than those arising as a result of the 2022 Planning Permission. Based on the 25% sensitivity test, the two-way movements would be 164 in the morning peak hour and 113 in the evening peak hour.

An analysis of maximum parking demand shows that there would be sufficient spaces to accommodate the likely number of employee vehicles expected as part of the proposed development.

Taking the above into consideration, the Transport Assessment demonstrates that the proposed development does not result in an unacceptable impact on highway safety. Furthermore, the residual cumulative impacts on the road network are not considered to amount to severe harm when applying Paragraph 111 of the National Planning Policy Framework (**NPPF**).

Notwithstanding the above, the Applicant has confirmed that they are agreeable to making a developer contribution of £4,500 to be secured through a Planning Obligation towards the highway authority's legal and administrative costs in investigating and progressing a Traffic Regulation Order (**TRO**) made pursuant to the Road Traffic Regulation Act 1984 (as amended) to reduce the speed of vehicles on the B1173 Cowbit Road.

3. Ecological considerations and Biodiversity Net Gain

The application is supported by an updated Ecological Appraisal (July 2023) and a Biodiversity Net Gain Assessment (July 2023) prepared by Allied Ecology.

No non-statutory designations are present within or adjacent to the site boundary, with all such designations being well separated from the site by existing development, access infrastructure, and open countryside. Given the nature and scale of the proposed development, and physical distance from all non-statutory designations, it is considered that these designations are unlikely to be affected. The site falls within Sites of Special Scientific Interest (**SSSI**) Impact Risk Zones (**IRZs**), which relates to 'large infrastructure such as warehousing / industry where net additional gross internal floorspace is > 1,000m² or any development needing its own water supply.' As such, the LPA will be required to consult with Natural England. Cowbit Wash SSSI is located approximately 440m to the south-west of the site, albeit it is considered that the proposals will have no adverse effects on the geological interest of the SSSI, for which it is designated. All other designations are sufficiently separated from the site such that no adverse impacts are predicted.

The updated Ecological Appraisal incorporates the results of a UKHABs survey undertaken following recent site visits in June 2023 alongside the results of Phase 2 surveys in respect of roosting bats, Badger, Water Vole, Great Crested Newt, and reptiles. The Ecological Appraisal sets out proportionate recommendations for mitigation and / or compensation measures to be provided in respect of habitats and faunal species in order to ensure that these features of interest remain fully safeguarded under the proposals.

The updated Ecological Appraisal concludes that: *"subject to the recommended mitigation and safeguarding measures, it is considered that no significant harm to any habitats or faunal species of interest will occur as a result of the proposed*

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development. On the contrary, there are a number of opportunities to improve the site for biodiversity, through implementation of the recommended enhancement measures".

The Biodiversity Net Gain Assessment (**BNG**) shows that proposals deliver a strong performance in terms of BNG when applying the DEFRA 4.0 Biodiversity Metric. This assessment has established that BNG can be achieved under the proposals, with >10% net gains demonstrated for habitat areas, hedgerows, and ditches across the application site.

4. Surface and foul water strategy

It is understood that several objectors have raised concerns about the ability of the existing drainage infrastructure to accommodate the level of development proposed given recent flood events which have occurred within the vicinity of the site. As documented within the submitted Flood Risk Assessment (LIN Consulting, May 2023) (**FRA)**, discussions were held with the South Holland Internal Drainage Board (**IDB**) which revealed that recent flooding events within the vicinity of Fen End Lane was a consequence of "unconsented infilling of a private watercourse".

Surface water drainage will be discharged to a diverted watercourse located close to the site's northern boundary (within the land edged red on the submitted Site Location Plan) – details of which are set out within the submitted FRA. Discharge will be controlled to a greenfield run-off rate through the use of a positive drainage system. Run-off will be stored in detention basins with outflows being controlled by pumps restricted to the design values set out in the FRA. In order to ensure compliance in accordance with the Environment Agency Pollution Prevention Guidelines (**PPG3**), surface water run-off will be treated prior to discharge to watercourse. Run-off from hardstanding areas shall be treated through the use of filter drains and swales designed in accordance with current standards.

In terms of foul water, Anglian Water are obligated to accept the foul flows from any development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Council grant planning permission. The Applicant submitted a Pre-Development Request to Anglian Water. Anglian Water's response dated 28 February 2023 sets out that the nearest practicable connection is to the 150mm diameter sewer at manhole 2100 in Fen End Lane at National Grid Reference NGR TF2429920144.

Anglian Water's formal consultation response (dated 17 June 2023) states that: *"The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991".*

Accordingly, the Applicant has no objection to a detailed scheme for foul water being required as part of a suitably worded planning condition as per our ongoing discussions.

As you are aware, an application for Land Drainage Consent has been made to the IDB on 11 September following lengthy discussions between the IDB and the Applicant's drainage advisors, LIN Consulting. Notwithstanding the fact that the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from any consent granted under the Town & Country Planning Act, the Applicant is keen to ensure that any additional consent beyond the grant of planning permission is in place at the earliest

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opportunity to allow works associated with this significant investment to begin as soon as practically possible.

5. Loss of agricultural land
The Provisional Agricultural Land Classification (England) published by Natural England classifies the Site as Grade 2 (Very Good) agricultural land. Grade 2 land is defined[ii] as *"Land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown".*

Whilst the application would result in a loss of c. 18 hectares of land which could be used for agricultural purposes, this is not considered to be deemed significant as it falls below the 20-hectare threshold which requires local planning authorities to consult Natural England on all non-agricultural applications that result in the loss of the best and most versatile agricultural land. Accordingly, it is considered that the application would not materially impact on agricultural production.

I appreciate a number of other issues have also been raised, including the loss of property value which is not a material planning consideration. Accordingly, I have sought to focus the above on those issues which are material to the Council's consideration.

I trust the above information and commentary will be useful in addressing any concerns raised by the local community.

Yours sincerely

James Rigby

JAMES RIGBY MRTPI

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[i] H16-0009-14 - Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works. Approved 10 October 2014.

[ii] Guidance: Guide to assessing development proposals on agricultural land - Updated 5 February 2021 [online] Available from: https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land (accessed 9 May 2023)

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